

STATE OF WESTERN AUSTRALIA
ROYAL COMMISSIONS ACT 1968

R E P O R T

of the

R O Y A L C O M M I S S I O N

into

matters surrounding the
administration of the law
relating to prostitution

THE HONOURABLE J.G. NORRIS, E.D., Q.C.,
formerly a Judge of the Supreme Court of the
State of Victoria, -

COMMISSIONER

Perth, June 1976.

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Allegations of Impropriety in
the Administration of the Law
Relating to Prostitution.

Royal Commission

R E P O R T

TO: His Excellency Air Chief Marshal Sir Wallace Kyle,
Knight Grand Cross of the Most Honourable Order of the
Bath, Commander of the Most Excellent Order of the
British Empire, Companion of the Distinguished Service
Order, Distinguished Flying Cross, Governor in and over
the State of Western Australia and its Dependencies in
the Commonwealth of Australia.

May it please Your Excellency:

By Commission under the hand of the Lieutenant Governor
of the State, Commodore James Maxwell Ramsay, C.B.E.,
D.S.C., dated 14 October 1975, I was appointed to be a
Royal Commissioner to inquire and report as to a number
of matters relating to allegations of impropriety in the
administration of the law relating to prostitution and
to make such recommendations in respect to the subject
matter of the aforesaid inquiry as might be thought fit.

I have the honour to report to Your Excellency that I
have now completed my inquiries pursuant to that
Commission and beg leave to present my Report.

I have the honour to be Your Excellency's most obedient
servant.


J.G. NORRIS.

Melbourne May 1976.

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PRELIMINARY

1. On 14 October 1975 A Royal Commission was issued appointing me to be a Royal Commissioner to inquire and report as to a number of matters relating to allegations of impropriety in the administration of the law relating to prostitution. The actual terms are stated in para. 7 below.
2. Mr. W.J. Shepherd an officer of the Public Service of Western Australia was appointed as Secretary of the Commission.
3. Mr. D.J. O'Dea of Counsel was appointed as Counsel to assist the Commission, and on the hearing certain persons interested were granted leave to be represented. Mr. P.M. Dowding appeared for Superintendent H.E. Daniels until other professional commitments required his presence elsewhere. Thereafter Superintendent Daniels was represented by Mr. R.S. French. Mr. I.R. Gunning and Mr. N. Tolcon appeared for various members of the Police Force. Mr. R.J. Davies with Mr. N.H. Clarke appeared on behalf of the Commissioner for Police, and Mr. L. Musca and Mr. G.J. Coad for Mrs. D. Flatman, a witness. At various stages throughout the hearing certain witnesses were represented for short periods; Mr. J. Justis appeared for Mrs. N. Wilson, Mr. M.B. Plunket for Mrs. D. Walsh Mr. P.B.M. Marks for Mr. B. Carpenter and Mr. P.R. Momber for Mr. A.W. Marshall. Mr. T.A. Walsh was given leave to make a statement on behalf of a company whose name was mentioned.
4. The intention to hold the opening sitting of the Commission on 6 November 1975 was duly advertised in the West Australian of 25 October 1975 and the Sunday

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Times on 26 October 1975; when the place of sitting was altered due notice by advertisement of the changed place of sitting was given.

5. The opening sitting was held at 79 Stirling Street Perth on 6 November 1976 and was adjourned until 24 November 1975. By the kindness of the Chief Justice of the Supreme Court, the Hon. Sir Laurence Jackson, the Commission from the 24 November to 30 January 1976 sat in No. 5 Court in the Supreme Court building. From 2 February 1976 until the final sitting on 24 February 1976 the sittings were held at 220 St. Georges Terrace. There were in all forty six sitting days. The Commission sat on Monday to Friday of each week from 24 November 1975 to 19 December 1975, and from 12 January 1976 to 6 February 1976. It then sat from Monday 9 February 1976 to Thursday 12 February 1976 when the hearing of evidence finished. It sat to hear addresses on Monday 23 February 1976 and Tuesday 24 February 1976.

6. Seventy witnesses were examined during the sittings; their names appear in the Appendix to this Report. A total of two hundred and eight exhibits were put in evidence, and the transcript of the proceedings occupies three thousand two hundred and eighteen pages.

INTRODUCTION

7. The terms of the Commission appointing me require me "to inquire and report as to -
- (1) whether Superintendent H. Daniels has made any allegation as to impropriety on the part of the Police Force or any member thereof, or any other person, in relation to the administration of the law relating to prostitution, the substance of any such allegation, the evidence which he had to justify any such allegation, and whether there is evidence sufficient to sustain any such allegation;
 - (2) whether any Member of Parliament, or other person, has, during the term of office of the present government, made any allegation of impropriety on the part of the Police Force, or any member thereof, or any other person, in relation to the administration of the law relating to prostitution, the substance of any such allegation and whether there is evidence sufficient to sustain any such allegation; and
 - (3) whether any allegation of the nature mentioned above was made by Superintendent Daniels, or any Member of Parliament, or other person, during the term of office of the previous government and, if so, what steps were taken by that government to establish whether that allegation was justified, whether it found any allegation to be justified and, if it did find any such allegation to be justified, what steps it took as a consequence;
- and to make recommendations in respect of the foregoing as the Commission thinks fit..."

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The inquiry I was required to make accordingly was not into prostitution as such: it was as to whether allegations of impropriety in the administration of the law relating to prostitution had been made and as to matters consequential thereon.

8. At the outset it is necessary to say something on four subjects - the sense in which I have regarded the word "impropriety" as being used in the Commission, the meaning to be attached to the word "prostitution" what the laws relating to prostitution are in the State of Western Australia so far as relevant, and what allegations have been treated as falling within the scope of the inquiry.
9. "Inpropriety" has been said not to admit of precise definition (See *In re Mears*, a decision of Gresson J. in the Supreme Court of New Zealand quoted in *In re Mudie* (1959) N.Z.L.R. 689 at 692-3). Its dictionary meanings range from "incorrectness" and "inappropriateness" to "morally improper conduct".

From the context and from the circumstances which appear to have occasioned my appointment the sense in which it is used in the Commission has in my opinion a connotation of some degree of deviation from moral rectitude.

10. Prostitution has the dictionary meaning of the offering of the body to indiscriminate lewdness for hire. It includes such things as the masturbation of men by women for reward (*Rex v. De Munck* (1918) I KB 635; *Reg v. Webb* (1964) IQB 385; *Samuels v. Bosch* (1972) 127 C.L.R. 517).

11. The law relating to prostitution is in Western Australia to be found in the Criminal Code and in the Police Act 1892 - 1975. The provisions so far as relevant stated with sufficient accuracy for present purposes are as set out below. The offences under the Code are triable before Judge and Jury; those under the Police Act are dealt with in Courts of Petty Sessions.

- (a) By sec. 209 of the Criminal Code any person who keeps a house room or set of rooms or place of any kind for purposes of prostitution is guilty of a misdemeanour and liable to imprisonment with hard labour for three years. Section 213 of the Code provides that any person acting as master or mistress or as the person having the care or management of such premises is to be taken to be the keeper whether he is or is not the real keeper.
- (b) Under section 191 of the Code procurement of a woman to become a prostitute or to become an inmate of a brothel for the purposes of prostitution is a misdemeanour punishable by two years imprisonment.
- (c) It is a misdemeanour punishable by two years imprisonment with hard labour for anyone to detain a woman or girl in a brothel against her will or for the keeper of a brothel to suffer any girl or woman under twenty one years of age to be therein (Section 194 Criminal Code).
- (d) Section 59 of the Police Act 1892 - 1975 provides that any common prostitution who shall solicit importune or accost any person or persons for the purposes of prostitution or shall loiter about for the purposes of prostitution in any street or place or within the view or hearing of any person passing thereon shall forfeit and pay on conviction any

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- sum not exceeding forty dollars or be committed to gaol for any period not exceeding one month.
- (e) Section 65 provides that certain persons shall be deemed idle and disorderly persons liable on conviction to imprisonment not exceeding six months with or without hard labour. They include the occupier of any house frequented by amongst others reputed prostitutes (s.65(7)) every common prostitute wandering in the public streets or highways or being in any thoroughfare or place of public resort, or behaving in a riotous or indecent manner (s.65(8)) and any person who habitually consorts with reputed criminals known prostitutes or persons who have been convicted of having no visible lawful means of support (s.65 (9)).
- (f) Section 74F of the Police Act 1892 - 1975 constitutes three series of offences:-
- (1) Keeping or managing or acting or assisting in the management of premises for the purposes of prostitution. This is the provision under which women found in brothels are commonly charged by the police - the person actually conducting the activities is charged with managing the premises for the purposes of prostitution: anyone assisting in any way is charged with assisting.
 - (2) Being the tenant lessee or occupier of any premises, knowingly permitting such premises or any part thereof to be used for the purposes of prostitution.
 - (3) Being the lessor or landlord of any premises or the agent of such lessor or landlord, letting the same or any part thereof or collecting the rent with the knowledge that

such premises or some part thereof are or is to be used for the purposes of prostitution, or being a party to the continued use of such premises or any part thereof for the purposes of prostitution.

These offences are all punishable on summary conviction by a fine not exceeding \$100 or imprisonment with or without hard labour for six months. On a second or subsequent conviction the maximum penalties are doubled.

It is immaterial whether the premises are kept or occupied for prostitution by one person or more than one person. This provision doubtless is designed to avoid a possible defence based on the view that at common law premises used by one person only are not a brothel (Cf. as to this *Samuels v. Bosch* (Supra)).

- (g) Section 76 G of the same Act enacts that any person who knowingly lives wholly or in part on the earnings of prostitution or in any public place persistently solicits or importunes for immoral purposes shall be deemed to be a rogue and vagabond. Such person is accordingly by reason of section 66 of the Act liable to imprisonment for a term not exceeding twelve months, with or without hard labour.
- (h) Police are also empowered by section 42 of the Police Act to remove amongst others any common prostitute from what may loosely be termed places of public entertainment. Further any person whatsoever, may by section 47 apprehend (amongst others) any reputed common prostitute who within view of such person shall offend against the Police Act and may deliver her to any constable or police officer to be taken and

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conveyed before a Justice to be dealt with according to law.

- (i) Finally section 49 empowers the police to take into custody any person found committing any offence punishable in a summary manner.

- 12. As prostitution of itself does not constitute an offence, a prostitute found in a brothel who does not take any part in its management cannot be arrested or proceeded against except perhaps ultimately for consorting with (other) known prostitutes.

The evidence disclosed that a Magistrate in Kalgoorlie decided some years since that no more than one woman could assist in the management of a brothel at any one time. Its correctness as a matter of law is questionable but the decision has affected the practice of the police administering the law relating to prostitution.

- 13. This leads to the further observation that from the evidence it appears that proceedings are rarely if ever taken for keeping premises for the purposes of prostitution under section 209 of the Criminal Code (see para 11(a) above). Such proceedings would as a rule involve a preliminary hearing before a magistrate and committal for trial and a trial before judge and jury. The view taken by the Crown Law authorities and the police, reasonably enough, is that the available means of dealing with offenders in a summary fashion are simpler, cheaper, more expeditious and in the result at least as efficacious.

- 14. The foregoing account of the law relating to prostitution which has been the same at all relevant times will require some amplification in later parts of this Report. It serves broadly to indicate the area of the law the administration of which is the substantial subject of

the inquiry.

15. (a) I have had regard to such allegations as were made to the public at large, e.g. through the various media, or to some gathering of persons which by reason of being open to representatives of the press or television or radio, were in fact reported to the public at large, or to persons in a public position such as Members of Parliament.

I have also treated as falling within my terms of reference allegations made to responsible officers of the police. In view of a statement made at my preliminary sitting on 6 November, 1975 that Mr. A.W. Marshall President of the Civil Liberties Association of Western Australia had acted as something of a clearing house for people having something to say about the matter and had made statements to the media upon it, I decided that allegations made to him should be considered.

- (b) In the light of the language of the Commission I consider that any allegations made after its date, 14 October, 1975, fall outside the terms of reference.

To fall within question 1. I have thought allegations should have been made within about three years or so prior to that date. The times at which the allegations mentioned in questions 2 and 3 had to be made are defined by the fact that the present Government came into office on 8 April, 1974 and the previous government on 3 March 1971.

16. A matter of some importance arose under questions 2 and 3, which directed me to inquire and report as to

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whether any Member of Parliament (inter alia) made any allegation of impropriety in relation to the administration of the law relating to prostitution. In the course of the opening address by Mr. O'Dea of Counsel assisting the Commission he referred to questions and debates in the Parliament of Western Australia on matters which might be included in the terms of the inquiry directed. This at once raised the question of Parliamentary privilege.

The Legislature of Western Australia is by section 36 of the Constitution empowered to declare the privileges immunities and powers to be held enjoyed and exercised by the Legislative Council and the Legislative Assembly and by the members thereof respectively, provided that this shall not exceed those held and enjoyed and exercised by the House of Commons.

The Legislature of Western Australia exercised these powers as long ago as 1893 - "An act for defining the Privileges Immunities and Powers of the Legislative Council and Legislative Assembly of Western Australia respectively." By section 1 the privileges and immunities were declared to be in effect those enjoyed by the House of Commons and its members.

17. The House of Commons has always asserted, at any rate since the reign of Elizabeth I, that the Crown cannot take notice of anything moved or done in that House but by the report of the House itself. (See Coke Institutes IV p.14; Blacktone Commentaries 21st Ed. Vol. 1 p.164).

After the Revolution the Bill of Rights of 1689 declared "that ^{the} freedom of speech and debates and proceedings in Parliament ought not to be impeached or questioned in any court or place outside of Parliament." That privilege

and immunity accordingly enjoyed by the House of Commons and its members is, by reason of the statute mentioned in para. 16 above, enjoyed by the Legislature of Western Australia and its members. The consequence is that neither the Crown nor any Court has the right to inquire into allegations of the kind referred to in questions 2 and 3 of the Commission if

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made in Parliament. The only body which properly can inquire into such matters is Parliament itself.

It might be said that the language of questions 2 and 3 does not require an investigation into the proceedings of Parliament or the basis of such proceedings so far as these questions are directed to whether allegations there made were justified or whether there is evidence sufficient to sustain them. So to treat the privilege of Parliament would be in my opinion to adopt an unduly narrow legalistic view of that privilege. It appears that once the privilege appears to exist, it must be recognized and given effect to: it is not for a Member of Parliament to claim it. (See *Dillon v. Balfour* (1887) 20 L.R. Ir. 600). It also appears that the individual member cannot waive it (*ibid*).

It is ultimately the privilege of the constituents of the Member, and the waiver must be by Parliament itself. In the present case, Parliament has not so acted. My Commission is from the Crown, not from Parliament, and the privilege was originally claimed by Parliament and established for the purpose amongst others of protecting Parliament and its members from the power of the Crown.

I have been guided to a substantial extent in reaching this conclusion by the authorities referred to in an article in 18 *Australian Law Journal* 70 which deals with the proceedings before the late Lowe J. of the Supreme Court of Victoria sitting in 1943 as a Royal Commission in relation to allegations in the House of Representatives as to what is popularly known as the 'Brisbane Line'. I have also relied on His Honour's conclusions, with which, if I may so so, I entirely agree.

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18. I have therefore not inquired into whether allegations of the kind mentioned were made by Members of Parliament in Parliament itself during the periods mentioned in questions 2 and 3, and I have not investigated any of the other matters which in respect of such allegations if made are mentioned in those questions.
19. One other matter of lesser importance arose very early in the proceedings during the giving of evidence by Mr. Ronald William Cannon, a solicitor. It appeared that an article was published in the Sunday Times of 17 August, 1975 asserting on the alleged authority of Superintendent H.E. Daniels that after the death of a brothel keeper a solicitor travelled to Kalgoorlie to recruit new girls for brothels which had been conducted by her. This publication was the subject of an action for defamation by Mr. Cannon against both the newspaper and Superintendent Daniels, though the action as against the newspaper had been settled. I expressed considerable doubt as to whether an inquiry directed to the truth of the statement might not constitute an interference with the course of justice in the civil proceedings and the matter was not further pursued, though later I was informed that the action as against Superintendent Daniels had also been settled.

THE SITUATION UP TO 1972.

20. From the evidence led before the Commission prostitution on any major scale in Western Australia at all material times would seem to have existed and to exist in the Perth Metropolitan area and in Kalgoorlie.

In each place for a substantial period at any rate it was localised. In Kalgoorlie the brothels were (and still are) all situated in Hay Street. In Perth until 1959 they were all to be found in Roe Street.

21. The confinement of these establishments to a defined area facilitated the task of the police in relation to prostitution. The situation in Roe Street was well known to Supt. Daniels as in the 1950's he was for some years directly concerned with the control of brothels in that area. His account of the state of affairs there was confirmed in many respects by other witnesses. As he described it, "every woman employed there as a prostitute was required to sleep in the bed she worked on." If she had a flat elsewhere it had to be known to the Police. She had to be examined weekly by a doctor, keeping a book recording these examinations, initialled by the doctor and regularly inspected by the Police. Flamboyant conduct and drunkenness were forbidden. Any girl suspected of being under 21 was required to produce a birth certificate. There could not be the slightest suggestion that a woman was associating with a man who was taking money from her - living on the earnings of prostitution. He said there were very few West Australian girls who started their careers as prostitutes in Roe Street. According to one witness who had worked as a prostitute in a brothel in Roe Street, the police insisted on obtaining the true names and the names of the next of kin of the women in the street. (It appears to be the practice of prostitutes to use various names).

22. These "rules" were well understood by the women who kept the brothels and by the prostitutes they employed. Supt. Daniels said that the prostitutes rarely infringed them; if one did she was told she would not be tolerated and was advised to leave the State. There were few arrests; the brothel keepers (or "madams") were charged by the Police with seeing that the rules were obeyed. The women were required to be "subservient to the system", and arrests were only made if there was misconduct.

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The rules were not committed to writing; they were transmitted to Daniels, then a Detective Sergeant, by his predecessor one Detective Sergeant Hart. He stated that he did not confirm with any higher authority what the rules were with which compliance was required.

23. In Kalgoorlie a similar situation existed and it would seem still exists. The brothels were and still are situated in one street, Hay Street. The women employed as prostitutes were taken by their employers to the Police who obtained their correct names and those they were using and the names and addresses of their next of kin. The prostitutes were expected to live at the brothel where they were employed, they were required to keep off the streets and away from hotels. One madam from Kalgoorlie said that if a girl "stepped out of line" the madams were contacted immediately. There is some evidence and I accept it to the effect that in Kalgoorlie at any rate the rules were to an extent imposed by the madams in their own interests so that the prostitutes worked as such in the brothels and not elsewhere. The madams insisted on the women submitting to regular medical examinations. This resulted some twelve or thirteen years ago in a significant occurrence. Because of certain specimens taken by one of the examining doctors and sent by him to a Commonwealth Laboratory the Detective Sergeant then in charge of the Criminal Investigation Branch at Kalgoorlie (the present Assistant Commissioner Lloyd Taylor) received information from the laboratory that evidence suggested the women should not operate for about ten or twelve days for health reasons. A request to this effect was conveyed by the police to the madams, and in the words of Taylor "they readily complied". Within an hour however a local politician called on him concerned at a report that the brothels had been closed. He was

greatly relieved when informed of the facts.

I am satisfied that at Kalgoorlie the so-called rules were simply a practice which was followed and despite some evidence to the contrary that they were not committed to writing but as each local detective sergeant came he was told by the man from whom he took over what the practice was.

24. For many years no prosecutions for prostitution offences were instituted in Kalgoorlie. This practice may have been changed earlier but in 1973 certainly the then Chief of the C.I.B., Superintendent (later Assistant Commissioner) A.J. Parker issued a direction to the Detective Sergeant then in charge of the C.I.B. there setting out guidelines for the control of the brothel area which required regular arrests of prostitutes. This was done and has been continued for three reasons. When questions were asked in Parliament it could be said that there had been prosecutions at Kalgoorlie, secondly it would stop allegations of corruption of the police, and thirdly by fingerprinting the prostitutes on arrest their true identity could be checked. The penalties imposed by the Court for subsequent offences seem not to differ materially from those imposed for first offences.

There does not seem to be any real public demand for an alteration of the police practices at Kalgoorlie.

25. In Perth the state of affairs was naturally altered when in 1959 the properties in Roe Street in which the brothels were carried on having become vested in the Commonwealth of Australia, the land was sold. This led to the dispersion of the brothels. Some of the women went to Eastern states, some to Kalgoorlie. There were reports to the police of prostitutes solicit-

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ing from hotels. But some of the women from Roe Street set up establishments elsewhere. The brothels tended to be in the Francis Street, Lake Street, James Street, William Street area; other were known to exist in the suburbs. The Police knew of the existence of many at any rate of these premises and it would appear that they endeavoured so far as they could to deal with the situation.

26. It is unnecessary to trace in detail the variations in the Perth situation until the end of 1970. It is however proper I think to state that the practice of the police in regard to prosecution of offenders as stated at some length hereafter was generally in operation. In the absence of complaints from neighbouring residents, of any suggestion of men living on the earnings of prostitutes, of the presence of venereal disease or of disorder the brothels were watched but the occupiers and their employees were not in general prosecuted.
27. About the end of 1970 a magistrate made a number of complaints to various authorities regarding two brothels situated near to the house of a close relative. The police decided in consequence that the law would be more strictly enforced and the madams were informed accordingly. The effect of this intimation and of the stricter enforcement of the law was that the brothel keepers moved from the known premises and moreover devices were adopted which rendered prostitution more difficult to detect and if detected to control.
28. The first device which had been used to some extent earlier was to set up premises which were described as "massage parlours". In some of these premises genuine massage was available, and probably in all

cases equipment suitable for genuine massage, such as the proper tables and the like, was installed. Some of the premises were plain brothels; in some what was euphemistically termed "relief massage" only was available. This was in fact the masturbation of men by the women employed, which does, as stated in para 10. amount to prostitution.

Another device was to set up what were called "escort agencies". The proprietor had an office where ostensibly the customer arranged for the services of a female escort. Sometimes the introduction took place at this office; sometimes the office arranged for the escort to meet the customer at other premises. The proprietors of these escort agencies charged a fee for the introduction of which the escort received a portion. Of what took place away from the office the proprietors professed ignorance, even where the meeting place arranged was a hotel or motel room.

29. The so-called "massage parlours" caused the police in some cases considerable difficulty in obtaining evidence that prostitution was practised on the premises. The presence of the genuine massage equipment could be used to rebut any allegation that the premises were used for the purposes of prostitution. The proliferation of these bogus massage parlours very properly occasioned great concern to genuine masseurs; at times it caused them most substantial disturbance and annoyance.

There was obviously truthful evidence of the proprietors of genuine massage parlours being approached at all hours by men seeking the services of prostitutes; in one case the only result of a defensive measure in the form of a sign indicating that the staff was male was the appearance of homosexuals as would-be patrons.

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30. The West Australian Association of Masseurs approached Mr. R. Davies the then Minister for Health in 1971 and submitted a draft Bill for the licensing or registration of masseurs. Approaches were also made by the Association to other members of Parliament. The further history of these approaches is dealt with later in this report.
31. Escort agencies presented the police with a considerable problem. Prostitution did not take place on the premises used for the agency, and it was thought that it would in the circumstances be difficult to establish that any offence had been committed. The decision of the High Court of Australia in *Samuels v. Bosch* (1972) 127 C.L.R. 517 showed however that the premises at which the introduction or other arrangement took place, could be said to be used for the purposes of prostitution by the proprietor. It still remained necessary to prove that the proprietor knew that prostitution was to take place away from the premises.

The proprietors accordingly required the women they employed to enter into agreements to the effect that they were not to prostitute themselves in the course of their duties.

32. It is now necessary to say something of three madams whose names were frequently mentioned in evidence.

Mrs. Dorothy Walsh, generally spoken of as "Dot Walsh", has been engaged in prostitution off and on for very many years, starting in Roe Street and was still engaged in conducting a brothel at the time of the hearing.

She has conducted brothels in many premises; it is not without significance that she carried on a brothel at

62 Francis Street for some 11 years. She knew Supt. Daniels during her time in Roe Street. Her name seems to be well known in police circles in Perth as a madam. She says she never had more than one brothel at any one time.

Mrs. Shirley Finn was engaged in prostitution from about 1969 until she was murdered in June 1975; as far as appears she was a Western Australian, and she served an apprenticeship in Kalgoorlie, to use the language of her former husband, before setting up a brothel in Aberdeen Street in the latter part of 1969. She conducted a number of brothels, on occasion several at the same time.

Mrs. Dorothy Flatman (then Mrs. Murray) came to Western Australia from Sydney in 1969 to set up a brothel. She had arrived in Sydney from England some four years previously. She was associated with brothels in Sydney. She alleged that her reason for coming to Western Australia was that she had heard that in Western Australia prostitution was more or less tolerated. She established a brothel at 71 Lake Street. Later in the year a woman employed by her was arrested on the premises and she said the fact that she was the madam became known to the police. She conducted brothels at many different addresses; it would seem that she conducted no more than about two or three at any one time.

33. I turn now to a fuller description of the practice adopted by the police in administering the law relating to prostitution in Western Australia, which I have referred to in paragraph 27. The first formal statement of this practice was made on 30 January last by Mr. Davies who appeared with Mr. Clarke for the Commissioner

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of Police, in opening the case for the Commissioner. The first witness who deposed to the practice was Assistant Commissioner Taylor. It is I think proper to state that before Mr. Davies' opening it was becoming apparent to me from the general tenor of the evidence what the practice was. In particular in an account of an interview with two detectives who saw Dr. Dadour M.L.A. about a complaint he was justifiably making about a bogus massage parlour in Subiaco, Dr. Dadour had said that they had explained to him their practice substantially as the police witnesses described it. But while the practice existed for some time it certainly was not set down in writing nor was it known to the public. The extent to which it was known to the police generally seems somewhat uncertain. Mr. Wedd for instance as Commissioner was not aware of the practice though when he did not, when he learnt of it, by any means disapprove.

34. All witnesses who spoke upon the matter, including Supt. Daniels, expressed a firm opinion that it was not possible to eradicate prostitution. The practice has been therefore to control it and by that control to contain within such limits as were practicable what was recognized as an ineradicable evil. The method adopted to that end in Kalgoorlie and in Roe Street in Perth while the brothels existed there has already been stated. The fact of the brothels all being in a limited area facilitated control and that control ensured that the more socially dangerous concomitants of prostitution were to a large extent avoided. When in Perth the brothels were dispersed the task of the police became more difficult. Some of the difficulties I have already considered. The task was made even more difficult about 1969 and 1970, by the arrival or threatened arrival from the Eastern States of criminals and prostitutes associated with them.

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35. The major evils associated with prostitution appear to be venereal disease and the involvement of men with brothels or their inmates. From the latter spring the evils of men living on the earnings of prostitution, blackmail, the extortion of money by way of "protection" or the like from the inmates, and organized crime and organized vice generally. Those police to whom was entrusted over the years the duty of dealing with prostitutes worked out from their collective experience and by discussion a means whereby they sought to control and contain what they knew they could not eradicate. They directed their attention primarily to the associated evils. Brothels were visited and the way in which they were conducted noted. Cases suggested in evidence as illustrative of unfair and improper discriminatory prosecutions on examination often were shown to be cases where prosecutions were instituted because of associated evils or of complaints. The police endeavoured to ascertain what women were employed in the brothels. They kept records of those whom they knew. On many occasions women proposing to engage in prostitution or the madams proposing to employ them informed the police of the fact. If because of their associates or for any other reason (e.g. drug taking) they were regarded as unsuitable they were discouraged; if nevertheless they did work as prostitutes prosecution followed. One Detective Sergeant at Fremantle (the present Chief Superintendent Porter) by threat of prosecution effectively dissuaded Dot Walsh from opening a brothel there.

36. The police also regarded seriously any complaints made as to criminal activity in brothels e.g. stealing, or by people who objected to the existence of a brothel in their vicinity. While it appears that upon occasions complaints were not bona fide, where they were the

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- police took steps to prosecute and to do what they could to cause the offending brothel to close down.
37. The natural consequence of the foregoing was that the police were not astute to lay charges against people concerned with brothels which were free of disease, where patrons were not liable to have their valuables stolen, where the prostitutes employed were not drug addicts or drunkards and from the conduct of which men were excluded. The effect of this was that such premises and their occupants did enjoy a measure of toleration, and towards the end of the period presently under consideration the three women mentioned in para 32. and the brothels they conducted fell within this category. Nonetheless complaints were made by neighbouring residents and these resulted in police prosecution and moves of such brothels from one locality to another. Mrs. Flatman was said to have asserted in a television interview that she had been moved no fewer than twenty five times in the years 1969 to 1974 inclusive.
38. I think it highly probable that the madams conducting such premises were in general well aware that their own financial interests were best served by the avoidance of major associated evils, and of the dangers to those interests of criminals becoming involved. On the one hand they tried to ensure that their brothels were conducted properly by their own standards. On the other hand they promptly informed the police if they knew of the presence in Perth of criminals who sought to open brothels or demand protection money from them. From time to time the police got from these brothels information as to the movements of criminals and the like. While this was not a reason for such toleration as did exist, it was a consequence which was not an unimportant factor in the suppression and detection of serious crime.

One might suspect that the madams were aware of the value of this information and it is fairly clear that Mrs. Flatman, Mrs. Finn and Mrs. Walsh were all useful sources of information, no doubt because they hoped that this would render the police less likely to interfere with their activities.

39. (a) Men charged with living on the earnings of prostitution if convicted were imprisoned. The mere threat of such proceedings at times sufficed to persuade the offender to leave the State.

The charges laid so far as the women at the brothels were concerned usually were as stated in para 11 (f)(1) above, managing or assisting to manage premises for the purposes of prostitution. They almost invariably pleaded guilty and offenders were usually fined something in the order of \$50.00 to \$75.00 by the Magistrates. These fines did not deter them from carrying on.

- (b) To bring about the closure of a brothel the police would, after a conviction for managing or assisting to manage the premises for purposes of prostitution, inform the madam that if the premises were not closed they would persist in prosecutions, and this usually sufficed. More recently however the police would, after a conviction, inform the landlord or the agent collecting the rent of the premises of the fact of the conviction. The peril in which the landlord or agent was placed, (See Sec. 74 F(ii) Police Act 1892 - 1975), resulted in the tenancy being terminated and the brothel being closed. Mrs. Flatman said and I see no reason to doubt her evidence in this regard that she always tried in advance to secure premises to

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which she could move if one of her brothels were closed.

40. The administration of the law relating to prostitution was in practice in the hands of the Criminal Investigation Branch. At Kalgoorlie there was a detective sergeant and one other detective, and they looked after the control of the brothels. In the metropolitan area the matter was attended to by the consorting squad, part of No. 1 Division of the C.I.B. The squad comprised nine members, two of whom, a detective sergeant and a detective were primarily concerned with prostitution control, though they had other duties. They did however have the right to call on other members of the consorting squad for assistance in regard to prostitution.
41. About March 1971 shortly after the Tonkin Government came into office Mrs. Flatman had an interview with the Premier, the Hon. J.T. Tonkin. According to Mrs. Flatman and to a witness called on her behalf, a Mr. Bernard Carpenter, the interview was arranged by Mr. Carpenter and he was present when it occurred. Mrs. Flatman said Mr. Carpenter, whom she employed on occasions as an insurance agent, was present at a brothel she conducted about the time when the police informed the madams that the law was to be more strictly enforced as set out in para 27. She says she spoke in his presence of her concern at the possible consequences and he suggested she should see Mr. Tonkin with a view to having something done about it. Mr. Carpenter's version was that Mrs. Flatman telephoned him at the end of 1970 suggesting that some sort of action towards legalisation of prostitution should be taken and expressing concern at the possibility of "standover men" coming to Western Australia. He advised waiting until after the election. After the election she telephoned

him again and said in effect that she thought the harassment of the brothels was likely to drive prostitution underground, that standover merchants would come over from the Eastern States and the girls would be physically ill treated. She also said that the fact that the girls were paying income tax on their earnings as prostitutes was a reason for the legalisation of prostitution. Mr. Carpenter said he telephoned Mr. Tonkin personally, told him the reasons by Mrs. Flatman (or Mrs. Murray as she then was) wished to speak to him and on his advice made an appointment with his Secretary for Mrs. Flatman to see the Premier.

Mr. Tonkin in evidence said she had applied for an appointment through his secretary, and that he had no indication initially of what she was coming to see him about, and that Carpenter was not present.

42. The versions of the interview given by the three witnesses varied somewhat, but I have no hesitation whatever in preferring Mr. Tonkin's account. In substance he said Mrs. Flatman complained of undue pressure being put upon her by the Police Department, that as her girls paid tax they should be allowed to carry on their occupation without molestation; that if something was not done to control the situation and prevent the growth of massage parlours and escort agencies standover men would come in from the Eastern States and the situation grow worse. She asked therefore that the Government take some action to legalise prostitution so that those already engaged in it should be able to carry on and others kept out. Mr. Tonkin got the impression she was being prevented from increasing the number of brothels she controlled. He told her the matter was one for the Police Department and the Minister for Police and took no further action in the matter at all. He said he regretted having taken up his time

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listening to her.

43. In about the year 1972 advertisements began appearing in the Sunday Times newspaper which were in some cases ostensibly for massage parlours, in some cases for escort agencies, and others pretty obviously were advertising prostitution. Advertisements also appeared for girls to be employed in escort agencies and the like. Sometimes an address was given; sometimes merely a telephone number.
44. It is in the light of the circumstances, as described above that the activities of Supt. Daniels and the consequences which have been the occasion of the setting up of this inquiry must be viewed. It is necessary first to say something about Supt. Daniels and his career up to the end of the year 1972.

SUPERINTENDENT H.E.DANIELS.

45. Supt. Daniels, well known as "Spike" Daniels, who is now approaching 60 years of age joined the Western Australian Police Force in 1937. It is not necessary to trace his career in that force in any detail. It is sufficient to state that he had extensive experience in both the uniformed branch and the Criminal Investigation Branch, having served in all ranks up to Inspector in both branches.

As a Detective Sergeant as already mentioned, he was in the late 1950's for 3½ years in charge of the consorting branch and engaged in prostitution control in Roe Street. In 1967-68 as an Inspector he was "second in charge in Perth of the C.I.B. at a time when Mr. Parker, Mr. Leitch, Mr. Taylor and others who have since superseded me were then detective sergeants." The words in

in quotation marks were part of his answer to the third question asked of him in the course of his evidence; they were volunteered, and they are in my opinion not without significance in the consideration of some of the subsequent happenings with which I am concerned.

46. From Perth Daniels was transferred in April 1968 to Albany as District Officer and remained there until the end of 1972 he was appointed as Superintendent in charge of the Central Police Station. He had there under his command another superintendent, six inspectors about fifty sergeants and some 150 other ranks.
47. Supt. Daniels service at Albany was marked by many outstanding and valuable qualities. He took a leading part in community activity and was highly regarded by the public. He distinguished himself in certain major police investigations. Nevertheless some disturbing attributes appeared some possibly not for the first time. On 13 January 1972 a trivial incident on the beach at Albany involving the use or simulated use of a shanghai to disturb seagulls provoked on Supt. Daniels' part a most grossly exaggerated reaction. The following day he sent a five foolscap page "personal and unofficial document" to the then Commissioner of Police purporting to justify his conduct, anticipating that a Bunbury doctor, whose ten year old son was the wielder of the shanghai and who was himself the subject of the reaction might take further action.
48. (a) More significantly in 1972 he became involved emotionally with a young policewoman who was stationed at Albany. His interest originally I have little doubt was purely paternal, directed to bringing into social contact with appropriate circles in the area a young

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woman who may have been rather diffident and lacking in self confidence. He introduced her to his home where she was kindly treated by his wife and his family. It is apparent from all the relevant evidence however that as time went on his interest extended beyond the paternal. He did it is true make efforts to see that she met young men, but it seems reasonably plain that Supt. Daniels urged objections to any of them in whom she displayed any particular interest, specifically one to whom she was for a time engaged, and that he viewed with suspicion any policeman with whom she might be working. His attentions were persistent and embarrassing to the young woman, and placed her in a very difficult situation.

(b) On one occasion she told him after a visit to Perth that she had been out to dinner with two members of the consorting squad, Detective Sergeant Arthur Simms and Detective Culleton. Subsequently when she was required by Daniels to accompany him on an assignment to Cranbrook she declined to accede to his suggestion that she post a letter she had at Albany. Later he looked at the letter (which she did post at Cranbrook) and saw that it was addressed to Simms. He dwelt upon this. It is necessary here to state that the young woman late in 1973 alleged that on two occasions in August 1972 Daniels, who was in the habit of visiting her at her flat, indecently assaulted her there. It is proper to say that Supt. Daniels has at all times vigorously denied this accusation. I have made no attempt to determine whether these allegations are or are not well founded: it would be most inappropriate for me to do so. The fact of the making of these allegations is however a material circumstance in the inquiry I am required to make, as will appear in due course.

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49. During 1972 while at Albany Supt. Daniels was beset by a number of troubles. His wife has suffered from severe arthritis for very many years and there were some domestic difficulties. There were also policemen on the station whose domestic affairs occasioned the Superintendent much concern.

There were also cases of crimes suspected to have been committed by policemen. He was forced to go on sick leave; as he left on 7 September 1972 he wrote in the station occurrence book "Good-bye and bugger you all!" He was said to be suffering from "emotional exhaustion."

50. Before he left Albany Supt. Daniels says he was concerned about what he considered to be "the obvious escalation of prostitution as is shown in the personal columns of the newspapers more especially the Sunday Times."

- 51.(a) He went from Albany to a daughter's home in a Perth Suburb. From there on 12 September 1972 he wrote a three page foolscap letter to the policewoman referring to his own state of health, criticising her for having become engaged, giving advice as to sexual matters and so on. While in terms it emphasises his paternal interest, it is indeed an extraordinary letter for a Superintendent of Police of some 56 years of age to write to a young policewoman under his command. I say that notwithstanding his mental state. He refers to the fact that he is to see a psychiatrist, whom he refers to twice as a "trick cyclist". While waiting to see the psychiatrist, Dr. Zeck, he obtained an extension of sick leave and after seeing Dr. Zeck went to another daughter's home some hundreds of miles away on a station at Leonora.

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(2) Before going to Leonora he saw Lloyd Taylor, then a C.I.B. Inspector, an old and close friend, and told him the story of the policewoman's dining with Detective Sergeant Simms and Detective Culleton, telling Taylor that the dinner was at the Sundowner Hotel at Cottesloe. He denied in evidence that he told Taylor that the dinner was at the Sundowner, but I am satisfied he did. Daniels said to Taylor he could not understand how the detectives could afford this. He also told Taylor about the letter incident at Albany and appeared concerned about it. Supt. Daniels denied in evidence that the young woman had told him the dinner was at the Sundowner Hotel, or that he had told Taylor so. Taylor on this occasion provided him with transport to see Dr. Zeck, the driver being Detective Sergeant Simms. Daniels, who it must be remembered was ill at the time, made some remarkable statements to Simms before they set off, criticising Assistant Commissioner Sims, and Chief Superintendent Leitch in very strong terms. He referred to the policewoman's engagement and asked Simms to do an inquiry for him and "frame" her fiance. Simms refused and threatened to report Daniels to his superiors. Daniels according to Simms appeared obviously distressed. When Simms next day mentioned the matter to Taylor, the latter told him not to worry about it because Daniels was ill and would be alright when he had a rest. This re-assured Simms for the time being. Mr. Daniels denied Simms version of the conversation, but says that Simms told him that he had taken the policewoman to dinner several times, most recently at the Sundowner.

52. I am satisfied on the evidence of Simms and Culleton that the meal at which they entertained the policewoman was not at the Sundowner Hotel but at an inexpensive

restaurant. But I am also satisfied that Daniels did believe at some stage that they had been to the Sundowner for he mentioned it in the first of several letters he wrote to the policewoman from Leonora.

53. One of these letters was described by Mr. Lloyd Taylor in evidence. It was an anonymous printed letter posted at Leonora shortly after Daniels arrived there containing a reference to the Mafia and an implied mild threat to her. It was forwarded to Taylor by the Detective Sergeant at Albany. Taylor recognised Daniels' handwriting and discussed it with his superior, Superintendent Parker, and they decided that Daniels being ill they should do nothing about it. It was destroyed after his recovery and return to Perth. Daniels said the letter was intended as a joke and in a later letter he did say to the policewoman, referring to it "I bet it scared you" The evidence suggests it did.

54. During his stay at Leonora his health improved considerably and he returned to duty. Dr. Zeck who saw him and gave evidence, had, on retirement from private practice and acceptance of an appointment at the Repatriation General Hospital Nedlands, destroyed his notes. He had an imperfect recollection of Mr. Daniels' condition, but from what was ascertained by Professor German, the Professor of Psychiatry at the University of Western Australia, in January 1974 it would seem that it had been a depressive illness following a severe attack of influenza. The illness was marked by "periods of agitation and occasional breakthrough of more manic pattern of behaviour" - i.e. behaviour the very opposite of depression. Professor German said that there was no question that what Supt. Daniels regarded as the young woman's failure to tell him of her association with Detective Sergeant Simms and so

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on was very much part of the illness he had in 1972 and had a lot to do with that illness.

55. More must be said at a later stage of Supt. Daniels rather remarkable personality.

SUPERINTENDENT DANIELS AT CENTRAL POLICE STATION.

56. Supt. Daniels' illness in late 1972 occurred at a time when in any event in accordance with the policy of the then Commissioner, Mr. Athol Wedd, he would have been transferred. He was posted to command of the Central Police Station in Perth, which was regarded by Mr. Wedd as rather lower in status than Supt. Daniels' seniority warranted. He was posted there because there was no senior appointment vacant.
57. Supt. Daniels made a marked impact upon the Central Station on taking up duty at the end of November, 1972. In the language of Mr. A.J. Parker "When Mr. Daniels came back from Albany he did a marvellous job at Central Police Station in galvanising some of them into activity". He encouraged his men to be alert and observant and in particular to keep in touch with members of the public while on duty. He was desirous of encouraging close co-operation between his uniformed police and members of the Criminal Investigation Branch. He was in touch daily with Mr. Taylor who was for a large part of the relevant time acting officer in charge of the C.I.B. Considerable success was achieved in checking the activities of larrikin elements in the Hay Street Mall and the co-operation also resulted in a large number of arrests for crime. In a memorandum dated 23 July 1973 to Acting Superintendent Taylor, the Commissioner of Police said, "In the short time Supt. Daniels has been Officer in Charge of Central

Division he has, through imaginative planning, firm supervision and untiring effort, already achieved a transformation of his staff in both their thinking processes and activity." In the early months of his service there the Commissioner and fellow officers such as Taylor and Parker formed the opinion that his condition was improving.

58. It is to be noted however that in December 1972 Supt. Daniels encountering Detective Sergeant Simms in the presence of a woman said to the woman, in rather coarse terms that Simms was in effect a seducer of women and warned her against him. This happened on three occasions; two of the women were policewomen, one a police typist. Simms was naturally incensed.
59. (a) On 12 January 1973 Supt. Daniels and Inspector Watts who was a uniformed officer stationed at Central Police Station went on an evening patrol with Detective Sergeant Simms who was then engaged in prostitution control work. There had been discussions between Daniels and Taylor on the subject of uniformed men accompanying C.I.B. patrols. This was proposed by Daniels as a means of letting the uniformed men and the C.I.B. work together, so that uniformed men should not feel that they were excluded from certain areas regarded as the exclusive preserve of the C.I.B. There was a marked discrepancy in the accounts given by Simms on the one hand and Daniels and Watts on the other as to how Daniels himself and Watts actually came to be on the patrol. Simms account of Daniels' behaviour, given in considerable detail suggested a somewhat unbalanced attitude by Daniels with regard to prostitution. Simms was absent from Perth when Daniels first gave evidence and when Watts was called Simms detailed account was not put to Watts and was only put

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to Daniels when he returned to the witness box later. He then denied it. Watts stated that he observed nothing unusual at two brothels which were seen on the patrol, though no details were put to him. I find it unnecessary to arrive at any conclusion on this matter. I shall have occasion however to refer to this patrol at a later stage dealing with a particular allegation of impropriety made by Supt. Daniels.

(b) Simms also alleged that later in January 1973 after he had arrested for a prostitution offence a woman named Pilkington who conducted an escort service Supt. Daniels rang him asking in substance that Simms enquire what particular types of sexual activity were conducted at the escort service, saying that he was keeping a record regarding such matters. Simms says he refused and asked the Superintendent to contact him in the future only officially and in writing. Supt. Daniels again denied this allegation. I make no finding on it. But I have no doubt that it was commonly understood in police circles in Perth in 1973 that Simms and Daniels were on bad terms.

60. Mr. Daniels himself said that at the time he took up duty at Central he was concerned about prostitution. He thought that the escalation of prostitution would have a scandalous result. He spoke of the matter in an address at the Police Academy late in 1972. As part of his effort at co-operation with the C.I.B. he commenced sending regularly to C.I.B. marked copies of the advertisements from the Sunday Times. These were of the nature earlier described; they included advertisements seeking to obtain girls for escort work and the like. These advertisements were of course quite well known to the members of the consorting

squad concerned with prostitution and they were regularly noted and indexed.

61. About March 1973 Daniels says that after a parade at the Police Academy he spoke of these advertisements to Taylor and Supt. Parker Officer in Charge of the C.I.B. He says that Parker said that he thought he would see "the bloke down at the Sunday Times and tell him to cut out the advertisements." Daniels said he told Parker he thought that would not do much good but urged him to get them into line a bit. Parker thought the conversation took place in his own office. He saw the Editor of the Sunday Times, and was told that if it could be proved to the Editor that the advertisements came from brothels he would not accept them further. Daniels view as stated in evidence, though not so far as appears to Parker was that the advertisements ought not to be stopped but used as a lead to the location of brothels and the like and to the identity of their owners.

Daniels was at a later stage led to the conclusion that Supt. Parker informed brothel keepers that they should no longer put in their advertisements the amounts that women employed by them might earn - that Parker "tipped them off." I shall further refer to this subsequently.

62. Meanwhile the policewoman mentioned had been transferred in February 1973 from Albany to Central Station. There was some incident when Daniels tried to force her to accept a small birthday present from him: he sent Taylor copies of her duty roster to enable Taylor to compare them with the C.I.B. roster so that Taylor could check whether she and Detective Sergeant Simms were acting in collusion to arrange their shifts at the same period of time. In April 1973 the policewoman returning from a country trip on duty answered

a radio telephone call in the early hours of the morning put out by Simms, who had been called by radio to a hospital over the death by injury of a very young child. There was need for the services of a policewoman to attend to the mother and another child. She worked on the matter for some hours and put in her claim for overtime. Supt. Daniels sent her claim for overtime to Taylor suggesting that Simms and the policewoman might have been together when Simms received the radio call to the hospital. Taylor checked the matter and discovered that there was nothing in the suggestion. Simms heard of the matter and was irate.

63. About June 1973, Daniels in agreement with Taylor issued to his personnel an excellent three page circular instructing them in the procedure for "booking" persons consorting with known criminals known prostitutes and persons convicted of having no visible means of support. This was to encourage them to carry out bookings: Daniels was later to suggest that few resulted.
64. It is convenient now to mention another matter to which in a later stage of this report it will be necessary to return.

Mrs. Shirley Finn from about February 1973 was engaged in purchasing a liquor licence for the Pepe Lopez Night Club situate at 69 Lake Street in which she used the name "Striperama" (the name was spelt variously).

The Licensed Cabaret Owners of W.A. (Inc.) properly drew the attention of the Licensing Court to some aspects of the new ownership. Mrs. Finn applied for a transfer of the licence to herself. It is apparent that on an upper floor of the same premises Mrs. Finn

was attempting to operate a brothel. The Liquor and Gaming Police insisted that an entrance to the upper floor by a communicating door permanently closed and built up. There is no suggestion that when this was done the brothel was in existence. The Police Liquor and Gaming Branch raised objection to the transfer and ultimately Mrs. Finn withdrew her application.

65. A bookmaker named Mack who controlled the Oasis Night Club caused some investigations to be made into the matter on behalf of the Cabaret Owners Association in the course of which allegations were made that Mrs. Finn had endeavoured unsuccessfully to procure for prostitution a girl named Kerry Seabrook (or Brockliss) who was said to be under the age of twenty-one. A file relating to this matter was supplied by Mack to a newspaper which caused the file to be delivered to the Hon. Ronald Thompson M.L.C. the then Minister for Police. In consequence Mr. Thompson called a conference of senior police officers, (not including Daniels), at which were also present some members of the consorting squad. Mr. Thompson was informed (as the fact was) that the material or some of it was in the possession of the Police Department. The police present gave him some account of what was being done regarding prostitution in general. Mr. Thompson said he was not happy about the situation. He said that he told them in no uncertain terms that he wanted to see a step up in the control of prostitution, escort agencies, and massage parlours, and he also said that he believed they started putting his direction into operation. I am by no means satisfied that Mr. Thompson did convey to the conference the impression that he was giving any such direction. Detective Sergeant Johnson, then in charge of the consorting squad, whom the observations in question would have directly concerned stated

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Mr. Thompson made no such statement. Mr. Leitch the present Commissioner of Police who attended the conference said he had no recollection of it. Mr. Wedd, the then Commissioner said that while he is not prepared to say it did not happen he cannot recall it. If it had been given he would have immediately put it on paper and seen to it that it met with action. He said he did not recall having stepped up prostitution enquiries.

66. In the second half of 1973 his friend Taylor observed that Supt. Daniels was becoming tense and drifting in the same way as he had done in the previous year. He was still forwarding every Monday morning the Sunday Times advertisements, sometimes with covering notes. He complained to his close personal friend Detective Sergeant Johnson that there had been no arrests in consequence of the information forwarded. He was told it was card indexed. It was about the middle of 1973 that Supt. Daniels scheme of joint patrols of uniformed and C.I.B. men broke down, because of various difficulties in co-ordinating the working shifts of the two branches and for other reasons.
67. On 12 September, 1973 there occurred an incident which was in my opinion the precipitant of this whole inquiry.

A man named Dietrich at 8.45p.m. on that day telephoned the Central Police Station stating that he had gone that evening with a friend to a massage parlour in Beaufort Street for a massage. What occurred when they entered led Dietrich to the conclusion that the place was being run for prostitution. The message was taken by a policewoman who immediately telephoned the C.I.B. and was advised that a memo should be submitted for attention by the consorting squad.

68. Subsequent events prior to the evening of 28 September are in not unimportant respects the subject of a substantial difference between Supt. Daniels on the one hand and Assistant Commissioner Taylor on the other. Daniels account is that he telephoned Taylor next morning and asked him to have his men pay attention to the complaint and that Taylor promised he would. He says that within a day or two later Taylor rang him saying he had received a report that the place (458 Beaufort Street) was not a brothel. Daniels said that he believed it was a brothel and that it was run by the Flatmans (Mrs. Flatman and one of her daughters were recorded as proprietors in a key holder's book at Central Police Station). Daniels said that a few days later, speaking to Taylor on the subject, he was told that Taylor's men had reassured him it was a genuine massage parlour. The weekend following 12 September 1973, Daniels said, he and Taylor together visited the home of a friend (it was according to Taylor actually the home of Superintendent Lee) and on the return Daniels stopped the car near 458 Beaufort Street (he said at Taylor's suggestion) and discussed the matter. Daniels said on the 23 September 1973 he telephoned Dietrich and ascertained that no one had called to see him regarding the complaint. He therefore sent Inspector Watts alone to see Dietrich and Watts took a full statement from him which elaborated what Dietrich had said on 12 September 1973, and concluded "I will assist the Police if necessary to give evidence in prosecuting these persons for conducting prostitution"
69. Supt. Daniels stated that as a result of this statement he again discussed the matter with Taylor and said that if nothing had been done respecting this place by Friday 28 September 1973 he, Daniels, would intervene with uniformed police. He said further that on

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24 September 1973 he sent an informal note to Taylor as a friend warning him that "he was sick of it". On 24 September 1973 he issued written instructions to Inspector Watts to keep 458 Beaufort Street under observation and to investigate the complaint with a view to bringing about a successful prosecution. He specified in some detail the action to be taken including arranging "for a person to obtain evidence within the premises that they are actually being used for prostitution." He tentatively arranged a raid to be carried out on 458 Beaufort Street on Friday 28 September 1973. He prepared a document, a manifesto, which he deliberately dated 28 September 1973. The terms of this manifesto will be referred to later. He intended to deliver it to his superiors on Friday afternoon so that they should not countermand his raid, for they would not see it until Monday. He said he showed it to Taylor with whom he had a drink at the Police Canteen on 27 September 1973 and gave him a copy. He said that he told Taylor at his (Daniels) office on 27 September that he intended to raid Mrs. Flatman's place on Friday 28 September about 10.00p.m., going through various aspects of the report with him and invited Taylor to accompany him on the raid but Taylor declined. He said he also told Taylor he intended to see the Minister for Police.

70. Mr. Daniels said in evidence that he intended at that stage that there would be a raid on one brothel only as a demonstration to prostitutes that uniformed police had equal powers (presumably to those of the C.I.B.). He said he believed also that it would have a good effect on the lack of attention to Dietrich's complaint and be a demonstration to all of the authority of uniformed men. It may well be he was intending to go much further by the time he had decided to see the

Minister but I am not sure.

71. Taylor in giving evidence was obviously concerned not unduly to denigrate his former friend Daniels. It is apparent from a memorandum by Taylor dated 22 November 1973 that he did have a number of telephone conversations with Daniels as to the progress of inquiries relating to these premises. There is also a memorandum from Daniels to Taylor couched in very informal terms undated but seemingly sent within a very few days of 12 September 1973 criticising amongst other things the fact that no one had been charged and no notice taken of the complaint by Dietrich. Daniels suggested the use of "stooges" to obtain evidence. He stated that the next time a complaint like Dietrich's came in to Central he was quite prepared to instruct his staff to act in a positive manner about it. The informal note to Taylor of 24 September 1973 (referred to in para 69) was accompanied by some advertisements. Daniels said of one guaranteeing \$600 a week that it was for procurement of girls. He asserted that Taylor's lads were not trying to do anything about it. There was an acknowledgement in the informal note that it was not his province, but a suggestion that there was an overlapping of responsibility. He did not assert in either of these documents that Taylor had told him that Taylor's men had said the place at 458 Beaufort Street was not a brothel.
72. What had happened so far as the consorting squad and the two detectives then responsible for prostitution control were concerned was that for some reason the complaint was not brought to their attention until the 18 September 1973. A few days later Detectives Kiernan and Tangney visited Dietrich's home but no one was there. On 25 September 1973 they received a minute

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from Taylor that he required a report as to the interview with Dietrich and stating that Dietrich would act as agent provocateur to gain evidence. On 26 September 1973, three days after Watts' visit, Kiernan and Tangney called and did see Dietrich, who, in response to a suggestion that he act as agent provocateur with money supplied by the police, said he would not "be a party to such 'slimy methods'".

73. Taylor was prepared to agree that Daniels could have pointed out the brothel at 458 Beaufort Street to him on the way back from Superintendent Lee's place - he did not recall it. He did not think he had had a report from Kiernan and Tangney that the place was not a brothel. No such report in writing appears to exist. Kiernan and Tangney both denied that they ever did so report. I am satisfied that Taylor did not tell Daniels that his men said 458 Beaufort Street was not a brothel, but a genuine massage parlour. Apart from the significant omissions in the two documents referred to in para 71, the fact was that the two detectives knew perfectly well that 458 Beaufort Street was and had been for at least some months a brothel masquerading as a massage parlour. On 21 February 1973 Pamela Anne Green had been convicted of the offence of keeping these premises for the purposes of prostitution and fined \$75.00 and costs. It is quite incredible that in these circumstances the police concerned with prostitution control would have lied on a matter in which the truth and their knowledge of it was demonstrable.

74. (a) As for the manifesto dated the 28 September 1973, Taylor said he was shown a similar report he thought, about a week before 27 September 1973, though it might not have been so early. He said Daniels was in an agitated state. Taylor said he glanced through the

report and advised Daniels not to carry out his stated intent of forwarding it on. Taylor felt he might be heading for another breakdown. He told Parker the next morning or shortly after that Daniels was going to circulate a report about prostitution. Taylor in cross examination said that at this time Daniels had an obsession about Detective Sergeant Simms because of Simms' involvement with the young policewoman, that he was on a crusade to embarrass the consorting squad to which Simms was attached, and that this crusade was transferred later to the administration of the Police Department.

(b) I have myself arrived at the conclusion after a full consideration of all the evidence, and being most materially aided by the evidence of Professor German, that this opinion, while not being the full explanation of Supt. Daniels' crusade, has an element of truth in it. It is however necessary to say at this point that I do not suggest that Daniels was entirely conscious of it. His conduct for about a year from the receipt of the Dietrich complaint was that of a man obviously under a strong emotional pressure, and while certainly not insane, entirely governed by paranoid thinking.

75. Before dealing with an occurrence in the early morning of Friday 28 September 1973 it is necessary to say that Supt. Daniels had played a prominent part in the affairs of the Western Australian Police Union. He and his friend Taylor when the Union was affiliated with the Trades Hall Council, had been delegates from the Police Union to that body. The consequence was that he was personally known to some if not all members of the Cabinet in Mr. Tonkin's Government, including the then Minister for Police.

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76. (a) He arrived by car outside the house of Mr. Thompson at 6.30a.m. on 28 September 1973, and waited until the Minister emerged to collect the newspaper. Mr. Thompson's memory of what occurred was naturally enough not particularly clear but from his and Daniels' accounts it would seem that they went inside and had a discussion.

(b) Mr. Thompson told Daniels that prostitution was not controlled politically but by the Police Department, and Daniels told him something of what had occurred about the bogus massage parlour at 458 Beaufort Street and of his intention to raid the place. Daniels says that he said to the Minister "Ron, it has deeply concerned me for almost a year, but I have reached the decision that I must act. I have come to see you as Minister for Police, because if you do not stick with me then I am done." Mr. Thompson thought these words could have been used though he didn't recall them, but he thinks that he then would have told Daniels (as he says he did) that he wouldn't intervene in any conflict within the Police Department.

There seems no doubt that Mr. Thompson suggested that Daniels see Mr. Ronald Davies, the Minister for Health, who was concerned with the troubles of genuine masseurs as set out in para. 30 above. The manifesto dated 28 September 1973 was read to the Minister by Daniels.

77. The raid on the brothel at 458 Beaufort Street owned by Mrs. Flatman was carried out on the night of Friday 28 September 1973 by Inspector Watts and a number of uniformed police from Central Station selected by him and including one policewoman. Prior to setting out, Watts, on Daniels' orders, rang Taylor who was at a function at the Police Academy and invited him to

accompany them on the raid. Taylor declined to do so. This is the only invitation Taylor says he received. I accept Taylor's evidence on this point. It would indeed be strange if Daniels having already invited Taylor and received a refusal should repeat the invitation through Watts.

78. Daniels remained at Central Station to await the return of his men. During this time he said a Detective Sergeant mentioned to him in substance that it was rumoured he was going to do something about brothels and if he did this his "name would absolutely stink."
79. Two of the police on the raid, Constables Berry and Fitzpatrick were required to act as agents and they alone were in plain clothes. Berry was given four \$5.00 notes the numbers of which Inspector Watts noted. Watts told him that he was to produce the money and "when the deal took place as far as the lass agreeing to intercourse he was to tell her he was a police officer."
80. Berry and Fitzpatrick went inside, but Berry alone made an arrangement to have intercourse, with a woman named Elizabeth Jane Roberts. Fitzpatrick after some few minutes went outside and signalled the waiting police to enter, which they did. It is not necessary as to occurrences at the brothel to say more than that Berry did hand the money to Mrs. Roberts, and that despite Berry's evidence, there is on the evidence of Mrs. Roberts, confirmed in a slight degree by that of Inspector Watts, reason for suspecting that Berry did strip himself naked. Four women, Mrs. Dorothea Gibbons (who is Mrs. Flatman's daughter, and who was managing the place at the time) Mrs. Roberts. Linda Culler and Denise Rose Stephens were arrested and later charged with various appropriate offences. They were brought

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back to the lock up near Central Station where Daniels saw them. At one stage Berry took statements from Culler and Stephens. I am satisfied despite Daniels' denials and despite the caution with which I have regarded the evidence of Mrs. Gibbons and Mrs. Roberts, that Daniels was in a high state of excitement at one stage that evening and berated the four women.

Gibbons and Roberts were placed in a cell - a procedure which was unusual in such cases. Later, however Daniels who had calmed down visited the cell and on their complaint of cold took them out and placed them in an office with a fire.

81. The women were bailed later that evening. Another woman engaged in prostitution Jean Gray had rung 458 Beaufort Street while the police were there. Inspector Watts answered. She realized what had happened and communicated with Mrs. Flatman and with her proceeded to the lock up to bail them out. In the meantime a solicitor, Mr. Singleton, had been consulted and had telephoned the lock up. The four women arrested consulted together that evening and decided to follow the unusual course of pleading not guilty to the charges when brought before a magistrate next morning, and did so. The charges were accordingly adjourned for a subsequent hearing.

82. (a) From about 4a.m. on Saturday 29 September 1973 Daniels who had gone home to bed was disturbed by his telephone ringing every few minutes, there being no response when the telephone was answered. This was repeated the following evening.

(b) On the Saturday Daniels says he saw Linda Culler who was an American and was told by her that they had

intended to plead guilty but that Mrs. Flatman had been speaking to the detectives and they had pleaded not guilty. Mrs. Flatman denied speaking to the Detectives; whether or not Culler made the statement to Daniels my opinion is that the women decided to plead not guilty because they were angry, not that they were arrested, but because of the behaviour of Berry and Supt. Daniels of which they wished to give evidence.

83. It is from this point on that Daniels began to send to his superiors a remarkable number of memoranda, sometimes very lengthy, dealing with the subject of prostitution. The first of these, the manifesto dated 28 September 1973 has already been mentioned. Most of the propositions he was urging are set out in this document and a summary of it will assist to an understanding of the events of October and November.
84. In the heading he speaks of "a matter adversely affecting our public image and adversely affecting our morale and efficiency, viz: The Escalation of Prostitution." (The three subjects of adverse effect on public image, on morale and on efficiency are repeated time and time again). He asserts that lack of proper control of prostitution belittles the good name of the force and leads members of the force to doubt the integrity of their workmates and of their officers for permitting it. He then states that every member of the force has equal powers but that by practice and usage only members of the consorting squad should interfere directly in vice and prostitution control. The pinnacle of control from which decisions on prostitution flow downward to police officers in the field he says is unknown to him. He refers to perhaps more than 100 houses practising prostitution, in addition to escort agencies, massage parlours and

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the like, and to open homosexuality and lesbianism and suggests that they are related to murder and the running of houses of ill fame. He suggests to his readers as a test they ring up advertisers in the copy of the Sunday Times annexed and ask for sex. He recommends "topmost" officers to visit brothels and the like, but that someone not now actively engaged in the control of such places should be selected as a guide, as it could be possible for a "whitewashed" tour to be arranged. He complains that the law which is adequate to control prostitution is just not being used; if the problem is not tackled without delay it will never again be effectively controlled. "I record these facts so the 'phantom policy setter', whoever that may be will know that such policies are doing great damage to police efficiency and no good to society." He complains of no action being taken on his own reports to the C.I.B. He states categorically that every policeman is indoctrinated to believe that dire consequences to blight his career may result if he so much as exercises the power conferred upon him by directly taking action himself towards prosecuting prostitutes. He says that a person in charge of a brothel knowing this told his uniformed police if they wanted "to do anything about it, get so and so of the C.I.B." There is an account of the Dietrich complaint and of Daniels' version of what subsequently occurred and did not occur. Mr. Daniels goes on to say that he does not want to involve any particular persons at all - he is, he says simply attacking the system. He does not want any reply to this Report at all. He denies that toleration of prostitution is desirable to eliminate serious sex crimes or to provide a good source of criminal information. He says "It must be determined if it is in the best interests of the Force, that the huge bulk of our

members continue to believe that they must not in any way join in this fight against prostitution." He claims that prostitution, narcotics, illegal gambling and illicit liquor escalate and become uncontrollable where insufficient control is exercised and that other countries have experienced protection rackets, planned assassination, open gang warfare "and in the end Society has become so subverted that people live in fear." Indications of things to come are appearing in the Eastern States, notorious Eastern criminals are mixing in the right circles in Perth. "But in spite of all this it could seem the phantom policy setters wishes are being put into effect and Perth is increasingly becoming infested with Escort Services, Brothels, Massage Parlours, Cult Sects, Homos, Lesbians and the like ... It is our Duty to clear up the scene."

He wants an opportunity to discuss the matter personally with Mr. Wedd. "Top Administrators and Commissioned Officers must remove their heads from the sand. They have to agree that Prostitution Is Not Being Effectively Controlled ... If anyone disagrees, please direct me in writing."

85. The foregoing gives some idea of Supt. Daniels' extravagance of language, repetitiveness and it will be observed inconsistency. His overt proclamation that he is not attacking individuals for example is accompanied by allegation of possible "whitewashing" and other less overt insinuations of misconduct. Some of the facts on which he bases his arguments will be shown in later sections of this report simply to be wrong.
86. In view of certain differences in the evidence of Supt. Daniels as given at different stages of the inquiry it

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is not I think possible to be sure precisely when he finally determined to set out on his campaign directed in terms against prostitution, but in fact also against the members of the consorting squad concerned with its control and the senior officers in charge of the administration of the Police Department.

His original intention as it is stated in para. 70 he once said he did not depart from until he had been informed of certain matters by Dot Walsh. This would be on or after the evening Saturday 29 September 1973. I do not consider it necessary to decide the matter. I am certain that by Monday 1 October 1973 or Tuesday 2 October 1973 he was determined to go ahead.

87. On Saturday 29 September 1973 he caused to be posted on the notice board at Central an instruction to all ranks under his command referring to escalation of prostitution, the public image of the force, police morale and impairment of efficiency and stating that members should no longer be allowed to believe that they had no right to do their duty and should stringently avoid involvement in the fight against prostitution. He instructed them to report in triplicate anything coming to their notice causing them to know or believe that prostitution was being practised in any particular place. The instruction said that one copy would be forwarded for the information of those entrusted with prostitution control, if he felt it expedient. The instruction said further "The accumulation of the reports of good honest policing cannot go unheeded." The implication of the two last quoted statements are obvious.

88. On the night of 29 September 73 Daniels got in touch with Dot Walsh, then conducting a brothel at 944 Albany

Highway, and was thereafter from time to time in communication with her. This was done he says in substance to provide him with a source of information from within the world of prostitution activity. He had known her since Roe Street days. At this time he says he was told by Dot Walsh a number of things which, in conjunction with the pleas of not guilty by the women charged after the raid and the continuance of 458 Beaufort Street as a brothel despite the fact that Mrs. Flatman had been warned to stop, caused him to believe that he and the uniformed police under his command were being defied by the prostitutes, supported by some members of the C.I.B. The things which he said Walsh told him were that Mrs. Flatman had been told by the "consorters" (i.e. members of the consorting squad) to plead not guilty to any charges laid by the uniformed police, that Mrs. Flatman had said she had sufficient power to close Hay Street, Kalgoorlie before she would close her brothel, that he (Daniels) had been under psychiatric treatment for over a year and perhaps was to be pitied, and that when Mr. Wedd (who was absent from Perth) got back he would be disciplined. He said he believed it was plain straight defiance by Mrs. Flatman.

89. Mrs. Walsh denied making any of these statements. She also denied having told Daniels, as he alleged she did, to watch himself and that it was likely his car would be blown up with dynamite. Subsequently when cross examined she admitted having said to him words to the effect of "You want to watch your car you know Mr. Daniels; something might happen to you." I am unable to place any real reliance on Walsh as a witness; I think that she may well have said to Daniels some things of the kind he alleges, possibly because his questions disclosed to her the line of his thought.

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(In a document compiled by him in March 1974 and sent to the Commonwealth Police, Daniels says that Walsh told him that it was Mrs. Flatman who was threatening to blow up his car). The warning by Mrs. Walsh of possible injury to himself or his car caused him to have an alarm fitted to the car and he issued pistols to himself and to Constable Berry who was playing a leading part under Daniels in investigating prostitution. Berry alleged that he too had been the victim of telephone harassment.

90. Daniels said that the only way Mrs. Flatman could have known of his being treated by a psychiatrist a year before this time was from information supplied to her by Simms, who drove him to Dr. Zeck's surgery in September 1972, and he believed that Simms did so. At the end of the inquiry, on Daniels' being recalled, he said contrary to what his evidence originally was, that Simms was on the particular occasion accompanied by another member of the consorting squad and that man might have supplied the information to Mrs. Flatman. The discovery by Daniels of a telephone inquiry by Mrs. Flatman of a sergeant at the Liquor and Gaming Branch after the arrests on Saturday night as to what had happened to the girls at 458 Beaufort Street provided him with what he regarded as further ground for believing the members of the consorting squad were involved. Mrs. Flatman told the sergeant she had already inquired of the consorters. This Supt. Daniels alleged was a reason for believing that his telephone harassment later that night occurred because Mrs. Flatman must have been informed by the consorting squad of his initials which he asserted were generally unknown. This he thought enabled his telephone number to be ascertained from among those of a large number of persons named Daniels in the telephone book.

91. I have traced the story in considerable detail to this point to show that the foundation of Supt. Daniels' belief that the members of the consorting squad were now acting in collusion with Mrs. Flatman were not remarkably sound. Henceforward it is unnecessary to pursue the events so closely. It should be noted however that the terms of the instruction placed on the Central Notice Board on 29 September 1973 came to the attention of Acting Chief Superintendent Parker - (the Chief Superintendent is concerned amongst other things with the discipline of the force.) He on 2 October 1973 directed Superintendent Nicholson, Daniels' immediate superior, to interview him and obtain from him particulars of what he had asserted, including the names of any members of the force whose integrity he doubted. To this Supt. Daniels on 3 October 1973 made a series of what are, in the light of his evidence as to his then beliefs, remarkably disingenuous answers. It is sufficient to quote one. "If, and when, I doubt the integrity of any member of the West Australian Police Force, I will immediately, as is my duty, report specifically on that fact."
92. Supt. Daniels said in evidence he believed that as he was attacking a policy by which prostitutes were protected from police other than those assigned to the task of suppressing them, he anticipated hostility. That hostility would possibly he thought take the form of alleging he was insane: he said there was precedents. He had himself examined physically and mentally by Dr. Pearson, the Divisional Medical Officer on 1 October 1973. He saw Mr. Ronald Davis M.L.A. the Minister for Health on 2 October 1973 and received in consequence from him a letter dated 9 October 1973. This letter referred briefly to the complaints received from the genuine masseurs and to the difficulty of their providing evidence of formalized training to set

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standards for their registration. The Minister recognising that the embarrassment to genuine masseurs in the circumstances was a matter for considerable concern said that it was not seen how the matter could be dealt with by legislation. He thought that reliance could only be placed on the Police Department taking effective action against pseudo massage parlours and he said he was therefore pleased to hear of the action recently taken and hoped it would continue.

93. During October Supt. Daniels issued many written instructions relating to prostitution to his subordinates. He also sent on to his superiors a very substantial body of observations and exhortations on the subject, sometimes as many as two or three in one day. Some of these were couched in language which was in my opinion quite insubordinate. On 5 October 1973 he issued a confidential invitation to his sergeants to answer a series of questions, designed obviously to counter Mr. Parker's reaction to Daniels' instruction posted on the Central Notice Board on 29 September 1973. Having obtained a large number of answers which by reason of the phrasing of the questions could hardly be otherwise than suitable for Mr. Daniels' purposes, on 10 October 1973 he forwarded copies of the questionnaire and answers for submission to Parker with a covering memorandum. In this appears the statement that an overwhelming majority of the force have been allowed to believe that prostitution control is an exclusive area for the C.I.B. and that only two young men Kiernan and Tangney are said to be engaged solely on that work to meet the challenge of "a five million dollar vice racket". He says his circular (posted on the notice board) was designed to encourage all his personnel to do what they were sworn to do and fight what he recognised as a great menace. He says he does not know or care how the

copy (scilicet that seen by Parker) was obtained. There is much else that appears subsequently in his voluminous writings. On 8 October 1973 he drew attention to the fact that the advertisements for girls in the Sunday Times of 7 October 1973 no longer stated the earnings. He said in evidence that at that time Dot Walsh had told him the brothel keepers had been told (by whom he did not trouble to inquire) not to put the amounts in the newspapers. Dot Walsh for what it is worth denies she was so informed or that she told Daniels so. But Daniels said in evidence that he then believed Superintendent Parker had "tipped them off" (- see para 61.).

94. On 11 October 1973 another raid was carried out on 458 Beaufort Street in a somewhat similar fashion to the earlier one. This raid was undertaken because the place was still carrying on as a brothel. The same four women were found on the premises and conveyed to the lock up, charged and bailed. They again pleaded not guilty when brought before a magistrate next morning and the charges were accordingly adjourned for hearing at a later date. In consequence Supt. Daniels on 15 October 1973 directed in writing that a marked police car with a uniformed constable should visit the area every afternoon and remain outside "if the place is trading." No-one was to be interfered with going into the premises. He had previously on 13 October 1973 instructed a Sergeant James to place a car outside the premises but according to James' written instructions to a constable, persons leaving the premises were to be told that the place was a reputed brothel, asked for their names and addresses, asked what they were doing on the premises and whether they were living off the earnings of prostitution. In evidence Daniels said this last was an error by James. On the 18 October a policeman from Central who visited the brothel under

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instructions to pose as a would be patron was directed by a woman there to another brothel conducted by Mrs. Flatman at 406 Newcastle Street . This was because of the presence of a police car outside.

95. On 23 October 1973 in the afternoon Constable Berry was under instructions "shadowing" Mrs. Flatman driving her daughter Mrs. Gibbons and two prostitutes from 458 Beaufort Street. Berry was using an unmarked car. His purpose was to ascertain what other brothels Mrs. Flatman was conducting. The pursuit was in fact observed, and various efforts mad to throw the pursuer off. Berry becoming aware that he was observed, called in by radio another car driven by two constables from the Liquor and Gaming Branch to follow Mrs. Flatman: these two constables did not know whom they were following or for what purpose - they were told not to stop and interview the occupants of the car but to ascertain their destination. Mrs. Flatman and her daughter asserted in evidence that they were unaware that the cars following them were police cars: (they detected the action of the second car) and ultimately decided to go to the C.I.B. Headquarters in James Street to complain and did so. Mrs. Flatman entered and met Detective Sergeant Simms who though then on leave was visiting the place to get a book to go to night school. She complained to him of what was occurring about the premises at 458 Beaufort Street. The other car had drawn up as had Berry's car. Simms went out and spoke to the constables, ascertained the facts and told Mrs. Flatman who they were. Simms behaviour and language as reported by the two constables concerned was perfectly proper. Mrs. Flatman lodged a complaint of harassment by the police which was together with the circumstances duly reported by Simms. A violent and most offensive reaction from Daniels occurred, the two

constables having reported to him what had happened In a memorandum to Superintendent Parker at the C.I.B. dated 25 October 1973 he asserted amongst other things that Simms had questioned the integrity of the constables on the say so of a brothel keeper. From the constables' reports nothing of the kind appears nor does it from Simms' report. Daniels wound up his tirade, (and I use the word deliberately), with these words in capitals "It is a great pity indeed when honest members of the police force find themselves divided on the allegations of harlots and brothel keepers". He sent to the Commissioner of Police an account of the incident which also set out how Daniels himself on the evening of that incident continued the patrol with Berry, interveiwing persons entering brothels, including Mrs. Flatman herself.

96. For some time there had been appearing in Daniels' writings a reference to the power of Mrs. Flatman. She was manifesting a spirited but in the circumstances an impudent reaction to Daniels' efforts to force her to close 458 Beaufort Street. She wrote a letter which on 29 October 1973 was published in a newspaper under the pseudonum of "Angry" complaining of the interfere-
ence to her business of a massage parlour, caused by the presence of a police car outside the premises and of the incident mentioned in para 95. Mrs. Flatman then had an interview with Mr. Thompson, the Minister for Police at his office.

97. (a) Mrs. Flatman had prior to this seen Dr. Dadour M.L.A. on one or two occasions. Dr. Dadour and Mrs. Flatman recall one occasion only; Mr. Carpenter who was instrumental in arranging the matter said there were two. I do not think it necessary to resolve the difference. Dr. Dadour says that Mr. Carpenter rang him about May 1973 saying he had a client who had a

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problem and asked if he could bring her to Parliament House to see Dr. Dadour. Until they arrived Dr. Dadour did not know who she was or what her problem was. It then appeared that she was seeking an alteration of the Police Act to legalise prostitution and was inquiring as to the views of Members of Parliament on the matter and wished to go to either the Minister or the Premier. He said he explained to Mrs. Flatman the difficulty of getting Members of Parliament to declare themselves in favour of legalising prostitution. He said at another state that she was also seeking toleration as distinct from legalisation, and she had given him some information about the conduct of her brothels and told him of her giving information to the police and that she thought that entitled her to more co-operation from the police - she said she was being fined from time to time. She also told him something of Australian girls being lured to Singapore for immoral purposes. She was polite and there was in effect no suggestion of coercion.

(b) Mr. Carpenter asserts that "sometime around 1972" Mrs. Flatman gave him some information regarding white slavery. He, thinking this might be related to drugs, in an unsuccessful effort to get in touch with Mr. John Williams M.L.C., Chairman of a Parliamentary Drug Enquiry Committee, spoke to Dr. Dadour who suggested Mrs. Flatman should see him (Dr. Dadour) at Parliament House. She agreed to go. They met Dr. Dadour and worked out a series of questions to be asked in Parliament and there was also some conversation as to prostitution in Western Australia. Later Carpenter says Dr. Dadour rang him asking for a further meeting with Mrs. Flatman regarding the white slave traffic. The meeting was held and white slavery was discussed and also, briefly, police activities in Perth regarding prostitution.

98. Mrs. Flatman's account is that Carpenter was present at one of her brothels, 406 Newcastle Street, when two girls seeking employment as prostitutes told her of their experience of being employed to go overseas as dancers and discovering they were in fact required as prostitutes. She gave the information to the police. Carpenter next day asked her if she would like to see Dr. Dadour. She did see him and he told her he had informed the newspapers; Dr. Dadour also spoke to her about prostitution from the point of view of his profession as a medical man. She says she also told him that there was a lot of pressure (sc. by the police) at the time.
99. To come now to the visit to Mr. Thompson as Minister for Police, again the versions of how it came about and what was said differ. Carpenter said he attended at 458 Beaufort Street to arrange an insurance for a girl there at Mrs. Flatman's request. He saw a police car parked outside. After arranging the insurance he left the premises. A policeman left the car, asked him his name and address which he gave, and the purpose of his visit. The policeman said the premises were a brothel (which Carpenter alleged he did not know). Carpenter threatened to report the matter to a member of Parliament, tried to contact Dr. Dadour, but got in touch with Mr. Williams who later said according to Carpenter he had reported the matter to Mr. Thompson who would doubtless be in touch with him. He said the Minister did ring him about two days later, and said he would look into Carpenter's complaint of tradesmen and others legitimately visiting the premises being stopped by police. Carpenter then told Mr. Thompson that it would be in his own interests to talk to Mrs. Flatman. (He thought this, he said, because she could best inform Members of Parliament of what was really

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going on). Mr. Thompson he said agreed, and he reported the conversation to Mrs. Flatman. Mrs. Flatman said that Carpenter told her the Minister would like to see her and she herself made the appointment and saw him.

100. Mr. Thompson's account was that in October 1973 Dr. Dadour approached him in the corridors of the House to tell him that he had a lady in the dining room who wished to speak to him, that her name was Mrs. Dorothy Flatman and that she had asked would he (Mr. Thompson) come in and see her. Mr. Thompson said he refused but said he would see her in his office as Minister for Police if she made an appointment. This was done and he saw her a day or two later. Mr. Thompson flatly asserted that Carpenter had never been in touch with him in his life; he said he had never spoken to the man. It had not been suggested to Dr. Dadour, who was called before Mr. Thompson, that he mentioned Mrs. Flatman to Mr. Thompson, but he was asked whether he had introduced her to somebody at Parliament House and he said he had not. It will be noted that the interview Dr. Dadour says he had with her was in May 1973. It is also true that as stated in para.97(a) Dr. Dadour said she wished to go to the Minister or the Premier.

101. Mr. Thompson's account of the interview given with the aid of notes he made at the time was that Mrs. Flatman's major complaint was that she was being hounded by the Police; she having opened up brothels in different areas of Perth, they had been closed down by the police, and she gave Mr. Thompson the addresses of many of these premises. She also mentioned that other people were not getting the same treatment. She told him of the raid on 458 Beaufort Street on 28 September 1973 (of

the intention to carry out which he had been informed of course by Supt. Daniels) and of police sitting outside 406 Newcastle Street in a car. She asked him to intervene, and he says he refused - he considered the police were doing their job. He did not take any action in respect of the visit and did not ever inform the Police Department of it.

102. Mrs. Flatman said of the interview that Mr. Thompson seemed to know who she was when she entered and what it was all about. She complained to him she said that she was being singled out and of being hounded by detectives as well as by uniformed police. She also said that he asked about people being stopped on the pavement outside. She suggested that something like Kalgoorlie should exist in Perth, and Mr. Thompson said that if Labour won the election something would be done.
103. For convenience I record here that in my view none of the evidence of what occurred at these interviews can be said to amount "making coercive demands of legislators", as in July 1974 Daniels described Mrs. Flatman's conduct at Parliament House. I am of the view that she was using Carpenter to some extent at any rate to gain herself a hearing from Members of Parliament. She was attempting for some time by interviewing members to secure some legislative or administrative action which would render her activities less likely to be amenable to the attention of the police but while I regard her actions as impudent, they were not coercive.
104. In October 1973 the actions of Supt. Daniels' uniformed police were attracting some publicity. On 10 October 1973 there appeared in the West Australian a short report apparently based on Mr. Daniels notice of

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29 September 1973 and on his questionnaire to sergeants of 5 October 1973. This was accompanied by a denial from Mr. Sims as Acting Commissioner of Police that prostitutes were about to be singled out for special attention and by a statement attributed to Mr. Taylor as acting Chief of the C.I.B. of a like kind. The report went on: "He (Taylor) said that the police force acted against prostitution whenever it had enough proof. It was difficult to get sufficient proof." Mr. F. Doven and others on behalf of the genuine masseurs fairly enough aired their grievances, and there were various comments in the Press.

105. Stationing of police cars outside brothels and the interviewing of persons leaving the premises resulted in a stream of detailed reports of observations and many of these were forwarded on to Superintendent Parker at the C.I.B. with comments from Supt. Daniels urging the C.I.B. to action against the various premises; very often they were also sent on to Daniels immediate superior, the Divisional Officer, for submission to the Commissioner. One memorandum of 22 October 1973 is offensive in tone and plainly suggests that the detectives concerned with prostitution control were working in collaboration with prostitutes. It is to be noted that on 11 October 1973 two of the premises mentioned in these reports 144 Newcastle Street and 454 William Street had for some time been under surveillance by members of the consorting squad and were raided on that day by two of its members, Detective Kiernan and Detective Tangney. Women were arrested and charged. At 144 Newcastle Street a man was arrested, charged with living on the earnings of prostitution and sentenced to 3 months imprisonment.

106. (a) The Commissioner of Police, Mr. Wedd, had been on leave from 10 September 1973 to 21 October 1973. On

his return to duty on 22 October 1973 Mr. Sims who had acted in his absence told him that he had left until Mr. Wedd came back the matter of Supt. Daniels and his attention to prostitution and so on.

(b) On 24 October Mr. Wedd told Daniels, who rang him up, in effect that he had not yet seen his memorandum of 28 September 1973 and was unable to grant Daniels an interview at that time. On 26 October 1973 however, Mr. Wedd, having read some of the material Daniels had been sending forward, rang him, and administered a severe reproof regarding references in the reports to the C.I.B. He told Supt. Daniels he believed Daniels was driving wedges between the branches and he would not have it. He pointed out to Daniels that the Australasian and Pacific Police Commissioners' Conference which he attended had escort agencies and massage parlours continually under review; that it would be a pity if Daniels whom he had in mind for the job of Metropolitan District Superintendent should become involved in causing trouble between the branches; that he could, if he wanted to, send information on to the C.I.B. but he did not want any more of Daniels' cynical comments.

107. Mr. Parker finally on 30 October 1973 directed Supt. Daniels in writing not to forward to him personally reports regarding prostitution but to send them to the C.I.B. office. These had been sent direct to Superintendent Parker as from 22 October 1973.

108. (a) On 1 November 1973 Daniels did have an interview with Wedd. It is probably that Daniels adopted a more conciliatory attitude and that he concentrated on the question of the right of uniformed police to proceed against prostitutes, and that Mr. Wedd was trying to

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calm Daniels down. The evidence convinces me that Supt. Daniels' behaviour generally was causing real trouble between the C.I.B. and the uniformed branch. Apart from this, his known close friendship with Inspector Taylor, and Taylor's inquiries of the Consorting Squad prompted by Daniels' assertions were leading to his own men beginning to distrust Taylor. At the conclusion of this interview Wedd reassured Daniels as to the rights of his uniformed men, and expressed the hope that Parker, Taylor and Daniels could get together on the matter of prostitution.

(b) Daniels said though Mr. Wedd did not remember it that the Commissioner told him that he wanted prostitution cleared up in the city and so did the Minister. Mr. Wedd ^{in fact} did not believe any more than anyone else did that prostitution could be eradicated. There is a minute from him addressed to Parker at the C.I.B. on 2 November 1973 noted on one of the reports from Central Police Station "Full effort to be made to eradicate prostitution activity." Taken literally it would suggest that Wedd did believe it could be eradicated. I am satisfied that the minute was put on to indicate to the C.I.B. to do as much as they could and to step up the pressure if that were possible. The publicity which Daniels had attracted was resulting in letters to the Police Department and Parliamentary questions. The minute did not direct the C.I.B. to achieve the impossible.

109. Supt. Daniels went on leave on 5 November 1973 - his last day actually on duty was 2 November 1973. Before leaving he had himself examined again by Dr. Pearson. While he was absent two raids on brothels were carried out at his direction by uniformed police from the Central Station. About midnight on 4 November 1973

premises conducted as a brothel by Mrs. Shirley Finn at 454 William Street were raided, a Constable Brajkovich employed as an agent having entered sometime before. Constable Berry and Police Woman Constable Winzer took part in this raid which was under the direct command of Sergeant Henneker. Two Inspectors, Inspector Watts and the late Inspector Hawke were present outside the premises as observers. Four women, including Mrs. Finn, were arrested and charged. It should be here stated that Brajkovich actually had intercourse with a prostitute before the raiding party arrived. He had on his way to the premises been in a vehicle with Berry and Miss. Winzer and Berry instructed him in grossly indecent terms as to the procedure he was to follow. This included a reference to the possibility of him having intercourse. These instructions no doubt led to Brajkovich going far beyond any legitimate bounds. In all except this raid precise instructions in writing had been given by the officer or sergeant in charge. In consequence of Berry's language in the car, Miss. Winzer later made a complaint to Inspector Watts. The women arrested made no complaint at the time of Brajkovich's conduct, but Henneker heard of it a few hours later. He says he heard of it from either Brajkovich himself or Berry. He took no action in regard to it because Brajkovich was a married man.

110. On 7 November 1973 Sergeant Lemon conducted a raid on another Flatman brothel at 358 Oxford Street and four women, including another daughter of Mrs. Flatman, a Mrs. Anson and Denise Stevens were arrested and charged. In this case Constable Crosswell was used as an agent to enter the premises beforehand. Berry was again one of the team. In each case the girls charged pleaded not guilty and the hearing was adjourned.

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111. As part of what he regarded as a crusade against prostitution Supt. Daniels early in October 1973 had interviewed representatives of the Australian Hotels Association and the Swan Brewery regarding the use of hotels for prostitution. He compiled a circular to be sent out on the subject; he addressed a Memorandum to Acting Superintendent Taylor on the subject.
112. In addition to all the other action he was taking regarding prostitution Supt. Daniels found time in October 1973 to write several letters to the Minister for Police some of which letters were also sent to Mr. Davies, the Minister for Health. These letters were originally made available to the Commission by Mr. Thompson. In part they repeat almost in identical terms the language of the manifesto of the 28 September 1973. They at times contain language which is critical and offensive regarding Mr. Wedd and other officers, sometimes coupled with denials of any wish to attack individuals. There is a statement that Daniels does not know of graft, followed later by the query "Is there any graft - I don't know?" He says further that he knows no evidence of graft "only unhealthy liaison between the parties." There is a reference to an "unhealthy state of affairs in brothel control policies" and "the Phantom Policy Maker" is mentioned. References to defiance by Mrs. Flatman of Supt. Daniels "as Chief of the City Uniformed Police" abound. There are references to un-named Members of Parliament on both sides of the House being involved with "molls". The letters contain many complaints of the indoctrination of the Police Force with the idea that serious consequences will befall uniformed police attempting to deal with prostitution. But the first letter significantly begins "Dear Ron, It may be held that in my official capacity that I have no right to communicate

direct with my Minister. As a citizen I claim that right. As a loyal supporter of the Party I also in turn expect its support in doing what I am currently trying to do." And in part the letters urge upon the Minister conduct designed to carry into effect courses Daniels wishes followed despite the Commissioner and other senior Police Officers. The Minister is told in substance that he will be deliberately misled by them.

To this body of correspondence I shall have to make further reference.

113. On 19 October 1973 Mr. Davies while at a Police Credit Union Ball spoke to Mr. Taylor about Daniels' condition. Taylor like Daniels was an acquaintance of long standing. I am satisfied from a report submitted by Mr. Taylor on 22 October 1973 that Mr. Davies said that Daniels appeared to be obsessed with the problem of prostitution and that Daniels had telephoned him several times on the subject and had visited him with papers on the subject at an inconvenient time. He had told Mr. Davies that the prostitution problem was so serious in Perth that it had caused him to break down and cry. Mr. Davies said that he would be prepared to receive a senior officer to discuss Daniels attitude as he felt he might be in need of medical attention.

Mr. Davies whose recollection of the incident was by no means clear was not prepared to admit he had spoken of the need for medical attention, but I have no doubt he did so. In November while Daniels was on leave two senior officers, one being Chief Superintendent Leitch, in consequence did see Mr. Davies and suggested to him in substance that on prostitution Daniels was overplaying his hand. Mr. Davies was right in thinking that these officers were suggesting to him that he

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should not interfere in the matter, but I also think he was himself concerned about Daniels' condition.

THE WITHDRAWAL OF THE CHARGES LAID AFTER THE RAIDS.

114. In all some 17 charges against 12 women had been laid after the four raids by the uniformed police. The pleas of not guilty had resulted in adjournments to dates as late as February 1974 to meet the convenience of the solicitors acting for the defendants. In a casual encounter during November Mr. Cannon who was acting for them told Inspector Watts that they would be pleading guilty when the matters came on for hearing. However there were new developments, arising from the behaviour of Constable Berry, in regard to three policewomen. I have already mentioned in para. 109 the language he used in the presence of Miss Winzer before the raid on the night of 4 November 1973. Miss Winzer and two other policewomen made complaints about him. Chief Superintendent Leitch whose duties concerned the discipline of the police force saw them and had statements taken from each of them by Inspector (now Chief Superintendent) Porter and Sergeant (now Inspector) Wilson. On 9 November 1973 Berry was interviewed by Inspector Porter, Sergeant Wilson and Mr. Leitch. He was confronted with these statements. His explanations did not commend themselves to the investigators. After declining the offer of a departmental inquiry into the allegations of the policewomen concerned, Berry resigned from the Police Force that day and his resignation was at once accepted.
115. Subsequent to Berry's resignation a statement was obtained by Porter from Brajkovich which corroborated the statement of Miss Winzer as to the terms in which Berry instructed Brajkovich on the night of 4 November 1973. The inquiry into Berry's conduct resulted in a

decision by Mr. Leitch that inquiries should be made as to the manner in which evidence leading to the 17 charges had been obtained. Porter suspected Brajkovich had done what Berry had said he might do. Sergeant (now Inspector) Pages-Oliver was directed to make these inquiries. On 19 November 1973 he interviewed first Constable Fitzpatrick and then Constable Brajkovich. In the course of a ten page statement in his own handwriting Brajkovich admitted having had intercourse with a woman at 454 William Street on the night of 4 November 1973.

116. Pages-Oliver took the statement to Mr. Leitch. He was so disturbed that he requested Mr. Leitch to relieve him of further inquiries. As a prosecuting Sergeant of many years standing he expressed to Mr. Leitch in strong terms his opinion that the charges should be withdrawn. From Pages-Oliver's evidence and from other witnesses it is pretty clear that Berry's conduct also at 458 Beaufort Street was generally suspect.
117. Mr. Leitch at once consulted the three seniors available - Mr. Wedd the Commissioner was absent from Perth at the time. Mr. Sims was Acting Commissioner, Mr. Court was Acting Deputy Commissioner. Leitch himself was Acting Assistant Commissioner and Mr. Parker was Acting Chief Superintendent. The four decided that, subject to the concurrence of other members of the force who had laid the complaints, Inspector Watts, Sergeant McKay, Sergeant Henneker and Sergeant Lemon, the seventeen charges should be withdrawn.
118. Mr. Leitch interviewed all four. All were satisfied that they had sufficient material upon which to obtain convictions, even without Brajkovich's evidence in regard to the events at 454 William Street. But all concurred in the proposed withdrawal.

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119. Mr. Leitch was in the circumstances of course the principal mover. I am satisfied that he spoke on the matter to Mr. Cannon who was acting for all the defendants, notwithstanding Mr. Cannon's belief that he did not speak to Mr. Leitch. Mr. Cannon's version was that he in very general terms indicated to one of the four regular prosecuting sergeants in Perth that one of the police concerned had involved himself sexually with one of the girls. He was unable to recall to which sergeant he spoke. It was in consequence of this he believed that the prosecutor offered to withdraw the charges. I think Mr. Cannon is mistaken. His recollection of much is admittedly imperfect, and the contemporary records of the Police Department are against him. Mr. Leitch did ascertain from Mr. Cannon that he had been instructed as to the misbehaviour of the Police. Mr. Cannon agreed to the police withdrawing the charges and agreed to obtain from all twelve women concerned an indemnity by which they indemnified the police from all liability in respect of the complaints or the arrests. This indemnity was at once drawn up in Mr. Cannon's office and he secured the signatures of each of the twelve defendants on the 21 November 1973.

120. Pursuant to instructions Sergeant Pages-Oliver brought the seventeen charges on in the Beaufort Street Court on 26 November 1973. With the concurrence of Mr. Cannon he asked leave to withdraw the charges on the grounds that there was insufficient acceptable evidence to offer and it was felt that in law some of the defendants did not assist in the management of the premises. The Magistrate thought the proper order to make was to dismiss all the charges and did so.

121. Mr. Leitch on 21 November 1973 had made out a statement

of reasons for the application to withdraw the charges. It was now accepted by the senior officers concerned and as I believe with justification that Berry was a quite unreliable witness. His instructions to Brajkovich were grossly improper. Though it was earlier asserted by Mr. Davies for the Commissioner that Berry's alleged misconduct at the first raid on 458 Beaufort Street played no part in the decision, it did emerge that there was in fact considerable suspicion as to whether Berry had not in fact misconducted himself.

While Berry took no part in the second raid on 458 Beaufort Street, the same four women were arrested there. He took part in the raids on 454 William Street and 358 Oxford Street. Brajkovich's behaviour was grossly improper. While for obvious reasons it was not committed to writing, all the experienced officers appreciated the real possibility that if any of these prosecutions proceeded, attempts would be made, possibly successfully, in cross-examination at least to introduce the misbehaviour in one case into all the others was well. Sergeant Pages-Oliver was most alive to this possibility. It was thought the public image of the whole police force would be seriously affected for the worse. These were the real considerations affecting the decision. There was also the question of whether more than one woman could be said to assist in the management of a brothel at any one time to which I have referred in para 12.

122. These are the reasons for the decision to withdraw all these charges. The view taken by the officers concerned was in my opinion one which honest men acting reasonably might well have taken. Some time later, certainly after the decision to withdraw had been taken and possibly later still, Mr. Kevin Parker of the Crown Law Department expressed his concurrence

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in the decision but this was no part of the reason why it was reached. There is nothing to support any suggestion that the charges were withdrawn because of any liaison between the police and those engaged in the promotion of prostitution. I see no reason to doubt Mr. Leitch's evidence that Daniels' involvement in the area of prostitution control was not a significant point in the decision. Mr. Thompson the Minister is of the opinion that he was consulted on the matter and that he minuted a memo on the matter with his concurrence. He believes that it was put before him on the basis that the police actions could not be substantiated because agents provocateur had been used.

Mr. Thompson said that "written or verbal it was certainly referred" to him, he thought because of the Press publicity regarding prostitution at the time, and as it were to keep him as Minister in the picture of what was going on. While Mr. Leitch was unaware of any such reference to Mr. Thompson, I do think that Mr. Thompson was at least informed of the matter. However no minute by him could be produced.

123. While this was going on Daniels was absent on leave. He saw a Press report of the dismissal of the charges which appeared on 27 November 1973. Mr. Leitch assumed that Supt. Daniels was in Albany when the decision to withdraw was taken, and says he did not particularly think of informing Daniels about the withdrawal before it actually took place. Daniels was in fact not consulted on the matter. He said that a few months later he obtained some information on the matter which undoubtedly did nothing to allay his suspicions about the matter. As to this see paras. 155 and 156.

THE TRANSFER OF SUPT. DANIELS FROM CENTRAL POLICE STATION

124. While Supt. Daniels was still on leave the young policewoman with whom he had been involved and who was still at Central, made in the latter part of November statements regarding the alleged indecent assaults and setting out what she asserted had been the treatment she had received over the year at Central Station. She said her health had been affected. Detective Sergeant Simms had seen Mr. Leitch; the policewoman saw Mr. Leitch. Leitch on 10 December 1973, before Daniels' leave expired, rang him up and requested him to see him next day. On 11 December 1973 Mr. Leitch interviewed Daniels in the presence of Mr. Court, who said very little throughout. Mr. Leitch said in evidence the purpose of the interview was two fold - first to enquire into the allegations made by the policewoman, and secondly to see if he could get Daniels to go before a doctor. His condition was causing anxiety to his fellow officers and also to certain Ministers; Mr. Leitch said both Mr. Davies and Mr. Thompson had at this time told him they considered Daniels was sick. Mr. Leitch was aware of much of his history over the last couple of years, and had read some of the letters he had written to the policewoman.
125. Daniels' account of this interview was that Leitch was alternately conciliatory and aggressive. He first told Daniels the 17 charges had been withdrawn because of Brajkovich's misconduct. He then criticised Daniels for having "got into this business", accused him of "rocking the boat" and driving a wedge between the branches of the police force. He then asked Daniels if he would like to retire. He told Daniels after Daniels asked what the true position was that he had

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friends in the government, that he should retire on medical grounds, that he was and always had been "a nut" and that it could be fixed so that he could retire on full pension. He referred Daniels said to a case in which a policeman had retired on the certificate of his local general practitioner. He then said Daniels had been running to a couple of Ministers, that the Government had "had him", and he was asked how he would like to be charged under the Regulations, and told that he'd be a fool not to bow out gracefully. He said they proposed to send him to a doctor. Supt. Daniels said that he replied that he'd already been to a doctor, that he had anticipated exactly the move they would be making, saying it was "one of the oldest moves in the book." He said that Leitch then produced some papers, asserted that Daniels had been more than friendly with a policewoman in Albany, said he had taken statements from her and asked how he would like to be charged with indecent assault. In cross examination Daniels agreed that Leitch read the statement to him, said he believed it and then asked Daniels how he would like to be charged with indecent assault. To this, Daniels said, he answered as he had to the earlier suggestion of a charge under the Regulations - "Charge me Mr. Leitch."

He said he further referred to the time that had elapsed since he was in Albany and stated that he believed the policewoman was friendly with one of the sergeants in the Consorting Squad. Leitch then said "Yes and this is what it's all about. It is some insane jealousy on your part which has caused you to go in and rock the boat about the brothels to try to get square with this fellow." Leitch also mentioned according to Daniels that the girl's flat had been broken into and entered and Daniels was suspected.

Daniels said he told Leitch to charge him. He said that "in a soft and friendly way" Leitch then urged him to quietly accept the proposition and retire two and a half years before his time. Daniels indicated willingness to go before a psychiatrist. He said that Leitch told him that he need "only put on a bit of an act and say 'How are you going you old trick cyclist - you old bastard' ". Daniels said that he replied it was not going to be that way. Leitch therefore told him, Daniels said, that he was not going back to Central because in charge of men he was dangerous and that for the rest of his service they would find a job for him in a backroom driving pegs in boards.

126. Mr. Leitch in evidence said that the matter of withdrawal of the charges was not raised. The substantial part of the interview he said began with him saying "Spike, I'd like you to go before a doctor" to which Supt. Daniels said "What? - do you think I'm nuts." Mr. Leitch said he agreed with Daniels and that he said "You have always been nuts" and that Daniels said he'd choose his own doctor. There was a mention by Leitch of the possibility of Daniels retiring in 1974, of how much he might get and so on if the medical report was to the effect that he could be boarded out, which Leitch was of the opinion was a possibility. He did not however put retirement in 1974 as a proposition to Daniels. He denied that there was any discussion of any other person having been boarded out. Daniels did not show any objection to being boarded out at the time. He denied having referred to driving a wedge between branches of the force, but agreed that he had in effect said that Daniels had been upsetting things. As to the policewoman, Mr. Leitch stated that he started off saying "I understand you know a policewoman (naming her)" "What sort of a girl is she?" Daniels then spoke

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of her integrity and honesty; Leitch showed him her signature to statements she had made, then read what she had said out to him and asked Daniels how he related this statement to the honest girl of whom he'd spoken. Daniels said "I deny it." The breaking and entering was also mentioned, and Daniels denied it also.

127. In my view Daniels' version of the events is coloured by his general attitude to the whole matter of his relations with his superiors and in particular to Mr. Leitch at this time. I discerned no lack of candour on Mr. Leitch's part, rather the contrary. Throughout his evidence Supt. Daniels has manifested. I fear a dislike of Mr. Leitch, untinged by any expression of the regret he has sometimes expressed when he has been in conflict with other fellow members of the police force. It is true that Mr. Leitch had less patience with Daniels than others had. But it is plain beyond argument that retirement on superannuation would not follow immediately on the report of whatever psychiatrist Supt. Daniels might see. If the report of the doctor were that he was medically unfit, a recommendation from the Police Department that he retire would have been followed by the Public Health Department setting up a board of three doctors to whom the recommendation would go and upon whose report the decision would be made. I have little doubt that Mr. Leitch's evidence presents a more accurate if less detailed account of the whole interview.

128. Meanwhile Mr. Wedd who returned to duty on 3 December was informed of what had happened regarding the withdrawal of the charges. He was of the opinion that it was proper to withdraw all of them, not merely those

arising from the raid on 454 William Street, where Brajkovich's misconduct had occurred. He was concerned whether a magistrate would have convicted in that particular case, the agent having proceeded far beyond what is regarded as proper in law. He was principally concerned, if proceedings went on in any case, with the effect of the certain publicity upon public support for the police force.

129. On Mr. Daniels return to duty on 17 December 73 he had to report to Mr. Leitch. Daniels asserted that he refused to sign an application for a transfer from Central Station which Leitch placed before him and he said he redrafted the document so that it was an agreement to a suggestion by Mr. Leitch that it would be better for him "to work at some place other than Central during and perhaps resultant from the psychiatric examination and tests for which I have volunteered 'My Mental Instablility' is the matter in dispute." He says that while being unwilling to apply for a transfer under the regulations he could not refuse to be transferred and that this was why he took the action he did. He also added these words in his own writing after the words quoted when the redraft had been typed. "I feel that all such matters can be then reviewed in consequence of results", and signed the form. Mr. Leitch's recollection is that he put the proposition to Mr. Daniels, that Daniels agreed and dictated his own application, and after it was typed added the words in his handwriting. Mr. Leitch brought the document to Mr. Wedd who minuted his approval of Daniels' "request to transfer from Central Division to other duties to be determined."

130. Mr. Wedd then discussed with Mr. Sims the Deputy Commissioner where Daniels should go. Sims pointed out that Superintendent Lee was revising the police

manual, Standing Orders and Regulations; he was still working on the police manual and Sims suggested that Daniels do the standing orders and regulations. Wedd agreed, observing apropos of any possible psychiatric trouble that the work would come back to them for checking. He therefore told Superintendent Nicholson, the Metropolitan District officer to arrange suitable accomodation for Supt. Daniels at Jaxon House - the only place available at the time. The same day Daniels saw Wedd and was told of his new appointment. Mr. Wedd was of the opinion that pending the psychiatric assessment of Daniels, he could not have allowed him to remain in command of Central Police Station.

131. (a) Apart from Mr. Davies the Minister for Health, other Ministers were concerned about Supt. Daniels at this time. Mr. Thompson said he believed that in either November or December 1973 there was some talk of the police taking some action against Daniels for something that had occurred in Albany two or three years previously involving a policewoman. Mr. Thompson said his reaction was that if there were any case for Daniels to answer action should have been taken when the events occurred and that he was not going to be a party to anybody being "railroaded out of the police force". He says he had strong belief there was a memo from the Commissioner asking for his approval; if there were such a memo, he used on it the words quoted. No such memo was produced.

(b) After this Mr. Thompson says he did not think he received anything official about Daniels other than that they were going to attempt to move "Spike". However he did discuss privately Daniels activities and mental condition with Taylor.

(c) There is one curious incident. On 9 October 1973 Mr. Thompson had signed as Minister for Police a letter to Supt. Daniels in these terms: "The attached is forwarded as requested." What was attached was a typed copy of a very long list of names or excerpts from advertisements and telephone numbers of brothels, call girls, escort agencies, massage parlours and the like - about 57 in all. The original list was in the handwriting of Mrs. Flatman as she herself said. It was in Mr. Thompson's office at the time the copy was made and the copy sent to Daniels. Of how it got there there is no real explanation. Mrs. Flatman said she made it out for her own information because it had been said in a newspaper there were about sixty places operating. She did not know how it got out of her possession; she thought she had it in Beaufort Street. Whether the police took it after a raid on 458 Beaufort Street or Mrs. Flatman left it with Mr. Thompson does not matter. What the letter does suggest is that Daniels was early in October 1973 in communication with Mr. Thompson.

132. A close friend of Supt. Daniels from Albany, Mr. Wyndham Cooke M.L.A. arranged for him to see the Premier Mr. Tonkin on 11 December 1973. In the course of a long discussion he told the Premier that he was being hampered in what he wanted to do in enforcing the law, he was striking trouble from his seniors; that it looked as if they were trying to get rid of him and were trying to show he had some mental deterioration and some steps were being taken to bring about an early retirement. Mr. Tonkin said that when Daniels left he thought they had practically agreed that Daniels would follow the course Mr. Tonkin had suggested. Based on his general experience he thought Daniels was up against trouble in the Department that was likely to get worse, and it might be in his own interests to retire early

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on a pension and perhaps take up some other employment. However within 24 hours he received from Daniels a letter saying "he wasn't going to have a bar of that." (Mr. Tonkin did not know of the letters Daniels wrote to Messrs. Thompson and Davies till late in 1975).

SUPERINTENDENT DANIELS AT JAXON HOUSE

133 (a) Jaxon House was overcrowded at the time Supt. Daniels went there. Superintendent Nicholson allotted for Daniels a portion of a cubicle, already occupied by two constables of the School Lecturing Staff, immediately outside the office of Sergeant Crabbe, in charge of that Staff. Crabbe moved out a Senior Constable who was on pending transfer, and obtained for Daniels a chair a table a cupboard and a clothes cupboard. Crabbe was warned that Daniels was a little upset, and that he was to treat him with due respect. I believe him and Senior Constable Ockwell when they say Crabbe offered his own office to the Superintendent when he arrived, but Daniels declined it. Likewise he declined a further offer to use Crabbe's office when Crabbe was on leave. While the accommodation allotted was not such as a superintendent might properly expect, I think Daniels, who according to several witnesses was in an agitated state at this time, was determined not to fall in with any suggestions that might have rendered conditions any better; and from Jaxon House there poured forth a volume of complaints of (amongst other things) the hardships of his lot there.

(b) Mr. Daniels himself says that on eleven different occasions he complained of his deteriorating health. He at one stage after he had been referred by Dr. Pearson to Dr. Zeck asked his then friend Mr. Cannon

the solicitor to inform Mr. Leitch that Dr. Pearson had told him he was suffering from nervous tension and developing an anxiety state. Cannon and Daniels said in effect that Cannon told Daniels that Leitch said if he got that confirmed by Dr. Zeck "they would recommend your retirement." Mr. Leitch denied any such conversation with Mr. Cannon. I think it is probable that some of the police officers may well have used some words to him attributing to Mr. Leitch language to this effect. I have no doubt it was Mr. Leitch's belief at that time, that Daniels might well qualify to be boarded out on medical grounds.

134. It was during the latter part of December and the month of January that Supt. Daniels was being examined by Dr. Zeck and later by Professor German and a psychologist Miss McCotter. It will be convenient to deal with some other occurrences during January before considering the medical evidence.
135. On 11 January 1974 Mr. Daniels wrote to Mr. Thompson another letter expressing the opinion that the Minister had dropped him, stating that he had put his whole future on the line to preserve the good name of the Force and do the right thing by Society. He said his future in the job was ruined and referred to Berry's being forced to resign and to Brajkovich's misconduct, and said he was prepared to accept his crucifixion and that he had been coerced to leave the job as mentally unstable. He suggested the Minister must have known of it, and refers to the financial advantage it would have been to him to retire. After describing what he said had happened to him he said "Dorrie" (sc. Flatman) boasted she would achieve that and even close Hay Street if she did not get her way." Mr. Thompson said he took no action on this letter. However, on 17 January 1974 Mr. Jamieson M.L.A., then Minister for Works,

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rang Superintendent Taylor on a personal basis regarding Daniels who he said had been causing the Cabinet some concern for some time. He said in recent months they had come to the conclusion that this telephone calls and some correspondence Mr. Jamieson had heard of indicated he was in need of some medical attention. Mr. Jamieson said it concerned him as to what could be done to help Mr. Daniels, such as sending him away on a study tour or the like. Taylor told Mr. Jamieson that he did not think the Commissioner would recommend Daniels for a study tour in view of his medical background, that the Commissioner and Executive Officers were well aware of Daniels present position and that he was receiving certain medical treatment, and that the Commissioner would be informed of the call (as he was). Mr. Jamieson himself said that this call to Taylor followed a telephone call to him from Daniels relating to prostitution which he (Mr. Jamieson) had to terminate; that he spoke to Taylor as another friend to help Daniels but that he (Jamieson) was in no way able to give an indication to Taylor that he had an opinion of illness because he hadn't seen Daniels personally for a considerable time. He did however know that Daniels was being medically examined and that some early medical reports had indicated he was "Okay". He did say that there had been a sounding out of Mr. Thompson by senior police officers as to the view of members of Cabinet as to Daniels early retirement on superannuation. He said the members of Cabinet spoken to informally were against it, because it hadn't been substantiated. It is to be noted that Mr. Thompson denied categorically that anyone had discussed with him the question of Supt. Daniels being allowed to retire on superannuation. "The only thing" he said "would be a letter I received from Supt Daniels."

136. I have little doubt that Mr. Taylor's account of the telephone conversation based as it was on a note made within a few minutes of its occurrence, is substantially accurate. Mr. Jamieson's unaided recollection two years later is less likely to be correct. The real significance is this, that with other evidence with which I have dealt, it shows in my opinion not only Daniels' superiors and some of his juniors in the Police Department, but also many of his friends in the Government, were concerned with his mental health.

137. On 9 January 1974 Mr. Daniels sent from Jaxon House for the information of the Commissioner photographs of several premises which he said in substance were obvious brothels and invited the Commissioner to view them. He said that his reward for trying to get other administrators to share his concern had been to lose his station, to be called a "nut", to have his sanity queried, and to be advised to leave the service on grounds of mental instability. He contrasted this with the important job he was required to do at Jaxon House. This contrast became a common feature of much of his writing about this time. During January 1974 he made several applications to be charged in respect of the alleged indecent assaults on the policewoman and the breaking into and entering of her flat. He did little if any of the work of revising the standing orders. There is some evidence of his being reminded of his obligation to do this work - the only evidence of his having done any is his statement that he had to borrow a copy of the orders amended up to date and that his weekly diary went forward.

138. (a) Supt. Daniels was instructed on 10 January 1974 that the Commissioner did not wish to receive further representations from him on the subject of prostitution. Nonetheless in acknowledging the instruction and saying

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he would abide by it he asserted he could not be properly deterred from bringing to the notice of the appropriate superior any representation at all that he considered should be known to his top administrators.

(b) On 11 January 1974 he sent "for the information of the Commissioner" a two foolscap page account of the interview with Mr. Leitch on 11 December 1973. In this Memorandum he stated he formed the distinct impression that the proposal that he be retired must have had the tacit approval of the Minister and that before he had knowledge of the matter derogatory information about him had been placed before the Minister.

(c) On 16 January 1974 he returned to his complaints about Leitch, said his predicament was forced on him because he openly opposed departmental policies on prostitution and said that 458 Beaufort Street was still flourishing, and he attached a complaint about the matter. The same day he was asked to report how the telephone message concerning this complaint came into his possession. He was also asked to report on progress as to revision of the Standing Orders. Next day, 17 January 1974 he replied that the message arrived in an envelope left on his desk, by whom he did not know. He once more propounded his thesis that the police image, morale and efficiency were being undermined "by our current policies respecting prostitution control, even right up into our upper echelon." He speaks of "a trial of strength between Mrs. Flatman a brothel keeper and me The Chief of the City Police" which he did not win. He did not mention the Standing Orders.

139. On 17 January 1974 there was an accidental meeting

between Mr. Wedd and Mr. Daniels. In answer to an inquiry as how he was going Daniels said that Leitch and Court had put to him a proposition which was a conspiracy to defraud the superannuation fund. Wedd asked him how he would like to go to Northam. (Later in the year a vacancy for District Officer would occur there). Daniels said that he knew he was required to serve where he was sent; he replied he had spent 10 out of his last 12 years in the country, if he were sent to Northam he would probably resign and would "probably drop you something of a Watergate". He said he complained that while he was sensible enough to be revising a police manual he was mad enough to be visiting psychiatrists. Mr. Wedd says there was no threat to resign or to drop a Watergate, but that he (Wedd) told Daniels it would be left in abeyance and Daniels could decide later whether to go to Northam. Five days later Daniels sent a long memorandum headed "re Harold Edwin Daniels, Superintendent, allegedly 'mentally unstable' ". It was a purported written confirmation of the chance interview on 17 February 1974. He said that the real cause of the problem was his failure to agree with his colleagues on prostitution control and if the cause were removed other aspects would automatically correct themselves. He said if he did resign in protest the Western Australian Police Force would find itself in the centre of something akin to a little Watergate scandal. He said he believed his removal from Central, his being deprived of his personnel, his berating by Mr. Leitch and so on indicated an endeavour to maintain the status quo at all costs. He told the Commissioner it was time for the efficient application of policies that would avert a scandal.

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SUPERINTENDENT DANIELS' MENTAL STATE

140. It is now necessary to consider what Daniels' mental state was at the end of 1973 and the beginning of 1974. In the first place, the evidence of Dr. Zeck, at the time a psychiatrist in private practice, and of Professor German was that he was not insane in the sense of suffering from any mental disease - there was no psychosis. There was consequently no reason for his retirement on medical grounds and this was all the Police Department was told. No written reports of the kind I later mention reached the department.
141. But these doctors, and in particular Professor German did ascertain much about Supt. Daniels which explains to a considerable extent his behaviour in this whole matter. Apart from interviewing Supt. Daniels and his wife, Professor German obtained much information from Mr. Leitch, who also supplied him with a great deal of material in the possession of the Police Department. Part of one answer Professor German gave in cross-examination is a useful starting point. "He has a singleminded drive and a self centred certainty that his ideas and views are correct... It's a trait which is characteristic of men who frequently rise to positions of great power - to have an absolute certainty in their own significance and importance and rightness." Professor German's opinion was that having risen from humble beginnings and having experienced hardships Daniels had throughout his life fought for causes that his extrovert personality embraced - usually for the underdog. He thought, as I gather it, that Daniels' great concern with prostitution at the relevant time arose from the attitude he had developed towards young women - to people of that age group. Supt. Daniels had five daughters, and Professor German

said one of his great concerns was not just prostitution but the procurement of young girls which seemed to be based on very intimate and personal identification with young girls - of a fatherly sort. (At least one of Supt. Daniels writings on procurement does contain a reference to his own daughters). Another possibility influencing his attitude, as Professor German saw, it was his relationship with the policewoman, though he could not accurately assess the degree to which that affected Supt. Daniels' attitude towards prostitution control. I have already mentioned in paragraph 54 Professor German's view as to the effect this relationship had on his 1972 illness. But as to the 1973 situation he did say that Daniels condition of stress would be worsened if he found another man paying attention to the policewoman, that it would be a possibility for him to turn against that other man. If that other man were a policeman engaged in prostitution control it would be possible that Daniels would launch into a crusade against prostitution and turn on the various men concerned with prostitution control. The professor did say that the whole flow and content of Daniels campaign against prostitution was entirely in keeping with his entire life history and personality pattern, so that he would have been surprised if he had not undertaken to "have a go" at what he regarded as a polluting aspect of the City of Perth. As Professor German put it in another answer, "He felt that he had a job to do to crusade against something which clearly had some personal relevance to him in respect of his daughters and possibly in respect of this policewoman."

142. It is Daniels' "self centred certainty that his ideas and views are correct" encountering the refusal of the police administration and the C.I.B. to adopt them

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that has in my opinion occasioned the trouble. In his report on 29 January 1974 Professor German said of Daniels' work in Perth:- (he) " has run into problems which I think stem from the clash between his temperament, his ideals and his inability to "give in", and the more complex metropolitan situation with its demands for tact and diplomacy. I would judge that Supt. Daniels is somewhat lacking in these last two characteristics." He said that Daniels was reacting with symptoms of anxiety, some agitation and a certain amount of over-active concern and paranoid thinking about the details of what had been happening. But he could find no evidence of pre-existing formal psychiatric disorder. He said that Daniels unique characteristics had been thrown into relief by the stresses of his work over the past year "manifesting themselves in a present state of mild acceleration which could become frank hypomania if pressure on him continues." He explained in evidence that the reaction was a reaction to not having his own way. He also said that the word "paranoid" as applied to Daniels' thinking simply meant he consistently interpreted everything that happened to him with suspicion that there was a plot against him. Professor German went on "A person who was not given to paranoid modes of thought in that situation... would have considered a series of alternative explanations for the situation and would have given each equal weight and analysed them out until he decided which was appropriate." Supt. Daniels however did not do this: his paranoid thinking led to blindness to any possible explanation other than that there was a plot against him.

143. It is fair to Supt. Daniels to say that Dr. Zeck was much less inclined to the view that Daniels' thinking was paranoid. But I think Dr. Zeck's opinion was to a

material extent based on his acceptance of Daniels' version of facts which version I am satisfied was not correct. Moreover as I have said he had destroyed all his notes.

144. Professor German's evidence commends itself to me as being better based on fact. The Professor's attitude to Daniels was not unfriendly; he regarded him I thought with some admiration. In my opinion the explanation of very much of Supt. Daniels' conduct before and after January 1974 is to be found in Professor German's assessment of his personality and its characteristics.

MARCH TO JULY 1974

145. The next major manifestation of the Superintendent's obsession with prostitution is a memorandum which in March 1974 he furnished "For confidential information of the Commonwealth Police".

He had got in touch with a sergeant and another member of that Force. He said in explanation that where you had a situation which amounted to a multi-million dollar racket, and the kind of thing which happened to him could occur, and it was government tolerated and police supervised, there was nowhere else he could go other than to the Commonwealth authorities. But this strange document commences with complaints of his treatment in relation to the policewoman, the attempts to board him out of the force, and his being placed in the backroom, ostensibly to revise the Routine Orders. "The real reason is that he is sent there to render him completely innocuous, as he may prove a danger still to the protection policies here re prostitution." Of what interest on any view this could be to the Commonwealth Police is not apparent.

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There is a great deal of the material usually found in his writings - allegations of arrests by arrangement, of involvement of Mrs. Flatman with night club owners, and of her financial interests in night clubs, allegations of her relations with the police, of her association with members of Parliament, and so on. There is a mention of the withdrawal of the seventeen charges. There is also a complaint that while he had informed the Commissioner of the existence and furnished him with a photo of a brothel at 25 Moore Street a couple of months before it had not yet been raided. He states Mrs. Flatman had been arrested at 458 Beaufort Street by Detective Kiernan and convicted on 2 March 1974. Amongst other comments on this fact he says "With some possibility of an Inquiry developing; I am sure that some official "nose-cleaning" is going on and that could be the reason for Dorrie's arrest." He also regards as significant the failure of the Press to report the fact of this conviction.

One assertion which I think is not earlier found is that at least one detective was in the practice of indulging in "trade tests" - "viz. picking himself out a girl to satisfy his own lusts." Daniels says in this memo that Dorothea Flatman's brothels were said to be the location of trade testing. In cross examination Daniels said his informant was a named man who was a frequenter of brothels and associate of prostitutes. Supt. Daniels said he believed the information; he did not however cause his informant to be called before the Commission, though at all times he (Daniels) was represented by a solicitor.

In view of the limited number of detectives directly concerned with the control of prostitution this was a grave imputation plainly reflecting on one of that

limited number. I am satisfied that there was no foundation for it: I could not bring myself to think Daniels could have believed it were it not for his disturbed state of mind.

146. In July 1974 Supt. Daniels was appointed to the vacancy occasioned by the transfer of the officer in charge of the Firearms and Inquiry Branch. Mr. Wedd described this appointment as "quite an elevation" - not only did he have State wide responsibility for the licensing and all matters of decision in relation to firearms but the work of the Inquiry side of the Branch involved the administration of inquiries into breaches of numerous statutes. The appointment carried a loading of \$450 annually which was not paid to the Officer in charge of Central Police Station. Mr. Wedd said that when asked if he would like to take the appointment over Supt. Daniels thanked him, and offered to work on the as yet uncompleted revision of the Routine Orders when he had some spare time.

ADDRESS TO ROTARY CLUB - FURTHER ACTIVITY

147. This was however only a calm before a serious storm. On 19 July 1974 Supt. Daniels delivered an address to the Rotary Club in Perth. In the course of his address he dealt with amongst other subjects prostitution. He invited his audience's attention to the Personal columns of the week-end papers and to the dangerous escalation which had occurred. He said there were about 70 prostitutes in the City of Perth in the Roe Street days in 1959; there were according to a prostitute's recent statement he said now 700 - an escalation according to the Superintendent of a thousand fold. He said there were 92 escort agencies registered at the Companies Office. He alleged that

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up to February 1974 for over a year there were in the week-end papers procuration notices advertising for girls for escort work "\$250 to \$600 a week guaranteed." He calculated that if each escort agency of 100 such had four girls working for it, at \$250 a week each, it was \$5,000,000 a year. He said that he in standing up to be counted, had already reaped a reward which he proudly bore. He referred to a confrontation between the Chief of the City Uniformed Police and the madam of a brothel. "And when that madam has sufficient arrogance and power within your community to front herself in the supper room of Parliament House to make coercive demands of your legislators, I think it is something to sit up and take notice of." He went on to say that when the former Chief of City Police stood before 150 to 200 people and told them that his part of the deal was to retire two and a half years early from the Police Department on the grounds of mental instability, then you had "a very sinister power within the community and it was time honest people recognised it."

148. Despite Supt. Daniels' request that the address should not be reported, reports of this speech did appear in the Press, according to which the Government and the Commissioner were seeking reports on the matter. Mr. Wedd obtained from Daniels a copy of this address. Apparently the whole matter was taken up by the media generally. There were suggestions of an inquiry into prostitution.
149. Supt. Daniels now set off investigating prostitution again. On 5 August 1974 he visited a woman named Josephine Humphries who according to her written statement had for some two or three months been conducting an escort agency at Mt. Lawley. In a statement made to a Detective Sergeant Marsh on 6 August 1974

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she said that Daniels introduced himself and inquired if she had been approached by the police or anyone in the political field to remain open or if she paid the police or any political figures to remain in business. She answered all these questions in the negative. She was corroborated in part by a girl who overheard some of the conversation. In view of the fact that the police visited this woman the day after Daniels' visit to her, though he says she told him next day they had not visited her in the previous five months she had been operating, and that the police had inquired into his behaviour, he believed his telephone had been tapped. He said that this was because he went to Humphries place following a telephone conversation he had on his telephone at the Firearms Branch with a girl named Ena Costa. This visit is significant apart from evidence of Daniels' activity, as an indication of paranoid thinking persisting up to this present year. Daniels' statement as to his belief in the tapping of his telephone was made in evidence on 5 December 1975. On 7 February 1976 Mr. Dawbarn of the Australian Postal Commission deposed to the fact that at the request of his superior officer he unofficially changed over Daniels' telephone in 1974 and that there was nothing to indicate that it had been tapped. The action was taken in consequence of Daniels' suspicions. When Mr. Dawbarn was called I was assured by Mr. French, then appearing for Supt. Daniels, that this evidence was not challenged. All this was known to Daniels on 5 December 1975: he failed to disclose it. On 11 February 1976 Daniels himself in the witness box agreed that his suspicions had been demonstrated to be unfounded by Mr. Dawbarn's inspection of the telephone, but he went on to explain nevertheless how the tapping could have been effected in the telephone exchange. He was, I am sure, despite his language, entirely unconvinced by Mr. Dawbarn's check.

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150. On 6 August 1974, concerned at the publicity to which the Rotary Club speech gave rise, Mr. Wedd telephoned Daniels. He said that he (Wedd) was not giving the Press anything, and that the wise thing he thought was "to seal it off at this point". Daniels reply in effect was that he had already that afternoon told the Press that he had ample documentation to back up his view-point that vice was not being properly contained in Perth. Wedd at once rebuked Daniels for making a statement to the Press without first getting in touch with him. While Daniels did say he would try to get the statement withdrawn he made vehement allegations of arranged arrests and of ignoring of his reports, said he didn't care if he got the sack and asserted he was not going "to be suppressed and ground into the dirt anymore over this filthy business." He wound up by saying he would consult a solicitor.

151. Mr. Wedd now considered disciplinary action against Supt. Daniels. Apart from other matters he was in Wedd's opinion neglecting his duty at the Firearms Branch. The only authority to deal with commissioned officers for breach of discipline arises when such an officer is accused of a breach of duty or of any conduct rendering it unfit that he should remain in the Police Force. There is in these circumstances a provision that the Governor may appoint three or more fit and proper persons (of whom only one may be a member of the Police Force) to inquire into the truth of the charge and report to the Governor in Council. (Section 25 of Police Act).

After consulting Mr. Kevin Parker of the Crown Law Department, Mr. Wedd decided not to invoke on this occasion these provisions but to have a serious talk with Daniels and to warn him. Mr. Wedd knew of strong feelings aroused in the Police Force by Daniels' public

allegations, which in some cases led to talk of writs being issued by members of the C.I.B.

152. The interview took place in the presence of Acting Chief Superintendent Parker on 22 August 1974, and lasted from 11a.m. to 3 p.m. At the very outset Wedd showed Daniels the figures relating to arrests in connection with prostitution over the years from 1962 to 1973. It is sufficient to mention the following:

1963	16 females	1 male
1966	9 females	2 males
1967	6 females	2 males
1970	35 females	3 males
1971	53 females	2 males
1973	85 females	36 males

Wedd told Daniels he had tried not to get him out of the force but in view of his past services to keep him in and encourage him. He had now reached the limited of his endurance. He urged him to improve his relations with others from whom he had become estranged, and referred to the bad effect on C.I.B. morale of Daniels' activities. Daniels' rejoinder was that was exactly what he said would happen unless something was done about prostitution. Daniels was given definite instructions to attend to his duties at the Firearms Branch.

Mr. Wedd expressed the opinion that Daniels honoured his (Wedd's) injunction.

153. After this interview Mr. Wedd issued a Press release on the subject of prostitution by way of answer to the publicity following Daniels' Rotary Club speech. It was published on 29 August 1974. It set out some of the difficulties the police experienced in dealing with the problem, many of which have been dealt with in

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this Report. It gave some of the above-quoted figures of arrests for prostitution offences from 1967 to 1973 and included for the first half of 1974 56 females and 12 males. It asserted that since 1973 88% of known pseudo massage parlours and 85% of known pseudo escort agencies had closed. As to the figure of \$5,000,000 year it pointed out that the estimates of the numbers of girls employed and their likely earnings had not been supported in fact. It suggested that no more than between 100 and 150 girls were involved, and doubted whether all were earning the figures quoted in advertisements, part of which could come from legitimate escort work.

154. I have not been able to form an opinion as to the actual percentage of pseudo escort agencies and massage parlours closed, and I realise that closing might only mean removal in some cases. I see no reason however to doubt evidence given by Detective Sergeant Kiernan and Detective Sergeant Tangney as to the large numbers which did in fact cease to operate. Apart from this I am satisfied that the facts set out in the statement are reasonably accurate. The information which the police recorded and their observation of activity in the prostitution field as set out in para 35 above enabled them to form a general opinion as to the dimensions of the matter. The claim in the Press release that "prostitution, far from increasing in this State, is being significantly contained," is one with which the results of my inquiry incline me to agree.

155. Some further action by Supt. Daniels regarding prostitution took place between March and August 1974. In 1974 he had an interview with the woman Elizabeth Jane Roberts who had been arrested at 458 Beaufort Street on 28 September 1973 and 11 October 1973. She had shot her de facto husband on 10 April 1974 and had

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been charged with murder. Her trial finished on 17 August 1974 when she was acquitted of murder and convicted of manslaughter. Daniels said he saw her during the trial or after conviction and before sentence -she said he saw her on 11 April 1974 after her arrest. It seems probable to me that Roberts is in this respect correct. She said Daniels sought her out; he said he received a message that she wished to see him. Her version of the interview was that Daniels wished to know the whereabouts of Linda Culler, one of the women who had been arrested with her at 458 Beaufort Street, and that he talked in detail to her mother (who was present) about the evils of prostitution and what he was going to do to stamp it out. His version was that Roberts told him that big money changed hands for the withdrawal of the charges (i.e. the 17 charges above mentioned). According to Daniels she said to her mother that Daniels was trying to stop this filthy racket. (Sc. prostitution) and if Daniels had succeeded she might not have shot the man. (She alleged at her trial he had forced her into prostitution by threatening to take her children from her). Daniels said that he asked her if she were saying that "our chaps" had taken money, to which she said "Yes, I have been there, and I have seen it." He said she did not say that she was present when the big money changed hands and they got the seventeen charges withdrawn. The effect of a lengthy cross examination in relation to this matter was that Mr. Daniels would not say that he believed Mr. Leitch received any of the money or indeed that the money changed hands at all. He said he made no conclusions at all; he was left in a state of wonderment. Roberts denied that anything of the kind was said or that she knew anything of big money changing hands.

156. At the expense of chronological order, I think it appropriate to relate briefly what occurred when

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Daniels as he said attempted to follow up this story.

He said that Roberts had later sent him a message that she would be prepared to co-operate with him when she had been dealt with and asked for a file of newspaper cuttings relating to prostitution. He said he sent these; that later he received a message to see her at St. Anne's Hospital on 10 November 1974. He drove up from Albany where he was on leave in order to see her, but did not because she was in the company of other people. He next saw her of his own motion in prison on 29 June 1975, a week after the Shirley Finn murder, when she refused to be interviewed by him. Her story was that he was annoying her and she asked the prison authorities to stop him. Roberts' story in this respect is consistent with her actual conduct. For my part I am satisfied that the story of big money changing hands for the withdrawal of the seventeen charges is utterly unsubstantiated. At the very best it is hearsay without any particulars whatever; on any view I can see no substantial reason why the women concerned, faced with mere \$50 or \$75 fines would wish to pay big money to have the charges withdrawn.

157. On 7 August, 1974 Daniels sent to Lloyd Taylor a note. It includes this warning "Watch out for the cunning bastards who will shuffle the responsibility to you." Daniels said as far as I can understand him that this was because of a document in which Parker had in effect refused to co-operate with Taylor and himself as Wedd had hoped (See para 108); that he suspected there was a "divide and rule" technique and that he had been aligned against Taylor, his friend of thirty five years. In my view it is just paranoid thinking.

158. Notwithstanding what had occurred between Mr. Wedd and Supt. Daniels on 22 August 1974, Daniels at 9a.m. on

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on 9 September 1974 delivered a typed letter of eight foolscap pages with eleven annexures to the office of Mr. R.J. O'Connor who had succeeded Mr. Thompson as Minister for Police on the change of government in the preceeding April. It was delivered in anticipation of that day's Cabinet meeting. It would appear from the contents of the letter which is marked "Confidential" that on Saturday 7 September 1974 Mr. O'Connor had been interviewed on radio by one Judy Bateman, and that Daniels' activities had been discussed. In this letter he discusses at great length the matters which he had previously rehearsed with other Ministers and with his seniors in the Police Department. He introduces here for the first time so far as I am aware the suggestion that the killing by Roberts and the deaths of two children, one on 29 April 1973 and another on 10 January 1974 are related to prostitution. The killing he said to be due to Roberts association with prostitution, and the deaths of the children to the fact that the children's mothers were employed by escort agencies. He also refers to Mesdames Finn and Flatman being allowed on arrest to give brothel addresses and not genuine residential addresses. He says that there is a system of prostitution "protection" in vogue and that a proper judicial inquiry would corroborate that word as distinct from "toleration". He concludes by stating he will continue to be vocal, to gather evidence of the whole farcical situation, and if a proper inquiry is not made and the whole affair sooner put on a pragmatic system of control, upon retiring he will then openly expose the whole affair.

159. There had been attempts by Daniels to engage Mr. O'Connor's attention by letter and by telephone some time before this mass of paper reached him. Probably because of the Rotary Club speech Mr. O'Connor had

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returned some documents which Daniels had sent to him.

Mr. O'Connor had had discussions with Mr. Wedd about Daniels and the disruption his actions were causing in the Police Force. On receipt of the letter which was dated 8 September 1974 he discussed with Mr. Wedd, Mr. Leitch and others Daniels' complaint that the law was not being enforced. He was left he said, with the impression that Daniels was totally obsessed with prostitution and neglecting his other duties. He spoke also to Mr. Davies M.L.A. and to Mr. Thompson M.L.A. According to Mr. O'Connor Mr. Davies told him that Daniels was "round the bend". Mr. O'Connor said that Mr. Thompson at some later date said Daniels was mad - using that very word. Mr. O'Connor said that because the letter of 8 September 1974 was marked "Confidential" he did not refer it to the Commissioner. He also indicated that his belief that Mr. Daniels was sick affected him in this respect.

160. Two further matters in 1974 call for notice. One can be dealt with briefly. For most of 1974 Detective Sergeant Lippe was in the company fraud squad and frequently visited the Firearms Branch while Daniels was there. He says that Daniels would call him and others into his office, generally to discuss prostitution and police involvement in it. On one occasion he said to Lippe that he had a tape-recording of a named detective sergeant "dropping it on a madam for \$1,000," and that he had sent a copy of it to Inspector McGrath in the C.I.B. Lippe said he replied that he couldn't believe it because he did not consider the sergeant would be involved in such an incident. There upon Daniels repeated the assertion. When this was put to him Mr. Daniels said that it was utter rot and a lie, and that he had the utmost confidence in the integrity of the man named. I have arrived at the conclusion that I

believe Lippe. No suggestion was made as to any motive he might have had for concocting such a story; it appeared that he was on very good terms with Daniels. I think the explanation lies in Lippe's answer to me - "My opinion at the time was that Supt. Daniels was allowing this fixation of his to become an obsession."

161. The other matter is the position regarding the genuine masseurs and the activities of Mr. Doven on his own behalf and that of the West Australian Association of Masseurs, of which he was Secretary. I have already referred to earlier efforts of the genuine masseurs to protect their own interests (see paras 29, 30, and 104). Their activity in October 1973 to which I referred in para 104 was certainly contributed to by Supt. Daniels. He rang Mr. Doven in that month and told him of the action he had taken regarding 458 Beaufort Street saying that the fact that the people there called themselves masseurs should interest the association. Following this letters were written to the Commissioner of Police and to the Press.

In consequence two detectives, Kiernan and Tangney, who were at this stage the members of the consorting squad primarily concerned with prostitution had visited Mr. Doven. Because the "massage parlour" at 458 Beaufort Street had occasioned him great personal annoyance and inconvenience, his business being in the same street though at a considerable distance, from No. 458 he became a little heated. He refused to tell Kiernan and Tangney whether Daniels had been in touch with him, but after they left he rang Daniels and told him of their visit.

162. I draw attention here to the letter Mr. R. Davies M.L.A. the Minister for Health wrote to Supt. Daniels on 9 October 1973 which is summarized in para. 92.

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Notwithstanding Mr. Davies then expressed pessimism as to dealing with the situation by legislation, he secured from Cabinet at the end of November 1973 a decision that legislation for the registration of masseurs should be prepared. (I will deal with this further at a later stage).

163. Mr. Doven and his fellow masseurs were stirred into activity when reports of Daniels' Rotary Club speech appeared. It would seem that on 22 July 1974 Mr. O'Connor appeared on television and spoke of investigating Daniels' allegations. On the following day Mr. Doven wrote to him a letter which from internal evidence and despite Mr. Doven's evasions, I feel satisfied was at least in part the work of Supt. Daniels. It asks why police action against 458 Beaufort Street was stopped and the charges dismissed, why Supt. Daniels did not get the support of his superiors, why he was reprimanded. It reports the failure of the Press to report the appearance of two women on 2 March 1974 charged with prostitution offences at 458 Beaufort Street and asks why only two were charged when four women were there (cf. para 145.)

On 12 September 1974 another letter signed by Mr. Doven and five other masseurs appeared in the press. It quite properly complains of the harm done to genuine masseurs by the activities of prostitutes, and asks for protection. But it then goes on after mentioning the stopping of police action after October 1973 and the withdrawal of the charges, to say that the policeman who ordered the arrests was told to lay off, even reprimanded and offered early retirement and deposed as officer in charge of the City Police. I think that some at least of this information was supplied by Daniels. The next day 13 September 1974

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Mr. Doven was visited by Detective Sergeant Balcombe who explained to him difficulties the police had in dealing with the pseudo massage parlours, an explanation which Mr. Doven was by no means disposed to accept.

ACTIVITY AFTER 22 JUNE 1975

164. Apparently nothing of major importance in regard to prostitution was thereafter undertaken by Supt. Daniels until the murder of Mrs. Shirley Finn on 22 June 1975. From this time however he pursued a course of action which ultimately resulted in the decision to appoint a Royal Commission.

165. Though of course it was no part of his duty as Officer in Charge of the Firearms and Inquiry Branch to investigate this murder, he made several requests for a senior officer to discuss with him his views about it. He believed that it was not possible to solve this murder unless "the government's tolerated and police protected brothel system" was understood. On the morning of 8 July 1975 Detective Sergeant Balcombe who was investigating the murder called on him to organise a firearms check in relation to it. Daniels seized the opportunity to propound to Mr. Balcombe his ideas on the subject. These included a reference to the possibility that Mrs. Finn had been murdered by police. He saw Balcombe again on 9 July 1975 when Balcombe reported to him having carried out some task for Daniels regarding a firearms matter. He further discussed the murder and his own activities, stating that he had never mentioned the names of policemen in his files, and had only attacked the illegal system, "seeking change before a tragedy occurred."

166. He now set about a series of inquiries from some highly

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questionable sources as to the Shirley Finn murder and as to police and political involvement in prostitution.

He continued his contacts with Dot Walsh. He had renewed an acquaintance dating from Roe Street days with two other women, Mrs. Howard (or Scrimgeour) and Mrs. Harding (or Foley) whom he had known many years before in Roe Street. Mrs. Howard herself rang him after the Rotary Club meeting. To obtain some independent confirmation of what they said to him, he persuaded Mr. Davies M.L.A. to allow him on several occasions to telephone these three women from Mr. Davies' office, while Mr. Davies listened to the conversations on a telephone in parallel to that which Daniels was using. Mr. Davies endeavoured with no great success to make some notes of conversations. Mr. Davies according to his own account had prior to Mrs. Finn's murder been doubting whether Daniels "was on the right track regarding prostitution." After that event he thought that Daniels "must have something; and that there could be some relationship there."

167. I think that as a reasonably fair generalisation it may be said that I regard Supt. Daniels' accounts of the various conversations, corroborated to some extent by Mr. Davies, as more accurate than the accounts given by Mrs. Walsh, or Mrs. Howard. I think it not unlikely that he was told some things because they knew well enough what he wanted to be told: Mrs. Howard said as much in substance in respect of one matter. Generally speaking, Mrs. Harding does not disagree with Daniels' account of their conversation. But with the sole exception of one occurrence of which Mrs. Harding speaks, every account of anything which could be said to constitute impropriety in the administration of the law

relating to prostitution is no more than hearsay. I made it clear from the beginning of the hearing that I did not regard it as proper to make an adverse finding against any individual on evidence which would not be admissible against him in ordinary proceedings. While I was prepared to and did receive hearsay, so far as it inculcated any person in respect of relevant impropriety, I was and am not prepared to base any adverse finding on it. I say this without expressing at the moment any further opinion as to the credibility of the witnesses concerned or as to the reliance which can be placed on the information they gave Daniels.

168. Mr. Davies' notes suggest that there was a telephone conversation with Mrs. Howard on 12 July 1975, one with Mrs. Harding on 17 July 1975, and on either 13 or 20 July 1975 a conversation with Mrs. Walsh and another with Mrs. Howard. There were further conversations, some on the telephone without Mr. Davies listening.

169. I propose to treat in this report only of what I regard as the principal subjects discussed. The first relates to the East Side Health Studio (or Centre) situate at 491 Albany Highway Victoria Park. It is a shop on the opposite side of the Highway to the Victoria Park Police Station which is within a hundred yards or so. Mrs. Flatman had leased these premises from late 1972. The person previously conducting a genuine massage parlour there, one Barry Watts, said in evidence he was forced to give up business because men who came in regarded it as a brothel and he could not keep staff. He had after negotiating with Mrs. Flatman, sold the premises to a man from whom Mrs. Flatman took a lease. I have no doubt a small brothel was conducted there under the control of her husband, whom she married about this time and is some twenty years or so younger than she is.

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170. This brothel was not profitable and after Mrs. Flatman suffered a bereavement in 1975 she decided to sell it. She did about the middle of 1975 sell the furniture and fittings to Mrs. Howard for \$4,500. Mrs. Howard also obtained a new lease. Prior to this Mr. Flatman had issued proceedings for defamation against the Australian Broadcasting Commission. A man named Banks who was acting on behalf of the Commission had seen Daniels for the purpose of obtaining what evidence he could that the East Side premises constituted a brothel. Daniels heard somehow of the sale by Mrs. Flatman to Mrs. Howard. He proceeded to question Mrs. Howard about it. It is sufficient to say that I think he suggested to Mrs. Howard that she had bought a pig in a poke or had been sold a pup by Mrs. Flatman, when the brothel stood in danger of being closed down. I think Mrs. Howard said in effect that Mrs. Flatman had had it on higher authority that she had to get out, but the sale had been fixed up, that they had seen someone and it was O.K.

Daniels said that Mrs. Howard told him the price she paid was \$9,000 and that she had spent further money on it and in all it had cost her \$14,000. Mrs. Howard said she told Daniels the correct price; she denied that she knew Mrs. Flatman had been told to get out, or that they had seen anybody other than a solicitor over the transaction or that she had told Daniels so. The matter was not pursued with Mrs. Flatman herself. In these circumstances it is impossible for me to arrive at any conclusion of impropriety on the part of any person concerned with the administration of the law relating to prostitution. There is only hearsay and hearsay from a woman Mrs. Howard on whom I could not rely. She was inclined I think to play up to Daniels in conversation, but it is significant she telephoned Mrs. Flatman and told her that Supt. Daniels had been questioning her about the sale.

171. There is another matter relied on by Mr. Daniels the story of which according to him emanates from both Mrs. Walsh and Mrs. Harding. Mrs. Harding repeated the story in the witness box and agreed she had told it to Daniels; but Mrs. Walsh denied that she had told it to Daniels. The story was in substance that when Mrs. Flatman came over from Sydney she had introductions from two New South Wales police officers who were brothers, to a detective named Bernard Johnson. It was said that she met Johnson at the Palace Hotel and thereafter she opened up a brothel as it were by the licence of Johnson. I think this story was told to Daniels by Mrs. Walsh as well as by Mrs. Harding. Mrs. Flatman and Detective Sergeant Johnson both denied the story. Again of course there is no possible basis for finding as a fact that it is true. It strikes me as probable that it is a highly embroidered version of what did occur. After the prostitute employed by Mrs. Flatman at 71 Lake Street had been arrested as recounted in Para.32 Mrs. Flatman was sent for by Detective Sergeant Johnson, the prostitute having told the police Mrs. Flatman owned the premises. Johnson told her that he wanted to know who she was, why she opened the place up, where she had been in Sydney and so on and informed her he intended having her checked out. He told her she said if there were any complaints she would have to close up. All this behaviour on Johnson's part seems to me to be perfectly consistent with his following the practice which I have stated in para. 33 and the following paragraphs.

172. In addition to some tittle-tattle about Johnson pick up from the gossip of hotel bars and brothels, Mrs. Harding did tell Daniels of a matter which I think needs specific mention. She says that a prostitute named Helen Adams, then working for Mrs. Flatman, had one morning shown her three envelopes which Adams said

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contained the takings. One had "Rent" on it, one "Dorrie" and the third "B.J." This last Adams had said was for the "cops". Again, while the significance of the name "Dorrie" and of the alleged initials is obvious, this statement said to have been made by Adams is not evidence against Detective Sergeant Johnson; I could not base any finding adverse to him on it if I believed it were made. But in the light of the general body of evidence as to the practice in Mrs. Flatman's brothels, it is highly unlikely that she would have allowed one of her employed prostitutes to handle the takings. She said that she did not allow Adams to handle the takings, she said further she paid her rent by cheque, and of course denied paying any money to Detective Sergeant Johnson. Johnson also denied receiving any such money.

173. One direct piece of evidence on which, if I accepted it, I might have been able to make a specific adverse finding was given by Mrs. Harding; it is not clear that it had been mentioned by her to Daniels. It was this, that "in 1971 getting near Christmas" she was employed for a few weeks by Shirley Finn as a cleaner for a few hours daily in a brothel at 316 William Street. Detective Sergeant Johnson she said was a frequent visitor to the premises. On one occasion she said she heard Detective Sergeant Whitmore and Detective Sergeant Johnson say to the prostitutes employed there "You are going early this evening; have your fines ready and be sure to tell Shirley not to be on the premises." The detectives she says then left. She says that next day the girls told her they had been arrested and fined that morning. There are what I regard as flaws in this tale. In 1971 the only convictions recorded in relation to offences at 316 William Street are two in March and one in July. It is not pretended that

the records are necessarily complete, but for the whole of 1971 Detective Sergeant Johnson was away from the consorting squad and did not return till 1973. These circumstances do support strongly the denials of this occurrence by Detective Sergeant Whitemore and Detective Sergeant Johnson, and I do not believe it occurred.

174. I have referred to the close friendship existing between Supt. Daniels and Detective Sergeant Johnson. This did not prevent Daniels suggesting in 1973 that Johnson's integrity was suspect because he observed a refrigerator full of beer while being entertained at Johnson's home. He also reported to Taylor in 1973 that he suspected Johnson of being involved in graft or with prostitutes because he observed a carton of Scotch whiskey at Johnson's house. Taylor did investigate and found that the whiskey was being purchased quite legitimately. Johnson's explanations of these incidents I accept.
175. It is significant that Mr. French who appeared for Supt. Daniels when Detective Sergeant Johnson was giving evidence, was specifically instructed not to cross-examine Johnson about the matters which Walsh and Harding reported, about other evidence reflecting on Johnson to which I will subsequently refer, or about the allegations Daniels himself made as set out in the last paragraph. While it was for me and not for Daniels to determine to what extent these accusations were founded on fact, it is noteworthy that Daniels by so instructing his counsel did indicate that he at any rate was no longer persisting in them.
176. To return to the other evidence of what was said by Mrs. Howard, Mrs. Harding and Mrs. Walsh to Daniels, there is much that does not merit more than mere mention. There were however statements by Mrs. Howard that Shirley Finn was employing 17 girls, that she was making about

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\$2,000 a week, (Daniels had suggested \$2,500 to Mrs. Howard), that she (Mrs. Howard) had sold a brothel in Kalgoorlie for \$40,000 or \$60,000, and that the purchaser was "counting out \$2,100 a week for herself." Daniels told her that Mr. Davies was having trouble from his constituents regarding a brothel she was conducting at 944 Albany Highway - to which her reply was according to Daniels to tell Mr. Davies the place was to be demolished.

Mrs. Harding told Daniels that Dot Walsh ^{said she} was paying money to named policemen. Walsh denied saying this and also denied paying money to police at any time. There was talk between Daniels and Mrs. Walsh and also Mrs. Harding as to the failure of one Stella Strong to pay Walsh the balance of the purchase money on the sale of a brothel by Walsh to Strong. Through the agency of Mr. Monck, a former senior police officer, Mrs. Walsh in fact secured an interview with Mr. Leitch in an unsuccessful attempt to enlist his aid to recover this money. Despite Walsh's denials I think she did tell Daniels of this. She also told him she had seen Mr. Dolan when Minister for Police on the same matter. Daniels said that when he visited Mrs. Walsh's home on 24 July 1975 she told him that it had cost Shirley Finn \$300 and was costing Mrs. Flatman \$500 "to get a go". Mrs. Walsh denied that Daniels visited her or that she said this to Daniels but she alleged she had in fact heard Mrs. Harding make these allegations. I think Daniels did visit Mrs. Walsh and I think she repeated this gossip to him.

177. All these women were to Supt. Daniels' knowledge informers. He said he could place on their information "an average amount of dependency." He pointed out in his memo to the Commonwealth Police and repeated in evidence that his viewpoint with regard to prostitutes

was that one should seek to find some corroboration of their information. He conceded in evidence that he himself found no corroboration of these women's stories.

178. One consequence of Supt. Daniels conversation with Mrs. Howard regarding her purchase of the East Side Massage Parlour from Mrs. Flatman was that Mrs. Howard informed Mrs. Flatman that Daniels had rung and wanted to know what Mrs. Howard had paid. Mrs. Flatman therefore determined to complaint to the Minister for Police, Mr. O'Connor. She apparently first telephoned Mr. O'Connor's office for an appointment, and not obtaining it, rang Mr. O'Connor at his home. She said she told the Minister that she had a very strong complaint against a senior police officer.

He said she did not say over the telephone what was the matter to be discussed, but said that it was a matter of some urgency. In fact the urgency arose because sometime before this Mrs. Flatman had arranged to go overseas in the second half of August 1975. Mr. O'Connor knowing at this stage who Mrs. Flatman was, thought it might in fact be something in relation to the Shirley Finn murder. He arranged for her to call at his home and on 14 August 1975 she did so with her husband. She complained of Supt. Daniels following her around for two years, that he had rung up a woman wanting to know how much she had been paid for her furniture and fittings and asked what business it was of Daniels. (At this time Mrs. Flatman had ceased carrying on brothels for about eight or nine months according to her own evidence). Mr. O'Connor who was very busy whilst she was there told her he would put her complaint before the Commissioner of Police and did so.

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179. On 5 August 1975 the Humanist Society of Western Australia held a meeting in the Perth Town Hall on the subject of prostitution. There was a discussion panel of which Superintendent Taylor was a member. Supt. Daniels attended and in the course of the discussions spoke from the floor. He said amongst other things that he was a Superintendent of Police, that it was not his privilege to represent his Department, that he had already paid a penalty for manifesting his interest in the question and that a select committee of Parliament would be a very inappropriate way to deal with the question "because we hear various rumblings and allegations about political patronage of brothels." He proceeded to tell the meeting that he as Superintendent in charge of the Central City Command directed his men to abide by their oath, that they did so, that seventeen charges were laid against prostitutes, that when he returned from holidays they had been withdraw - he agreed "there was an irregularity in regard to one of them", and he never returned to Central. He says he received a proposition that he could retire as soon as he wished on grounds of mental instability. He said he had himself medically examined and all the examiners were agreed as to his normality. He referred to victimless crimes - prostitution, narcotics, illicit gambling and illicit liquor. In the wake of these things not being properly controlled there was corruption coercion and that type of thing. He wound up by saying "wherever you have illegal activity you have coercion which will follow and I have been a victim of that coercion and I make no apologies for saying that." These observations were reported in the Press on 6 August 1975.

180. (a) The Rotary Club speech had led to Mr. Daniels being involved with the Civil Liberties Association of Western Australia and its President Mr. A.W.Marshall.

The objects of the association include being concerned with the correct behaviour of the police force. After obtaining a taped recording of the speech to the Rotary Club Mr. Marshall interviewed Daniels. In a letter to the Editor of the West Australian dated 25 July 1975 Mr. Marshall said that the degree of police involvement in the "prostitution racket" was highly suspect, and plainly suggested impropriety in not enforcing the law in Kalgoorlie; that there were persons in Western Australia against whom the law was not enforced and that Daniels was punished for enforcing it.

(b) On 1 August 1975 he wrote to Mr. K. Enderby then Commonwealth Attorney-General a letter on the subject of "Apparent police involvement in prostitution." It is plain from the letter that Mr. Enderby had been supplied with a tape recording of Daniels speech to the Rotary Club. The letter also contained a reference to Mrs. Finn's murder and said "there is a strong local feeling that the murderer was someone in a high position." It also referred to underage girls working in brothels and complained of the failure of the police to take action against their employees. In this letter he also referred to correspondence Daniels had had with another Commonwealth Minister on the subject and asked for financial help from the Commonwealth.

(c) Mr. Marshall subsequently received from Mr. Daniels a twenty two page document previously prepared by Daniels and dated 14 October 1974 in which he sets out at considerable length his highly coloured version of what had happened regarding prostitution since his return to Perth at the end of 1972. On 24 August 1975 the Civil Liberties Association inserted an advertisement in a Sunday paper stating it was investigating the possibility of the existence of police and political

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involvement in prostitution, and stating it would be pleased to receive in strict confidence any information on the subject. Later communications led Mr. Marshall to interview various people. To some of the consequences it will be necessary to refer later. The Association also led a public campaign for the investigation of the Western Australian Police Force by a particular branch (A10) of the Metropolitan Police at Scotland Yard. It supported a proposal which had already been agitated over a considerable time for the examination of the social aspects of prostitution by a Royal Commission.

181. Supt. Daniels joined the Civil Liberties Association and on 20 August 1975 composed a circular appealing for funds for the Association, as he said, "to investigate the illegal prostitution system." It states that "concerned citizens, tired of hypocrisy, are now undertaking their own inquiries as to who has vested interests in brothels." It further states that "consideration is also being given to the possibility of obtaining a solicitor to assist in the effecting of common law citizens' arrests of persons neglecting their duties." This last would seem to be a concept peculiar to Supt. Daniels's mind; I am unaware of any such power nor did any counsel present at the inquiry suggest it existed.
182. On 31 August 1975 Mr. Marshall wrote two letters to the Hon. J.T. Tonkin leader of the Opposition. The first says the association believes that all officer promotions in the Police Force should be suspended, and that senior officers retiring should be available to be questioned regarding decisions which seem to have led to the present state of affairs. It also expresses alarm and concern at the movement overseas of persons

said to have various roles in matters of prostitution and its supposed control. The second states that the Civil Liberties Association believed that an investigation should be carried out into the affairs of the Police Department by the men from Scotland Yard's A10 Division, that it should include amongst other matters mentioned the activities of the Minister, and suggests that "failing to act on lots of evidence gathered" regarding prostitution as well as other matters could be criminal.

183. In the first few days of September 1975 there occurred a series of incidents which led to allegations of the gravest kind built on the flimsiest of foundations. Mr. Marshall said he received on Friday 5 September 1975 a telephone message from a woman describing herself as a middle-aged nurse. This woman told him she had nursed a prostitute whom she had later visited. The prostitute subsequently died, and before and in fear of death, told the nurse that a friend of hers, a prostitute also, had been thrown overboard from a yacht between Rottnest Island and Fremantle. She said she would come forward if there were a Royal Commission held. He reported this conversation on Saturday 6 September 1975 to a few members of the Civil Liberties Association. A reporter from the Sunday Times was present, but Marshall asked him not to publish any report because there was nothing to go on. Notwithstanding, there appeared next day 7 September 1975 very large headlines in the Sunday Times "Prostitution - New Murder Alleged", followed by a statement that allegations of a new murder in Perth's prostitution racket would be made if a Royal Commission were held and that they would come to light in that event only because the witness was afraid of being murdered. This statement having appeared, Mr. Marshall immediately rang Assistant Commissioner Taylor and told him it was

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a waste of time and not to spend time racing around trying to find out where the story went to fit the headline. But he also told Taylor that somebody had telephoned him and told him they should have a good look at one of the detectives who had a big boat with a long mast, that Daniels had told him he had sailed on it and that it was parked down near the Raffles Hotel (at Applecross), and that made him suspicious. He said he was suspicious because the Raffles Hotel was owned by one Saffron whom Marshall (and Daniels) said was in effect connected with criminal activities, Taylor according to Marshall, said "One of the Consorters?" to which Marshall said he replied "I do not know." (In fact Detective Sergeant Johnson owned a boat with a tall mast moored with two hundred or more boats near the Raffles Hotel, and Daniels had been on the vessel). Marshall said to Taylor, when Taylor asked if the woman disappeared from this particular boat, that he did not know, but he kept getting information about that boat. He said that the telephone call concerning the boat itself was anonymous and he thought he told Taylor so.

184. Mr. Marshall said that despite his advice to Assistant Commissioner Taylor not to waste time he himself did proceed further to investigate the matter, being prompted to do so by a subsequent report of female remains being washed up on Cottesloe Beach. In fact the body was washed up on 7 September 1975 and I am satisfied from material placed before me that they were those of a woman who disappeared from Cottesloe some time before.
185. I am satisfied that this whole story is a pack of nonsense. Mr. Marshall who in this and other respects I found an unreliable witness could not remember whether the woman told him she was afraid of being murdered

or why she said she would only come forward if a Royal Commission were held. He could not recall why she refused to give her name. He told me he did not report the woman's story to the police at once because of his lack of confidence in them. My strong suspicion is that someone was playing on Mr. Marshall's credulity, despite his assertion that he believed his informant and that it was an intelligent responsible conversation. Detectives did interview him after his telephone conversation with Taylor without securing any further information. He said that he later heard a story that a girl had died after a hysterectomy operation. How he related this to the story of the alleged nurse he did not say. I do not think at the time he spoke to Taylor that Marshall regarded the matter as unworthy of the attention of the police. I think, credulous as he is, that he wished himself to investigate the matter, to demonstrate his own capacity and probably to denigrate the police force. His behaviour in this matter I regard as dangerous and mischievous.

SOME MISCELLANEOUS WITNESSES

186. I now turn to a number of witnesses whose evidence I have not found it practicable to deal with in the chronological order which I have attempted roughly to follow. Most of these are persons who were interviewed by Mr. Marshall, and probably after the date at which my commission was issued. I therefore do not regard what they said to him as allegations within its terms, but as evidence which might support Supt. Daniels' general allegations of impropriety by the police in the administration of the law relating to prostitution.

187. The former husband of the late Mrs. Shirley Finn said that before she started her first brothel she told him

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rather reluctantly that some visitors to her home had been police and that she would be allowed to set up premises in Perth "without the police getting on her back." He also said that a prostitute whom she employed on arrival from overseas one evening was told in answer to an inquiry not to see the police that night but next morning would be satisfactory. He said that before and after their separation he did various things for her in relation to her brothels and to the Stripperama Nightclub which I have earlier mentioned. He said after she had a telephone conversation at the end of 1972 he overheard her telling a prostitute that they would not be going in that afternoon - there would be a raid. Later again after a telephone conversation she told him that she had been speaking to Mr. Wedd - he thought she referred to the Commissioner of Police. Early in 1973 he was offered \$80 by her to throw a bomb at a place and refused - he read in a newspaper however three days later that a massage parlour had been bombed. This evidence is not of a kind to which I can attach any real weight. The witness was not impressive: so far as Mr. Wedd is concerned, it is mere hearsay I do not believe.

188. I must mention a man named Johns who alleged that Shirley Finn with whom he said he had a close association told him in substance that she was protected and was paying periodically sums of money to three detectives she named. He delivered an anonymous letter about the matter to the Commissioner's private residence.

He was subsequently interviewed by detectives who apparently had little difficulty in tracing him. Having heard this person cross examined I arrived at the conclusion I would not believe anything he said to

the prejudice of another without the fullest corroboration. He is a sexual pervert, probably mentally disturbed, a most vindictive man, and utterly untrustworthy.

189. A witness named Alan Perkins was employed by Mrs. Finn to manage the Pepe Lopez (or Stripperama) night club when she was engaged in purchasing it. He said that, one evening at the night club she told him the police were picking up two of her girls at one of her brothels that night and that she kept out of it herself. He also said that later in the evening when told that four girls had been arrested she was very angry. He said she also said that one night a month there was "a free night for the boys" at her brothel at 454 William Street. She did not identify the boys. Another witness Ellard with whom Perkins lived and who also worked for Mrs. Finn at the Stripperama was called but said nothing of any real significance. So far as this evidence affects anybody it is, like Finn's and Johns', mere hearsay. I suspect that Mrs. Finn was given to exaggerating her own position and influence.

190. There was evidence from one Elford, a former male dancer in a female impersonation cabaret act, who, having met the Flatmans in 1973 had been befriended by them and when out of work had been employed by them from October 1974 to November 1975 in a gift shop they owned at Midland Junction.

Elford said in substance that he was on very friendly terms with Mrs. Flatman, that he visited her frequently - daily at times, and she confided in him a great deal. Her version was that he was an emotional type of person "who needed a shoulder to cry on". There is

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no doubt the Flatmans treated him generously in many ways including making arrangements for him to obtain a car. However he fell out with them in October and November 1975 because as he said he thought he was being used by them. He went to Mr. Marshall. Mr. Marshall had something to do with the institution of proceedings in the Industrial Court against the Flatmans for allegedly under-paying Elford. The latter said he gave evidence, (which was in some respects certainly not helpful to the Flatmans) out of a sense of public duty; to help in correcting a hypocritical situation in which an existing law was not being upheld.

191. There is no doubt that an illuminated sign at 458 Beaufort Street which included the word "Massage" was at one stage altered by the word "massage" being removed.

Elford says that Mrs. Flatman told him this was done on the advice of Detective Wick to enable her to continue operating when there was discussion as to massage parlours. Mrs. Flatman and Detective Wick flatly deny it. I note that it was of Wick's activities she had complained to Mr. Thompson when she said she was being hounded by detectives.

192. Elford also said that Mrs. Flatman told him she had brought back from overseas for Detective Sergeant Johnson some pornographic movies. According to Elford she was afraid of being deported when Supt. Daniels was harassing her and had told Johnson then that if she were deported she would name names whereupon Johnson urged her not to do so and said "We'll fix it up." He alleged she told him when she came to Perth she had been given by someone in the police in Sydney the name of Detective Sergeant Johnson as a person to

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see in Perth, and that she did meet him accordingly. This story I have mentioned earlier and I have there expressed my views on it. He also said that on a number of occasions she told him that she was not going in to a brothel because she had been told by "the boys" there was to be a raid and that raids were conducted by prior arrangement. All this was denied by Mrs. Flatman; she said she did not discuss her business with Elford. So far as these alleged statements related to Johnson he said in effect that they were without any foundation.

193. (a) Another story Elford told was that on one occasion at "La Tenda" night club Mrs. Flatman directed him to arrange for a drink to be delivered to Detective Tangney who was on the premises on duty. This Tangney said did occur, that it was not unusual for people to buy police drinks while on duty at such places. While the wisdom of accepting the drink may be doubtful I do not think there was anything sinister or really suspicious about this incident.

(b) One piece of evidence that Elford gave related to a telephone call made from a brothel at 364 Newcastle Street to Mrs. Flatman while she was in Jamaica in the latter part of 1975. He said that in the course of that conversation her daughter Mrs. Anson asked her mother how important it was that she put \$900 in the bank every week. The suggestion was that this was a bribe to someone in authority. The telephone conversation appears to have occurred because of a statement in a newspaper article that Mrs. Flatman had gone abroad having been advised by Mr. O'Connor, the Minister for Police to leave the country. (This suggestion I am satisfied is utterly unfounded. Mrs. Flatman her daughter and Elford all say the trip had been arranged).

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Elford said he spoke to Mrs. Flatman and then put Mrs. Anson on to speak to her mother. Mrs. Anson denied and Mrs. Flatman denied that any mention was made of \$900 a week going into the bank, or that any such payments were in fact made. They both said that Elford did not speak on the telephone on this occasion, though Mrs. Anson said he walked in while she was speaking and both said that she mentioned this to her mother. Mrs. Flatman did say there was some discussion about the takings of a brothel which her daughter had opened, contrary to her mother's advice.

(c) While I am by no means disposed to place any great reliance on Mrs. Flatman simply as a witness, Elford was far from impressive. His purported reason for giving evidence I doubt very much; he was on any view behaving with gross ingratitude towards people whom he confessed had been his benefactors. He admitted convictions for homosexual offences and his general association with the brothels and their inmates, (he made dresses for the prostitutes) does not commend him to me. I am not prepared to act on his evidence, and so far as Wick is concerned I accept his denial of any involvement with the alteration of the sign at 458 Beaufort Street. I thought him truthful, and the allegation against him improbable.

194. As for Johnson, I should confess that while apart from Mrs. Harding's evidence as set out in para 173 there was no direct evidence against him, there had been so many pieces of hearsay involving him in various alleged improprieties that I was for a long time extremely suspicious about his conduct. As a witness however he did impress me. He struck me as not only intelligent but frank. In the witness box his attitude to Supt. Daniels - whom he had at one time considered

suing for defamation - was admirably restrained and fair, giving proper weight to Daniels' unusual personality and his personal troubles. This was before Mr. French's disclosure of Daniels instructions as to cross examination. As the insubstantial nature of some of the accusations against him, most of them hearsay, began to be demonstrated, my suspicions were lessened. Upon full consideration and review I feel some confidence in acting upon my impression of Johnson in the witness box. I regard him as a truthful and reliable witness. While Elford's statement of what he was told was of course not admissible as evidence of the facts as against Johnson, I say that I am satisfied that the allegations are without foundation and I doubt very much if Mrs. Flatman did confide in Elford as he asserted. There may be many explanations, all consistent with Detective Sergeant Johnson's integrity, of a series of rumours about him being spread through the underworld of Perth. It may be fair to Supt. Daniels to suggest that he upon hearing Johnson in the witness box was satisfied once more of his former friend's integrity.

195. I have now to deal with the evidence of two prostitutes who were interviewed by Mr. Marshall in company with Mr. Tonkin. They are both cases where it was suggested that the police and the madams were co-operating so that if a prostitute incurred the displeasure of the madam the police would prevent her working. The explanation in each case in my view lies in the fact that both of these women were regarded by the detectives concerned and by the madams as likely, if working as prostitutes, to give rise to those evils which both, perhaps for different reasons, wished to avoid. Reference may here be made to paras 35 to 38.

I observed both women closely and upon that observation

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and upon the evidence I am of the view that the police acted so far as they did with good reason, and Mrs. Flatman and Mrs. Finn, the madams concerned, were probably doing no more than they considered necessary in their own interests as mentioned in para 38. These witnesses referred also to other matters and these are considered in appropriate places.

196. The first of these two witnesses was a Dutch woman named Tryntge Schokker who worked under the name of Ingrid Borstrom. She said that she was employed late in 1974 as a prostitute by Mrs. Anson at one of her mother's, Mrs. Flatman's, brothels at 234 Stirling Street. Schokker was then on probation having been convicted of stealing cheques. She said she subsequently told this to Mrs. Flatman who, according to Schokker, said she would fix it with the police. While working there she said Mrs. Flatman told her if there were to be a raid she would know about it, and that she paid police for protection. She was in fact subsequently dismissed by Mrs. Gibbons, another of Mrs. Flatman's daughters, for keeping money paid to her by patrons which, in Mrs. Gibbons's view, should in accordance with the arrangement under which she was employed have been placed in a box for later equal division between herself and her employers. She then she said went to work for Mrs. Finn in January 1975, but was in a few days dismissed by her because Mrs. Flatman had told the police she (Schokker) was living with her husband, and Detective Tangney told her she could not work as a prostitute if living with him. However when she explained they were not living together Tangney said she could start working again for Mrs. Finn and she continued working accordingly until she had an operation in April 1975. She said that when she came out of hospital she told police she wished to work for

- herself, that they told Mrs. Finn who was angry about it, that after a further time in hospital she worked for another woman, and there was arrested and convicted.
197. She then went to work for Dot Walsh at 32 King George Street. While working there she was arrested on 28 June 1975 by a Detective Sergeant Zanetti and other police. Zanetti was engaged with others investigating the murder of Mrs. Finn, and wanted to interview her as her name appeared in one of Mrs. Finn's diaries. The other police were members of the consorting squad who had this brothel under surveillance for some time. Mrs. Walsh was not on the premises when the police arrived. Schokker rang her in the presence of Zanetti and she came down to the premises and was also arrested and charged. When asked for their addresses, they gave 5 Tennant Street, Welshpool. This was in fact incorrect, but certainly not to Zanetti's knowledge. Dot Walsh in evidence said while she did not live there she had furniture there and was still paying the rent of the place. The two women pleaded guilty and were convicted.
198. The incident referred to in the previous paragraph was said by Supt. Daniels to be a case of an arranged raid. He said that Walsh had told him she had been rung and was told she was to be "pinched" - the slang term used for arrest in these circumstances. Walsh denied this in evidence. Walsh's version was the same as that of Schokker and of Zanetti and I do believe Zanetti. Daniels also instanced this case as one where prostitutes were allowed by the police to give false addresses - it clearly was not.
199. There was according to Walsh a rumour going around at this time that Schokker, who is a tall sturdy woman

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was in fact a man. Daniels said Walsh told him so - she denied it. At any rate he told Superintendent Taylor on 17 July 1975 when he discussed Walsh and Schokker's arrest with him and made the allegations with which I have dealt above. Schokker was informed of this allegation and was indignant. She was medically examined and her womanhood established.

200. Schokker also gave evidence to the effect that Detective Drummond had taken a watch left by a patron in a brothel (one of several she subsequently conducted). The detective she said picked it up on the pretext that he suspected it was "hot" and later when she rang him about the matter denied knowing anything about it and invited her to lodge a complaint - which she did not do, because she said, "they would win any way." It does appear however that this brothel was broken into the night after the police were there, and a good deal of property and money stolen. Detective Drummond in evidence denied taking the watch or seeing it. He was accompanied on the raid by Detective Sergeant Grove and Detective Wick. He said that when Schokker rang he asked her why the watch could not have been taken when the place was broken into to which she made no reply; that she refused his offer to bring her in by car to lay a complaint and she also refused to speak to Sergeant Grove about it.

201. Schokker's husband was convicted in August 1975 of living on the earnings of her prostitution. So far as her allegations that Mrs. Flatman told her that she would know of raids if they were to be made and that she was paying the police protection money, they are of course denied by Mrs. Flatman, who further denied that the police had "cleared" Schokker to work for her (Elford had said she told him this). Indeed Mrs. Flatman said that Schokker was not working for her, but for

Jean Gray, who had taken over a brothel from her. It will be recalled that Mrs. Flatman had said that she was not engaged in running brothels after November 1974. I regard Schokker as completely unreliable. She is on her record a dishonest person. I have already mentioned her husband's conviction. She is one of those whom the police are doing their best to prevent working as a prostitute. I am not prepared to act on her evidence unless corroborated from a trustworthy source. I believe Detective Drummond; I am not prepared to make findings against Mrs. Flatman on her evidence.

202. Another witness, whose real name was Janice Ireland, and who used the name of Sue Evans worked as a prostitute for Mrs. Flatman in 1974 and for Mrs. Finn. She, like Schokker alleged that Mrs. Flatman told her that she paid the police protection money - a certain amount each week, - and further that she received warnings from them of impending raids. She made a further allegation that Detective Tangney was in effect offering to collect for her landlord a sum of \$100 that she owed him. She asserted that when she refused to give Tangney the money he and Detective Wick "suspended me for six months". She therefore went to Sydney.

On her return after some months she said Tangney, Wick and another detective in January 1975 called at her flat, took her with them to another flat where her own flatmate was, and proceeded with the two girls to the Central Police Station and from there took them to a neighbouring hotel and made the two girls buy them drinks. After that they told them they were not "going to continue on with the pinch" and they were let go.

She again said she was a thief on probation when

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employed, and that she was told by Mrs. Anson they would arrange it so that she would be safe. Cross-examined she said that it was Mrs. Anson who told her that she had to give up for six months - then she said both Mrs. Anson and the police told her. But she admitted that Mrs. Gibbons the other Flatman daughter complained of her drinking whisky out of Coca Cola cans and of the police visiting the premises and questioning her about drugs and that this could have led up to her being dismissed. She also said that it was either that Mrs. Flatman told her she was paying protection money or she heard it from someone else.

203. I am of the opinion from my own observation that this witness was at least under heavy sedation when she gave her evidence. The contradictions I have recorded in the last paragraph cast grave doubt on her reliability. I believe that as far as the tale of Wick and Tangney forcing her to buy them drinks is concerned it is quite untrue. Ireland on her own evidence had been drinking that morning before the police arrived and I am satisfied that the police when they took her and her flatmate to the hotel were engaged on inquiries into other matters, that the police bought two rounds of drinks and that their proceedings were proper and necessary in the public interest. The answers she gave in cross examination as to the possible reason for leaving Mrs. Flatman's were confirmed by the evidence of Mrs. Gibbons and Mrs. Anson.

204. Two other witnesses, Mr. and Mrs. Young gave evidence of an incident which involved an allegation that Detective Sergeant Simms in effect attempted to collect from them the amount of a dishonoured cheque which a patron of one of Finn's establishments had given her.

In brief the tale was that they ran a genuine escort agency - when a man who had employed their services on several occasions asked for a girl for the night, he was told they could not provide him with what he required. Young said he sent him to Mrs. Finn, and that later Detective Sergeant Simms asked him to pay to Mrs. Finn the amount of a cheque for \$200 which she had been given by this man and which had been dishonoured. Young alleged that Simms manner was rude and threatening. Simms evidence was that the man in question had told the police that he had paid the Youngs money for the services of a prostitute, and that he interviewed them regarding this matter in 1972. They both said according to Simms that they had nothing to do with what happened off the premises, and that they did not provide the man with prostitutes. Simms said that at a later stage Young saw him and produced a dishonoured cheque for \$120 signed by this man and in effect wanted him charged with false pretences.

On both occasions Simms says he warned them that he suspected they were dealing in prostitution. I do not feel sufficient confidence in the Youngs' evidence to be prepared to act on it. I suspect Simms manner might not be altogether free from roughness, but I think the probabilities are all on the side of the police. Notwithstanding their allegations over the cheque, the Youngs admittedly subsequently sought Simms' assistance in certain matters.

205. There is one matter which can conveniently be dealt with at this point. About September 1975 Mr. J. T. Tonkin got in touch with a Mr. E.P. Johnson and was informed by him of certain incidents which occurred in Kalgoorlie in 1967 when Mr. Johnson was the detective sergeant in charge of the C.I.B. in Kalgoorlie.

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This was a result of Mr. Johnson attending the Humanist Society's meeting on 5 August 1975 on Supt. Daniels' suggestion. The allegations clearly fall within the terms of the second question I was required to answer; the incidents themselves I should however have been disinclined to examine so long after their occurrence. I did decide to hear the evidence because if I accepted Mr. Johnson's view of what occurred it might be some corroboration of Supt. Daniels' general allegation of an unhealthy liaison between prostitutes and senior policemen and of the dire consequences which befell those who interfered with the system. In short Mr. Johnson's evidence was to the effect that in consequence of misconduct by a woman who conducted a brothel in Hay Street he closed her premises down for a period. The misconduct had included serious misbehaviour by a uniformed Sergeant in the brothel. The woman in question later saw Mr. Johnson at the Police Station, he said, told him she did not take instructions from him but from Mr. Wedd (who was then in charge of the whole C.I.B.) and that Wedd was on his way to Kalgoorlie. She later reported by telephone Mr. Wedd's progress and Mr. Wedd and the then acting Chief Inspector Mr. Anderson duly arrived. Next morning Mr. Johnson was interviewed by them regarding the uniformed sergeant and also regarding misconduct generally in the brothel. It appears that Johnson did not lay a charge of stealing from a patron against the woman and another prostitute when the victim who held a prominent position in the town said he did not want police action. Mr. Wedd said that Johnson should have proceeded.

The uniformed sergeant resigned forthwith. In the upshot however Johnson was shortly afterwards transferred by Mr. Wedd to Perth. Later the then Commissioner moved him from the C.I.B. to the uniformed

branch and in consequence Johnson resigned from the Force.

206. Mr. Wedd gave evidence about this matter. He said he was instructed by the Commissioner the night before he left to investigate the complaint regarding the uniformed sergeant. In the course of the inquiry he ascertained the facts relating to the failure to charge the two women and did tell Johnson that he should have charged them. There was also a breach of discipline by Johnson visiting Perth without Mr. Wedd's approval and without notifying the C.I.B. of his address.

A combination of circumstances, a failure to control the brothels properly and the breach of discipline, caused him to transfer Johnson to Perth. The closing down of the brothel had nothing to do with the decision. The transfer from the C.I.B. to uniform was the Commissioner's action.

207. I believe Mr. Johnson feels a keen sense of injustice. I think some of his evidence was coloured by this, but his feeling is genuine. But having carefully observed him in the box, I am not prepared to say that I disbelieve Mr. Wedd's account of the matter.
208. I have already referred to two letters which Mr. Marshall wrote on 31 August 1975 to Mr. J.T. Tonkin. In the second as I have said Mr. Marshall said that the Civil Liberties Association believed that the inquiry should include the activities of Mr. O'Connor in his role as Minister. What basis Marshall at this time had for saying that I do not know. But some time later he said he did hear a story which inculpated Mr. O'Connor. He heard it from a woman who he assured me ran a genuine massage parlour, who told him she heard it from a client. It was to the effect that a man named

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O'Connor and two Chinese wished to start a brothel with Asian girls. Mr. Marshall immediately decided that the reference was to Mr. O'Connor the Minister for Police. He said "If somebody says to me "O'Connor" I think of the Minister for Police as opposed to the crane hire company." He also said he did not know why he thought of Mr. O'Connor. He said that he did accept the possibility that Mr. O'Connor wanted a woman to open a brothel. He said he traced the story as coming from a woman whose whereabouts he ascertained by information obtained from Mr. Athol Monck who in turn he said obtained it from Dot Walsh. In company with Supt. Daniels he visited the home of this woman Norma June Wilson a prostitute in the afternoon of Saturday 8 November 1975; she was not home. He rang Mrs. Wilson on the Saturday night and arranged to see her on the Sunday. According to Marshall he told her he wanted to speak to her about prostitution and the Royal Commission. She said he did not tell her why he wanted to see her.

209. He arrived on the morning of Sunday 9 November, 1975 this time without Daniels. He asked first her, on Mrs. Wilson's story, if she knew any politicians in Perth. When she said No, he asked if she were involved in any activities with any politicians and on her asking what he meant she said that he replied somebody had told him she had been running a brothel for Mr. O'Connor with Asian girls, and he mentioned two Chinese men, one named "Ng". Her answer was that she did not know Mr. O'Connor or any Chinese men, and that she was not running a brothel. Mrs. Wilson went on to say that Marshall asked her if for a large sum of money she would say that Mr. Leitch (who was now Commissioner for Police) "was receiving money off Dot Walsh." She said she refused and she further said that Marshall offered her

money to go anywhere in Australia or out of the country if she was afraid. There was a long conversation - it is common ground that the interview lasted several hours. According to Mrs. Wilson, Marshall asked if she knew of anyone receiving money from the madams (she did not) and suggested that Mr. Leitch or someone higher up could be forcing several named detectives to take money. She alleged that she told Marshall if anyone were taking bribes in Perth it would not be long before the whole of Western Australia would know. She also said she told Marshall that Dot Walsh had told her in the presence of others that in the Roe Street days Daniels "used to come down and have his bit and collect his money off the girls". There was on her version a great deal of other conversation. She said ~~at~~ the latter part of the interview he produced a tape recorder and recorded the rest of their conversation. After the taping finished there was nothing further said. The tape and a transcript were produced and the recording played later when Marshall was in the box. It is impracticable and not necessary to attempt a summary of the gossip it contains about prostitutes, their friends, Mrs. Finn's murder, an assertion that a detective would give evidence to a Royal Commission, the control exercised by detectives over prostitutes, Mrs. Wilson's illness, and prostitution generally. There is however a significant statement by Mrs. Wilson. "I don't know, but I have heard Mr. O'Connor has been well spoken of, I have never heard anything against him, and as far as graft and corruption; I don't think there's any, there could be, it's hard to say."

210. It is important to record that after Mrs. Wilson had been cross-examined by Mr. Momber who appeared for Mr. Marshall, I drew his attention to the fact that he had not cross examined her about her evidence that

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Mr. Marshall had put allegations to her about running a brothel for Mr. O'Connor and two Chinese - that he had put it to this woman that she was running a brothel for them. Mr. Momber agreed; he said that accusation was true; that part of the evidence was correct, though at a later stage Mr. Momber did suggest some misunderstanding existed.

211. Marshall's evidence was that the conversation was of a very trivial nature for some time; there was a discussion as to prostitution generally, but that whenever he tried to terminate the conversation he got the impression there was something she was holding back on. Then she mentioned a name of a man who was mentioned in the story he had heard, he asked if he might tape the conversation, she agreed, he taped the rest of it until the tape ran out without getting anything really significant and then as he was leaving "Mrs. Wilson started talking quite freely about much more important sort of matters". She gave him, he said, the name of the detective she had mentioned who had evidence to give to a Royal Commission. He also said that at this stage she told him she was approached by a Chinese whose name was Cheong, who asked her if she would manage a place on behalf of Mr. O'Connor to be set up with imported Asian girls, and that she was taken by Cheong to the Silver Dragon nightclub to meet O'Connor, who did not appear. She also according to Marshall asked what Mr. Leitch looked like, seemed to identify him by reference to his gold teeth, and told Marshall a tale on the alleged authority of Dot Walsh that if Detective Wick said any of the girls couldn't work they went to Leitch who would give them remission. He also said she told him that Dot Walsh rang Mr. Leitch almost every morning. He said that Mrs. Wilson told him at this stage she could give a

great deal of information but was worried about her security and did not want to end up like Shirley Finn. Thereupon Mr. Marshall said he would see to it that she and her children would have fares to anywhere in Australia or overseas.

Marshall said he went away to Supt. Daniels' home and there put on the back of the tape the substance of what he alleged Mrs. Wilson told him after the tape had run out at her place. This tape and transcript were produced.

212. Now Marshall suggested that he did without result introduce some mention of approach to her by politicians at the beginning of his conversation with Mrs. Wilson, but I find it impossible to believe that thereafter he talked to her for hours about everything but the story he had come to see her about. It is again difficult to believe that Mrs. Wilson could have spoken of Mr. O'Connor in the terms I have quoted from the taped recording and then come out later with the very story Marshall said he had heard.

I feel compelled to the conclusion that Mrs. Wilson did not tell Marshall that she had been approached by a Chinese to run a brothel for Mr. O'Connor. I have no hesitation in saying that there is no truth whatever in the whole story.

As for the rest of what occurred between Mr. Marshall and Mrs. Wilson a great deal is hearsay from Mrs. Walsh of those reliability I have already expressed my opinion, an opinion which seemed to be shared by witnesses engaged in prostitution who were acquainted with her. On the other hand I would not be prepared on the evidence of such a person as Mrs. Wilson, who

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has some criminal record apart from prostitution, to decide that Mr. Marshall offered her a large sum of money to say that Mr. Leitch was receiving money from Dot Walsh. It is necessary also in fairness to Mr. Daniels to say that I am sure that the allegation Walsh is said to have made against him according to Mrs. Wilson is utterly baseless. It was very properly so treated by Mr. Leitch when Mrs. Wilson in a statement to the police repeated it.

213. I should not leave Mr. Marshall without stating that notwithstanding the grave allegations he made to pressmen and others he agreed that he had no evidence other than hearsay of impropriety in the administration of the law relating to prostitution. He agreed he had nothing directly to support his allegations of graft and corruption. He also said that all the persons who told him they had evidence to give but were too scared to talk were anonymous telephone informants. These things, and his behaviour in relation to the fable of the girl who was pushed off a boat, and in relation to the allegations regarding Mr. O'Connor which I have just considered, satisfy me that he can at times present a very real danger to the reputation of decent people.

COMPLAINTS OF GENUINE MASSEURS AND NEIGHBOURS

214. The later situation regarding the genuine masseurs and their complaints merits further mention at this stage.

A Mrs. Van Gendt who carried on a practice at 991 Wellington Street, West Perth in August 1975 discussed that in short the premises next door were a brothel. She was in consequence subject to intolerable disturbance and annoyance. She complained to the police and to the municipal authorities but no effective action was taken.

Mr. Tonkin was told of the matter and after he made a statement to the Preas about this brothel, the premises ceased to be so used.

215. There was a good deal of evidence of complaints of persons who, occupying premises in the vicinity of brothels, were subjected to a variety of trouble in consequence of the presence of these establishments. Mr. Davies M.L.A. had constituents who were victims of this state of affairs. During 1975 he made complaints to the police and conducted a correspondence with the Commissioner on the subject of Dot Walsh's brothel at 32 King George Street Victoria Park. She said she told Daniels, when he complained of Mr. Davies' trouble with constituents, that she was moving.

Various other people gave evidence about like matters. They all complained of delay from the police in taking effective action. In the result however in all except one case, that of a Mr. Schwenke, the police had by the time the evidence was given secured the removal of the brothels. (One may note that the closing of 458 Beaufort Street and the arrest of Mrs. Flatman followed the complaint of a neighbour). Dr. Dadour M.L.A. on behalf of his constituents was complaining over a period of years about a brothel in Subiaco. The police found great difficulty despite serious efforts in securing any evidence on which to proceed in this case. At one stage they were threatened with legal proceedings by the woman conducting the establishment. Ultimately after a very great deal of trouble, convictions were secured here. But in all of this I can see no real evidence of any impropriety.

It is perhaps worth commenting on the fact that none of those complaining had made any attempt by legal proceedings against the occupier of a brothel to obtain an

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injunction restraining the continuance of the nuisance created (Cf. Thompson-Schwab v. Costaki (1956) 1 W.L.R. 335).

SUPERINTENDENT DANIELS' TELEPHONE

216. There are three further matters of complaint by Supt. Daniels which must be mentioned. On 5 September 1975 Mr. Leitch caused his telephone in the Firearms Branch to be taped, so that all conversations on it were recorded. This was done because of information he had that Daniels was neglecting his work at the Firearms Branch and was still concerning himself with prostitution, newspaper people and the Civil Liberties Association. It was hoped that this action might persuade Mr. Daniels to do the job he was employed to do. The result of the taping, as evidenced by a transcription of the telephone calls over the next few days which was put in evidence, demonstrated plainly that the great majority of the telephone calls were related to Daniels' campaign. It is fair to say that in the days covered by the transcription nearly all the calls relating to prostitution and the like were inward calls and not originated by Daniels, but there were very many of them. Daniels drew the attention of representatives of the media to the fact that his telephone was taped; he went out to a public telephone to conduct telephone conversations. I do not think that the taping was very efficacious in concentrating Daniels' activity on the duties of his branch.
217. Also in September 1975 Daniels suspected that his room was "bugged", as it was said - that is, fitted with an electronic device whereby conversations in the room were transmitted so that they could be listened to by persons outside the room.

On 16 September 1975 a man named Ryder came to the Branch

regarding the renewal of a firearms licence which had lapsed, and he was referred to Supt. Daniels. Daniels ascertained he was a radio technician, and he in fact had had considerable experience. He suggested to Ryder that his room was bugged, and asked if Ryder would be able to locate a listening device on his telephone. On the following day Ryder returned with a radio listening device and a wave meter. By lifting the telephone he heard the "bleep" which indicated that the conversation might be recorded. He said the radio listening device indicated that a radio signal was being transmitted from the telephone when the telephone was resting on the cradle. This enabled him to hear on the listening device a conversation on that telephone in the room. When he returned next day with his partner to dismantle the telephone (which incidentally would have been illegal) the signal was no longer being transmitted and the telephone was not dismantled. Mr. Leitch denied that there was any bugging of Supt. Daniels' room.

I am satisfied on the evidence of another expert witness Constable Horton that Ryder's device was not reliable. Ryder's evidence was suspect on other grounds. In my opinion the whole business was again a case of paranoid thinking on Daniels' part.

218. Supt. Daniels did receive further nuisance telephone calls between 7 September 1975 and 14 September 1975 and he reported them to Assistant Commissioner Taylor on 22 September 1975 having earlier reported them to Police Communications. I am content to act on Daniels evidence that postal investigations traced these calls to 364 Newcastle Street Perth, a brothel conducted by Mrs. Anson.

COMMENT ON FOREGOING

219. This concludes the survey of such of the evidence

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as I have thought should be presented in a roughly chronological order to give as it were a general view. I have tried to give some general idea of the major allegations with which I am concerned of the circumstances which gave rise to them and of such explanations as were offered or appear. It is not suggested that it covers all matters that were canvassed in evidence. The fact that a particular matter has not been mentioned does not mean it has not been considered. For example, an allegation by Supt. Daniels of neglect by the C.I.B in regard to what possibly was a vindictive breaking of a plate glass window at the instigation of Mrs. Finn, occasioned me some concern until I heard a full account from Detective Sergeant Kiernan of what had occurred.

Some of the evidence not already mentioned will form part of the material to which I still have to refer in answering the specific questions put to me by the terms of my Commission. To this task I now address myself.

THE QUESTIONS AND THE ANSWERS.

220. Question No. (1)

I am first required "to inquire and report as to -

(1) whether Supt. H. Daniels has made any allegation as to impropriety on the part of the Police Force or any member thereof or any other person in relation to the administration of the law relating to prostitution, the substance of any such allegation, the evidence which he had to justify any such allegation and whether there is evidence sufficient to sustain any such allegation"

221. Mr. Daniels in the course of his evidence by way of summary read out thirty five allegations of impropriety in the administration of the law relating to prostitution

(He said there were thirty six but one number was omitted.) In their final addresses two counsel, Mr. French for Supt. Daniels, and Mr. O'Dea assisting the Commission, grouped these in different ways. Mr. Davies for the Commissioner of Police proceeded to deal with them seriatim.

I have found it convenient for my purposes to adopt with some slight modification Mr. O'Dea's grouping.

222. Mr. French at the opening of an excellent final address submitted that Supt. Daniels had no allegations of corruption in his summary or in his writings. I disagree. Some of my reasons for doing so appear from earlier passages in this report. He further argued that Daniels' statements in evidence, in which corruption was plainly charged, did not constitute allegations for the purpose of the Royal Commission. But I think Mr. Davies answer was correct, that the meaning to be attached to his thirty six (or thirty five) points is coloured by what he said in evidence and beforehand.

223. The first group of allegations relate to police policy and practice. In substance he alleged that in Western Australia the police were not effectively controlling prostitution and were guilty of impropriety in not enforcing the law on the subject; that prostitution was being allowed to escalate, and was adversely affecting the public image of the police force, its morale and its efficiency, and that this would lead to corruption coercion and ultimately murder.

He said that the law was being applied in a discriminatory manner and that thereby some brothel keepers were afforded protection or immunity. This he alleged resulted in the criminal exploitation of prostitutes by the brothel keepers. Toleration said to be based on the

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view that prostitution afforded a safety valve as it were to avoid rape was based on a false view. Toleration because the brothels were a source of criminal information was wrong because really valuable information was not obtained, and because it was impropriety on the part of the police to allow one illegality to continue for the purpose of detecting another. He alleged that policemen were indoctrinated to believe that their whole future would be jeopardised if they should interfere with the established illegal systems regarding prostitution and its limited control by members of the C.I.B. This contravened the oath all police took to prevent all offences against the Queen's peace. Accordingly he alleged that uniformed men were expected to ignore evidence of prostitution offences and the existence of brothels, when investigating other offences. He alleged that somewhere in the police hierarchy there must be an agreement to the continuance of this system and that this constituted a criminal conspiracy within s.560(1) of the Criminal Code or a common law crime of neglect of duty.

224. (a) By "the evidence he had to justify such allegations" I understand the question to mean the material available to him on which he might reasonably base such allegations - a view with which I understand Mr. French to agree.

(b) The actual material which he had can be gathered from the earlier parts of this report. I mention some of it only. There was undoubtedly an increase in prostitution as evidenced by the advertisements relating to massage parlours, escort agencies and the like, and records of registration of business names of escort agencies. He had the reports of his own men at Central. He had the answers to the questionnaire he submitted to his sergeants as to their belief that prostitution

control was the province of the C.I.B., a view which I think was generally entertained; and the fact of only two members of the Consorting Squad being primarily concerned with prostitution control. He had also the fact that very little by way of acknowledgment of or answer to his volume of memoranda and reports came from either his superiors or the C.I.B. From this he drew inferences as to protection and discrimination in favour of such people as Mrs. Finn and Mrs. Flatman and a consequent unwillingness to admit what was happening. This to his mind admitted of only one explanation - at the very best an unhealthy liaison between police and prostitutes.

The allegation of exploitation of prostitutes by madams was apparently based on such evidence as that of Mrs. Howard as to the \$2100 per week received by the purchaser of her Kalgoorlie brothel. There was evidence also of a practice of the madams keeping half of the fee that patrons paid the actual prostitutes, of which Daniels was probably aware.

225. When it came to the final address Mr. French contended that the real central issue so far as Daniels was concerned was the fact of discriminatory law enforcement by the Police Force in the field of prostitution and the non-revelation of that practice to the public at large or even to the police force at large.

He referred to the report of the Franks Committee on Administrative Tribunals in the United Kingdom stating that decisions should be predictable and therefore made by the application of known principles of law. He also referred to American opinions that selective law enforcement was undesirable. He argued by analogy that selective non-enforcement was also undesirable. He

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argued also, citing other American authors, that the exercise of a police discretion to prosecute or not to prosecute should in effect be open and acknowledged and the source of its exercise known to the public. It was on this argument that he based a contention that the practice which the police adopted in regard to the control and containment of prostitution which I have described in para 33 and the following paragraphs constituted impropriety in the administration of the law relating to prostitution. This involved a further contention that "impropriety" included merely inappropriate conduct - a contention which I reject.

226. (a) I do not think that the evidence which has been led before the Commission sustained any of the allegations set out in para 223. In my opinion the police in Western Australia were controlling prostitution, and by no means ineffectively. I refer for example to the figures mentioned in paras 152, 153 and 154 of this report. The evidence of activity in relation to such people as Ireland and Schokker is illustrative of the practice I have described being in operation in 1975. I find no acceptable evidence that the public image or the morale of the police force or its efficiency were being adversely affected by the escalation of prostitution. None of the witnesses from the police force not even uniformed men from Central, were prepared to say so.

(b) So far as Daniels' allegation is that he was ignored, there was for example put in evidence a request by a Sergeant Riseborough as to what he should tell two young constables who questioned him as to the proper action they should take when there were brothels being openly conducted. Daniels sent this query on and received no answer. Any experienced policeman should

have been able to tell them that they should report their observation to the C.I.B. and leave the appropriate action to that Branch. I believe that the extent to which Daniels was ignored was largely due to the fact that his fellow policemen and in particular his contemporaries, were aware of his idiosyncrasies, and they thought, mistakenly as it turned out, that his excessive concern with prostitution would in time disappear. They of course knew that he had been treated by a psychiatrist in late 1972 and had recovered. But whether or not there might be said to be discourtesy, it was not impropriety.

227. (a) The explanation of the apparent (and indeed in part actual) discriminatory manner of enforcement of the law was probably not understood by Mr. Daniels. He was certainly in no state to discover it for himself as another officer might have, by reflection upon the facts known to him. I do not think it was ever placed before him - not even by Taylor his friend and close associate, and probably because it was realised that any explanation was unlikely to be accepted by him in his then state of mind. For my part I think the practice which evolved from the experience of the consorting squad over a period of years can in no sense be regarded as an impropriety.

(b) I am by no means convinced by Mr. French's argument as to the conditions that should be observed in the exercise by the police of discretion not to prosecute. Mr. French suggested that the non revelation to the public of the practice had a good deal to do with the coming into existence of the Commission. It may be that if it had been revealed Mr. Daniels would have been unable to secure the degree of publicity and support which apparently he did, but I doubt if

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it would have had much effect on him. I think the revelation, necessary as it was when this inquiry was instituted, may make the task of controlling prostitution rather more difficult.

228. It may be that brothel keepers in Western Australia do secure an unduly large proportion, - one half of the prostitute's fee, but I am not prepared on the evidence I have to so find. It is true that if brothels are tolerated, as in Kalgoorlie and to the limited extent to which they are in Perth, the madam is thereby enabled to obtain a substantial income from the activities of the women employed in the unsavoury and of course illegal conduct of a brothel. On the other hand the madam does provide the premises and prostitutes working in brothels are to a degree protected from some hazards they would encounter working alone - such as violence from their customers and so on.
229. No suggestion was made that the practice adopted was in any manner based upon the existence of brothels reducing the incidence of rape and like offences. While despite Mr. Daniels assertions I am convinced that the police do get much useful information from brothel keepers, this is not a reason for the adoption of the practice. It is merely a consequence.
230. As to the allegation that the police are indoctrinated to believe that their futures will be jeopardised if they interfere with the system of brothel control by the detectives allotted to control it, and that this is contrary to the oath taken by all police, the first thing to say is that there is no real evidence that the police are so indoctrinated. It is perfectly true that in practice prostitution control is in the hands of the C.I.B. The police in general certainly know that. Mr. Wedd did say that on occasions there had

been embargoes imposed on uniformed police associating in any way with prostitutes in order to prevent the sort of trouble he had to investigate in Kalgoorlie in 1967 as earlier narrated. But the evidence does not show that uniformed police were actually prohibited. What are in my opinion valid reasons were advanced why in the allotment of police duties prostitution control was entrusted to the C.I.B. The first was the comparative maturity of the detectives: a policeman cannot become a probationary detective until after some years service. Youthful and relatively inexperienced constables could be trapped into difficult situations by prostitutes. The types of people engaged in prostitution require careful handling as the general body of all police evidence suggested. They are best dealt with by experts. And the occurrences on one and possibly two of Supt. Daniels' raids lend some support to this view.

231. There was no evidence led that has persuaded me that any policeman had his career jeopardised or interfered with because he interfered with the established system of control.

Further it is a fallacy to suppose that the oath taken by police the relevant terms of which I have quoted requires him to prosecute every offence. I shall have more to say on this hereafter.

232. The suggestion that the agreement of some unidentified members of the police hierarchy (as Daniels termed the officers of the central administration) to the continuance of the system described in paras. 33 to 40, constituted a criminal conspiracy to prevent or defeat the execution of the statute law is as ludicrous as the suggestion that there is a common law crime of neglect

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of duty. There is no such general common law crime, and in any event the common law relating to indictable offences is in Western Australia superseded by the Criminal Code. The alleged inability of Supt. Daniels to discover who determined and put into force the practice actually adopted in prostitution control is the basis for his many mentions of "phantom policy setters". The evidence of people like Mr. Leitch, Assistant Commissioner Taylor and Mr. Parker convinces me that the policy evolved in the way I have described was known to and understood by them though not perhaps in detail. They were in closer touch than Mr. Wedd with the conditions as they had developed in this field in recent years. They all approved of it. And I should add this, that as for the suggestion that there was no one to whom responsibility for the practice could be sheeted home, the Commissioner for Police was of course responsible and accountable.

233. It would have been an impropriety if the practice were continued in disregard of a ministerial instruction inconsistent with its continuance. I see no reason to doubt Mr. Thompson's statement that he was unaware of the practice. In the discussion the police had with him in July 1973 they did not inform him of it.

234. (a) At this point I should refer to the fact that about the third quarter of 1973, probably as the result of the publicity then given to prostitution, various religious bodies communicated with the Government expressing concern on the matter. An informative memorandum was prepared for Mr. Thompson by Mr. Wedd, primarily to enable a full reply to be made to a letter from Archbishop Sambell. This memorandum, full and informative as it was, and indicating the concern of the police with associated evils, did stop short of disclosing the measure of toleration to which I have

referred in para 37.

But as I have already said I do not think Mr. Thompson conveyed to the police present at the July conference the impression that he was giving any instruction that would be inconsistent with the practice, and he gave no other instructions on the subject.

(b) Again there was no practice or instruction from any senior officers that any particular provision of the law was not to be enforced - this would have constituted impropriety (see Reg v. Commissioner of Metropolitan Police exp. Blackburn (1968) 2 QB 118; Reg v. Metropolitan Police Commissioner exp. Blackburn (No. 3) (1973) 1QB 241).

235. I now turn to that group of allegations of impropriety made by Supt. Daniels which relate to methods adopted by the police. The first of these is in substance that in pursuing their inquiries the police did not proceed far enough; the enquiries did not result in the charging of the real proprietors or prevent the operation of brothels; that selective arrests were made, usually only two at a time, irrespective of the number of prostitutes present when the brothel was raided, and that the brothel remained open till the girls returned on bail to work. Further he alleged prostitutes and madams were allowed to give addresses other than residential ones on being charged.

236. It may be said that Mr. Daniels had this evidence to justify these allegations. Mrs. Flatman was never charged with an offence until 1974; brothels did continue in operation after their existence was known to the police; it was common only to arrest two women at a time, charging one with managing and the other

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with assisting to manage the premises. Only one woman out of two present at one establishment visited on the patrol referred to in para. 59(a) was arrested by Detective Sergeant Simms. Daniels said that he was told by a Constable Bake who was in charge of the lock up that false addresses were given. Then later what he was told by Mrs. Harding for example of warnings by police of impending raids supported this sort of allegation, and he said further in this regard that Walsh told him that she was advised by Detective Sergeant Zanetti that the police were intending to raid the premises at which she and Schokker were arrested.

237. The evidence to my mind does not sustain any of these allegations. The infrequency with which some madams were charged may be in part explained by the fact that they like Mrs. Flatman were often not present during the evenings. But she was forced apparently by police action to close brothels no fewer than twenty five times on her story. I refer to the earlier parts of this report where the manner in and the extent to which the closing of brothels was effected is mentioned.
238. As I said in para 12, the decision of a magistrate in Kalgoorlie that no more than one woman could assist at one time in the management of a brothel affected the practice of the police and consequently only two persons were charged in respect of one occasion. As for the arrest of one woman only by Detective Sergeant Simms in January 1973 during the patrol described in para. 59(a), I am by no means persuaded that Simms' evidence that she was the only one against whom he had any evidence was untrue. No evidence as to the practice of allowing persons to give addresses other than residential ones was called from the lock up. It did

appear as I have described, that when Mrs. Walsh and Schokker were arrested they did give an incorrect address but this was unknown to Detective Sergeant Zanetti. That Walsh was not warned of the raid is apparent from what I have already stated regarding this incident. As for other like allegations from Mrs. Harding and her ilk, including Mrs. Walsh, I have already given my reasons for not accepting them.

239. The next allegation of impropriety regarding police methods made by Supt. Daniels was in substance that no effort was made by the police to obtain evidence on which to charge the madams with procuration of girls for prostitution or with employing girls under twenty one.
240. Such justification as he had for such an allegation was first the appearance of advertisements to which I have referred early in this report, obviously seeking girls to be employed as prostitutes, some mentioning girls under twenty one. There were in fact no prosecutions for procuration, and only one, of a madam in Kalgoorlie, for employing a girl under twenty one.
241. (a) The allegation of failure to prosecute for employing girls under twenty one, was in fact not supported by evidence of any girl under twenty one having been employed. The woman charged with such an offence at Kalgoorlie absconded from bail.
- (b) Regarding procuration, a real effort was made to see if a case could be made against Mrs. Shirley Finn of attempting to procure for prostitution the girl Kerry Seabrook who has been mentioned in para. 65. Detective Sergeant Simms was one of those investigating the matter. It was suggested that in the course of his investigations he improperly threatened a private

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investigator named Williams, employed by Mr. Mack to obtain evidence on which to base opposition to Mrs. Finn's licensing application. It was also suggested that Simms was guilty of disclosing information to Finn in consequence of which Mack and Williams were abused by Mrs. Finn. It is sufficient to say that while I suspect Simms' manner towards Williams was in some respects not what it ought to have been, I am not satisfied of any other impropriety. In fact the girl could not identify Mrs. Finn and no case against her could be made.

(c) Otherwise the only evidence of any police activity as to procurement was that in October 1973 two police-women rang a number of suspected advertisers purporting to seek employment. In no case was there any statement that the employee was to engage in prostitution. Euphemisms which might suggest it were used, but nothing sufficient appeared on which to press a charge.

(d) It does appear to me that, if a serious effort had been made, evidence sufficient to secure a committal for trial in some cases of procurement could have been obtained. The offence, constituted by section 191 of the Criminal Code is triable only before judge and jury. No doubt the heavy work load of the C.I.B. - some 1200 or so crime reports a week according to Mr. Parker, and a strength which in April 1972 was only 180 though it did rise somewhat later, was one reason why the detectives directly concerned with prostitution were loath to call in aid their fellow detectives of the consorting squad except in case of real necessity. But there is no foundation for any suggestion that there was any impropriety in the relevant sense.

242. Mr. Daniels also alleged that the failure of the police to enlist the support of those engaged in the hotel business to deal with the escort agency situation

constituted impropriety. Her certainly was the first to approach the appropriate bodies on the subject, but whatever reasons the police might or might not have had for not approaching these people, there is certainly nothing to suggest impropriety.

243. Another allegation he made regarding the failure of the police in the Liquor and Gaming Branch to act on information supplied to them of a prostitute employed by Mrs. Finn performing a strip-tease act in a hotel. No evidence whatever was led as to this allegation.
244. I should in this group of allegations include one matter which while it was not included in the list with which Supt. Daniels furnished the inquiry he certainly put forward, viz, that only two young men were assigned to prostitution control in 1973 - the same number as in 1959. The figures of charges laid and as to the extent of the closures of brothels affected indicate they did substantially contain prostitution. This suggests that the number was in general not inadequate. In fact in 1974 a third detective was assigned. One would suspect that other areas were requiring more police action: Mr. Thompson spoke of this. I mention also the figures given by Mr. Parker in para 241 (d) and having regard to the grave reflections that were made on the young men concerned, Kiernan and Tangney I think it fair to say that they impressed me as capable and responsible policemen. The general body of those detectives who had over the years been dealing with prostitution struck me as good types.
245. I now come to a third group of allegations of impropriety made by Supt. Daniels. They relate to his treatment in his efforts relating to prostitution by

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Mr. O'Connor and by his superiors. He alleged that correspondence to his superiors, though couched in proper language, and though seeking directions and answers, was not answered. I have said earlier that in my opinion many of these memoranda addressed to senior officers were not couched in proper language at all. I have referred in various places throughout this report to this matter, and I refer to what I have already said in particular to paragraph 226(b). But in no view is this impropriety.

246. Of a like kind are allegations of impropriety, in substance alleged to consist of a difficulty in securing an interview with Mr. Wedd and the refusal of Mr. O'Connor to grant him an interview while granting one to Mrs. Flatman. In no sense again can any of this be said to be impropriety. The evidence regarding these matters and my view of it have already been dealt with fully. Daniels alleged that Mr. O'Connor denigrated him in a conversation with Judy Bateman to whom reference already has been made. I am satisfied that Mr. O'Connor did not.

247. (a) Mr. Daniels also alleged that police failure to prosecute prostitutes jeopardised the position of genuine masseurs and that this constituted impropriety. That the genuine masseurs suffered from the use by brothel keepers of the expression "massage parlour" there is no doubt. But unless effective means were devised of actually stamping out brothels or alternatively, of preventing the use by brothels of the term "massage", it is difficult to see any solution. Both the Tonkin Government as I have already narrated, and the succeeding government considered the suggestion that there should be legislation to provide for the registration of masseurs, but the evidence seems to

suggest that it has been difficult to draft. But whatever the position is the hurt to the genuine masseurs does not itself render failure to prosecute prostitutes impropriety in the administration of the law.

(b) Another matter which Daniels said constituted such impropriety was Lloyd Taylor's statement as reported in the press on 10 October 1973 that the police force acted against prostitution whenever it had enough evidence (see para.105). I doubt very much if Mr. Taylor made any such unqualified statement: Daniels said it was untrue. Even if it were, it is not part of the administration of the law. It was also asserted that a press statement by Mr. Leitch also constituted impropriety, but there was no evidence identifying the particular press statement.

248. (a) One most serious allegation of impropriety was the alleged wrongful withdrawal of the seventeen charges laid in respect of the four raids by uniformed police in September October and November 1973. I think that from the very full account I have given of this action in paras. 114 to 123 it can be seen on what material Daniels relied to justify the making of the allegation. The failure to consult him before or even to inform him of the decision to withdraw the charges may well have helped strengthen his belief that there was an "unhealthy liaison" between Mr. Leitch and other senior police officers and Mrs. Flatman and Mrs. Finn. It would have been wise in my opinion to have taken Mr. Daniels into his superiors' confidence before action was taken. Having said this I should also say that I have some doubt whether anything would have altered his opinion - his personality was not such as to enable him in his then state of mind to believe anything other than that there was a plot against him and that this action was part of it.

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(b) As I have already made plain, in my opinion the evidence does not sustain this allegation, (See in particular paras. 114 to 123 and 155 and 156). It is necessary to add that Mr. French in his final address very properly stated that there was certainly not an unhealthy liaison. He said it was a panic exercise of discretion on wrong grounds. With this view of the exercise of the discretion as I have made plain I do not agree.

249. Another very serious allegation by Mr. Daniels was that Mr. Leitch on the occasion of his interview of the 11 December 1973 was guilty of impropriety, criminal in intent, in proposing that Daniels should be disposed of by retiring on the pretence of mental instability thereby depriving the State Superannuation funds of approximately \$25,000. I have recounted the circumstances of the interview fully in paras. 124 to 127. Reference may also be made to paras 131 and 132. This is another instance of Mr. Daniels' paranoid thinking. The evidence as Mr. French agreed in his address certainly does not sustain the allegation of criminality. It was not unreasonable for Daniels to believe that Mr. Leitch would be glad to see him retire but I do not believe that Leitch suggested that Daniels should attempt to deceive a psychiatrist or that he was other than bona fide in the opinion he did entertain that Daniels was mentally ill.

250. There were further allegations of impropriety relating to Mr. Daniels' transfer from Central Station and his subsequent appointments. These included Mr. Leitch's ^{action} in putting before him on the 17 December 1973 as Daniels alleged an application for transfer from Central Station which "was intended to cover up the retribution which was being invoked against me because of my stand

relative to the laws of prostitution"; his removal from Central as a "fear lesson" to all subordinates to carry on with the illegal system; his humiliation in being removed; and his treatment while he was engaged in revising the routine orders and regulations resulting in the impairment of his health.

251. (a) I have fully discussed in paras. 124 to 131 the circumstances of the transfer. Daniels had no real evidence to justify his allegation that this was done either because of his enforcement of the law against prostitution or to strike fear into subordinates. The evidence of course does not sustain the allegation.

(b) I have considered the matter of the conditions under which he worked at Jaxon House in para.

133. I think again that there was no justification for these allegations; the troubles experienced were partly of his own creating, but to be understood in the light of the medical evidence.

252. One further allegation of impropriety on the part of Mr. Leitch in addressing the consorting squad was made but then no evidence led on this matter.

253. Into the same group falls Mr. Daniels' allegation of impropriety in that Mr. Leitch's tapping of his telephone was designed to prevent the revelation of the illegal administration of prostitution laws in Western Australia. I have dealt with this and a like matter in paras. 216 and 217. Daniels if an ordinary reasonable man would have known that this was done not to prevent revelations but to see if he was doing his duty at the Firearms Branch, rather than conducting from there a campaign against his own Department. He had no justification for any allegation of impropriety and the evidence does not sustain it.

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254. Mr. Daniels made a general allegation that he was obstructed by his superiors in his attempt to enforce the law relating to prostitution. In my opinion there is no evidence that can be said to justify any allegation of obstruction of Daniels before he went on leave from Central Station on 2 November 1973. The mere fact that the C.I.B. or his superiors did not act as he wished them to was in no way an obstruction of him. No denial of his assertion that the uniformed police had the right to deal with prostitution was made - Taylor, when informed by Inspector Watts on 28 September 1973 of the intended raid on 458 Beaufort Street wished him luck. Mr. Daniels probably regarded his transfer from Central Station and what thereafter happened to him as an obstruction of his activities. But for reasons I have already given nothing that was done can be regarded as an improper obstruction of the enforcement of the relevant law by Daniels.

255. (a) I now turn to some allegations of specific improprieties made by Mr. Daniels. The first is of impropriety in the obtaining of a liquor licence by Kimberly John Flatman, Mrs. Flatman's husband, for the Tramps Nightclub. This was hardly an allegation of an actual impropriety in the administration of the law relating to prostitution; rather it alleged something which might have lent support to the suggestion of co-operation between the police and prostitutes.

(b) In fact on 5 November 1974 Flatman applied for a transfer of the licence. On 8 November 1974 the police reported that Flatman was a suitable person to conduct the licence, having checked the testimonials he submitted. This did appear to me to be a somewhat suspicious circumstance and I expressed myself to that effect during the final addresses of counsel, no evidence on the point having been submitted on behalf of the Commissioner of Police.

Material subsequently submitted by Mr. Davies and shown as I understand to other counsel does reveal that the police concerned did not connect Flatman with his wife. As I have already said, he is much younger than she is. He in fact has no convictions, and such enquiries as the police made did not reveal any association with prostitution. I am now satisfied that while Flatman was not in fact a suitable person to hold the licence, the report the police made however incorrect was bona fide.

256. Daniels alleged that the continuance of 458 Beaufort Street as a brothel after October 1973 itself constituted an impropriety. This is really based on the general allegations I have dealt with in the early part of the answer to question (1), and as I have already pointed out, it was in fact ultimately closed after the conviction of Mrs. Flatman as a result of complaints by a neighbour.
257. There are further allegations that the killing by Mrs. Roberts of her de facto husband as mentioned in para. 155 and deaths of two children referred to in para. 158 might have been avoided by a stricter enforcement of the law regarding prostitution. As Daniels himself admitted in evidence this is sheer speculation.
258. This concludes the consideration of those allegations of impropriety Daniels himself asserted he made. This report indicates that others were made by him, but I have sufficiently considered any such cases as they have occurred in the narrative.

QUESTION NO. (2)

259. I now turn to the second question. I am directed "to

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enquire and report as to -

(2) whether any Member of Parliament, or other person, has, during the term of office of the present government, made any allegation of impropriety on the part of the Police Force, or any member thereof, or any person, in relation to the administration of the law relating to prostitution, the substance of such allegation and whether there is any evidence sufficient to sustain such allegation."

260. I would in the first instance draw attention to what I have said in paras 16,17 and 18 as to Parliamentary privilege and the limitations it has imposed on the extent of the inquiry I have actually pursued.

261. I do not think any actual allegations of impropriety were made by any Member of Parliament during the term of office of the present government. There were complaints by Mr. Davies M.L.A. and Dr. Dadour M.L.A. as to the continuance of brothels and the difficulties of genuine masseurs, not allegations of impropriety.

262. Mr. Doven however did make such allegations. I have already referred to his letter of 23 July 1974 and the further letter of 12 September 1974 in para. 163. The substance of the allegations is there set out; and I have already indicated my opinion in my answers to question (1) that the evidence does not sustain them.

263. There were of course the great mass of allegations made by Mesdames Howard, Harding and Walsh to Daniels in and after July 1974, some of which were heard by Mr. Davies. I do not think any useful purpose would be served by repeating them. A great deal of this was of course relied on by Mr. Daniels as evidence supporting his own allegations. I have already indicated my opinion that these allegations are not sustained .../159

by the evidence.

264. The allegation made by the former Sergeant E.P. Johnson to Mr. Tonkin stands in a different category. It is an allegation that he was moved from his appointment in Kalgoorlie by his superior officers in the Police Force because he closed down a brothel in that city, and that his transfer was due to influence exercised by the madam concerned. I have fully discussed this allegation in paras.205 to 207. It is sufficient to say here that in my opinion the evidence considered as a whole falls short of sustaining the allegation.
265. I now come to the allegations made by Mr. Marshall in his two letters to Mr. Tonkin both dated 31 August 1975. I have mentioned these letters in paras. 182 and 208. In the second of the two letters he said on behalf of the Civil Liberties Association "We are informed of happenings in the (police) department arising out of matters of prostitution which may be brought to the light of that inquiry or commission. It appears that failing to act on lots of evidence gathered could be criminal as well." This is a vague and general allegation. So far as Supt. Daniels made allegations that might be comprised in this generality, they have already been considered. So far as Mr. O'Connor was said to be involved, I have dealt with Daniels' allegations as to impropriety in failing to grant him an interview in my answers to question (1). I have also dealt with the evidence as to Mr. Marshall's interview with the prostitute Norma Jean Wilson and the matters with which it was concerned in para. 208 and the following paragraphs. I have no more to say about it.
266. As for what I have referred to as the fable of the prostitute alleged to have been pushed off a boat, I

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regard this as an allegation made by Marshall, in the presence of a pressman, even though Marshall said he asked that no report of the story be published. Again I have nothing to add to what I have said in paras. 183 to 185.

267. As to Mr. Marshall's general allegations of corruption made by advertisement in the press or otherwise, I merely draw attention to my opinion of Mr. Marshall's general activities and what he himself said as stated in paragraph 213.

QUESTION NO. (3)

268. I now have to answer the third question by which I am directed "to inquire and report as to -
(3) whether any allegation of the nature mentioned above was made by Supt. Daniels, or any Member of Parliament, or any other person, during the term of office of the previous government and if so what steps were taken by that government to establish whether that allegation was justified, whether it found any allegation to be justified, and if it did find any such allegation to be justified, what steps it took as a consequence."

269. I deal first with the complaints and allegations of the genuine masseurs during this time which I have referred to in paras. 29, 30, 104 161 and 162. The Tonkin Government obviously came to the proper conclusion that they had a real grievance and as I have said at the end of November 1973 decided that legislation for the registration of genuine masseurs should be prepared. Whether it was actually drafted or not does not appear. But there is no real evidence that the Tonkin government was of the opinion that any impropriety in the administration of the law relating to prostitution as alleged

by Mr. Doven and his fellow members existed.

270. Then during this period of office of the Tonkin Government Mr. Mack on 23 July 1973 referred to Mr. O'Connor M.L.A. (then of course in Opposition) the allegation of impropriety in regard to the investigation of the Kerry Seabrook case already referred to in paras. 65 and 241(b). Mr. O'Connor did discuss the matter with the Commissioner of Police. I do not think these particular allegations came to the notice of the Government. The allegations are as I have said in para. 241(b) not substantiated.

271. But as pointed out in para. 65 a file relating to the Seabrook case was delivered to the then Minister, Mr. Thompson by a newspaper and in consequence he called in July 1973 a conference which I considered in para. 65. I do not think that Mr. Thompson arrived at the conclusion that any allegation of impropriety was justified; the girl had failed to identify Mrs. Finn and proceedings could not be instituted.

272. But of course the great mass of Supt. Daniels' allegations so far as they relate to matters which occurred up to the change of government were in fact made known to some members of the Tonkin Government, in the letters sent to Messrs. Thompson, and Davies and in the interviews which he had with those Ministers from 28 September 1973 onwards. (See paras. 76, 83, 84, 92, 112, 113, 131, 135 and 136 and cf. para 132). I am sensible that these in some respects purported to be private communications, though Mr. Davies letter of 9 October 1973 suggests that the interview with him in early October 1973 was not a private matter. I am also sensible of the relationship of friendship which existed between Mr. Daniels and the Ministers concerned.

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Little, however, was done following these letters. Various unofficial inquiries were made by Ministers as to what could be done to help Daniels as a sick man. (see especially paras. 113, 135 and 136). In November 1973 Cabinet decided to proceed with the preparation of legislation for the registration of masseurs (see para. 162), though it then rejected a proposal by Mr. Thompson for a general inquiry into prostitution. There was a general impression (without any formal decision) that if the Government were returned at the ensuing election a general inquiry into prostitution would be held. I do not think that the government regarded seriously the allegations of impropriety though it was concerned with the problems prostitution presented. Answers made to queries by religious organisations suggest this; the fact that Messrs. Thompson and Davies admitted that they took no action on the various letters, and their conversations with police officers confirm it. Mr. Davies in evidence made a significant remark which I have quoted in para. 166. Prior to Mrs. Finn's murder in June 1974, he said, he was doubting whether Daniels "was on the right track regarding prostitution". I do not think the government did really take any steps to establish whether the allegations were justified - I think such Ministers as were concerned understood the situation fairly well.

CONCLUDING OBSERVATIONS.

273. There are some general observations to be made by way of conclusion. First as the answers to the specific questions directed to me indicate I am not satisfied that any impropriety in the administration of the law relating to prostitution has been established by the evidence placed before me.
274. Secondly, I should say that the description by Supt.

Daniels of the practice adopted by the police force in the control of prostitution as "an illegal system" is in my opinion quite unjustified. No suggestion that prostitution can be eradicated was made during the hearing. That being so, I find it difficult to see what other system could reasonably have been employed.

It is a common experience in Australia and elsewhere that the extent of enforcement of some laws regulating such matters as prostitution and gambling must as a matter of practicability vary according to circumstances including time and place. The existing statutory provisions do furnish an effective means of control. The discretionary but not capricious manner of enforcement adopted has kept the State of Western Australia relatively free from the evils which may be associated with prostitution. Before any explicit statement of the practice in force was made in the course of the proceedings - before the police case was opened - it was becoming apparent that at all times the police concentrated upon the suppression of associated evils and with considerable success. The extravagant statements made from time to time by Supt. Daniels as to the extent to which these evils existed were not supported by credible evidence. The magnitude of the evil of prostitution itself appears to be in the order of the figures set out in paras. 153 and 154.

275. It is also desirable to say a little more than has already been said about the frequent assertions by Supt. Daniels that it was contrary to the oath taken by all police officers that uniformed police officers should in effect be required to ignore offences relating to prostitution, leaving the matter of prostitution to be dealt with by the C.I.B. I have not been able to discover that any instructions to this effect have been

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issued. However as I have said the police generally recognise that prostitution control is in substance the task of detectives. There recently has been a good deal of discussion in legal and other circles as to whether the constable of police has an original authority exerciseable at his own discretion by virtue of his office or whether he is totally subject to the authority of his senior officers. There have been like discussions as to the exercise by the police of a discretion in prosecuting. These discussions have arisen from a number of cases decided in various courts from the Privy Council down, notably Attorney-General for New South Wales v. Perpetual Guarantee Co. (1955) A.C. 477; Reg. v. Commissioner of Police Exp. Blackburn (1968) 2QB 118 and Reg. v. Metropolitan Police Commissioner Exp. Blackburn (1973) 1QB 241.

This report is not the place in which to discuss what is a problem of some complexity. I think that it would be relevant and it might be of some assistance if I were to quote two passages from an article on the subject by Chief Inspector I.T. Oliver LL.B. of New Scotland Yard in 1975 Criminal Law Review 313. Chief Inspector Oliver says at pp 314-315:-

"There is no doubt that a large measure of discretion plays an important part in police activity for without that practice there would be an increasing irritation with the administration of the Law." At p. 315 he says further "Despite the obvious need for some individual discretion, there is the equally obvious need for an overall policy guided discretion... To be effective, a Chief Officer must lay down certain policies, not with the intention that they will be rigidly followed, without consideration of individual circumstances, but merely as a guide to the relative importance of the matter concerned. In turn, the individual Constable must follow the guidelines and exercise his discretion in good faith".

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276. The words I have quoted are not as it were directly in point. But the practice of the West Australian Police Force in regard to prostitution control and the allotment of responsibility with regard to it is in my opinion within the spirit and intendment of these words.
277. I should express my thanks of the help I have received in the performance of my duties. I derived much valuable assistance from counsel, particularly from those who were present for the whole or substantial parts of the hearing, Mr. Dowding and later Mr. French who appeared for Supt. Daniels, Mr. Musca who appeared for Mrs. Flatman, Mr. Tolcon who appeared with Mr. Gunning for members of the Police Force and Mr. Davies and Mr. Clarke whose client was the Commissioner for Police. I am under a deep obligation to Mr. O'Dea of Counsel who was briefed to assist the Commission. He carried an extremely heavy burden over a period substantially longer than was originally expected. He presented the greater part of the evidence led, and despite various difficulties which from time to time arose that evidence was presented in a substantially uninterrupted stream. I have availed myself of his judgment, tact and experience to a great extent, and I must acknowledge specifically his aid in the preparation of this report.
278. Finally I desire to express my high appreciation of the services of the Secretary, Mr. W.J. Shepherd. The unobstrusive and efficient manner in which the administrative processes involved were carried through is a tribute to his very considerable capacity; the more so because he had had no prior experience of any activities analogous to those which he was called upon to undertake.

APPENDIXList of Witnesses

(Rank or position at time of giving evidence)

Total 70

H.E. Daniels, Superintendent
R.W. Cannon, Barrister and Solicitor
E.J. Roberts, Unemployed
M. Howard, Housewife
G.A. Harding, Pensioner
D. Walsh, Not stated in transcript
L. Watts, Senior Inspector
J.E. Lemon, Sergeant
K.R. McKay, Sergeant
T.C. Hennecker, Sergeant
G.J. Berry, Security Officer
F.P. Doven, Osteopath
B.C. Watts, Manager, Health Food Store
E. Schwenke, Retired Engineer
R. Davies, M.L.A.
R.L. Boromini, Manager, Boarding House
M.H.E. Van Gendt, Medical Masseur
E.P. Johnson, Licensed Private Inquiry Agent
G.T. Dadour, M.L.A.
A. Del Marco, Manager, Boarding House
R. Thompson, M.L.C.
E.M. Hunter * Principal Clerk, Licensing Court, Perth
R.J. Elford, Unemployed
D.J.M. Finn, Machine Shop Inspector
A.R. Johns, Unemployed
A.A. Perkins, Business Proprietor
D.E. Mack, Company Director
H.F. Williams, Licensed Private Inquiry Agent

S. Evans, Unemployed
I. Schokker, Prostitute
K.A. Young, Voluntary Social Worker
P. Young, Voluntary Social Worker
N.J. Wilson, Invalid Pensioner
P.J. Zeck, Psychiatrist
A.W. Marshall, Company Director
G.A. German, Professor of Psychiatry W.A. University
R. Ellard, Salesman
J.T. Tonkin, M.L.A., and Leader of Opposition
I.B. Anson, Sitter
D. Gibbons, Unemployed
B.A. Carpenter, Insurance Consultant
D. Flatman, Business Proprietor
H.L. Taylor, Assistant Commissioner of Police (Crime)
A.J. Parker, Retired - was Assistant Commissioner of
Police (Crime)
R.A. Whitmore, Detective Sergeant
B.R. Johnson, Detective Sergeant
J.P. Wiley, Inspector (C.I.B.)
A. Simms, Detective Sergeant
R.L. Culleton, Detective Sergeant
M.C.R. Kiernan, Detective Sergeant
K.J. Tangney, Detective Sergeant
J. Crabbe, Sergeant
B.T. Ockwell, Sergeant
D.C. Hughes, Sergeant (Women's Police)
L. Downie, Typist
R.B. Dawbarn, Investigation Officer, The Australian Postal
Commission
F.L. Zanetti, Detective Sergeant
D.G.S. Lippe, Detective Sergeant
J.E.D. Grove, Detective Sergeant
J.A. Wick, Detective
O.R. Drummond, Detective

J.H. Porter, Chief Superintendent
J.R. Wilson, Acting Superintendent
P.W. Ryder, Business Proprietor
A.L.M. Wedd, Retired Police Commissioner
C.J. Jamieson, M.L.A.
L.M. Pages-Oliver, Inspector (O.I.C. Prosecuting Branch)
R.J. O'Connor, Minister for Police
J.H. Horton, Plain Clothes Constable (Scientific Bureau of
Police Department)
G.O.A. Leitch, Commissioner of Police

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