

JOINT COMMITTEE ON THE NATIONAL CRIME AUTHORITY
SUBMISSION
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ABSTRACT

1. This submission is a case study focusing on the accountability and parliamentary supervision of the National Crime Authority, an agency which is not subject to any form of effective Parliamentary control. The case study is a real life drama which has a beginning but so far, no end. It has a cast which includes corrupt police officers, self-serving politicians, crooked judges and a judicial system which no longer knows the meaning of the word justice. At the centre of this drama is a former cray fisherman, Mr Mehmed Skrijel, who would be the last to consider himself a hero. Nonetheless he has endured for the sake of principle things which no man in a so-called democracy should have to endure.

2. Mr Skrijel and his family have been the victims of scores of incidents involving arson, assault, attempted rape, terrorization, sabotage, theft, attempted murder, defamation, a primary trade boycott, court fixing and wrongful imprisonment to name a few. Where most people live their lives without suffering a single loss through fire, Mr Skrijel has experienced total loss of a fishing vessel, total loss of a car, and a house gutted by fire - in each case the work of an arsonist.

3. When the Federal Government terminated the Costigan Royal Commission in 1984, the Commission concluded its report in September and passed to the newly formed National Crime Authority a number of unfinished matters among which was the Skrijel file. This file would have been closed except for a formal reference of Mr Skrijel's case to the NCA by Senator Peter Baume on 30 November 1984.

4. Mr Skrijel was interviewed at length in December 1984 and gave the investigating officers detailed information of a heroin importation ring operating in Southend SA, with links to Adelaide and former links to Portland Victoria. The following month he discovered inadvertently that he, and not the heroin syndicate, had become the NCA's target. He subsequently obtained evidence that the NCA's report on their so-called investigation was totally false and circularised this information to the Chairman and to every Federal politician.

5. A few months later, Operation Southend was born and culminated on 15 October 1985 with a massive raid involving 37 armed police, on Mr Skrijel's Digby property and the arrest of Mr Skrijel on charges related to a cannabis plantation in the Weecurra State Forest and a box of "kiff" which the NCA "found" in Mr Skrijel's shed minutes after the raid began. A further charge was added to the list the following month.

6. Mr Skrijel was tried, convicted, imprisoned and served his sentence in full before his appeal against all convictions was heard. In May 1988 all convictions were set aside and a retrial was ordered. Mr Skrijel stated publicly and advised the DPP Victoria that he wanted a retrial to clear his name. On 30 June 1989 the DPP filed a nolle prosequi. The DPP, the Chief Justice of Victoria, the Chairman of the NCA, the Minister for Justice and several other politicians have been given detailed information which points to a frame-up of Mr Skrijel by the NCA. Allegations have either been ignored, or dismissed with the assertion that Mr Skrijel's allegations have been investigated and no evidence has been provided which would suggest the need for further investigation.

SUBMISSION

7. To allow members of the Committee and the general public to judge for themselves whether there is a *prima facie* case for the NCA to answer, correspondence with, or documents given to, the Minister for Justice, the Chief Justice of Victoria, the Registrar of Criminal Appeals, Victoria, the Director of Public Prosecutions Victoria and the National Crime Authority, both directly and through an intermediary, is enclosed.

8. While the volume of supporting documentation is substantial, it is nevertheless a small part of the whole. Members of the Committee might reflect for a moment on how corruption within an agency as powerful as the National Crime Authority could ever be exposed without reference to a large body of documentary evidence or without consideration of the conduct of people in high office. It is suggested below that the conduct of the Chief Justice of Victoria, the DPP Victoria and the Minister for Justice is consistent with sustained pressure or interference from the National Crime Authority and that such interference was part of an elaborate attempt by the NCA to conceal evidence that it framed Mr Skrijel.

9. Following this submission is a 107 page document (Encl 2) that was given to the Court at Mr Skrijel's appeal hearing on 18 April 1988. A copy of the document was also given to the Counsel representing the DPP Victoria and therefore would have been given to the NCA the same day or shortly thereafter. This version of the document rather than a more comprehensive and recent version is given to the Committee so that the Committee can see what information was available to the Court, the DPP Victoria, the NCA and the Minister.

10. Given that the draft manuscript is based on hundreds of documents, most of which are in the possession of the NCA, members of the Committee might wonder why Justice Stewart told Senator Peter Baume in a letter on 30 December 1985, "The Authority recently completed its inquiries into Mr Skrijel's allegations. There were 22 such allegations, of which the Authority investigated 20. It found all of them to be without substance. The other two allegations are being investigated by the Victoria Police and a South Australian Coroner."

11. Encl 3 of this submission is the first letter to the Minister for Justice, Senator Tate. It was accompanied by two enclosures (4 and 5 in this submission). The first was to give him a view of the breadth of the issues, and the second to give more detail should he require it. The 38 page document also described in detail how a fraudulent pre-sentence report had been used to discredit Mr Skrijel.

12. The letter to the Minister was acknowledged on 14 September 1988 (Encl 6) and a further letter was sent from the Minister's Office on 18 October 1988 (Encl 9). As this letter stated that an investigation of all Mr Skrijel's allegations would take some time, a letter was sent to the Minister on 10 November 1988 (Encl 10) asking in the clearest possible terms that the investigation be confined to just one allegation - that evidence against Mr Skrijel was fabricated by the NCA. Evidence relevant to this allegation was included in the letter.

13. When Mr Skrijel's appeal was heard on 18-19 April 1988, things were said by the Bench which showed that the Court knew that Mr Skrijel was framed. On 31 October 1988 a letter was sent to Justice King, the Supreme Court judge who presided when the Court's judgment on Mr Skrijel's appeal application was handed down. For reasons best known to the Court there did not appear to be a transcript of the proceedings for April 18-19 1988, even though there was a transcript of the proceedings on all other occasions. Justice King was asked what record was kept of the proceedings on April 18-19 1988 during Mr Skrijel's appeal hearing. Justice King was also asked a number of other general questions and a number of particular questions relating to what had been said in Court. He declined to answer any question, so a letter was sent to the Chief Justice, asking the same questions, and giving reasons the questions were being asked

(Encl 11).

14. Justice Sir John Young provided answers to the general questions (Encl 12) including the surprising answer that "no record was kept and no evidence was given. The Court of Criminal Appeal does not hear evidence save in the most exceptional circumstances. What Mr Skrijel said to the Court was not evidence it was argument. No transcript of the argument is taken in criminal appeals."

15. The answer concerning the transcript was surprising because on 6 October 1987, the Full Bench of the Supreme Court Victoria convened to hear Mr Skrijel's appeal. As he was not ready he sought an adjournment and was granted a month. The entire proceedings was recorded on that occasion. On 6 November 1987, Mr Skrijel again appeared before the Full Bench, and this time Sir John Young was presiding. Mr Skrijel was still not ready to argue his appeal but he had brought with him an application for an adjournment which he read out to the Court. Mr Skrijel stated that he needed further time for the preparation of his appeal because he would be arguing that the evidence used to secure his conviction had been fabricated and he would support his allegation with evidence. Once again there was a transcript of the Court proceedings. Yet according to Sir John, there was no record of the proceedings in the Court of Criminal Appeal on April 18-19, 1988 or on any other date.

16. This issue aside, Sir John made no reference to the questions inviting confirmation of what was said in Court. Consequently a further letter was sent to him on 23 November 1988 (Encl 13) repeating the request for confirmation of what was said and what documents were given to the Court. The reply from Sir John (Encl 14) indicated that Sir John was not prepared to provide the information irrespective of what justice issue might be involved and replied that no further correspondence would be entered into. One final effort was made to obtain the information (Encl 15) but Sir John meant what he said, and refused to answer the letter.

17. As the writer had sat in Court on April 18 1988 not more than two metres from two women who were taking a record of the proceedings until the Presiding judge, Justice Murphy, motioned to the women to leave the Court, a further attempt was made to obtain from the Court at least that part of the transcript of the proceedings recorded by the two women. Accordingly letters were sent to the Registrar of Criminal Appeal on 4 January 1989 (Encl 17) and on 14 February 1989 (Encl 19). Neither letter was answered.

18. It could be argued that even the Chief Justice and the Registrar are blind to injustice in matters involving the NCA. Even if it was true that transcripts were not taken of Appeal Court proceedings, the layman might be forgiven for wondering why a transcript would not be ordered when warning is given in a previous hearing that evidence of fabrication of evidence would be given at the subsequent hearing. That was not the case however, and the decision of the Court not to keep a record of the proceedings, or at least to acknowledge that there was a record has to be considered in the context of what was said to the Full Bench of the Supreme Court on 6 November 1987. It is left to Committee members to decide whether there was a possible conspiracy to conceal evidence and if there was whether the NCA may have been party to that conspiracy.

19. The Minister replied to the two letters of 6 September 1988 and 10 November 1988 on 3 February 1989 (Encl 18), but did not respond to any particular matter raised in either letter, except to say that the information given by Mr Skrijel to the Costigan Royal Commission was not included in Volume 7. Nothing in his letter indicated who, if anyone, had investigated the allegation that the NCA had fabricated the evidence which resulted in Mr Skrijel's arrest and imprisonment. The Minister simply said that the Government had full confidence in the integrity of the National Crime Authority - notwithstanding the discrepancy between the advice given by Justice Stewart to Senator Baume (that 20 allegations had been investigated by the NCA and

there was no substance in any of them) and the sworn evidence given by Detective Sergeant Ron Iddles that he had investigated 26 allegations and there was substance in some of them.

20. The Minister also ignored the reference to the extraordinary admission made by the Prosecutor following the conviction of Mr Skrijel and the discharge of the jury: "Your Honour, I think I may have misled my learned friend before and perhaps your Honour too. All I wanted to say about the National Crime Authority investigations was that all the incidents complained of by Mr Skrijel - that is his boat's burning, his house burning, he having trouble fairly regularly with the motor in his boat, he having trouble selling his catch, all those things did in fact occur. They are not figments of his imagination. Where there is a divergence is in the reasons for them, but there is no doubt that all the incidents complained of did in fact occur."

21. Given that the Prosecutor's Brief was based on the NCA's investigation, and that the Prosecutor's admission was the first and only acknowledgement ever made that Mr Skrijel's complaints were based on factual events and were not figments of his imagination as the Prosecutor had implied to the jury, this statement alone should have prompted the Minister, a former Dean of the University of Tasmania Law Faculty, to demand an inquiry. But that was not all. The letter of 6 September 1988 and the 38 page Summary that was enclosed both referred to a fraudulent pre-sentence report used by the sentencing judge to discredit Mr Skrijel and his allegations concerning drugs.

22. Dr John Grigor the Director of Forensic Psychiatry in the Victoria Department of Health had read what Mr Skrijel had said, and reported that Mr Skrijel believed there was a complex, widespread conspiracy involving a Federal Minister, the National Crime Authority and the Federal Police. Grigor then applied what he termed the "common man" test: "Is it reasonable to suppose that this were true," to make his diagnosis that Mr Skrijel suffered from paranoia. He said he had no other evidence of mental illness beyond the above encapsulated chronic fixed delusions.

23. Such quackery would normally be rejected by a judge with any integrity, so why did the judge seize upon these ludicrous comments of Grigor when he had properly prepared professional opinions in his hands? It is left to the Committee to decide whether it is likely that, at some earlier time, someone in the NCA might have given the good doctor and the judge a few straight words of advice - the kind that was given to Peter Faris before his resignation.

24. Other reasons were given to Senator Tate for calling a Royal Commission but one more only will be mentioned here. The rest can be read by Committee members in the Enclosures. After his release from prison Mr Skrijel traced the batch numbers on paint drums found at the plantation site, to the factory of a Melbourne manufacturer of electrical equipment. His enquiries there led him to a foreman who recalled giving to two men in 1985 a very large number of empty paint drums. The description given of the two men fitted Detective Sergeant Ron Iddles and Senior Detective Ken Collins, the two NCA Operation Southend investigators. Mr Skrijel, a house painter before becoming a fisherman, noticed that the light grey colour of the electrical equipment matched exactly the colour of the residue on the empty drums he had recovered from the plantation site. Moreover the equipment was covered with a green plastic sheet identical to green plastic sheet he saw for the first time at the Russell Street Property Office.

25. On 13 October 1989 the Minister wrote again (Encl 25), this time quoting General Counsel to the NCA Mr Ian Robertson who said that Mr Skrijel had a diagnosed mental condition. When a man who knows the law, has been a Leader of the Parliamentary Christian Fellowship and has assumed the mantle of Justice on behalf of the Australian people, is prepared to quote what he knows to be a lie, it is only logical that people would ask what hold the NCA has on the Senator.

26. A letter protesting at the Minister's obvious complicity in an attempt to discredit Mr Skrijel, was sent to Senator Tate on 7 November 1989 (Encl 26). A further letter was sent on 15 November 1989 (Encl 29) forwarding a letter that should have been enclosed with the letter of 7 November. The letter of 7 November had a two page attachment (Encl 27 of this submission) listing 38 enclosures. Enclosure 1, "Grounds for a Royal Commission into the Circumstances of the Arrest and Imprisonment of Mehmed Skrijel" summarises 14 grounds in seven pages. The remaining twenty-six pages provide evidence in support of the grounds. The second enclosure to the letter is a 54 page Comprehensive Summary of Evidence given to the Court of Appeal on April 18 1988. This document alone provides a strong prima facie case that Mr Skrijel was framed.

27. Another enclosure was a photocopy of a photograph of a shotgun with a home-made pistol grip handle and high capacity magazine. According to the entry in the Russell Street Property Book, which is on an otherwise blank page, the gun was placed with Mr Skrijel's property on 29 January 1986, more than three months after his arrest, by a former NCA officer who has since left the NCA and the Police Force. The NCA officer who made the entry had no way of knowing that the Property Office OIC had written to Mr Skrijel's solicitor in July 1986 listing all the guns held by the Property Office which belonged to Mr Skrijel. As Mr Skrijel did not own a shotgun, a shotgun was not on the list provided by the OIC.

28. It is Mr Skrijel's opinion that the false entry in the Property Book was made just prior to a visit to the Property Office by a Sixty Minutes team which photographed a number of things, including the gun, on 31 March 1989. The guns owned by Mr Skrijel had long since been returned to him. Had the Sixty Minutes program gone to air, the existence of a shotgun with a pistol grip handle among Mr Skrijel's property would undoubtedly have done immense damage to Mr Skrijel's credibility. Would Committee members agree that perhaps Sergeant Carmady, then on secondment to the NCA - today a civilian - might have been acting on orders from superiors in the NCA?

29. Another letter (Encl 28) sent to the Minister for Justice on the same day, 7 November 1989, reveals what ordinary people - in this case some members of the North Belconnen Baptist Church - think of the Minister's response to the letters of 6 September 1988 and 10 November 1988. It seems that ordinary people have a different perception of reality from people with power.

30. The Minister's response to this large body of evidence that Mr Skrijel was framed by the NCA was not what might be expected of a man of integrity. He directed his Senior Secretary to write (Encl 31, letter 28 December 1989) and say that nothing in the letters of 7 November 1989 or 15 November 1989 raises new issues warranting further investigation and that in view of the fact that Mr Skrijel was unable to accept the findings of the investigations, no further correspondence would be entered into. This was indeed the end of all correspondence with Senator Tate. Would the Committee agree that if nothing else constitutes new evidence, at least the letter from the Property Office OIC listing guns held by the Property Office that belonged to Mr Skrijel constituted new evidence? Would it agree that the evidence provided in Enclosure 1 to the letter of 7 November 1989 makes at least a prima facie case that the NCA may have framed Mr Skrijel?

31. On the same date, i.e. 28 December 1989, Senator Tate replied personally to a letter from Senator Baden Teague who had been given a copy of the letter from the North Belconnen Baptist Church and had written to the Minister about the Skrijel matter on 21 November 1989. Senator Tate referred to the letter he had received from Mr Berthelsen on 10 November 1988 outlining "in depth allegations" but made no reference to the letter of 7 November 1989 and its 38 enclosures. As the letter of 7 November 1989 - not the letter of 10 November 1988 - contains

the "in depth allegations" it raises the very important question of what Senator Tate did with the letter of 7 November 1989 and its enclosures. In view of Mr Robertson's recommendation against further investigation of Mr Skrijel's allegation that he was framed by the NCA, it seems likely that Senator Tate did nothing. If that is the case, then clearly, Senator Tate has no interest in justice issues, and should resign.

32. Correspondence with the DPP (Encls 7,8,20-21,23-24) is included because it shows a deliberate decision by the DPP to withhold from Mr Skrijel the result of a decision which was probably taken soon after Mr Skrijel's successful appeal, and certainly not later than 3 February 1989 when Mr Skrijel heard unofficially that there would be no retrial. It could be inferred that the delay in filing the nolle prosequi was calculated to keep the matter sub judice and thus prevent a canvassing of the issues in Mr Skrijel's case by the media, just in case Mr Skrijel succeeded in finding a national media group willing to publish his story.

33. The fact that the two letters of 12 and 18 April 1990 from the ABC to the writer of this submission (Encls 40 and 41), both appeared in the writer's GPO mailbox on 23 April 1990, may be an example of what happens when a reporter becomes genuinely interested in the Skrijel story. The contact referred to in the letter of 18 April 1990, did not of course materialise. It is significant that a great deal of work had been invested in the story at the time it was terminated.

34. Correspondence with the NCA and the Victoria Police is included (Encls 22,33-35,38,39,42 and 52) because it shows the amount of effort required merely to secure the NCA's compliance with the law. The NCA was required by law to seek an Order from a magistrate for continued retention of Mr Skrijel's property following his trial. Although the NCA could have readily obtained such an Order, its perception of itself as being above the law virtually guaranteed that the NCA would ignore this requirement. It made no difference to the NCA when Mr Skrijel complained to Justice Murphy about the matter on 23 March 1988. Justice Murphy told Mr Ken Rivett representing the DPP Victoria to see that Mr Skrijel got his property back, but outside the Court Mr Rivett told Mr Skrijel there was nothing he could do.

35. The fact that the NCA withheld all of Mr Skrijel's property illegally for so long and continues to this day to hold some of his property illegally should be proof enough to members of the Committee that the NCA really does regard itself above the law. Property still held by the NCA includes some flares, and six cassette tapes which were taken from the Private Detective Mr Norm Mathews by Detective Sergeant Ron Iddles in 1985.

36. The tapes contain conversations between Mr Mathews and members of the heroin importation ring in Southend and between Mathews and two CIB detectives from Millicent SA. Mr Mathews was hired on Mr Skrijel's behalf by Mr Murray McCutcheon, a Melbourne lawyer representing Mr Skrijel in 1983, to obtain information which would support an action under the provisions of the Trade Practices Act. Documents enclosed with the letter of 7 November 1989 to Senator Tate (and enclosed in this submission) prove that Mr Skrijel paid Mr McCutcheon in advance for the services of Mr Mathews and that Mr Mathews undertook twice, in writing, to deliver the tapes to Mr McCutcheon. The information on the tapes, unless edited by the National Crime Authority would prove that the NCA has withheld evidence which, if presented in Court at Mr Skrijel's trial, would have resulted in certain acquittal, instead of a conviction, for Mr Skrijel.

37. While the former A/g Chairman, Mr Julian Leckie, stated through an intermediary, Mr Simon Gillespie-Jones (a criminal barrister with whom he shared chambers), that the NCA would return the tapes to Mr Skrijel, the tapes have not been returned and letters both to Mr Leckie and Mr Gillespie-Jones (Encls 38,39,42 and 52) remain unanswered. The fact that the NCA refuses even to acknowledge letters asking for the return of Mr Skrijel's property, shows the contempt the NCA has for the rights of individuals. Few people who have had dealings with the NCA

would take seriously the suggestion that the NCA exists to protect the constitutional rights of law abiding citizens.

38. On 18 March 1990 an application was made to the Supreme Court Victoria in the hope of obtaining an Order of Acquittal for Mr Skrijel. It was argued in the application that the Court had set aside all Mr Skrijel's convictions on 6 May 1988; a retrial was ordered; Mr Skrijel had stated publicly, and in writing to the DPP that he wanted a retrial to clear his name; but the DPP filed a nolle prosequi on 30 June 1989 (Encl 24) thereby denying him the opportunity to clear his name. Enclosed correspondence (Encls 36,43-45) with the Chief Justice and the Registrar of Criminal Appeal show that the application was rejected.

39. On 21 May 1990, Senator Peter Baume's Secretary, Ms Jackie Hendrikx, telephoned the writer and said that Senator Baume would be delivering a speech in the Senate in relation to the Skrijel matter shortly. Ms Hendrikx agreed to send the speech notes so that any obvious errors could be corrected. The notes were transmitted by facsimile just before 6 pm (Encl 46) and when examined it became manifestly obvious they had not been written by Senator Baume. He said his daughter had written the notes but for a number of reasons it appears more likely they were prepared by Senator Tate's Senior Private Secretary.

40. Because of serious shortcomings in his speech, Senator Baume was asked to table the letter dated 6 September 1988 to Senator Tate (Encl 3), Senator Tate's reply of 3 February 1989 (Encl 18), his further letter of 13 October 1989 (Encl 25), the letter of 7 November 1989 (Encl 26), and the letter of 28 December 1989 (Encl 31). The Senator was not asked to table the enclosures with the letters - just the letters themselves. Senator Baume said he would be happy to table the correspondence but it had been mislaid. The writer said he would get him additional copies in time for tabling, and did. However, contrary to his word Senator Baume tabled only the two letters from Senator Tate - letters which Senator Tate himself could have tabled at any time.

41. Why Senator Baume would imagine that Mr Skrijel's cause would be advanced by placing on the public record a letter from a Minister of the Crown questioning Mr Skrijel's mental health, but not the reply to that letter, is something the Committee might like to put to Senator Baume. For the information of the Committee, Senator Baume was asked to comment, but declined the opportunity.

42. Whatever Senator Baume may have thought, it gave the opportunity to the SA Commissioner of Police David Hunt, to join in the attack on Mr Skrijel's credibility as a witness to drug trafficking and police corruption in South Australia. On 23 May 1990, Mr Hunt issued a Press Release which stated: "In reply to a statement made this week by Senator Baume (LP NSW) that the Federal Government should consider appointing an independent investigator to inquire into an apparent police frame up of a former South Australian fisherman involving the National Crime Authority, South Australian Police including former Drug Squad Chief Barry Moyse..."

43. With the preceding statement as his pretext, Mr Hunt made some general observations and then got to the real point of his Media Release: "We retain a concern for Mr Skrijel and his family re the loss of their property but I must point out that many of his problems are of his own making. In fairness to Mr Skrijel I should not disclose those problems. I invite Senator Baume to contact me if he wishes further information on this matter."

44. As the message to Senator Baume could have been written on the fax sent to Senator Baume on 23 May 1990, it is reasonable to infer that the media release was no more than a thinly disguised excuse to quote Senator Tate's letter of 13 October 1989 to any journalist who may have remembered from years past, Mr Skrijel's allegations of heroin importation. The basic

message to anyone who called to ask about the matter would be that Mr Skrijel had a diagnosed mental health problem and his allegations were just a manifestation of acute paranoia.

45. The only problem in this over-zealous effort to discredit Mr Skrijel is that the statement attributed to Senator Baume was never made. It is not recorded in Hansard, either verbatim or in substance. Moreover there is no apparent reason it should be because if Senator Baume remembered nothing else, he would have remembered that Mr Skrijel alleged he was framed by the NCA and by the NCA alone. He would have remembered, because the point was made to him just before he delivered his speech that if he intended to quote what Mr Skrijel was alleging he should quote him accurately.

46. Given these circumstances, members of the Committee might wonder where Mr Hunt got his quote from. They might consider the possibility that the statement was to have been made in the Senate, but there was a last minute departure from the agreed text. Mr Hunt would then have the option to drop the Media Release or to risk a misquote on the premise that no-one would search for it in Hansard. If Senator Baume has an explanation it is not forthcoming. As stated above, he was asked, but declined to comment. An effort has been made to find out from Mr Hunt why he believes that Senator Baume implicated the SA Police Department in the frame-up, but a response to the request for this information is not available to date.

47. Members of the Committee might reflect for a moment on the reason it is so important to discredit Mr Skrijel in SA. Some members of the Committee may remember that in late 1977 the Dunstan Government established a Royal Commission into the Non-medical Use of Drugs, and that following the Commission's report to the SA Government in May 1979 nothing was done by the Corcoran Government, or its successor the Tonkin government, to crack down on the illegal use of drugs. They may also remember the spate of allegations about drugs and police corruption in SA from 1978 right through to the time in 1981 when the Adelaide Advertiser did some research into the flourishing SA illicit drug industry.

48. The result of that research was a front page story in the October 8 1981 edition of the Advertiser alleging: police and at least one Adelaide lawyer had been involved in rackets where alleged drug dealers can have charges reduced or dropped by cash payments; police have resold drugs confiscated from arrested people; police have understated on charge sheets the quantities of drugs taken from arrested people or in some cases the entire bust disappears before the case comes to Court; police have illegally or improperly retained money amounting to thousands of dollars confiscated from people suspected of being drug dealers; police have offered incentives both of money and drugs to drug dealers to help set up or fabricate evidence against other dealers; police have allegedly framed drug dealers whom they could not catch legitimately; payments have been made to some SA police for leaked Federal drug intelligence; and bribes of more than \$500,000 over five years have been paid to a small band of police.

49. One series of bribes totalling \$200,000 was allegedly paid about August 1978. This was the month after Mr Skrijel gave a detailed statement to SA Superintendent Beath concerning heroin pick-ups at sea and a large marijuana plantation at Mt Burr. Mr Skrijel was also able to supply the names of people involved. It is virtually certain that police knew where the heroin was going after it left Southend.

50. All of the above would have been familiar to Mr Hunt because he and the Deputy Commissioner, John Giles, and a Crown law officer J Cramond were appointed by the Tonkin Government in 1981 to enquire into these allegations. Mr Tonkin admitted that he had moved to "discourage" a separate inquiry by the Public Accounts Committee into allegations of police drug rackets. This was a sensible move on Tonkin's part because afterwards when the three man committee found that there was insufficient evidence to take action in relation to the allegations, the basis of their conclusion was not subject to public scrutiny.

51. What happened to Mr Cramond's career subsequently is not known but it is history that soon after this Mr Hunt became Commissioner. Mr Hunt would hardly admit therefore that there was plenty of evidence of police corruption and that the local magistrate and the entire contingent of police at the Millicent police station were replaced over a very short space of time, believed to be in 1979 following Mr Skrijel's meeting with the SA Chief Secretary.

52. Although the allegations of police and political corruption were put to rest in SA in 1981, it was not for long. A few years later George Octapodellis (alias Mr X in SA) decided to tell all and as a result of his evidence Detective Inspector Barry Malcolm Moyse was gaoled for 27 years (reduced to 21 on appeal) eleven others were arrested and 56 more, including the SA Attorney-General were under investigation. At the tail end of this investigation which had been punctuated by loud protests from one or two of the more prominent investigatees, the Federal Government decided to send Assistant Commissioner Carl Mengler to SA to "investigate allegations of murder, drug trafficking and political corruption."

53. Mr Mengler arrived in SA in February and by June Justice Stewart had his 139 page report ready for tabling. It was to be his crowning achievement on the eve of his retirement. It is uncertain what Mr Mengler's rather belated arrival on the scene accomplished, except perhaps a much needed quality assurance function. The Government thought there was a big question about the quality of the evidence in Justice Stewart's report and Mr Mengler evidently agreed. Unfortunately for Justice Stewart the Crown's key witness was found dead from an overdose of heroin on 3 June 1989 and not surprisingly the publication of Stewart's report was delayed. Justice Stewart then retired and following his departure his 139 page report was replaced by a trim 11 page report. The justification given was that the report, if published, would "unfairly damage the reputation of a number of police mentioned by name." This was a very touching concern given the almost contemptuous disregard by Members of the Authority and the Minister for the reputation of Mr Skrijel.

54. Somewhere around the time of Mr Hunt's Media Release or perhaps even soon after Mr Skrijel's application to the Supreme Court Victoria was turned down, Senator Tate wrote to Senator Peter Baume (Encl 51), and Senator Baume passed on the undated letter from Senator Tate under cover of a letter of June 5 1990 (Encl 50). According to Senator Tate, the raid on Mr Skrijel's premises was a joint NCA Victoria Police operation, and because he was prosecuted under State law, he was not a Federal prisoner and therefore any question of compensation for the period spent in prison was a matter for Victoria.

55. This letter from Senator Tate shows up a serious flaw in the existing legislation. People can be seconded to work for the NCA under the provisions of section 49 of the National Crime Authority Act 1984, but without a public notice of the secondment, any person can be moved on paper between the NCA, the Federal Police or any Commonwealth or State agency according to need.

56. Senator Tate says that the operation on 15 October 1985 was a joint operation of the NCA and the Victoria Police but according to sworn evidence given at Mr Skrijel's trial, Mr Skrijel was arrested by Sergeant Carmady, the Head of the Russell Street Special Duties Unit, and the members of the Unit were all hand-picked by Chief Superintendent Mengler, who was at the time Head of the NCA's Investigative Group. Members of the Unit gave sworn evidence that the NCA was in charge, so it could be inferred that members of the Unit were on secondment to the NCA on the day of the raid and possibly after the raid.

57. Certainly Sergeant Mark Carmady and Senior Detective Stephen Francis worked on secondment to the NCA after the raid. In any event evidence was given that Mr Mengler personally was directing the overall operation while Detective Sergeant Iddles was in charge of the forest surveillance operation. Evidence was also given that on 15 October 1985, the day of

the raid, Mr Mengler was in the Digby area the whole day from early morning to late at night, dividing his time between the plantation in the Weecurra State forest and Mr Skrijel's premises.

58. Senator Tate also says that Mr Skrijel was not a Federal prisoner and therefore any question of compensation for Mr Skrijel for the period spent in prison was a matter for Victoria. This of course is preposterous. Whether Mr Skrijel was prosecuted under State or Federal law, the fact remains that the Brief which the Prosecutor was given was based on information provided by the NCA. The key issue is not whether Mr Skrijel was prosecuted under Federal or State law but whether the evidence used to secure his conviction was fabricated. If it was fabricated, and fabricated by the NCA, then the Commonwealth is liable for compensation. The only way the State could be held liable would be in the event that the State DPP knew that the evidence on which he based the prosecution was fabricated. In that event both the Commonwealth and the State may be jointly liable for compensation to Mr Skrijel.

59. If there is a common thread to Mr Skrijel's story it is the incredible effort that seems to be made in all areas and at all costs to discredit Mr Skrijel. There seems little doubt that much of that effort is being made at the present time by the National Crime Authority and its mouthpiece in the Parliament. In the opinion of this writer the NCA is like an enormous, evil octopus. It has tentacles reaching into the Parliament, the judiciary and into State and Federal law enforcement agencies. It is subverting these institutions and in so doing it is slowly but surely destroying democracy in this country. As Mr Skrijel's case is not unique, the NCA should be thoroughly investigated and then dismantled.

60. As the NCA already has the power to subvert a Royal Commission, even before it commences, it is the opinion of this writer that a grand jury is the only effective form of public enquiry which at this point in time has a chance to establish the whole truth - not just in relation to the Skrijel frame-up but the death of Cassandra Ogden, the death of George Octapodellis, the death of David Millard and many other matters which the NCA has attempted to conceal since its illegitimate birth in 1984.

David Berthelsen

Attorney for Mehmed Skrijel
(Instruments Act Victoria 1958)

28 September 1990