

SUPPLEMENTARY REPORT TO PARLIAMENT

OPERATION JADE

April 1999

The Hon. Virginia Chadwick MLC
President
Legislative Council
Parliament House
SYDNEY NSW 2000

The Hon John Murray MP
Speaker
Legislative Assembly
Parliament House
SYDNEY NSW 2000

Dear Madam President and Mr Speaker

On 20 October 1998, and in accordance with section 96(2) of the *Police Integrity Commission Act 1996* ("the Act"), the Commission furnished a report to you regarding Operation Jade, being a report in relation to a matter as to which the Commission had conducted a public hearing.

In accordance with section 96(2) of the Act, the Commission hereby furnishes to you a supplementary report regarding Operation Jade.

I draw your attention to section 103(2) of the Act, pursuant to which I recommend that this report be made public forthwith.

Yours faithfully

Judge P D Urquhart QC
Commissioner

April 1999

On 20 October 1998, the Police Integrity Commission ("the Commission") furnished a report to Parliament regarding the Commission's investigation into the former Task Force Bax of the NSW Police Service ("the Report"). This investigation was codenamed Operation Jade.

Among persons who were the subject of this investigation was Constable Murray Bartlett (as he then was). Chapter 3 of the Report contained the following observations and findings regarding evidence relating to Mr Bartlett:

> 3.49 Evidence presented before the Commission suggests that Bartlett had provided information to J2 relating to a licensing matter that affected J2's business interests. An audio tape of a series of remarks made by J2 - apparently on the telephone - indicates that an individual called "Murray" had warned J2 to be careful of a particular licensing officer at the Newtown patrol where Bartlett worked.[1] It was suggested that the reference to "Murray" was a reference to Bartlett:[2]
>
> Q: Can you assist by perhaps suggesting who this Murray could be?
>
> A: I have no idea.
>
> Q: There is some other Murray that apparently has some knowledge of licencing [sic] matters to do with [J2]?
>
> A: I don't know.
>
> Q: And the licencing [sic] matters to do with [J2] were being dealt with by someone at Newtown, namely Mr O'Hearne; right?
>
> A: Yes.
>
> Q: And you had conversations with Mr O'Hearne from time to time about those licensing matters?
>
> A: Yes.
>
> Q: Do you know any other Murray that spoke to Mr O'Hearne about those licensing matters?
>
> A: No.
>
> Q: So prima facie it would point to you, wouldn't it?
>
> A: Well, it wasn't me, sir.
>
> 3.50 In addition, Counsel Assisting the Commission led evidence that indicated that J2 was aware that a warrant had been issued for his arrest by the licensing sergeant at Newtown. J2 made the following

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1 M. S. Bartlett, PIC Transcript, 30/1/98, p. 710.

2 M. S. Bartlett, PIC Transcript, 30/1/98, p. 712.

> comments during the course of a conversation recorded by listening device on 4 August 1997 (Exhibit 4): "We have a major problem with O'Hearne, he's got a warrant out for my arrest."[3]

Chapter 9 summarised the Commission's assessment of the evidence and information presented in the Report. It included the following statement (paragraph 9.1):

> The Commission heard evidence that:
>
> ... In addition to Irwin, J2 developed a personal association with Constable Murray Bartlett, a police officer not connected with Task Force Bax. Investigations revealed that Bartlett provided information to J2 in relation to a licensing matter.

Subsequently, the Commission received a submission on behalf of Mr Bartlett that the Report contained findings adverse to him which, as a matter of law, could not have been drawn. The particular findings with which the submission took issue were as follows:

- that Mr Bartlett provided information to J2 relating to a licensing matter; and
- that the reference to "Murray" was a reference to Mr Bartlett.

Thereafter, the Commission undertook a review of the evidence, as a result of which it was established that there was no direct evidence to support the finding contained in paragraph 3.49 (and repeated in paragraph 9.1) of the Report that Mr Bartlett "had provided information to J2 regarding a licensing matter that affected J2's business interests". Nor was there any direct evidence to support an inference that might be drawn from paragraphs 3.49 and 3.50 that Mr Bartlett was the person who informed J2 that a warrant had been issued for his arrest by a licensing sergeant at Newtown. The evidence established that Mr Bartlett and J2 had more than a casual association and that they had engaged in discussions in relation to J2's licensing interests. Insofar, however, as the Report stated that Mr Bartlett had *provided information to* J2, as distinct from merely holding discussions regarding licensing matters, it was incorrect.

In relation to the suggestion that the reference to "Murray" was a reference to Mr Bartlett, the review of the evidence established that:

- on 30 January 1998, Mr Bartlett denied that he was the "Murray" referred to in the intercepted conversation (see paragraph 3.49, above);
- later on the same day, when asked if he was the "Murray" referred to in the intercepted conversation, Mr Bartlett replied, "Not that I know of"[4];
- J2 was not called to give evidence on this (or any other) matter; and

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[3] M. S. Bartlett, PIC Transcript, 30/1/98, p. 731.

[4] M. S. Bartlett, PIC Transcript, 30/1/98, p. 732.

- on 3 February 1998, the Commission became aware of the existence of another associate of J2 also known as "Murray". A statement of that person was tendered as a confidential exhibit. That statement suggests that this person may well have been the "Murray" referred to in the intercepted conversation.

The reference to a suggestion that a person described as "Murray" was a reference to Mr Bartlett was not intended as a finding of fact. Rather, it was intended as a reference to questions asked of Mr Bartlett during hearings of the Commission. Having said that, it is acknowledged that the fact that the questions were reported in this manner without reference to both the denials by Mr Bartlett and without reference to the statement by another person that the other person may well have been the person named "Murray", is capable of being misleading.

Having regard to the need to ensure that the public record accurately reflects the Commission's findings and in fairness to Mr Bartlett, the Commission now records that:

- paragraph 3.49 should not have been included in the Report;

- paragraph 3.50 should not have been included in that part of the Report that referred to Mr Bartlett; and

- paragraph 9.1 should not have included the statement: "Investigations revealed that Bartlett provided information to J2 in relation to a licensing matter."

The Commission apologises to Mr Bartlett for the inclusion of these matters in the Report.