



## **Submission No 205**

### **Inquiry into potential reforms of National Security Legislation**

**Name:** Mr Noel Crichton-Browne

**Organisation:** Private Capacity

To: [Committee\\_PJCIS \(REPS\)](#)  
Subject: Sub 205: FW: interception warrants Australian newspaper  
Date: Monday, 17 September 2012 7:04:31 PM

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Sent: Monday, 17 September 2012 4:35 PM  
To: 'pjcis@aph.gov.au'  
Subject: interception warrants Australian newspaper

**Below is a Sydney Morning Herald article written by Neil Mercer. Much of it is entirely irrelevant to your purposes however can I draw your attention to two sentences in which Mercer writes:**

“But hundreds of pages of confidential NSW Police documents seen by the *Herald* say some officers within SCIA committed criminal offences to charge or discredit colleagues, sometimes on the basis of "personal vendettas".

“The documents reveal some SCIA police falsified information to bug phones and install listening devices”.

While of course I have no first hand knowledge of the truth or otherwise of Mercer's claim, I bother to draw your attention to this section of the article because it goes to the point I sought to make in my submission about the capacity for law enforcement agencies to obtain telephone interception warrants by deception, exaggeration or lies. Short of a Judge personally pursuing every detail of the content of the affidavits offered in support of applications, much rests on the integrity of the enforcement agencies.

As I pleaded in my submission, there is a great deal to commend the view that in given circumstances ultimately at a later date the affidavits should be made available to the victim. A third party can only ever be a poor second best.

Obviously I hope this aspect of matters will be considered by your Committee although dare I say, it seems that other aspects of the discussion paper and reference seem to be preoccupying others.

Perhaps you may add this email to my submission.

Regards

Noel Crichton-Browne

### **Neil Mercer**

Former detective Peter Burgess knows how destructive the results can be when police turn on their own.

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Copping it ... Peter and Cherie Burgess feared for their lives when a police informant they believed was working with internal affairs turned up

at their pawn shop. *Photo: Tamara Dean*

Peter Burgess loved being a NSW cop. Absolutely loved it, ever since he joined in 1987. He worked in the country pretty much his whole career: Coffs Harbour, Kempsey, not bad places to be a detective and raise a family.

It all changed in 1997. About August-September that year, his life was thrown into turmoil, thanks to the actions of police within the Special Crime and Internal Affairs unit, known as SCIA, the so-called "white knights". Their job was to root out corruption.

But hundreds of pages of confidential NSW Police documents seen by the *Herald* say some officers within SCIA committed criminal offences to charge or discredit colleagues, sometimes on the basis of "personal vendettas".

The documents reveal some SCIA police falsified information to bug phones and install listening devices.

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And in the case of Burgess, the documents allege they induced a criminal to not only twice breach his bail but also to perjure himself in front of a judge. All in the name of getting a brief on Burgess, who to this day has not been charged with any offence.

In the process, his health suffered, clumps of his hair fell out and a once social and outgoing man became withdrawn and far less trusting of others. At one stage he feared for his life and that of his family. Among many honest officers targeted by SCIA, his story is disturbingly familiar. It starts in early 1994, when three violent criminals broke into the home of the night manager of the Coffs Harbour ex-services club.

At gunpoint, they tied up his naked wife and then kidnapped the man and took him to the club so he could open it up. They couldn't get in and the attempted robbery failed.

In April 1994, Burgess and other police arrested and charged Terry Blewett, Craig Cant and a third man, we will call him "Jones". Blewett had already served time in jail for robbing a cash-in-transit van during which a guard was shot and seriously wounded. He was a suspect in another similar robbery in which a guard was murdered.

The documents seen by the *Herald* show that sometime later Jones became an informer for the SCIA. He alleged wrong-doing, not so much by Burgess, but by other officers from the Major Crime Squad North who had become involved in the case.

And that's when Burgess's nightmare began.

As the case against the alleged kidnappers rolled on, Burgess applied for, and was granted, a year's leave without pay. He had three children from a previous marriage, but he and his second wife, Cherie, wanted to

have kids. They planned to enter the IVF program, never easy at the best of times. The day before his leave was due to begin in 1997, he was told it had been "disapproved".

There was no explanation.

Burgess told the *Herald* this week: "They said, 'You are to report back tomorrow'. I was angry, I was just furious."

Cherie still remembers the day. "I was just totally shocked. I said to Pete, 'you are joking, this is just bullshit'."

They believe his leave was cancelled because he was under investigation and SCIA wanted him at work so they had easy access. By now, Jones, the informer, was out on bail. In disgust, Burgess quit the job he loved. "I told them they could shove it up their arse," he said this week.

By 1999, he was working in a pawn shop in Kempsey. On May 5 that year, to his dismay, in walked Jones.

Ostensibly, the meeting was a coincidence. Jones said he was trying to pawn a video recorder. But he also sought to engage Burgess in conversation about the case. The cop in him was immediately suspicious, and told him to leave.

One of Jones's bail conditions was to not approach witnesses. Yet he turned up again on May 24, and Burgess suspected he was wearing a listening device and was sent by SCIA officers in direct breach of his bail conditions.

Burgess reported the incidents. Jones appeared on the breach of bail matter in Coffs Harbour District Court on September 23, 1999.

He gave evidence he had been "surprised and shocked" to see Burgess at the pawnbrokers.

Burgess complained to the Commissioner of Police and the Police Integrity Commission about SCIA's behaviour. He also believed Jones had perjured himself in court.

In a letter, dated September 27, 1999, his solicitor wrote it had become apparent "[Jones] had entered our client's premises at the behest of internal affairs officers". He asked the commissioner to investigate whether Jones had committed perjury by saying he was "surprised and shocked" to see Burgess, whether SCIA officers had instructed him to lie in court and, if so, whether they had perverted the course of justice. Unbeknown to Burgess or his solicitor, at that very time SCIA, along with the NSW Crime Commission, was running a covert inquiry into police corruption called Operation Mascot. The Police Integrity Commission joined the inquiry in July 1999.

As Burgess says now, given SCIA and the Crime Commission were working hand in glove with the PIC, the police watchdog, it is little

wonder his complaints fell on deaf ears. He says one of his complaints was found, years later, in the bottom drawer of a senior SCIA officer who had left the unit. When an inquiry was finally attempted in 2003, investigators were blocked by the secrecy provisions of the Crime Commission.

Cherie recalled this week that after Jones came into the pawn shop the family lived in fear because they knew what had happened to the night manager and his wife. "It petrified me that we could be next. [SCIA] put Peter and our family in danger.

"I find this incredibly unfair that they can break the law and they are not accountable. What they did to Pete has haunted him for all these years." Blewett, Cant and the informer were eventually acquitted. Burgess blames the SCIA. Blewett has since disappeared and is believed murdered. Cant was jailed in Darwin on major drug charges. The fate of Jones is unknown.

The SCIA officers alleged to have been involved have been promoted or left the force. Peter and Cherie Burgess now run a business on the north coast. Their attempts at IVF were unsuccessful.

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