ROYAL COMMISSION INTO WHETHER THERE HAS BEEN ANY CORRUPT OR CRIMINAL CONDUCT BY WESTERN AUSTRALIAN POLICE OFFICERS

COMMISSIONER: G.A. Kennedy AO QC

Held at Perth on the 1st day of May, 2003

Counsel Assisting

Mr P. Hastings QC
COMMISSIONER: Yes, Mr Hastings?

MR HASTINGS: Thank you, Commissioner. As I indicated on Tuesday, this week it is proposed to spend some time in the hearings looking at situations which seem to involve dealings between members of the West Australian Police Service and persons who were known to be criminals or at least persons of interest to the police service.

Today is an entirely separate matter from those which have occupied the hearing room for the last couple of days, and is in a different time frame and context. What is proposed is to produce some evidence relating to a property transaction between Detective Sergeant Allan Corry and a person whom I shall refer to as J1. The reasons for using the code will become obvious as I shortly describe the subject matter.

Between 1988 and 1990 Detective Sergeant Corry was stationed at the Drug Squad, and on the 28th of August 1989 was part of a group from the Drug Squad who executed a search warrant on the residential address of J1. There was there located a quantity of cannabis comprising about 1.18 kilograms. On the following day a search warrant was executed by a group again comprising Detective Sergeant Corry on a rural property in which J1 had an interest, and there was there located a number of weapons and quantities of ammunition.

As a result of those searches and discoveries, some charges were laid against J1 which included a charge with respect to the cannabis which had been located at his residence of possession with intent to supply. It would seem that shortly thereafter J1 began to assist members of the Drug Squad, particularly Detective Sergeant Corry, and provided information in relation to drug trafficking and undertook inquiries on behalf of Detective Sergeant Corry and other Drug Squad members in relation to potential targets.

On the 12th of February 1990, Detective Sergeant Corry wrote a letter to the prosecutor in relation to the charges pending against J1, stating that he and other members of the team were satisfied that the claim which had been given by J1 when he was arrested - that his possession of the cannabis, which exceeded 1 kilogram, was for his own consumption - was valid and would not be disputed. And it was then recommended that the charge be amended to one of simple possession. That advice was accepted by the prosecutor and the charge duly amended, with the result that when he appeared in court on the 20th of February 1990 J1 was fined $1500 with respect to the possession of the cannabis.
The rural property which had been searched and in which J1 had an interest is at (...)suppressed...) and comprised two parcels of land and was generally known as a marron farm. In fact, it seems that it had been on the market at the time of the execution of the search warrants and for some time prior to that. During 1990 it seems that Detective Sergeant Corry became interested in acquiring the property and visited it on a number of occasions. There had been some prior interest in the property from alternative purchasers, but they didn't finalise in a concluded purchase, with the result that on the 28th of August 1990 Detective Sergeant Corry, having borrowed some money, executed a transfer in the name of himself and his wife for a purchase of one of the two parcels of land comprising the property for a sum of $66,000 -- --
MR HASTINGS: -- -- sum of $66,000, and there was an additional sum of $4000 paid for a demountable residence which was on the property. He subsequently sold that property on the 28th of April 1993, which was some 2½ years or more later, for the sum of $150,000, thereby making a profit in excess of 100 per cent in, as I said, a little over 2½ years. The matter is of additional interest because during the time that the property was owned by Detective Sergeant Corry and his wife, J1 was arrested again by two members of the Liquor and Gaming Squad in circumstances in which one night at Scarborough he was in the company of a number of males, and found in a vehicle with a briefcase alongside him, in which there was found a pound of cannabis.

One of the two Liquor and Gaming Officers, a Detective Sergeant Guest, spoke to J1, who said that he - J1 said - that he was working for Detective Sergeant Corry and no action should be taken without consulting Detective Sergeant Corry. Detective Sergeant Guest later contacted Detective Sergeant Corry on the evening of the arrest of J1, which was the 23rd of December 1991. Detective Sergeant Corry confirmed that J1 had been assisting him and other members of the squad, and indicated that on occasions, the Drug Squad permitted people in those circumstances to be released without being charged, but on seizing the cannabis.

The discussion ended on the basis that Detective Sergeant Corry would come back to Detective Sergeant Guest with some further advice. As it turned out, Detective Sergeant Guest heard nothing from Detective Sergeant Corry after that, and proceeded on his own accord to charge J1 with possession of cannabis with intent to supply, and when J1 subsequently went to court, he was fined, again on this occasion I think, $2000 for his possession of the pound of cannabis. That sequence of events will be the subject of an examination.

We will also take the opportunity to put on record the manner in which the issues were handled by the Internal Affairs Unit because on the 15th of April 1991, after Detective Sergeant Corry had purchased the property, and was still the owner of it, an information report was submitted to Internal Affairs, revealing his purchase of the property from J1. It would seem that nothing was done at that time, or for some 15 months about that information. In the meantime, Detective Sergeant Guest had submitted a report with respect to the circumstances of his arrest of J1 in December 1991, and that found its way to IAU in January of 1992.

That, in a somewhat leisurely way, produced a response because in July of 1992, IAU finally commenced to investigate both matters, namely the allegation concerning the acquisition of the property and the circumstances of Detective Sergeant Corry communicating with Detective Sergeant Guest in relation to J1's subsequent arrest.
J1 was interviewed and Detective Sergeant Corry interviewed about both complaints, but separately. A report was submitted with respect to the IR concerning the acquisition of the property, noting that the property had been purchased at a price which seems consistent with its market value and on that basis the file was closed without any further comment. Quite separately, but at the same time, a report was then submitted in relation to the report of Detective Sergeant Guest, which concluded that there was no evidence of a corrupt association between Detective Sergeant Corry and J1, and there was no requirement for any further action.

What seems significant is that both matters were considered entirely separately, and particularly with regard to the -- --
MR HASTINGS: ... regard to the investigation into the report of Detective Sergeant Guest. No reference was made to the property transaction which had occurred between Sergeant Corry and J1.

Commissioner, as I've indicated, there are several dimensions to the matter to be examined shortly today. The first is whether, in the circumstances, there is any evidence of any corrupt conduct by Detective Sergeant Corry. The second issue is whether, even if there was no corruption involved, the situation involving a property transaction between a detective sergeant and a person whom he had recently arrested was appropriate, and whether there is warranted changes to the procedures within the West Australian Police Service of the type that I foreshadowed on Tuesday; namely, the possibility of there being a requirement for officers to declare associations or dealings with criminals or suspects.

The third dimension to today's inquiry is to place on record the actions of the Internal Affairs Unit, not with a view to making any adverse findings against any of the particular officers involved, but as a factual basis for the formulation of any additional recommendations for the future conduct of internal investigations.

Commissioner, the hearing will be relatively short compared with others, in that the material is largely documentary and historical. What I propose to do now, with your permission, is to embark upon the tendering of the documents and, having placed those on the record, I then propose asking some short questions of Detective Sergeant Guest and some short questions of Detective Sergeant Corry.

COMMISSIONER: Yes. Yes, Miss Pepe?

MS PEPE: Mr Commissioner, I seek your leave to appear for Detective Sergeant Robert Allan Corry.

COMMISSIONER: Yes. That's granted.

MS PEPE: Thank you, sir.

MR HASTINGS: I should have said Detective Senior Sergeant Guest, Commissioner. Commissioner, I think you have a list of the documents. If I may go through those which I consider relevant, it will not involve me tendering all of them. Unfortunately, for the time being, the documents have not been sanitised to replace J1 with the name of the person involved, so that I'll need to tender them as a confidential exhibit and, in due course, efforts will be made to edit them to enable them to be tendered in a public version.
Commissioner, if I can use the list which I think you have, take from the documents in section 1 the conviction record list of J1 which is barcoded D1036167, which I tender.

COMMISSIONER: That will be exhibit 1531C.

EXHIBIT 1531C  Mr Hastings DATE (Unstated)

MR HASTINGS: I think Miss Pepe has most of the documents. I don't propose to bring them up on the screen because they are to be confidential.

COMMISSIONER: Yes.

MR HASTINGS: I'm sure if Miss Pepe hasn't got them, or can't find them, she'll let us know quickly.

Commissioner, it is to be observed - and I'll just make brief comments on the documents as I go through, if I may, to assist - that J1 is a person with some number of criminal convictions recorded against him going back to when he was quite young and then in the 80s has a number of convictions for involvement with cannabis and they continued to date to the extent that that is relevant.

Commissioner, if I can, in the same group of documents, refer you to an exhibit which was tendered previously on behalf of Detective Sergeant Corry, which is a useful -- his profile, which is exhibit 481, which is a useful summary of his career in the police service and confirms that between 1988 and 1990 he was a detective sergeant in the Drug Squad, employed as a commander of task forces. It sets out other particulars of his career which I needn't delay to elaborate upon -- --
MR HASTINGS: --- to elaborate upon now. If I can go then to the second section of the documents which deal with the arrest of J1 in 1989. I tender the information on oath for the search warrant of J1's home, which is barcoded D1019806, the information being dated the 28th of August 1989.

COMMISSIONER: That will be exhibit 1532C.

EXHIBIT 1532C Mr Hastings DATE 28.8.89
Confidential - Information for search warrant. Barcode D1019806

MR HASTINGS: I tender the search warrant issued pursuant to the information, also dated the 28th of August 1989 and barcoded D1019807.

COMMISSIONER: Yes, that will be exhibit 1533C.

EXHIBIT 1533C Mr Hastings DATE 28.8.89
Search warrant. Barcode D1019807

MR HASTINGS: It will be noted that on the reverse of the warrant it contains a notation that it was executed by Detective Sergeant Corry and a number of other officers at the home of J1, who was present, and that 1.18 kilograms of cannabis was located. I then tender the information for the search warrant on the country property at (...suppressed...), which is dated -- which doesn't have a date but is barcoded D1019808.

COMMISSIONER: Yes, that is exhibit 1534C.

EXHIBIT 1534C Mr Hastings DATE (Unstated)
Information for search warrant. Barcode D1019808

MR HASTINGS: It will be noted that it refers to two lots, 10204 and 9905, of a property known as (...suppressed...). I tender the search warrant which was issued on the 29th of August 1989, barcoded D1019809.

COMMISSIONER: That will be exhibit 1535C.

EXHIBIT 1535C Mr Hastings DATE 29.8.89
Search warrant. Barcode D1019809

MR HASTINGS: I draw attention to the fact that on the reverse of it it contains a notation that it was executed on the 29th of August 1989 by a number of officers, including Detective Sergeant Corry, and records the items seized, which include a number of firearms and ammunition and a silencer and refers to

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the fact that J1 and another person were present during the search. It also notes that arrested was J1 with a charge of possess unlicensed firearms. Commissioner, I tender the occurrence sheet for that date from the Drug Squad, which is barcoded D1019826, referring to the arrest of J1.

COMMISSIONER: Yes, that will be exhibit 1536C.

EXHIBIT 1536C Mr Hastings DATE 29.8.89
Occurrence sheet. Barcode D1019826

MR HASTINGS: And particularising the charges against him as possess cannabis with intent to supply an unlicensed firearms. I also tender the roster for the Drug Squad for the fortnight of the 21st of August 1989 to the 3rd of September 1989, barcoded D1034048.

COMMISSIONER: Yes, that will be exhibit 1537C.

EXHIBIT 1537C Mr Hastings DATE 21.8.89- Roster for Drug Squad. 3.8.89 Barcode D1034048

MR HASTINGS: That records the fact that Detective Sergeant Corry was the team leader, or a team leader, of team 1, being one of three teams in the Drug Squad at the time.

If I can move to the next section of the documents, Commissioner, and tender the charge sheets relating to the charges laid against J1 on the 29th of August 1989. The first group relate to the charges concerning the possession of firearms and other appliances and ammunition as a result of the search of the rural property. They are barcoded D1036187.

COMMISSIONER: That will be exhibit 1538C.

EXHIBIT 1538C Mr Hastings DATE 29.8.89 Charge sheets. Barcode D1036187
MR HASTINGS: Commissioner, I apologise. They're not particularly legible, but I think if one needs to one can discern what the particulars of the charges are. Then I tender the face sheet for the firearm charges, which is barcoded D1036188.

COMMISSIONER: Will be exhibit 1539C.

EXHIBIT 1539C Mr Hastings DATE (Unstated)
Confidential - face sheet for firearm charges, barcode D1036188

MR HASTINGS: It contains a note for the prosecutor that J1 was not the holder of a firearms licence or permit, and in fact was revoked from holding such a licence or permits on the 14th of August 1987. Then I tender the complaint with respect to the possession of the cannabis, which is barcoded D1036171.

COMMISSIONER: Will be exhibit 1540C.

EXHIBIT 1540C Mr Hastings DATE (Unstated)
Confidential - complaint re possession of cannabis, barcode D1036171

MR HASTINGS: It will be noted that in its original typed form it was a charge of possession with intent to supply — to sell or supply to another, and there's a handwritten note on it that the words "with intent to sell or supply to another" were deleted and the charge amended from one under section 6(1)(a) to 6(2) on the 20th of February 1990. I tender the face sheet for the cannabis possession charge, barcoded D1036183.

COMMISSIONER: That will be exhibit 1541C.

EXHIBIT 1541C Mr Hastings DATE (Unstated)
Confidential - face sheet for cannabis possession charge, barcode D1036183

MR HASTINGS: Which indicates that when the police executed a search warrant at the house of the accused detectives located in the lounge room two plastic bags containing cannabis leaf, the total weight of which was 1.187 kilograms. Perhaps I should for completeness tender also a further complaint with respect to being in possession of firearms without a licence. The charge sheet is barcoded D1036185.

COMMISSIONER: Exhibit 1542C.

EXHIBIT 1542C Mr Hastings DATE (Unstated)
Confidential - complaint re possession of firearms without licence, barcode D1036185

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MR HASTINGS: And I tender the face sheet for that charge, which is barcoded D1036186.

COMMISSIONER: That will be exhibit 1543C.

EXHIBIT 1543C Mr Hastings DATE (Unstated)
Confidential - face sheet for unlicensed firearms charge, barcode D1036186

MR HASTINGS: Commissioner, I tender the record of interview with J1, which was at 1830 hours on the 29th of August 1989, and records as being present Detective Sergeant Corry, Detective Hindrich -- Hindriksen and the person J1, which is barcoded D1036177.

COMMISSIONER: Yes. That will be exhibit 1544C.

EXHIBIT 1544C Mr Hastings DATE 29.8.89
Confidential - record of interview between J1 and Detectives Corry and Hindriksen, barcode D1036177

MR HASTINGS: It will be observed that when interviewed and asked the question:

"I have now been told that there was a total of 1.18 kilograms or kilos of the cannabis. Do you agree with that amount?"

J1 said:

"Well, that shocked me."

He was asked on page 2:

"What do you mean, that it shocked you?"

and he said:

"Well, I thought that I had smoked a lot more than that. In the smaller bag there was originally a pound of cannabis, but it was no good. You couldn't get high on it. That's the truth."

And in answer to question 16, which was:

"How much did you pay for the cannabis?"

he said:

"Well, for the big bag I paid $2000. The smaller bag, $1800."
And there are a number of other questions which were directed to the circumstances of his possession. And, Commissioner, still in the same section, if I can just move over to the document which is a letter addressed to the Officer in Charge, Prosecuting, re J1, which is dated the 12th of February 1990 from Detective Sergeant Corry and barcoded D1036182.

COMMISSIONER: That will be exhibit 1545C.

EXHIBIT 1545C Mr Hastings DATE 12.2.90
Confidential - letter to Officer in Charge, Prosecuting re J1,
barcode D1036182

MR HASTINGS: The letter indicates that J1 had claimed the cannabis found at -- --
MR HASTINGS: -- the cannabis found at his house was for his own use, when interviewed, and goes on to say:

"And as we have had previous dealings with J1, this is not particularly in dispute, as he is known to be a heavy user of cannabis. Due to the total weight involved in this matter being over 500 grams, we believe that we're obliged to charge J1 with the presumption of intent to sell or supply. J1's solicitor in this matter has discussed this matter with the officers involved in the charge and will be making an application to have the charge as a simple possession of the cannabis as it is for his own use.

"We certainly do not dispute the cannabis is for his own use, and I believe that if such an application is made, then we have no objection to that. If that application succeeds, J1 will be pleading guilty to the matter forthwith, and I believe that it will be a successful conclusion to the matter. The solicitor" - whose name is given - "has also advised that witnesses are not required for the matter when it is brought before the court.

"Submitted for your information and for the complaint to be amended to section 6(2) Misuse of Drugs Act, for a charge of simple possess only."

And signed by Detective Sergeant Corry. Then if I can turn to the charge sheet recording the outcome of the proceedings against J1, which is barcoded D1036169.

COMMISSIONER: Yes. That will be exhibit 1546C.

EXHIBIT 1546C Mr Hastings DATE (Unstated)
Edited Version Charge Sheet recording outcome of proceedings, J1, barcode D1036169

MR HASTINGS: Yet again, records that the original charge of possess cannabis intent was amended on the 20th of February 1990 to possess cannabis under section 6(2) and amongst the handwriting towards the bottom, it is recorded that the fine was one of $1500 and court costs of $103.70. The charge sheet relating to the outcome of the firearms offence under section 19(1) of the Firearms Act, I also tender that. It is barcoded D1036184.

COMMISSIONER: That will be exhibit 1547C.

EXHIBIT 1547C Mr Hastings DATE (Unstated)
Edited Version Charge Sheet re firearms offence, J1, barcode D1036184

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MR HASTINGS: And it records that he was fined $30 with $16 costs on each charge. Commissioner, if I can turn then to documents relating to the property, I'm not sure that Ms Pepe actually has these, does she? There's some additional documents about the property being on sale. Commissioner, I think that should be on your list, towards the end of section 4 on page -- it doesn't have a number, but just before the commencement of the fifth section.

MS PEPE: Sorry, can I inquire whether copies are available now? It might just expedite things a little bit. Thank you, sir.

MR HASTINGS: These are documents from the file of the real estate agent involved in the sale of the property. I tender a letter dated 15 February 1989 from Websters Real Estate, barcoded D1036287.

COMMISSIONER: Yes. That will be exhibit 1638C, or can that be made a public --

MR HASTINGS: It purports to be a valuation of the property and describes it as being 542 acres of undulating ground.

"It features a large lake suitable for water-skiing, and has rich deposits of kaolinite, which is currently the subject of a mining agreement with a company, yielding a minimum return of $4500 per annum, as well as creating an unlimited supply of fresh water. The water is currently being utilised to establish a marron farming operation, consisting of 12 shallow tanks stocked with young marron. A grow-out dam is currently under construction. Two transportable accommodation blocks adjoin together to form a manager's residence".

The author assesses the value of the property on a walk-in/walk-out basis as $250,000 --
MR HASTINGS: --- basis as $250,000 as of that date, which was February 1989. I'm sorry, Commissioner. It will need to be confidential actually. It's addressed to J1.

COMMISSIONER: Yes. 1548C.

EXHIBIT 1548C Mr Hastings DATE 15.2.89
Confidential. Letter from Websters Real Estate. Barcode D1036287.

MR HASTINGS: Similarly, out of the agent's file, Commissioner, I tender a document entitled "Exclusive authority to sell", dated the 15th of March 1990 and barcoded D1036305. It purports to be signed by the joint owners, including J1, authorising the sale of the property for a price of $120,000 for both lots and describes it as "a very attractive property with a large lake and numerous freshwater dams with good potential. Future resort. Machine and GP sheds."

COMMISSIONER: Yes. That will be exhibit 1549C.

EXHIBIT 1549C Mr Hastings DATE 15.3.99
Confidential. "Exclusive authority to sell." Barcode D1036305.

MR HASTINGS: Commissioner, there are two pages from the ledger of the agents which are simply to confirm a matter which I don't think is a matter of any controversy; namely, that the sale in effect was effected directly through or by Detective Sergeant Corry himself with J1, rather than through the agents, and there's not a great deal of significance to that, Commissioner, but for completeness I tender the pages which show an absence of any reference to the sale through the agents. The documents are barcoded D1036282 and D1036283.

COMMISSIONER: Yes. Those extracts will be exhibit 1550C.

EXHIBIT 1550C Mr Hastings DATE (Unstated)
Confidential. Documents from agents ledger. Barcode D1036282, D1036283.

MR HASTINGS: And again, from the agents file, a draft of an advertisement which is barcoded D1036293, which is a handwritten document.

COMMISSIONER: There's no identification there, is there?

MR HASTINGS: No.

COMMISSIONER: That can be exhibit 1551.
MR HASTINGS: It demonstrates that the property was apparently advertised as being "Comprising two lots, one of 200 acres" which was available at $48,000 and "one of 342 acres" which was available at only $75,000.

Commissioner, can I tender the certificate of title for the property in question, which is the lot 10204 and which is barcoded D1036105?

COMMISSIONER: Yes. That will be exhibit 1552C.

MR HASTINGS: It records the owners prior to Sergeant Corry and his wife as being J1 and another person, and the schedule in the rear of the document records the registration of Detective Sergeant Corry and his wife as registered proprietors on the 9th of September 1990, and the transfer of the property from them to new owners on the 5th of May 1993.

I also tender the transfer of land form for the purchase of the property by Detective Sergeant Corry and his wife, which is dated the 28th of August 1990, and which is barcoded D1036108.

COMMISSIONER: That will be exhibit 1553C.

MR HASTINGS: That indicates that the previous owners, which included J1, transferred the property to Mr and Mrs Corry for $66,000 on that date, the 28th of August 1990. It is to be observed that the witnesses to the signatures of Detective Sergeant Corry and his wife are two officers from the Drug Squad - Detective Hindriksen and Detective K.E. Ferguson. The second page of the form indicates that the document was lodged by Mr Corry himself.

Commissioner, I tender the mortgage taken out to finance the property by J1 and his partner, which is barcoded D1036110.

COMMISSIONER: That will be exhibit 1554C.
EXHIBIT 1554C  Mr Hastings  DATE (Unstated)
Confidential. Mortgage to finance
property by J1 and partner.
Barcode D1036110.
MR HASTINGS: And the discharge of it, which is a document entitled Discharge Of Mortgage, dated 30th of August 1990 and barcoded -- I'm sorry, Commissioner, it forms part of the same document and is dated the 30th of August 1990, and on the rear of it indicates that it was lodged again by Detective Sergeant Corry. I then tender the form of transfer of land executed by Mr and Mrs Corry to sell the property, which is barcoded D1036107 and dated the 28th of April 1993.

COMMISSIONER: Yes, that will be exhibit 1555C.

MR HASTINGS: It records that the property was sold for $150,000.

EXHIBIT 1555C Mr Hastings DATE 28.4.93
Confidential - Transfer of land. Barcode D1036107

MR HASTINGS: There are other conveyancing documents, Commissioner, which I don't think take the matter any further and perhaps I'll just move over to a sketch which shows the layout of the land, which is barcoded D1034281.

COMMISSIONER: Yes. That will be exhibit 1556.

MR HASTINGS: Yes, that can be a public exhibit, Commissioner.

EXHIBIT 1556 Mr Hastings DATE (Unstated)
Sketch showing layout of land. Barcode D1034281

MR HASTINGS: And there's a further map showing the location of the land, which is barcoded D1034282. That may also be a public exhibit.

COMMISSIONER: Exhibit 1557.

EXHIBIT 1557 Mr Hastings DATE (Unstated)
Map showing location of land. Barcode D1034282

MR HASTINGS: There are some rates notices which I don't think I need to tender. There is an aerial photograph, Commissioner, which is perhaps useful, barcoded D1036095.

COMMISSIONER: Exhibit 1558.

EXHIBIT 1558 Mr Hastings DATE (Unstated)
Aerial photograph. Barcode D1036095

MR HASTINGS: And a series of photographs taken recently, which are barcoded D1034409, 1034413, 1034390, 1034417,
1034386, 1034402, 1034396.

COMMISSIONER: They will together be exhibit 1559.  

EXHIBIT 1559 Mr Hastings DATE (Unstated)
Series of photographs. Barcodes D1034409, D103313, D1034390, D1034417, D1034386, D1034402, D1034396

MR HASTINGS: Commissioner, if I can move to the documents which are in the seventh section in the list that you've been given, which relate to the arrest subsequently of J1 on the 23rd of December 1991. As I mentioned earlier, Detective Sergeant Guest produced a lengthy report relating to the events surrounding his charging of J1. The report is barcoded 1036094 and needs to be a confidential exhibit because it refers to J1 in some detail.

COMMISSIONER: Yes. That will be exhibit 1560C.

MR HASTINGS: It is dated by Detective Sergeant Guest on the 6th of January 1992, although his partner, Constable Hearn, seems to have erroneously dated it the 6th of January 1991.

EXHIBIT 1560C Mr Hastings DATE 6.1.92
Barcode D1036094

MR HASTINGS: I won't go through it in any detail, Commissioner, other than to draw attention to the fact that it records that at 2215 hours on the 23rd of December 1991 Detective Senior Sergeant Guest, in company with Constable Hearn, was on mobile patrol in the Brighton Beach car park, Esplanade, Scarborough, and noticed a Ford Falcon sedan and their attention was -- --
MR HASTINGS: - - - Ford Falcon sedan, and their attention was drawn to a group of three vehicles - - I'm sorry, they were using an unmarked Ford Falcon sedan. Their attention was drawn to a group of three vehicles, and five male persons standing and sitting in one of the vehicles. The vehicle particularly attracting attention was a Ford utility, and the report records that there were two males sitting in the Ford 150 utility and three other males looking in through the driver's side window. He reports:

"As we approached these persons, their actions appeared to be suspicious and as we passed by the rear of the vehicle we could clearly see the actions of the male person seated behind the driver's wheel. He appeared to be shoving something down or into some other thing between him and the other male in the passenger seat. We alighted from our vehicle and ascertained that the persons present were" - J1 and three other names are recorded - "the fifth male person's name was inadvertently not recorded, but known by two of the other persons."

The report records that two persons - whose names are given - were the males seated in the Ford 150 utility. One of them was behind the driver's wheel. The report records that as they approached the vehicle, Constable Hearn to the driver's side and Sergeant Guest to the passenger side, Constable Hearn located a brown briefcase on the seat next to J1, with a small piece of plastic bag, green in colour, hanging out of it. Constable Hearn asked J1 who owned the briefcase, and he said that he was the owner.

Constable Hearn then opened the briefcase and found a green plastic bag containing 427 grams of cannabis leaf material. J1 was asked who the cannabis belonged to, and he replied that it was his. The cannabis was seized and the drug secured. Other searches were carried out and various explanations given by the persons present are recorded. On the third page of the report, it is noted that J1 was briefly interviewed at the scene and stated that the cannabis had come from a friend as payment of a debt, and he had come to the car park to show the drug to others whom he had met in the local cafe. He refused to say who the person was who gave him the drug.

J1 was asked if he could talk with some - - "talk with us somewhere else", as he was then under arrest for unpaid warrants of commitment. He was informed that he "could talk to us in the vehicle on the way to the East Perth lock-up." The report then sets out the conversation which took place with J1, which includes the following dialogue, in which Sergeant Guest asked:

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"So, what is it that you want to tell us that you couldn't tell me before in front of these other blokes?"

J1 said: "Look, I'm sort of working, trying to find out about these people for one of your people."

Sergeant Guest said: "Are you saying that you're working for a member of the Police Force?"

"J1 said: "Yes, sort of."

"Guest: "Who are you working for?"

"J1: I've been working for him a couple of years."

And he goes on eventually to mention the name of Allan Corry and said that he passes on information to him about dealers and things. He was asked:

"What has tonight's episode got to do with that?"

And J1's response was:

"Tonight was the first meet with those people. The green that you've got was a sample. They wanted to buy a lot more. I was supposed to try and sell them 100 kilos, but they only wanted 30 or 40 kilos."

He was asked, "Does Corry know about tonight's deal?" and he replied:

"I just get information from him, then I deal with it and let him know what's going on. I normally bow out when two or three other guys are involved. They can't trace it back to me then."

There was some further conversation about that matter. Sergeant Guest then recorded that he left the interview room and made a telephone call, during which he spoke to Detective Sergeant Corry and told him that he'd arrested J1. He reports that Sergeant Corry confirmed that J1 was working on someone for him. He was asked:

"Well, what do you want to do with J1? I don't want to queer any job?"

Sergeant Corry said: "You could put the drugs through with no person charged. We do it all the time."

Guest: "No, I'm not going to do that. I've got to charge him with something for his own good."
MR HASTINGS: And Sergeant Corry said:

"You could charge him with possession."

And the conversation ended with Sergeant Guest saying:

"All right, then, Allan. I will leave the matter with you for now. Can you get back to me at 4 pm on the 24th of December" - which was the following day - "to let me know? I will not charge him tonight. We will just lock him up on the warrants."

And Sergeant Corry said:

"All right. I'll talk to somebody and let you know."

As a result of that, no action was taken to charge J1 in respect of the cannabis that evening. As it transpired, Sergeant Guest heard nothing further from Sergeant Corry and took his own course, which involved him charging J1 with respect to his possession of the cannabis. He made later attempts to contact Sergeant Corry, but I think Sergeant Corry was on leave. He spoke to someone else at the Drug Squad who informed him that Detective Sergeant Corry had left the Drug Squad some time earlier and was then at Armadale CIB and had been there for about 18 months.

Sergeant Guest telephoned Armadale CIB with the intention of speaking to Sergeant Corry, only to be informed that he was on leave. As a result of that he decided to charge J1 with possession of the cannabis with intent to sell or supply, and he did.

Commissioner, there are a number of documents which relate to the proceedings which followed. I think you'll need just to go to the results sheet, which is barcoded D1036090, and records that on a date which I can't read because it's been obscured by the hole -- well, I'm sorry; on the 10th of January.

COMMISSIONER: Yes. That will be exhibit 1561C.

EXHIBIT 1561C   Mr Hastings
Confidential - results sheet,
barcode D1036090

MR HASTINGS: 10th of January 1992 he was charged. I'm sorry, Commissioner. I just can't put my hand on a document which conveniently sets out the result, but it has already appeared
in his criminal history as a fine of $2000. And if I can find
the results sheet which spells it out more carefully.

Commissioner, as I mentioned, there are a number of documents
which relate to events which took place concerning the
Internal Affairs Unit. If I can take you to the documents in
section 5, I tender a form of information report which is
dated the 15th of April 1991 and barcoded D1036068.

COMMISSIONER: Yes. That will be exhibit 1562C.

EXHIBIT 1562C  Mr Hastings  DATE 15.4.91
Confidential - information report,
barcode D1036068

MR HASTINGS: It indicates that it was received by
Superintendent Ayton and contained information that Allan
Corry has purchased a property from J1 some time within the
last 12 months, and that J1 is a well-known drug user and
dealer. It indicates that the action has been allocated to an
officer on the 25th of April 1991 but, as I mentioned earlier,
there is no indication that any action was taken with respect
to the information which had been received until July of 1992.
J1 was interviewed about the transaction on the -- in July;
I'm not sure the date is precisely as set out on the document.

_ _ _
MR HASTINGS: -- on the document. The interview with J1 is barcoded D1036066, which I tender.

COMMISSIONER: That will be exhibit 1563C.

EXHIBIT 1563C Mr Hastings DATE (Unstated)
Confidential. Interview with J1. Barcode D1036066.

MR HASTINGS: During the interview, J1 reported that the property had been on the market for some time because he was in some financial difficulties and had been for sale, he said, for nearly a year before it was sold to Sergeant Corry. He confirmed the price as being $70,000 in total, which was $66,000 for the real property and $4000 for the demountable residence on it. He also confirmed that he had acted as an informant for the Drug Squad.

Detective Sergeant Corry was interviewed about the issue on the 9th of July 1992. That is barcoded D1036067.

COMMISSIONER: Yes. That will be exhibit 1564C.

EXHIBIT 1564C Mr Hastings DATE 9.7.92
Confidential. Interview with Detective Sergeant Corry. Barcode D1036067.

MR HASTINGS: During the interview he gave an explanation about the circumstances in which he had arrested J1 and charged him, and had searched the property and had become aware that it was for sale, and some time thereafter became interested in acquiring it, as a result of which he had purchased one of the two lots which were available, and confirmed that the price that he paid was not in any way discounted and, according to him, he obtained no better deal than anyone else would have because of his position as a detective sergeant. He also provided some notes during the interview which provided further information concerning his involvement with the property and J1. I tender those notes. They are barcoded D1036164.

COMMISSIONER: That will be exhibit 1565C.

EXHIBIT 1565C Mr Hastings DATE (Unstated)
Confidential. Notes made by Detective Sergeant Corry. Barcode D1036164.

MR HASTINGS: Apart from describing the property and the history of his purchase of it, he indicated in the notes that it has 90 acres of lupin in crop and also yields wildflowers and has a minor income from royalties from a company which uses the roadway. He indicates that the property was purchased as a business. He also, in the notes, indicates
that whilst negotiating, and after purchasing, the property, numerous persons in the department were aware and that there'd been social gatherings of members at the block, and it also notes that he'd advised the Police Minister in June 1991 of its availability for use by community welfare, if interested. It also records that there's no power or telephone, etcetera. The notes seem to then have a further note in someone else's handwriting, setting out the name and phone number of J1.

The inquiry by Internal Affairs seemed to conclude with a report dated 13 July 1992, which is barcoded D1036069, which I tender.

COMMISSIONER: That will be exhibit 1566C.

EXHIBIT 1566C Mr Hastings DATE 13.7.92 Confidential. Report by Internal Affairs Unit. Barcode D1036069.

MR HASTINGS: That report notes that Detective Sergeant Corry was interviewed on the 9th of July 1992 and that there is no evidence of any advantage being offered to Corry, who paid $70,000 for the 350 acre block and a transportable hut -- --
MR HASTINGS: -- a transportable hut. It also records that prior to Corry becoming aware of the availability of the property the asking price was $120,000 for it and a similar adjoining block of 200 acres. This adjoining block was later sold for $59,000. It also reports that Corry's purchase was financed through the Police and Nurses' Credit Society to the amount of $75,000, which would seem to be slightly in excess of the purchase price, and concludes with the statement: "This matter may now be filed" and that seemed to be the end of the inquiry into that aspect.

As a result of the report submitted by Detective Sergeant George, as he then was, in relation to his communications with Sergeant Corry concerning the arrest of J1 on the 23rd of December 1991 inquiries were conducted by the Internal Affairs Unit. I've already tendered the report from Sergeant Guest. The additional documents in that section 7 of the material that you have that seem to be pertinent are the interview which was conducted with Detective Sergeant Corry on the 9th of July 1992, which is barcoded D1036092, which I tender.

COMMISSIONER: Yes, that will be exhibit 1567C.

EXHIBIT 1567C Mr Hastings DATE 9.7.92 Confidential - Documents relating to interview. Barcode 1036092

MR HASTINGS: It would seem that Detective Sergeant Corry was interviewed about both matters on the same day, the 9th of July 1992, but as separate exercises and the two matters were then the subject of separate reports, which is somewhat curious given that there seemed to be a clear link between the two matters under investigation but, in any event, the record of interview that I've just tendered relates to the circumstances of the involvement of Detective Sergeant Corry with J1 in the context of his arrest on the 23rd of December 1991 and sets out in some detail the assistance that J1 had been providing to officers of the Drug Squad from shortly after his arrest in August 1989.

He was also asked about the report of Sergeant Guest and apart from one matter largely endorsed the accuracy of the report. There was one issue that he disagreed with, which was that in the report of Sergeant Guest he said that the opening dialogue between them was that Sergeant Corry had said -- when Sergeant Guest said, "I've got him here in the office for possession of cannabis. Quite a lot" Corry had said, "What, about 680 grams?" whereupon Sergeant Guest said, "No, it's about 450 grams. I haven't weighed it yet" and Sergeant Corry said, "Right." Sergeant Corry when interviewed denied that he said that and claimed that he would not have said it because it was not the terminology used with those familiar with drug
matters and it would have been more likely that he would have referred to it as a pound if he had known the quantity involved rather than describing the quantity in grams, but otherwise accepted the accuracy of what was put to him about Sergeant Guest's report, including the conversation to the effect that Guest had said, "What do you want to do with J1? I don't want to queer any job", and Corry saying, "You can put the drugs through with no personal charge. We do it all the time." He agreed that he had said that and said that he said it because he had said, "Well, at that stage you can put in the bag and put it in as no persons charged or whatever."

As a result of that interview and other inquiries made the investigation was then the subject of a report dated the 23rd of July 1992, which is barcoded D1036078.

COMMISSIONER: That will be exhibit 1568C.

EXHIBIT 1568C Mr Hastings DATE 23.7.92 Report. Barcode D1036078
MR HASTINGS: The report describes in some detail the content of the report from Senior Sergeant Guest which had triggered the inquiry, and also the outcome of the interviews with Detective Sergeant Corry and with J1, and concludes by saying:

"I am unable to find any evidence that Corry was aware that J1 would be in possession of cannabis on that evening, and there was no evidence to suggest that J1 had a 'licence' from Corry to deal in cannabis. I am of the opinion that the telephone conversation between Guest and Corry on the evening of December 23 has not been correctly recorded by Guest, either through an honest mistake or a misunderstanding.

"I am led to this conclusion by the terminology used by Guest; ie, the reference to 680 grams as opposed to 1½ pounds. Having spent a total of 5 years in the Drug Squad I know that this is not the terminology generally used by members of the Drug Squad. When J1 was interviewed he was also spoken to in relation to several different matters which relate to an ongoing and unconnected inquiry. I have included the entire transcript.

"In conclusion, I found no evidence that there is a corrupt association between Corry and J1, and I therefore recommend this matter be filed pending further information coming to hand."

As I mentioned, it seems curious that, having expressed a conclusion about any corrupt association, there was not any reference to the property dealing which had taken place.

So, Commissioner, I think that is most of the material for the time being, and if I might now call Senior Sergeant Guest, please.

COMMISSIONER: Yes. Could I have your full name, please?

MR GUEST: Full name is John Stephen Guest. Stephen with a "p-h".

COMMISSIONER: Do you have any conscientious objection to taking an oath on the Bible?

MR GUEST: None whatsoever.

COMMISSIONER: If you could take the Bible and read out the oath aloud, please.

JOHN STEPHEN GUEST sworn:

COMMISSIONER: Thank you. Sit down, please?---Thank you.
MR HASTINGS: Senior sergeant, where are you now stationed? I'm currently stationed at the Alcohol and Drug Coordination Unit.

And I think in December 1991 you were stationed at what was then known as the Liquor and Gaming Branch, were you not?

That's correct.

Perhaps if you just have a look at the report to which I've already made reference, which is barcoded D1036094. Does that seem to be the first page of the report which you prepared and submitted?

That's correct.

-- dated the 6th of January 1992 concerning the arrest of the person I've referred to as J1 at Scarborough on the 23rd of December 1991?

That's correct.

MS PEPE: I wonder if I could have that on my screen, because that is one of the exhibits I don't have a hard copy of.

MR HASTINGS: Oh, no; we can't do that. But we'd better get you a copy of it.

MS PEPE: Thank you.

MR HASTINGS: Senior sergeant, in the report you describe how it was that your attention was drawn to this group which included the man subsequently identified as J1, and which led in turn to the discovery of the cannabis -- --
MR HASTINGS: --- discovery of the cannabis in a briefcase on the seat of the vehicle in which he was then sitting. And you also refer in the report to the fact that during a conversation with him, he wanted to speak to you in private. Was that correct?---That's correct.

When did the opportunity arise to first have a private discussion with him?---I offered him the opportunity to speak in the car, before we left the beach-front, but he declined that offer because the other persons were still in attendance, and so the opportunity came as we were travelling from Scarborough back to East Perth.

And was it during that trip that he made reference to Allan Corry?---That's correct.

What happened when you returned to your office? Well, is that where you went?---We went back to the Liquor and Gaming Branch office, which is on the second floor of Curtin House, 60 Beaufort Street.

Right?---In Perth, where I interviewed him in the interview room at that facility. Where I basically said to him that if he wanted me to believe what he was saying, he was going to have to give me some more information so I could check out his story.

And following that, did you speak --- well, during that, did he then make reference to his involvement with members of the Drug Squad?---Yeah. He informed me he was working for Detective Sergeant Corry. I said, well, I can't confirm that unless I can contact him, and I asked for a phone number ---

And did he have a ---?--- which he wrote down on a piece of paper, which I subsequently dialled in another office.

I think by then it was quite late, was it?---About 11.30, if I remember correctly.

Were you able to speak to Detective Sergeant Corry?---Yes, a male person answered the phone and identified himself as Allan Corry.

There seemed to be some subsequent disagreement over the opening words, during which you say that having told Detective Sergeant Corry that you had J1 in the office for possession of cannabis, and he commenced by saying, "What, about 680 grams"?---That's correct.

Can I ask you first, when was it that you made a record of the conversation that you had with ---?---As I spoke to him.

I'm sorry?---As I spoke to him.

.01/05/2003  GUEST, J.S. XN  9955
MR HASTINGS: In what form?---Just on a piece of foolscap paper.

Right. And what do you say about whether he said the words, "What, about 680 grams"?---I wrote down what he said to me.

It seems to have been subsequently suggested that the use of the term "grams" would be inconsistent with the sort of jargon in which former officers of the Drug Squad speak. What do you say about - -?---Never been involved with them, never been stationed there; wouldn't know.

And could he have used the terminology "pounds" or "1½ pounds"?---No. He said 680 grams, about 680 grams. So --

I put an intonation into, "What, about 680 grams". Is that correct? I mean, you've -- literally it just says, "What about 680 grams"?---Yeah --

Was there a - -?---Well, you know, "What, about 680 grams?" You know? "Is it about this much?"

Being a question, in effect?---Mm. That's as I took it.

According to your report - - and did you simply transpose your notes into the report?---I did.

What happened to your notes subsequently?---The case was finished, the report was submitted, they've been destroyed. I got no further need for them.

And following the reference to you saying, "Well, it's about 450 grams. I haven't weighed it yet", he then went on to mention someone, a name, did he, that J1 was working on for him?---Mentioned a person by the name of Alex.

All right?---Who I had no knowledge of.

And what happened after that?---Once I'd finished the conversation with Detective Sergeant Corry, I went back to speak again to J1.

What was the outcome of the conversation with Detective Sergeant Corry, as far as you're concerned?---That he was going to contact me the following day when I commenced duty at 1600 hours.

Had you agreed that you wouldn't charge, or lay any charges, with respect to the cannabis until he got back to you?---J1 was under arrest for outstanding warrants of commitment, and so was going to be lodged in the lock-up anyway, and if I was of the opinion that if he was working for the Drug Squad, then the charge may spoil some case that they were working on --
WITNESS: —— they were working on —- and so I was quite prepared to wait until I received information one way or the other.

MR HASTINGS: Given the amount, what had you otherwise contemplated would be the appropriate charge?—-I was going to charge him with possession with intent to sell and supply, mainly for the circumstances we found him in, even though we couldn't establish that from the other four people there.

According to your report, in the course of the conversation with Detective Sergeant Corry, when you said "Well, what do you want to do with J1? I don't want to queer any job" he said "You could put the drugs through with no person charged. We do it all the time"?—-The Drug Squad might have done, but the Liquor and Gaming Branch didn't.

I take it from that, that wasn't a practice with which you were familiar?—-I wouldn't put drugs through the system if there was a person attached to them, as "no person charged" unless instructed for whatever reason.

In any event, you did agree to delay the laying of a charge until Detective Sergeant Corry came back to you?—-That's correct.

And the arrangement was that he would come back to you by the time you commenced work on the following day at 1600 hours?—-That's right. I was on afternoon shift. I started at 4 o'clock.

Right. And did you hear from Detective Sergeant Corry?—-I didn't.

Did you take some action then to lay a charge against J1 with respect to the cannabis?—-I spoke to a detective sergeant at the Drug Squad. I asked him if J1 was working for them basically, explained the situation with Detective Sergeant Corry. He said he'd get back to me, which he didn't.

Which he didn't?—-He didn't get back to me, no. So I gave him —- because of it being Christmas Eve and Christmas Day and Boxing Day and all the rest of the holidays following, I suggested that the 31st of December would be a time that — because of the holidays — things could be sorted out and from —- I hadn't heard from him, so we contacted him again.

I think in the course of one of those conversations you were told, were you, that Detective Sergeant Corry was no longer at the Drug Squad ——?—-That's correct.

—- but at Armadale?—-That's correct.
MR HASTINGS: Your report indicates that you endeavoured to contact Corry at Armadale but found out he was on leave?---That's correct. I rang Armadale CIB, to be informed that he was on annual leave until the middle of January or something like that.

Right. And what happened after that?---I again contacted Drug Squad, spoke to the same sergeant -- detective sergeant. He told me that J1 definitely wasn't working for them, "Go ahead and charge him anyway." So I did.

And what did you charge him with?---Possession with intent to sell or supply.

I think he finally went to court, did he, and was fined $2000?---Correct. He pleaded guilty and was fined $2000.

Did you have any more communication with Detective Sergeant Corry?---Not -- I met him once on a social occasion; that was all.

You submitted a report dated the 6th of January 1992. Was that routine, or did you --?---Not really routine, but I was concerned over the circumstances and so to safeguard myself and my partner, I submitted a report.

What was the matter which concerned you about what had happened?---Well, the fact that the detective sergeant had said that J1 was working for him, but there was no comeback.

What do you mean?---There was no response and instruction from higher persons, and there would have been if that person had been working for the Drug Squad on a genuine basis.

Thank you, Commissioner.

COMMISSIONER: Yes. Yes, Miss Pepe? Do you have any questions?

MS PEPE: I wonder, given the time, if we could have the morning tea break now so I could take some instructions?

COMMISSIONER: Yes, very well. We'll adjourn until twenty to twelve.

AT 11.12 AM HEARING ADJOURNED
D16/1

POLICE

AT 11.45 AM HEARING RESUMED:

MR HASTINGS: Commissioner, can I just ask one further question of Senior Sergeant Guest?

COMMISSIONER: Yes.

MR HASTINGS: Were you ever interviewed by anyone from the Internal Affairs Unit following the submission of your report?---No.

Thank you.

COMMISSIONER: Yes, Ms Pepe?

MS PEPE: Thank you, Mr Commissioner.

CROSS-EXAMINED BY MS PEPE:

MS PEPE: Sergeant, you're aware though that your report did make its way to Internal Affairs?---No.

No? I can indicate that it did. Just in relation to the phone conversation, you said that you took notes as ---?---Yes.

---at the time?---Yep.

They were contemporaneous notes?---On a piece of foolscap paper.

Did you date and time them?---I couldn't tell you now because they've been destroyed.

Why didn't you attach them to your report?---Because I made the report from my notes.

And then destroyed them?---Well, I didn't destroy them till the court case had been finished and I thought it was all over. I wasn't aware where the report went. It went to my superintendent, who obviously forwarded it on.

So you kept the notes for some time at least?---Well, until I left the Liquor Branch in sort of August or September 1994. Then I did a lot of clearing out of things because I didn't want to take loads and loads of things with me to my new station.

But the bottom line is you didn't annexe them to your report?---No, I didn't. No.

In relation to this amount of cannabis that was referred to in grams, and you'll recall that Internals --- well, there was a finding that your version was incorrect. Just if I can put it...
to you again, just the question and answer - you probably won't need it on your screen - this is you:

"I've got him here in the office for possession of cannabis - quite a lot."

Then Corry:

"What; about 680 grams?"

Do you agree that reading in context that makes no sense at all?---Well, that's what he said. That's what I wrote down on my bit of paper; put it like that.

MS PEPE: Why didn't you put a question mark at the end of it if you said that it was a question?---Well, perhaps my grammar's not so good.

And you agree that you're not familiar with Drug Squad procedures and - - ?---Never been there.

It's correct also, isn't it, that Corry had said to you that you should charge him with possession, or you could charge him with possession?---He said I could enter the drugs and charge nobody - -

Yes?--- - - or I could charge him with possession.

Right. And he said that to you on the night?---Yes. That's part of my report.

Thank you, Mr Commissioner.

COMMISSIONER: Yes. Mr Hastings?

MR HASTINGS: Commissioner, might Senior Sergeant Guest be excused?

NO RE-EXAMINATION

COMMISSIONER: Yes. You're excused from further attendance on the summons?---Thank you, sir.

Thank you.

WITNESS WITHDREW

MR HASTINGS: And might I call Detective Sergeant Corry?

COMMISSIONER: Could I have your full name, please?

MR CORRY: Robert Allan Corry.
COMMISSIONER: You have no objection to taking an oath on the Bible?

MR CORRY: No. That's right.

COMMISSIONER: Thank you. If you could take the Bible and read the oath aloud, please.

ROBERT ALLAN CORRY sworn:

COMMISSIONER: Thank you. Sit down, please.

EXAMINED BY MR HASTINGS QC:

MR HASTINGS: Detective sergeant, I don't want to go through the history of your purchase of this property in any detail, because it seems to be reasonably well documented. Were you listening this morning when I ran through the documents which I tendered?---Yes, I was.

Was there anything that you want to add or correct in relation to the sequence of events that I described in general terms?---In relation to the -- the documents or the --

Yes?---In relation to the events, perhaps one matter, that you said that on that particular day in August when we'd executed the warrant, we went the following day to the property. That's not correct. We went that day.

I see. Thank you. Can I get to the point then? In relation to the charge laid against J1, as a result of the August 89 searches at his house and at the country property, he was initially charged with possession of cannabis with intent to sell or supply, was he not?---Yes. That's right.

You had interviewed him, or at least been present during the interview of him following his arrest, had you not?---Yes. That's right.

And as I briefly described this morning, a number of questions were put to him concerning his reason for having possession of what was about 1.18 kilograms of cannabis -- --

.01/05/2003 CORRY, R.A. XN 9961
MR HASTINGS: --- kilograms of cannabis?---Yes, that's right.

And he asserted that he had it in his possession for his own consumption?---That's right.

And he described the quantities that he smoked on a daily basis. Do you recall that during the interview, you also --- I'm sorry, I'm saying "you". Did you do the questioning?---I think I would have done.

You pointed out that some foils had been found at the house. Do you remember that?---No, but I did read that record of interview.

You did read it?---Yesterday, yes.

Well, you said, question 30:

"All right, (...name suppressed...)")" - I'm sorry, J1 - "what about the foils we found at the house?"

Answer: "They would've been rolled, ready to take out."

You said: "Are you sure they're not wrapped up for sale?"

Answer: "I'm positive."

You then referred to some scales being located. Do you remember, as a result of reading the record of interview, that you had located some scales at the premises?---Yes.

And you asked him this:

"All right, J1, we have also located scales and there are obvious signs of cannabis on the scales. What about that?"

Answer: "Must've been spilt on them."

You said: "Have you been weighing the foils?"

He said: "Oh, no."

You said: "Wouldn't it be logical to weigh the foils, even for your own use?"

He said: "No."

You said: "We located two sets of scales at the house. Do you agree with that?"
He said: "Yes."

You said: "Who owns the scales?"

He said: "I own the scales. The large ones are cooking scales and the small ones are carrot" — that's spelt incorrectly, I think, because it's carat — "scales for weighing precious stones."

Do you remember dealing with those issues with him? --- Yes.

MR HASTINGS: Does it remind you that in fact there had been some cannabis already -- well, set out, contained in foils that had been located? --- I don't actually remember that, but in the record of interview clearly there was.

And clearly based on the question you put to him there were some scales located which seemed to have obvious signs of cannabis on the scales? --- Yes. I don't actually remember that, but --

You'd accept that from the question you asked, wouldn't you? --- Yes.

You'd agree, wouldn't you, that you didn't accept the information that he was -- or the explanation he was giving you at the time, for his possession of the cannabis? --- I think we were pushing to try and get the with intent to sell or supply.

Yes. Because notwithstanding the explanations that he had given to you, at question 41 you said:

"Well, (...name suppressed...)") — J1 — "I put it to you that with the scales, the foils and the amount that is there, you would be selling some or supplying some of the cannabis."

You put that to him as a positive proposition, notwithstanding the explanations he'd given you? --- Yes, that's right.

Did that reflect your view, as a result of what you knew at that time? --- We were trying to push for the -- that possession with intent to sell or supply.

Well, presumably, as an interviewing officer you wouldn't have put a proposition which you thought not to be properly based? -- No, that's right. We were trying to put the whole lot together. But he denied that and maintained it was just his own use.

As a circumstantial case, given that there were two parcels of cannabis which amounted in total to 1.18 kilograms, there were
scales with apparently obvious signs of cannabis there, and there was some cannabis in foils, it wasn't a bad circumstantial case of possession with intent to sell or supply really, was it?---Well, at that particular time, I do know that the place was an absolute mess and the cannabis was located in boxes, in bags. I've been trying to reflect back on it. And I think it was old. I believe it was old cannabis, if you can understand that?

MR HASTINGS: What followed, apart from him being charged, was that he did begin to assist you, did he not, by providing you with information?---Not at that particular time.

How long did it take before he began to cooperate with you -- -
MR HASTINGS: -- cooperate with you?---At a guess, possibly 6 months, 9 months, or upwards.

Did you ever register him as a informant?---No.

Why was that?---Well, he wouldn't want to be registered and I don't think there was an actual register for informants at that stage.

Was there any documentation created which recorded his role as an informant?---No.

You might remember you arrested him in August 1989. Within a month or so he was involved in quite a significant operation, wasn't he - assisting you?---Not that I can remember.

All right. Sorry, Commissioner, can I just have a moment to find something which might prompt Sergeant Corry's memory? Perhaps I will come back to it. If I can have brought up on Sergeant Corry's screen, please, a document which is barcoded D1036080. I'm sorry, the pages are separately barcoded. I'm sorry, the page I want is separately barcoded.

(TO WITNESS): If you would just have a look at that, sergeant. It in fact is the start of the document that I'm going to take you to a subsequent page of. I'm trying to be oblique because it's a sensitive document that I don't want to refer to in any detail, but you can see for yourself the nature of it and the date of it. The first few lines will indicate what it is. Do you see that?---Yes. Yes.

Thank you. If I can go then to the pages which are separately barcoded D1036082. Again if you just read that to yourself, if you wouldn't mind --
MR HASTINGS: --- you wouldn't mind? Do you understand what is being referred to there? Does it remind you of a particular matter in which J1 was involved?---Yeah, I --- I think so.

It might become clearer if I take you to the next page which is barcoded D1036081. Again, do you understand the matters, or recall the matters, being referred to there?---Yes. Yes, I think I do.

Again, if I can have the next page, please, which is part of the same barcode? Just while that's coming, you might bear in mind that on the page you just saw was a reference to the matter under discussion happening in 1990 and there's further discussion about the date on the page which is coming up. And if we can have the next page as well? By which it seems to be accepted that he was involved with you at least to some extent by December 1989. Do you see that?---Go back one page, please?

Yes. In fact, I can probably take you more directly to the point anyway, if I take you to your interview with Internal Affairs back in 1992, which is barcoded D1036092. If I can just pre-empt what will come up, it indicates that when you were asked about your association with J1, you said:

"Yes, I was in the Drug Squad. In approximately 89 I charged him with some offences."

You see it now, I think. It's the first long statement attributed to you.

"I charged him with some offences and that was in August 89 approximately. In November 89 we did an operation where it was planned he would assist us by becoming an informant. Been an informant ever since."

WITNESS: Yes, that's right.

MR HASTINGS: Which seems to indicate that he began to assist you at least by November 89, would it not?---Yeah. I don't remember that, but yes. Okay.

Thank you. That can be taken down ---
MR HASTINGS: — can be taken down. Can I have brought up, please, D1036182?

(TO WITNESS): I want to direct your attention to the letter that you wrote to the prosecutor concerning amending the charge from possess with intent to simple possession. First of all, in the light of what we've already seen, it's clear by the time this letter was written in February 1990 he had become an informant, had he not?—Well, I'm not sure about that. I don't think so.

Well, didn't we work out from the document I just showed you—namely, your interview in 1992— that he was assisting you from November 1989?—No, I don't think so.

But that's what it said in the document I just showed you. Do you want to go back?—Yeah. I'd have to re-read that again. I don't remember that. November of 89.

Yes. He was arrested in August?—August.

And in the interview which I just showed you you explained by November 1989—some 3 months later—you had an operation going in which he assisted you and was assisting you ever since. Do you want to go back to it? It's coming?—Can I have a look at the—this hard copy I've got, I think—

Yes. Certainly?—I can understand that better than—

Sure?———what's coming up there.

Just if you want to look at the screen to see what it is that I'm asking you about, it's your interview of the 9th of July 1992. There are two. Just ensure that you have the one which relates to your dealings with J1. Do you have the document?—Yes, I have. I have that number that's on there, but I'm not sighting——oh, yes.

It's the second statement attributed to you.

"Approximately November of 89 we did an operation..."

Do you have that?—Yes, I have. I'm reading that now.

So bearing in mind that you had indicated by November 89 that he was working for you, do you not agree that when you wrote the letter of February 1990 to the prosecutor, by then he was an informant?—Yeah. I don't know what that's particularly about—that November of 89—but—but going on, yes; I did write that letter to the prosecutor.

And you accept, do you not, that by the time you wrote the letter he'd become an informant?—Well, I don't—I don't remember it. I don't think it matters anyway, but I just don't remember that.
MR HASTINGS: What I suggest might matter is that the basis upon which you made the approach to the prosecutor was because he had become an informant?---Yes. As I say, either way I don't see any -- any difference with it, but no; I don't remember it.

Well, what I suggest is if he hadn't become an informant then you wouldn't have written the letter that you wrote to the prosecutor?---Oh, yes. We had an approach from defence counsel about it, and a discussion whether we could actually convict him of the possession with intent.

But it was the way that things worked in those days, wasn't it, that if people became informants and assisted then clearly there had to be some assistance provided in return, and in some occasions it was in the form of having charges reduced because of their cooperation that they were extending in other areas?---No. It usually -- it worked in the -- in the manner of -- --
WITNESS: in the manner of, if it was suitable a letter would be sent to the prosecutor of the day.

MR HASTINGS: Saying what?---To say that this person has assisted in certain areas, and you would outline those details.

Well, sometimes - but of course, as you said, with J1 he wouldn't have wanted that material stated directly, would he?--No, but what happens in the courts is that apart from the person formulating that letter and then going to a superintendent it was then hand delivered to a prosecutor, and that was an agreement that's been in as far as I can ever remember.

And then handed up in a sealed envelope to the magistrate or judge?---Yes, and no person is privy to that.

But, nevertheless, it wasn't very subtle, was it, and it didn't take observers too long to work out what was going on?--I wouldn't have thought so. In the dealings that I've had with them they've been very discreet.

The point being that if J1 was sufficiently sensitive to not wanting to be registered as an informant then he wouldn't want to be seen to be the subject of a sealed letter being handed up either, would he?---Well, no. None of them do. None of them want it to be known that they are informing. Of course not.

And the fact is here when you interviewed J1 you put to him that because of the indicia of dealing, in the form of the scales with traces of cannabis and the foils and so forth, he had possession of the cannabis other than for his own consumption, didn't you?---Yes.

Well, what changed your mind by the time you wrote the letter on the 12th of February 1990?---As outlined in that letter - have you got the letter there?---

Yes. It's on the screen?---I actually related to -- if you want it, or you can get your own copy?---I did actually make mention of the fact that we had been approached by the defence counsel over the matter.

Yes?---They were disputing the possession with intent and raised the issue, which I remember at the time, made some inquiries about it, because the presumption was 500 grams from memory and we worked on that theory to charge persons - 500 grams is the presumption - but it became evident at that stage.
with some research that you could charge a person with possession if it was simply for their own use, no matter what the quantity or quality was.

MR HASTINGS: Yes, well -- ?---And that arose out of that -- discussions at the time from Mr Bonomelli.

Well, but only where there was some basis for concluding that there was possession for self use. Correct?---Yes, that's right.

And if the circumstantial evidence indicated that he had possession for the purpose of supply then you wouldn't contemplate charging him with simple possession with a larger amount, would you?---Sorry, can you ask me again?

If there were circumstances which indicated that the person had the larger amount - that is, over 500 grams - in his possession for the purposes of supply then there would be no basis for reducing the charge to simple possession, would there?---Well, the factors involved in it were that we charged him on the presumption over the 500 grams. After further research and an approach by Mr Bonomelli, the defence counsel, of pleading not guilty to the matter and going to defend it vigorously, we actually sat down, spoke to officers who had dealt with him previously, and that's where the basis of for his own use -- and he was a heavy cannabis user. We accepted that.

But you didn't charge him just on the basis of the presumption. You also had the fact that he had scales in his possession with obvious traces of cannabis and material in foil?---Oh, yes. We were hoping he would plead guilty to the matter.

It wasn't a question of hoping. It was a question of having evidence available to you which supported the inference that he had that cannabis for the purposes of sale?---Well, that's what we -- that's what we were trying to prove.

Right. Well, what changed factually which caused you to change your mind from the time when you had originally charged him to the time you wrote the letter recommending that the charge be amended down to simple possession -- --
MR HASTINGS: - - - to simple possession?---The approach by Mr Bonomelli, and we had a discussion about that. For the -- whether we could win the possession with intent and I made some inquiries through my own team members who went back and sourced it out and can we confirm that he is a huge cannabis user? We got the profile on him and that is -- that's what unfolded.

You don't get much better cases of possession for intent to supply than having somebody with over a kilo of cannabis and scales with traces of cannabis and foils in your possession, do you?---Oh, yeah, on the surface that sounds -- sounds reasonable.

Right?---But the -- as I say, the cannabis was located in plastic bags in old boxes.

Why would you then --?---It wasn't -- it wasn't sitting on a table out where it looks as though it was being chopped up or anything else.

Why would you then --?---The scales, I tell you about the scales; in relation to those one of them was for his jewellery or -- or mineral stones.

That's what he said?---Yeah.

But it had traces of cannabis on it?---Yes, that's what we put to him.

He also said the other one was for kitchen use?---Yes.

But it had traces of cannabis as well?---No, I think one of them did -- oh, I'm not sure. I can't remember that.

The question referred to both of them --?---But we did actually --

-- having obvious signs of cannabis?---Yeah.

So his story was a nonsense, really, wasn't it?---Not particularly. There was -- there was traces of cannabis all over the place.

All right. Well, why did you reach the position where you said, "We certainly do not dispute the cannabis is for his own use" when you had evidence available to you which at least created some inference that he had it for the purposes of supply?---Well, between those times, I had actually -- -- we'd done some more research on him and found out that he is a huge cannabis user.
MR HASTINGS: Wasn't it the fact that, rightly or wrongly, and maybe things would be done different now, you were doing him a favour because he'd been assisting you with a significant operation?---No, that's not right. If it --- if it was I would say it because I believed at that time we had a discretionary power to do that, but that's not the case.

The letter says that J1 claimed the cannabis was for his own use when interviewed, and "As we have had previous dealings with him, this is not particularly in dispute, as he is known to be a heavy user of cannabis." When you said "we" were you including yourself?---Yes.

Had you had previous dealings with him?---No, I hadn't.

But why did you say "we"?---Well, I was the person writing the report and --- and charging him, and with the "we" that meant other team members who had gone and done some profile on him. That's all I meant.

Why didn't you say, then, "And as other members of the Drug Squad have had previous dealings with him, this is not particularly in dispute"?---Well, I don't think anything turns on that, really.

You're not lending your own personal endorsement to some previous dealings with J1?---No.

As a result of the letter being written, the charge was amended to one of simple possession, was it not?---Yes, it was.

Were you not concerned about the evidence which had been located at the (...)suppressed...) property as well, in the context of his possession of cannabis?---I'm unaware --- I am unaware of any items being found on the farm at (...)suppressed...).

Well, he had an arsenal of weapons, didn't he?---Not at (...)suppressed...).

Didn't he have a whole series of weapons and ammunition?---That was at (...)suppressed...).

Oh, I see. Well, maybe it's the way the document appeared. Well, I don't suppose it matters much. In any event ---?---Well, it probably ---

--- at either place, at the same time that the cannabis was located, apparently he had this arsenal of weapons?---Well, when you say it doesn't matter, it is in fact --- to my knowledge, there was nothing found at the property at (...)suppressed...).
MR HASTINGS: All right?---The firearms were found at his house in (...suppressed...).

Right. All right. Well, wasn't that relevant to the question of whether he was a simple user of cannabis or someone who might be engaged in the supply thereof? The fact that he had this collection of weapons and ammunition, including a silencer?---No, I -- I --

He was hardly the profile of a simple pot smoker, was he?---The -- the circumstances of the firearms in that matter is this fellow is a -- a collector of military items -- --
WITNESS: -- military items. Dozens and dozens of items were seized that day. Possibly a few van loads of items were seized and we waded through them over weeks. I'm talking ammunition, collectable items. He's an avid collector of military items and others and the place was very hard to search. There was stuff everywhere. It wasn't as if we walked in and there's a firearm sitting on the table and cannabis. The place was very messy and amongst items searched that day we found these firearms, and the firearms concerned were collectables, like old blunderbusses or .45 Colts that were powder operated.

MR HASTINGS: What about the silencer?---There was a silencer there. We found other military items.

Well, that was a collectable too, was it - the silencer?---I don't remember the silencer, honestly.

You were able to use this person as an informant to assist you because he had connections in the drug trade. Correct?---Yes.

And given that I've indicated to you that you've explained on a previous occasion that he was carrying out this role as an informant by November 1989, before you wrote the letter, it would have been clear to you when you wrote the letter that he was a person who had significant drug connections, wouldn't it?---I can't remember this incident we're talking about in November of 89. I'll have to --- I'll have to rethink that. I don't recall it. It's my memory that it wasn't till probably 6 or 9 months later that he's given us some information.

It was not just information. He played a role, did he not, in assisting or helping to assist in a potential arrest?---Yes. That would be right.

Which he was only able to carry out because he was well known and accepted in circles in which such amounts of drugs were being traded?---Yes.

You were using him in that capacity in November 1989. It was just inconsistent, wasn't it, for you to be writing in February 1990 that he's someone who's known to be a heavy user of cannabis and there was no dispute about his possession of the drug being for that purpose?---What was the question, sorry?

It was inconsistent, wasn't it, if you were using him in November 1989 because of his acceptance in the drug trade, for you to be stating in February 1990 that there was no dispute about him being --
MS PEPE: Commissioner, this has been -- my tally says this question's been put to him six times.

MR HASTINGS: Well, only because I was asked to repeat it.

MS PEPE: No. On earlier occasions. It's being gone over and over and over again. He's given an explanation. I don't know why you need to --

COMMISSIONER: Well, there's no objection to that.

MR HASTINGS: I'll put it one more time, sergeant. It was inconsistent, wasn't it, if he was working for you in November 1989 in setting up a significant drug deal, for you to be asserting in February 1990 that he was someone about whom there was no dispute that he had cannabis for his own use?---Yes, but I don't -- I'm saying I don't remember -- and I'm not sure that that's accurate, November of 89. I don't remember him being -- assisting us until 6 to 9 months later at least.

Well, you'd agree that in 1992 your memory of the events would be better than it is now, wouldn't you?---I would hope so, yes.

And you wouldn't have been deceiving Internal Affairs, would you, by giving them false information?---No.

And if you told them that in 1992, that would have been correct, wouldn't it?---Well, I said approximately November of 89.

Right?---But I don't -- that's what I'm saying. I can't remember what he would have been involved in.

Now, you can't, but you'd accept, wouldn't you, that if you said it in 1992, it would have been accurate, wouldn't it?---Well, my memory would have been clearer, yes.

Yes. At the time when you executed the search warrant at (...suppressed...), were you aware then that the place was for sale -- --
MR HASTINGS: - - - the place was for sale?---Yes. We found out that day.

Did it have signs up or something which indicated it was on the market?---Yes, I think so.

When was it that you became interested in purchasing it?---About a year later.

Why was your interest in the property kindled?---I had spoken to - -

J1?--- - - J1 periodically over that time, and in conversation he said the property was still for sale. Asked me if I was interested in buying it. In fact - -

That - - I'm sorry?--- - - he asked me that particular day.

I'm sorry?---He asked me that particular day back in August of 89.

What; when you executed the search warrant?---Yes.

What; he said to you then, "Would you like to buy the property"?---Said to - - there was probably six or eight of us there; "Anyone want to buy a property? It's for sale."

I see. At the time when you bought it in 1990, what property did you own?

MS PEPE: How is that relevant to anything? I ask that he not have to answer that, Mr Commissioner.

MR HASTINGS: What?

MS PEPE: It's got no relevance and it's personal.

MR HASTINGS: We're here inquiring into the circumstances in which the property was acquired.

MS PEPE: You've got the paper trail.

COMMISSIONER: In the circumstances, Ms Pepe - - yes?

MR HASTINGS: What property did you own when you bought this property? You had your domestic residence, did you?---Yes. That's right.

Any other property?---No.

No rural properties?---No.
MR HASTINGS: What interested you in the idea of acquiring a rural property?---I'm from a farming background and I've still got family members that are involved in the farming community.

What farming potential did you see for this property?---Probably I was going to try and irrigate the or my idea was to irrigate some of the land and perhaps grow-- grow the lupins, rotation of barley, wheat and possibly run some sheep on them.

In the search warrant it is described as a marron farm. When you went there in August 1989 was it operating as such?---Barely. There was a couple of above-ground swimming pools that were basically broken down. That was about it.

Were there any marron there?---I think there were some baby marron in there, yes.

Apart from the marron, were there any other income-earning activities taking place on the property?---Only limited amount of royalties from the clay that was being sold.

From the clay itself or access to the clay?---From the clay and access.

I think the clay was actually on the other lot than the one which you acquired, was it?---Not at the time.

But when you acquired the lot that you bought did that have the clay deposits on it?---Yes. It's all over the -- it was over both properties.

Was that the place from which it was being taken at the time when you saw it?---No. Possibly. Possibly from the one next door, I think.

Were there any crops growing on the property when you bought it?---I don't remember.

In any event, you communicated with J1 and agreed to purchase it, did you?---Yes.

How did you fix a price?---Initially the two blocks were up for sale and I-- from memory he was asking 110, 120 thousand for the both properties. I went up there and had a look, still liked it, thought about it, went and did some finances, went to -- went to the bank, went to the credit union to see how much I could borrow, and eventually got back to him and said, "No, I can't buy it." I couldn't afford to.

That's the two -- the whole property comprising the two lots?---That's right.
MR HASTINGS: And eventually did you come upon an arrangement whereby he would agree to sell you one of the lots?---Yes. He said he was prepared to split them and had to go and see his partner. They came back and negotiated from there.

When you purchased the land in the name of yourself and your wife you did the conveyance yourself, did you?---Yes. At that time the original agent or agents -- what do they call it? The contract had well and truly expired by that time.

Was there some reason why you didn't use a solicitor or some other person to do the conveyance for you, or an agent? ---I used the -- I applied for the loan and simply did it myself in the end, yes.

Once you had acquired the land did you make some improvements to it?---Over the next 2½ years, yes, I did.

What did you do?---Well, the place was in a rundown state initially and because of the -- it was two blocks and then divided into one and the block that I particularly purchased -- the main road that came into the property was through the other block and they onsold the other block and, of course, the dividing fence stopped any access for the block that we'd purchased. So I made some inquiries and got a shire road put in, which was put in through the property, enhanced the property. We had a dividing fence because of the sale next-door. The fences were rundown. I spent considerable time over those couple of years up there fixing the fences, painted the huts that were on -- they were actually single men's quarters pushed together and a roof with tin -- it was pretty basic stuff. Family and friends supplied furniture and we just gave it a good clean-up. There was no running water. I arranged for running water, put down a poly pipe to the fresh water, pumped it up, bought a second-hand rain tank, put that up on a tank stand so that we had running water. There wasn't a flushing toilet. We arranged that and put in a system. Painted the place, put in trees, had the roads upgraded, renegotiated a contract with Bristile tiles in relation to taking out the clay because after I bought the property the contract ran out and they decided to take clay from the adjoining property but could only come through mine because of their vehicles, so we renegotiated a contract with them on the royalties, got them to upgrade the roads, and around the lake area, which is rather large, they had made a mess of an area the size of a football field with the clay and you couldn't walk on it. So I got them to re-enhance that area. The first year I was there I arranged for a neighbouring farmer to put in a crop of, I think from memory, barley -- which wasn't a real good return -- and then did a rotation the following year on a contract with the neighbour to put in lupins, and that was quite a good return because of the rotation of lupins.
There was quite a lot of work I actually did on the place. I put a patio up there. I was in the process of actually putting a patio on the place when an agent drove up the driveway, who was looking at blocks next door. The neighbouring farm had just been subdivided and the agent said, "Are you interested in selling?" and gave me a price. I said, "Thank you."

MR HASTINGS: Did you earn income from the barley that was planted in the first season?---From memory, yes. I think it was limited. I can't remember.

What about from the crop of lupins --- ?---Yes.

--- when you rotated? What sort of money did you earn from that?---I think we got 50 tonne of lupin off that --- in that last year.
MR HASTINGS: At how much a tonne?---I can't remember the actual prices.

What's the approximate figure for a tonne of lupin?---I think it was worth about 5000.

In total?---In total.

What about from the withdrawal of the clay, removal of the clay? Did you actually receive money for that?---Yes, we did.

From Bristile, is it?---Bristile, yes.

How much was that worth?---Not very much the first year. We just renegotiated that contract and that was to be forthcoming. As they take the clay out, you get a royalty from each tonne they take out of there, but the main thing was they had to maintain and enhance the property at your will, so I used that.

Right. And did you receive a separate payment in respect of access rights?---Yes, I think so.

On top of the royalty?---From memory, yes.

Do you recall how much that was?---No, I don't.

Did you ever use the marron tanks to keep the marron farming going?---No. They were -- they were virtually useless and I think I bulldozed them over.

Did you do the conveyance yourself to avoid others becoming aware of the fact that you were acquiring the property from J1?---No. No.

The transfer, as I pointed out, seems to be witnessed by two fellow members of your team from the Drug Squad, was it not?---Yes, that's right.

Hindriksen and Ferguson?---Yes, that's right.

Did you tell any others within the Drug Squad that you had purchased the property from J1?---I think everyone was aware.

Not just that you purchased the property, but that you'd purchased a property from J1?---From my memory, everyone knew that I had intended to buy the property. I asked some other officers there. Ferguson himself is from that area. He's from a farming background. Hindriksen is from a farming background.

Yes, but apart from them --?---And they knew my wife, so that's the reason that they witnessed that -- her signature.
MR HASTINGS: They were junior to you, weren't they?---Yes.

Did you tell anyone senior to you that you'd purchased a property from J1?---I believe so, yes.

Who?---Oh, from memory, I - - I can't tell you.

By the time you bought the property in August 1990, you'd accept, wouldn't you, that J1 had commenced his role as an informant for the Drug Squad?---Well, that's what I'm unsure about. Although you're saying it's November of 89 and apparently I have, I don't actually remember that.

Did you have any concerns about purchasing a property from someone whom you'd arrested?---No. I weighed that up at the time and the property had been on the market. I didn't get it for anything less than what it was worth.

Did you consult with anybody about the propriety of purchasing a property from someone whom you'd arrested?---No, but I didn't keep it secret.

Did you consider that you might have been putting yourself in a position of compromise by engaging in a transaction with someone whom you'd arrested?---No.

Or someone that you might be using as an informant?---No.

Or someone that might be engaged in the drug trade?---No.

Do those things trouble you now, now that you look back at it?---No. I - - look, I've done nothing wrong. I bought the property. It was for sale and I bought it.

Yes, from a criminal?---(No audible response)

Do you not see some sensitivity about that?---Well, I - - look, I haven't done anything wrong.

Isn't the risk that it puts you under an obligation towards that person?---No.

Because you've had a dealing with him?---No. Well, I don't believe so and it's never affected me in any way.

Were you concerned that you might have been embarrassed if there'd been publicity of the fact that you'd bought a property from a criminal?---Well, why would there be publicity?
MR HASTINGS: Well, if there had been publicity, it would have been embarrassing, wouldn't it?---Well, no different to buying a car that's stolen, I suppose. You don't know it's stolen. That's probably not a right analogy to it, but --

Well, were you concerned about the prospect that you might have to arrest J1 again in the future?---No. That never bothers me.

Did it not occur to you that if you'd been called on to arrest J1 at some stage in the future, it may have been of some embarrassment to you for people to find that you had bought a property from him?---No.

The result was that you sold the property for $150,000, having purchased it for just around $70,000, did you not -- --
MR HASTINGS: - - - did you not?---Yes. That's right.

That seems to be a very handsome profit for the time that you owned it, which was just over 2½ years. Why was it that the property more than doubled in its value over that period of time?---Well, as I've just outlined, all those improvements; it was run down. And in fact the subdivision next door; that helped. The property next door went up in value as well.

Was it because the property had been under valued when you bought it?---No.

Was it because you'd got a special deal from J1?---No.

Was that because you may have been sympathetic to him when it came to the charges that had been laid against him in 1989 and 1990?---No. It's not.

Did you know the identity of the purchasers of the land from you?---From me?

Yes?---No.

Did you have any dealings with them direct?---Yes. I met them.

Were they known to you before you met them in the context of the purchase?---This is when I sold the property?

Yes. Yes, sorry?---No. It - - it was done through an agent at Toodyay.

As the records indicate, J1 was arrested again by Senior Sergeant Guest and his associate from the Liquor and Gaming Branch. You're aware of the report that he submitted, and you were interviewed about it subsequently by the Internal Affairs Unit, were you not?---Yes. That's right.

And you accept that except for the beginning of the conversation as recorded by Sergeant Guest you otherwise accepted the accuracy of his report of this conversation with you on the night of the 23rd of December 1991?---Yes, I did. There were a couple of items that I disagreed with and in fact I spoke to J1 on that night.

Did you?---Yes.

I see. Did you reveal that during your interview?---Yes.

And had J1 been working for you in the time leading up to the 23rd of December 1991?---Yes.
MR HASTINGS: Were his activities on that night activities of which you'd been previously told or warned?---Sorry? Can you ask that again?

Were his activities on the night of the 23rd of December something about which you already knew in advance? Did you know what he was going to do?---No. He had phoned me that particular day, approximately lunch time that day, and outlined that he was -- he said he -- he was going down the southern suburbs somewhere to meet up with people about a syndicate from the east, or -- or something of that nature.

Did he tell you that that might involve some drug dealing?---Yes.

Did he tell you that he might involve himself in a transaction with a view to setting up a bigger transaction?---No.

Did he tell you that he might be engaging in a drug deal himself that night?---No, he didn't.

What sort of deal did he indicate may be involved?---From memory, it was -- these people were over to -- to talk about supply of drugs - cannabis - and he was going to go and meet them. He was going to get introduced to them or something of that nature.

Was he going to buy off them as a sample to give -- to bring back to you?---No.

What did you, or what did he lead you to believe would happen as a result of that night's activities?---It was supposed to be day.

Right?---That he was going down there that afternoon to see them, and that was it.

When you say "going down there", had he told you where he was going to go for this meeting?---Yes. I -- I believe he did mention a suburb, but I can't remember where it was.

Was it Scarborough?---No. It was southside, I think. Pretty sure it was southside.

After Sergeant Guest spoke to you that evening did you ring J1 straight away?---No. He put him on the phone to me when he rang.

I see. Right. Yes. From the Liquor and Gaming Branch, yes?---Yes. Wherever they were.

I see. And did that -- as a result of the conversation which you had with J1, did you conclude that what in fact had happened was a different deal than he'd warned you of?--- I wasn't really sure.

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MR HASTINGS: And you have indicated that he led you to believe that there would be transaction or meeting taking place somewhere in the southern suburbs whereas this was a meeting at Scarborough in which there were actually drugs present?---Yes, and this was a limited conversation at 11.30 at night, but during the day -- when he rang me at lunch-time he said that he was going to the southern suburbs, wherever it was, to meet with some people and -- more than one, and he was going to get introduced to these people. Later that evening, at 11.30 at night or whatever it was, he -- I was telephoned by Sergeant Guest and he said he'd been in company with, I think it was, four or five fellows. I wasn't particularly sure.

There's no reference that I can see in Sergeant Guest's report to any conversation between you and J1. When do you say that you spoke to him?---I spoke to him on that night.

According to Sergeant Guest, he obtained a telephone number from J1, rang it and then spoke to you?---That's correct.

And had a conversation, which he set out in his report. When is it that you say you spoke to J1?---Within minutes of Sergeant Guest ringing me.

What, in a separate call?---No. No, the same call. This is where there is some confusion from Sergeant Guest. I'm at home and they ring me. I answer the phone. It's Sergeant Guest who tells me that he's got this person there, J1. So I talk to him and then I speak to Sergeant Guest again. I spoke to him at 11.30 at night when they phoned me.

I see. I don't remember that being put to Sergeant Guest?---I think it's in the transcript.

You did say in the interview:

"I think at that stage I spoke to J1. I know he came to the phone. In fact, from memory, I think I spoke to J1 first."

And you set out a conversation. You have accepted, have you not, that you did say to Sergeant Guest that he could put the drugs through with no person to be charged, which was something you did all the time?---Yes, and/or you could charge him with possession.

Why would you do that? If you had found a person with drugs why would you just put the drugs through with no person being charged?---And make further inquiries.

"With no person charged" means that you just book up the drugs
as being located and then no one is charged, doesn't it?
---At that stage, yes, and then you could make further
inquiries and just charge them when you want to.

MR HASTINGS: All right. Or were you suggesting that it would
be a convenient arrangement for J1 simply to be let go and the
drugs simply booked up with no charges against J1?---No, there
was no inference of that at all.

Was that a practice which had been adopted at the Drug Squad?---
---Sorry?

Of persons being found in possession of drugs but because of
their cooperation with the Drug Squad being allowed to be
released without charges being laid and the drugs simply being
booked up. Was that a practice that was followed at the Drug
Squad?---No. You could place the drugs in the drug bags and
put down "No particular person" or "No person charged", make
further inquiries and just simply charge them.

If you had found somebody in possession of drugs why would you
even contemplate that course of action?---To make further
inquiries as to the circumstances behind it.

What, that they might have been acting as an informant?---No.
From memory I'm not even sure if J1 was admitting that the
cannabis was his.

All right, but that didn't seem to be the issue ---
MR HASTINGS: didn't seem to be the issue?---Well, I thought it was.

All right. Or were you suggesting that this practice could be adopted, of not charging anyone, simply booking up the drugs in order to confirm that the person was an informant, in which event there'd be no charges laid against him? Is that what you're suggesting?---No.

At this stage, you were not in the Drug Squad, you'd moved on to Armadale, I think, had you not?---Yes, that's right.

According to Sergeant Guest, the arrangement was that you would get back to him on the following day with some information. Did you do that?---No, and I don't remember --- I don't actually remember saying that I would get back to him the next day.

In the course of the ---?---I was actually on ---

--- conversation as related by Sergeant Guest, you didn't give any confirmation one way or the other as to whether he, on that night, had been working for you as an informant. Do you agree?---No, I --- I did say that he --- he had been working for me.

He'd been working on a --- work --- he has --- he was working on a fellow called Alex. That's what you said, according to Sergeant Guest, anyway. Do you agree you said that?---Yes, I --- I did say he was working for me.

But that doesn't specifically deal with the fact of whether, in the circumstances in which he'd been found in possession of the cannabis, he was actually then working for you, does it?---Sorry? You'll have to ask me that again.

Insofar as you said he was working on a fellow called Alex, that does not answer the question of whether, at the time that he was arrested and found in possession of cannabis, he was assisting you, does it?---Well, that's where --- that's where there was some confusion and I said at that stage --- during the day, he's --- he'd told me he's going down to talk to some people. Later that night, I get a telephone call, and it's at Scarborough. That's why I simply said, "Put it in, or you can charge him with possession or --- and we'll make further inquiries."

Were there any records made ---?---I wasn't ---

I'm sorry?---I wasn't going to be interviewing or talking to anyone at length or make inquiries that time of night.

Did you make any inquiries the following day to see whether ---?---No, I didn't.
MR HASTINGS: -- there was any connection between the activities of that night and any operation by the Drug Squad? ---No, and -- yeah, an explanation is because I was actually on -- started leave and it was Christmas Eve. I didn't think there was any urgency in the matter.

Were you suggesting in this conversation with Sergeant Guest that he should treat J1 lightly?---No.

Was that the message you were trying to get across?---No. I just simply confirmed that, yes, he was working for me.

Were there any records in existence of the work that he was doing for you?---When I say "working" it was limited information that I was obtaining from him.

Why was he still working for you, when you were stationed at Armadale?---That's -- that is not uncommon. If he wants to talk to a particular person, they still ring you. It doesn't matter where you work.

Were you endeavouring to get the message across to Sergeant Guest that he should go lightly because you regarded J1 with some sympathy because you'd bought a property from him in the past?---No.

You were served with a notice by the Royal Commission requiring you to produce some information about your financial affairs, were you not?---Yes.

One of the matters about which you were requested to produce information was property, real property, that you had owned, acquired or disposed of during the period which was specified, of the 1st of July 1990 to the 30th of June 2002. Do you remember that?---Not particularly. Yes.

I can show you the document, if you like, but you might accept from me that's what it says. Details of real property owned, acquired or disposed of during the period July 90 to 2002 would include the (...)suppressed...) property, would it not?---Between what years, sorry?

90, July 91 and 2002?---Possibly, yes.

Well, you disposed of the (...)suppressed...) property in April 1993, did you not? On the 28th of April 1993?---Okay.

And that comes between the period -- --

.01/05/2003 CORRY, R.A. XN 9988
MR HASTINGS: -- comes between the period, or comes in the period 1st of July 1990, it was, to 2002. In fact, you acquired it in August 1990, so the acquisition and disposal of it occurred within the period nominated, did it not?---Yeah. It may have done. I don't know.

Well, is there any doubt about it? You purchased it, according to the records, on the 28th of August 1990, and you sold it on the 28th of April 1993?---Yes.

Is there any doubt about that?---No.

Which clearly comes within the period July 1990 to 2002?---Yes. I'll accept that.

Yet you did not disclose in the statement that you submitted in response to the notice, details of that property, did you?--I think there was -- I put down "an acquittal of property".

Well, perhaps if I get the document brought up to assist you, which is barcoded D1022817. Do you recognise the first page of your response to the section 5 notice? Can we blow it up a bit, please?

MS PEPE: Nothing' appears on my screen.

MR HASTINGS: Only if the rest of the hearing room sees it. Do you mind?

MS PEPE: Well, unless I can have a hard copy.

MR HASTINGS: We can give you a hard copy. Haven't you got one? We'll get you one.

(TO WITNESS): And if you can go over the page, please, those -- the first page dealt with various other matters. Then if we come to the heading, "Real property", do you see the details provided there by you -- ?---Yes.

-- in relation to that question? And there was no reference to the (...)suppressed...) property in that section, is there?---Under "Real property" no.

Well, do you suggest it comes up in any other section? Do you suggest that it appears in any other section of your response?---No. Only "Acquittal of property".

What section is that? Well, I'll show you the remaining page and you can point out where it appears, if you can. Can I have the next page, please?

WITNESS: Ten.
MR HASTINGS: "Details of property" bracket "negative gearing, acquittal held by Australian Taxation Office"?---Yes.

What does that mean?---That was the -- the acquittal of property. Negative gearing. That was the property.

What does "acquittal of property" mean?---That I'd sold it.

COMMISSIONER: Well, it's not an asset then.

MS PEPE: But it had been in the period; that's why.

MR HASTINGS: And the fact is, sergeant, you did not include it in the return to the section 5 notice, did you?---Well, that's all I put; "Details of property, negative gearing."

MS PEPE: In fairness, I think it needs to be put, I fortunately have been given some documents that haven't been put to the witness yet, but he says under "Loans", "All loans obtained through Police & Nurses Credit Society", and there was in fact authority and an invitation for the Royal Commission to do this all themselves. Here it is here. And I think, in fairness, it needs to be put in its proper context. "Real property. See loans section." Go to the loans section: "All loans with Police & Nurses Credit Society." He's the authority. Get the information as you wish. He hasn't --

COMMISSIONER: There's a demand upon your client.

MS PEPE: Sorry?

COMMISSIONER: There's a demand upon your client.

MS PEPE: Well, in fact, Mr Commissioner, what had happened was, there was an arrangement between the Royal Commission and myself that the under -- the summons was, if you like, withdrawn on the basis of some correspondence I'd sent. This has also been handed to me. And basically all that was then required of Mr Corry was to provide an authority and just some scant details --
MS PEPE: --- some scant details to deal with it. I don't have the file here because it relates to another term of reference and when Mr Hastings says "Don't you have it?" Well, of course I don't have it with me because I didn't know it was coming up, but I can bring my file notes to clarify exactly what the arrangement was. So he hasn't breached the summons and he hasn't failed to disclose it.

MR HASTINGS: Well, accepting all of that, Sergeant Corry, in the form --- if I can go back to the previous page where you put out real property, set out details of real property, you include in that section by specific description, a property which you had bought and sold during the period specified, do you not - a duplex property?---Yes.

So you had no problem setting out the details of that property, including the reference to its purchase and disposal. Is there some reason why you didn't include similar details for the property at (...suppressed...) which you purchased and sold during the period?---I think it said "property acquired from 92 to 2002."

I read it to you. It said "acquired or disposed of" and you both acquired and disposed of the (...suppressed...) property during the period?---No. I didn't acquire it in 92.

The period was from July 1990 to 2002?---I think it was 2002. Sorry. I'd have to have a look at that on the notice.

Well, you can take it from me, that's what it says?---Okay.

1st of July 1990 - we've been through this - to 2002, during which time you both acquired and disposed of the property. Why did you not include it?---I put down there "All rental property details held by Australian Taxation Office and acquittal of property." And I gave the authority for you to check that.

In the notes that were found in the Internal Affairs file with your interview appears some notes. Did you see them come up on --- well, have you got a copy of those notes, which I can show you on the screen? Did you give the Internal Affairs investigators some notes relating to your involvement with the property bought from J1?---Yes.

Right. You have them in front of you?---Yes.

In the notes you refer to officers from the department being aware of your purchase of it - that is, the property?---Yes.

Was that a reference to the fact that you had told the Internal Affairs people that other members of the department knew you had bought it?---Yes, I think so.
MR HASTINGS: And were they the two officers who witnessed the transfer?---Yes. Most of the officers I work with, or anyone I work with, knew that I was buying the property, or did buy the property.

And if I can have the next page, please? There is a note at the bottom of the page which is now on the screen which is the second page, apparently referring to advice given to the Police Minister in June 1991 "For use by community welfare if interested." What is that a reference to?---At that particular time -- I think it was Police Minister Edwards was in the media about trying to do something with juveniles and places to go and rehabilitation or items like that and I thought that property might have been of interest because of the lake. They could have conducted some activities there, and I did a draft letter and sent it off to Mr Edwards and invited them to use the property.

Of course that wouldn't have advised the Minister of the person from whom you bought it?---No.
MR HASTINGS: Yes. Thank you, Commissioner. I'm sorry. Can I just go back -- I'm sorry, Commissioner, can I just have a moment longer?

COMMISSIONER: Yes.

MR HASTINGS: If I can just go back to the arrest of J1 in August 1989. At that stage he already had criminal convictions, did he not?---Yes, he did.

Including in relation to cannabis?---Yes. Yes.

Including an offence of cultivate cannabis?---I don't remember, but yes.

Well, you can take it from me that on the 7th of May 1987 he was convicted of cannabis cultivation. Did you become aware of that?---I probably did, yes.

And did that arise from him in fact growing cannabis plants on the property that you purchased?---Yes, I believe he got caught up there, or caught growing some plants.

Some 80 plants, I think?---Yes.

Did you take that into account when you wrote the letter to the prosecutor suggesting his charge be reduced to one of simple possession?---No.

Why not? Was it not relevant to whether you accepted his explanation of possession for the purposes of self use that he had a prior conviction for cultivating cannabis?---That was for his own use.

What, 80 plants?---I believe so. I don't know whether he -- I can't remember whether he was charged with intent to sell or supply or not.

And notwithstanding that prior conviction, you had no trouble writing a letter saying you had no dispute about his claim that he had this cannabis, 1.18 kilograms, for self use?---That's correct.

Yes, thank you.

MS PEPE: Mr Commissioner, I note the time but I think that this is the last witness so I could deal with the matter in 2 minutes if you want to then rise, and that will be the day.

COMMISSIONER: Yes.

MR HASTINGS: It is the last witness.
COMMISSIONER: Yes, very well.

MS PEPE: Thank you, sir.

CROSS-EXAMINED BY MS PEPE:

MS PEPE: Detective sergeant, much has been made about this interview with Internals and you saying "approximately November of 1989". Now, the interview with Internals was some 3 years later. Do you remember that?---Yes.

And have you said "approximately" because you're just not sure?---That's correct.

Do you recall the operation?---No.

Not even the name of it?---No.

No, okay. In relation to the statement of information concerning your personal assets and liabilities do you recall providing the Royal Commission with an authority for full access to the Australian Taxation Office, the Department of Land Administration, the Department of Transport, banks and building societies and any other relevant institution? ---Yes, that's correct.

Was there any attempt by you to withhold your personal financial details from the Royal Commission?---No, I signed that authority.

In relation to the property in (...suppressed...) you were shown -- you were shown an exhibit this morning that was an advertisement for Websters Real Estate?---Yes, that's right.

And you agree that the block was advertised in two parts? ---Yes.

One of 200 acres?---Yes.

And one of 342?---That's correct.

And the block that you purchased was that of 342 acres? ---That's correct.

Do you recall that it was initially advertised for $75,000? ---Yes, that's right.

It had been on the market for a very long time?---Yes. That's my understanding.

And you purchased it for 66,000 plus 4000 for the demountables, so 70,000?---It was for 70,000, yes.
MS PEPE: And did you understand that at the time was the going market rate?---Yes, that's right.

And you conducted enormous improvements on the property? ---Yes, I did.

Apart from the patio did you build any other structures on the property?---Yes, I built a generator shed and probably some other items there.

Apart from the crops, was other vegetation put on the land? ---Yes, there was. I actually --- I pumped water up through to a tank and irrigated some land ---
WITNESS: --- irrigated some land through a drip-feed system and put in some -- a few acres of watermelons and I was experimenting with that, to try and grow some melons.

MS PEPE: When an approach was made to you for the sale of the property, had you at any stage had it on the market?---No.

So the approach was -- so the sale of the property came about as an approach to yourself?---That's correct. An agent was driving through and had an interest in the new blocks being opened up next door.

When you sold it for 150,000, was that then the going market rate?---Yes, I thought that was a good price.

So and did you attribute the -- it was said to be a handsome profit to the improvements?---Yes, and -- and the subdivision next door and a new roadway and --

And, of course, the passage of time?---Yes.

And it certainly wasn't kept as a secret from the Police Department?---No.

It was also put to you that you bought the property from a criminal. There was in fact two joint owners. Do you recall that?---Only just recently, the last couple of days I recall that, yes.

There was J1, and the other owner was in fact a business proprietor?---Yes, that's right.

Did he have any criminal background?---No.

Did you meet with him?---Yes, I did.

And you negotiated with him as well?---Yes, that's correct.

Thank you, Mr Commissioner. Just finally, I was provided with two exhibits that have been barcoded, and I just inquire of counsel assisting whether he intends to tender them. One's an interview between Detective Sergeant Corry and J1, and the other is the statement of Detective Sergeant Corry.

MR HASTINGS: I did tender the interview. That's at 1820 hours on the 29th of August, is it, 1999?

MS PEPE: Yes, sorry. That must be the one that's got the barcode secreted.

MR HASTINGS: It's barcoded D1036177.

MS PEPE: Sorry, could I have that barcode, because it's not on my copy.
MR HASTINGS: It's barcoded D1036177, and it is exhibit 1364C. I didn't tender the statement. I will if it is of any value. Commissioner, I tender the statement of Robert Allan Corry, which was in relation to the arrest of J1 in August 1989. It is barcoded D1036173. And perhaps it needs to be a confidential exhibit.

COMMISSIONER: Sorry, where does that appear?

MR HASTINGS: It is in --

COMMISSIONER: Page 2, is it?

MR HASTINGS: The second page, in part 3.

COMMISSIONER: Yes.

MR HASTINGS: About half-way down.

COMMISSIONER: Yes. I'm afraid there's something more radical that has to be done. I started off with the wrong numbers in the exhibits, so the first of the exhibits which was put in this morning, the first number should be 1531, and then running through to 1568, and that will unfortunately have to be corrected in the transcript.

(Changes effected in the exhibits above)

MR HASTINGS: Thank you.

COMMISSIONER: And the statement of the witness, barcoded D1036173, will be exhibit 1569.

MR HASTINGS: "C", Commissioner, a confidential exhibit, thank you.

COMMISSIONER: "C", yes.

EXHIBIT 1569C Mr Hastings DATE (Unstated)
Confidential - Statement of Robert Allan Corry barcode D1036173

MR HASTINGS: Yes, thank you, Commissioner. There's no further evidence.

COMMISSIONER: Yes, thank you. You're excused from further attendance under the summons.

WITNESS WITHDREW

AT 1.10 PM HEARING ADJOURNED UNTIL 9.45 AM

MONDAY, 5TH MAY 2003
ROYAL COMMISSION INTO WHETHER THERE HAS BEEN ANY CORRUPT OR CRIMINAL CONDUCT BY WESTERN AUSTRALIAN POLICE OFFICERS

COMMISSIONER:  G.A. Kennedy AO QC

Held at Perth on the 1st day of May, 2003

Counsel Assisting

Mr P. Hastings QC

Appearances

Ms J. Pepe appeared.