

Coroners Act 1996
(Section 26(1))

RECORD OF INVESTIGATION INTO DEATH

I, Barry Paul King, Deputy State Coroner, having investigated the death of Shirley June Finn with an inquest held at Perth Coroner's Court on 29 August 2017; 11, 13, 14 and 18 to 20 September 2017; 20 to 24 and 27 to 30 November 2017; 11 to 14 and 20 December 2017; 23 to 27 July 2018; and 1, 3 and 4 April 2019, find that the identity of the deceased person was Shirley June Finn and that death occurred on or about 22 June 1975 at Melville Parade in South Perth from multiple gunshot wounds to the head in the following circumstances:

Counsel Appearing:

Ms K E Ellson (29 August 2017) and Mr J T Bishop assisted the Coroner
Mr T F Percy QC, Mr S Nigam, Mr R McCabe, Mr M Crowley and Mr R Cywicki
(instructed by Nigams Legal) appeared for Ms B Shewring
Mr D E Leigh and Mr J F Bennett (State Solicitor's Office) appeared for the Commissioner
of Police
Mr Mark Trowell QC appeared for Ms D Cannon
Mr L Durand appeared for Ms C M Langan

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INTRODUCTION

1. On the morning of 23 June 1975, the body of brothel-keeper Shirley June Finn was found in the driver's seat of her car, parked beside the Royal Perth Golf Club on the verge of Melville Parade in South Perth. She had four gunshot wounds to the head. A forensic pathologist confirmed that the cause of death was the gunshot wounds. Ms Finn was 34 years old.
2. The circumstances in which Ms Finn was found left no doubt that her death occurred by way of a pre-planned murder.
3. Detectives in the Western Australian Police Force (WAPF) led by Detective Sergeant William Read conducted an investigation into the death, but they did not identify the person or persons who killed Ms Finn.¹
4. In March 1976, the Perth City Coroner relied on a WAPF report dated 18 February 1976 to find that Ms Finn died from multiple gunshot wounds to the skull and brain inflicted by a person unknown.²
5. At the time of Ms Finn's death, prostitution in Western Australia was illegal, but it was tolerated and regulated in Perth by members of the WAPF consorting squad in line with what became known as 'the containment policy', which dictated that prostitution could only operate in particular brothels, with no involvement by men and no drugs, but regular check-ups of prostitutes for sexually transmitted diseases.³
6. The officer who was in charge of managing the containment policy in 1975 was Detective First Class Sergeant Bernard Johnson. He was thought to have had regular contact with Ms Finn, and there was considerable suspicion that he had been involved in her death in some capacity, but no cogent evidence to charge him had ever been identified by investigators.⁴

¹ Exhibit 1.1.1.9

² Exhibit 1.1.1.2

³ For example: ts 1345 Tangney K

⁴ Exhibit 1.2.1.12.6 56

7. The relative independence of the officers who controlled prostitution, a highly profitable and otherwise immoral and illegal activity at the time, was a recipe for corruption. A royal commission in 1976 and an inquiry in 1982 investigated matters relevant to WAPF's relationship to prostitution. However, the terms of reference in relation to each inquiry precluded either an investigation of corruption in the 1970s generally or an independent investigation into Ms Finn's death specifically.
8. While there had been a coronial finding of the cause and manner of death, the WAPF Major Crime Squad maintained an open file pending any new evidence.⁵
9. Following the showing of a television documentary in October 1989, the Major Crime Squad reviewed the investigation into Ms Finn's murder and identified new lines of inquiry. Those lines of inquiry were pursued, but it appears that no significant further evidence was uncovered.
10. In March 2005, Ms Finn's daughter Bridget Shewring and son Steven Finn wrote to the then State Coroner to seek an inquest. They referred to information obtained by journalist and author Juliet Wills, which they said would shed new light on the matter. Following a review of the information by an independent barrister, in June 2007 the then State Coroner refused their request because he considered that there was no public interest in holding an inquest given the passage of time and the absence of new material.
11. In 2005, the Major Crime Squad undertook a partial review of the 1975 investigation, using modern forensic techniques and technology on exhibits in an ultimately unsuccessful attempt to identify a DNA profile and other forensic opportunities.⁶ A media campaign was also undertaken in order to elicit previously undisclosed information from the public.⁷

⁵ Exhibit 1.2.1.12.6 9

⁶ Exhibit 1.2.1.12.6 96

⁷ Exhibit 1.2.1.12.6 8

12. In 2007, the investigation into Ms Finn's death was transferred to the Special Crime Squad (SCS),⁸ a newly formed unit which was formed to investigate cold cases.
13. In September 2013, Ms Shewring wrote to the Attorney General of Western Australia to request that the investigation be removed from WAPF and be independently undertaken. In December 2013, following discussion between WAPF and Ms Shewring, a decision was made for WAPF to undertake a formal review of the case. The aim of the review was to examine the investigative actions already taken and to make recommendations for further investigative opportunities.⁹
14. The SCS commenced that review on 17 February 2014 with a review panel made up of SCS staff. Detective Sergeant Brent Fletcher was appointed as reviewing officer with support from Detective Senior Sergeant Rohan Ingles. The review was completed on 14 September 2014. The review panel determined that there were further investigative opportunities to pursue and made recommendations for further investigative actions.¹⁰
15. An investigation by SCS officers was then undertaken, with an extension granted until mid-2015. The resultant report (the SCS report) concluded that there was insufficient evidence to implicate or charge any person or persons in relation to the death of Ms Finn. The SCS report was provided to the State Coroner on 28 August 2015.¹¹
16. It appears from correspondence received by the Court that, at some stage in 2015, Ms Shewring contacted the Corruption and Crime Commission (CCC) to ask that it investigate Ms Finn's murder, but was told that the CCC's jurisdiction related to corruption rather than homicide.
17. The initial lack of an independent investigation into Ms Finn's death and a widespread public suspicion of police corruption and possible police

⁸ Exhibit 1.2.1.12.6 9; Now the Cold Case Homicide Squad

⁹ Exhibit 1.2.1.12.6 9

¹⁰ Exhibit 1.2.1.12.6

¹¹ Exhibit 1.2.1.12

involvement in her death had left a cloud over WAPF despite strong anti-corruption measures having been in place over the subsequent decades.¹²

18. In June 2016, the State Coroner directed that there be an inquest into Ms Finn's death and asked me to hold the inquest. The basis for holding the inquest was the emergence of new significant and probative evidence uncovered in the SCS review.
19. The inquest was listed to commence on 11 September 2017 for a duration of two weeks; however, the oral evidence commenced on 29 August 2017 in order to accommodate the attendance of a witness. The inquest took 27 days in court over eight sittings. It concluded on 4 April 2019. During the adjournments between sitting dates, investigations continued, often as a result of evidence coming to light during oral testimony or because potential witnesses approached the Court after learning about the inquest.
20. By the end of the inquest, almost 70 witnesses had testified. There were more than 2000 pages of transcript of oral evidence and thousands of pages of documentary exhibits. There are also thousands of additional documents in the Court's possession which were not included as exhibits due to a lack of sufficient relevance. Thousands more held by the New South Wales parliament and the WAPF internal investigation branch were reviewed and found to be irrelevant.
21. Following the inquest, counsel for the Commissioner of Police provided helpful, comprehensive submissions with respect to, among other things, the likelihood of each of the several suspects identified in the inquest having been responsible for Ms Finn's death.
22. Both because of and despite the volume of materials before me, I have not been able to determine the answer to the one question underlying the bases which predicated the holding of the inquest: who killed Ms Finn? This is because the available evidence has implicated several individuals who might have killed her, and because none of that evidence is reliable or cogent enough to enable me to determine with an appropriate degree of

¹² WA Police Commissioner Karl O'Callaghan, 'Solving Finn Murder gets harder with time', *The West Australian*, (25 May 2015) 18

certainty whether any one of them, either alone or with others, was in fact responsible.

23. There are three main reasons for the lack of reliable evidence.
24. First, the passage of time had led to a significant deterioration in the reliability of much of the oral evidence.
25. One witness, Norma White, put it succinctly when she said that she could not differentiate between what she had read or heard in the last few years and what she remembered from 40-odd years ago.¹³
26. In inquests where there has been a delay of a few years between the taking of witness statements by police and the oral testimony of the witnesses who provided those statements, it is usually possible for a coroner to conclude that the written evidence is more reliable than the oral testimony. That is simply a function of the fading and changing of most peoples' memory over time. But there is almost always a significant portion of a witness' oral testimony which appears reliable.
27. In this inquest, it was abundantly clear that the significant delay between the relevant events and the oral testimony had a correspondingly significant deleterious effect on memories. It was often difficult to determine what portions of a witness' testimony could be believed when some of it was clearly incorrect. It often appeared that the most credible witnesses were those who simply said that they could not remember the relevant details.
28. The second main reason for the lack of reliable evidence is that many of the people who would have been in positions to have witnessed relevant incidents or practices were either deceased or had become mentally incapable of providing evidence. A prime example was Mr Johnson, in relation to whom there was evidence indicating that he may have been involved in Ms Finn's murder. He was clearly a potentially crucial witness, but the Court received a letter from a doctor who, since 2015, had been providing medical care to Mr Johnson in a residential aged-care

¹³ ts 1944 White N

facility. The doctor advised that Mr Johnson had Alzheimer's dementia with advanced dementia and depression, a complete lack of understanding of day to day activities and no insight into his behaviour. It was clear that Mr Johnson could not be called as a witness.¹⁴

29. Third, for reasons which I shall later discuss, the records of the original investigation by police in 1975 could not, in my view, be trusted.
30. It is disappointing and frustrating that the inquest did not result in an answer to the primary question of who killed Ms Finn. However, it is important to note that the investigation into the circumstances of Ms Finn's death has not ended. It is back in the hands of WAPF detectives to follow up any further evidence that arises.¹⁵
31. My findings under s 25(1)(b) *Coroners Act 1996* (the Act), set out in paragraphs 359 below as to how death occurred and the cause of death, are unremarkable. However, my discussion of the evidence of the circumstances surrounding Ms Finn's death as it relates to my conclusions may prove controversial.
32. The following report is an attempt to highlight the most pertinent evidence and to explain my conclusions.

REFERENCES

33. As the ranks of the named police officers changed over time, I describe the rank of each officer in the first instance as it pertained at the relevant time and then use the honorific 'Mr' with the surname. The officers were all men.
34. I refer to sex workers as prostitutes or madams since these appear to have been commonly used, non-pejorative terms in the relevant era.
35. I respectfully refer to Ms Shewring as Bridget when the evidence related to her when she was a minor.

¹⁴ Exhibit 41

¹⁵ ts 1817 Fletcher B

36. As the parties to the inquest were provided with the documentary evidence electronically, the reference in foot-notes to an exhibit page number is the electronic document page number rather than that of the original.

CONFIDENTIALITY

37. It could be unfair in my view to identify persons, living or deceased, against whom unproven allegations had been made and who had not had an opportunity during the inquest to respond to the allegations.
38. However, the inquest was held in open court in accordance with the principle that, in the absence of an order under s 45 of the Act, inquests are public investigations.
39. In addition, allegations by witnesses at the inquest of potentially criminal activity by identified police officers and others were regularly published in the news media as the inquest proceeded, so in many cases publication of the identities and the relevant allegations has already occurred. Likewise, in the case of some police officers, the allegations against them have been in the public realm for decades.
40. For those reasons, and because of the broad public interest in this investigation into the circumstances of Ms Finn's death, this report identifies those persons who had been the subject of allegations, had already been identified publicly, and had the opportunity to respond to the relevant allegations.
41. I also describe and address allegations against Mr Johnson, Mr Hancock and Mr O'Connor without attempting to conceal their identities. In other cases, I describe the relevant evidence and explain my conclusions with the use of pseudonyms for the persons against whom allegations were made.

42. I must emphasise that I have not found that any of the significant allegations have been proven. Had I concluded that there was evidence to establish that a person who was still alive had committed an indictable offence, I would have referred the matter to the Director of Public Prosecutions without identifying the person in this report.

SHIRLEY JUNE FINN

43. Unless otherwise indicated by footnote, the following information under this heading comes from Ms Wills' book 'Dirty Girl'.¹⁶

44. On 2 November 1941, Ms Finn was born in Fremantle to Josiah William Shewring and Beryl Shewring. She was the eldest of three children. Her family lived in a middle-class neighbourhood in Mount Pleasant. During the war, her father was a bomber pilot and was away for much of her early childhood.

45. Ms Finn was an intelligent and likeable child, but she was spirited and she became a rebellious teenager in the 1950s. She obtained good grades at school but began sneaking out at night and, at 14 years old, she was engaging in sex with young men.

46. At some stage, while Ms Finn was still 14, police found her in the company of a 20-year-old man, and she admitted having sexual relations. Apparently, the man was not charged; however, Ms Finn's parents appeared before a magistrate to face allegations of child neglect. The magistrate ordered that Ms Finn be placed in a convent laundry, the Home of the Good Shepherd in Leederville, for six months.

47. Upon release from the convent laundry, Ms Finn returned to her parents and to her school. She quit school at the end of the school year and obtained work in a frock shop, during which time she met a 22-year-old air force mechanic named Desmond Finn and fell for him. She defied her father's commands to stay away from Mr Finn, which culminated in her leaving home, being made a ward of the State and staying with foster

¹⁶ Exhibit 1.9.2.I 352.5 Wills Text

families who had as much success restricting her from seeing Mr Finn as her father had.

48. With her parents' permission, in November 1958 Ms Finn married Mr Finn in a registry office. They moved to Melbourne, where Mr Finn was stationed, and by 1960 they had two sons: Steven and Shane. They then moved to Pearce Air Force Base in Bullsbrook, where Bridget was born in 1960.
49. In 1962, Mr Finn sustained groin injuries, including partial castration, in a work-related accident. He was rendered unable to work and emotionally incapable to assist Ms Finn with the children. He spent most of 1963 in a mental hospital.
50. Around that time, Ms Finn worked as a ticket-dancer at a nightclub in Mount Hawthorn. That role led to nude photography and, in 1966, to allowing men to paint her semi-naked body at a boxing tent run by George Stewart at the Royal Show.
51. That year, Mr Finn was again admitted to a mental hospital with severe depression, and Ms Finn was unable to cope with their children, particularly Shane. Ms Finn took her body-painting show on the travelling show circuit with Mr Stewart and left the children in the care of the government welfare department.
52. The body-painting show was closed down following complaints. Ms Finn returned to Perth and continued to live with Mr Finn. In 1969, she and he started a body-painting and escort business in Victoria Park, which they called 'Regency Escorts'.
53. In February 1969, Ms Finn was charged by members of the WAPF consorting squad with keeping premises for the purpose of prostitution and was convicted of the charge and fined.¹⁷ She was represented by a well-known lawyer, Ron Cannon, who went on to provide her with legal advice and representation in other matters up to her death.

¹⁷ Exhibit 1.2.4.21

54. Also in 1969, Ms Finn and Mr Finn separated, with Ms Finn moving into a unit in Yokine and Mr Finn taking their children to England, where he had family. Ms Finn lived in the unit with George Webber and stayed with him until 1972. Over that period, it seems that she also had an intermittent relationship with a brothel client.
55. Following the conviction in 1969, Ms Finn made arrangements with the WAPF vice squad to allow her to operate a brothel with relative impunity. She then ran a brothel in Aberdeen Street and, in 1971, moved it to 454 William Street in Northbridge. She was one of three of four brothel madams who were protected from prosecution and other competition. During that time, her businesses flourished and her financial situation improved.
56. Ms Finn separated from Mr Webber in 1972, and that year she bought a house at 15 Riverview Street in Como. At some stage, she opened a brothel at 395 William Street in Northbridge, but it is not clear when that occurred or whether she then had more than one brothel. In 1973, she bought a nightclub on Lake Street in the heart of Northbridge. Ms Finn and Mr Finn divorced in June 1973,¹⁸ but they remained in contact, and she renovated the nightclub with his help after he returned from England with the children around the beginning of 1974.
57. In 1973, Ms Finn commenced a relationship with Rose Black, a 24-year-old woman from Melbourne who had been working as a prostitute from the age of 17 and was allegedly addicted to heroin. Ms Black worked for Ms Finn for a while and then moved in with her as her partner and continued to assist in the management of the brothel at 395 William Street.
58. According to Leigh Beswick, a witness who said that she had been a driver for Ms Finn from 1968 to 1970 before undergoing gender reassignment to become a woman, Ms Finn had an intimate relationship with a politician, Raymond O'Connor, for about five months in 1969. Ms Beswick later clarified her evidence to say that the relationship took

¹⁸ Exhibit 1.6.1 Finn D

place while Ms Finn was with Ms Black; that is, in 1973¹⁹ or later when Mr Finn had the nightclub.²⁰ Mr O'Connor was then a government minister, including the minister for transport, traffic, police and safety, and went on to become the State's premier in 1982.²¹

59. In November 1973, Ms Finn was charged again with keeping premises for prostitution, but the charge was dismissed.²² In February 1974, she was charged and convicted for the last time. On that occasion, the arresting officers included Mr Johnson.²³
60. Ms Finn continued to do well financially. She owned or co-owned several properties in the Perth metropolitan region. She was also reportedly sending cash overseas to hide it. At some stage, she bought an American car, a white four-door Dodge Phoenix with a black vinyl roof.
61. As her income increased dramatically, Ms Finn became known for her flamboyant lifestyle, which included the throwing of lavish parties that attracted high-profile guests, including at least one international celebrity. At the same time, it seems clear that she was amassing a large debt to the Australian Taxation Department by understating her income.
62. At the beginning of 1974, Ms Finn sent Bridget to a private school in Katanning. Bridget returned in about April 1975 to attend a local school and to live with Ms Finn and Ms Black. Ms Finn's son Shane had also been living with them, but in June 1975 he was incarcerated at a reformatory in Stoneville. Her son Steven was living with Mr Finn.

¹⁹ ts 741 Beswick L

²⁰ ts 727 Bewick L

²¹[https://www.parliament.wa.gov.au/parliament/library/MPHistoricalData.nsf/\(SearchResDes\)/54F8A43273344FC1482577E50028A749?opendocument](https://www.parliament.wa.gov.au/parliament/library/MPHistoricalData.nsf/(SearchResDes)/54F8A43273344FC1482577E50028A749?opendocument)

²² Exhibit 1.2.4.23

²³ Exhibit 1.2.4.20

EVENTS LEADING UP TO MS FINN'S DEATH

FRIDAY 20 JUNE 1975

63. Jacqueline De Gaye, a witness who had come forward in 2008 to speak to Ms Wills, claimed that Ms Finn had come to her home in Mount Hawthorn on the afternoon of Friday 20 June 1975.²⁴
64. At the time, Ms De Gaye's partner, Don Mack, was a bookmaker who also owned the Oasis nightclub which, Ms De Gaye said, Ms Finn would attend in order to ask Mr Mack's advice about opening a nightclub.²⁵
65. According to Ms De Gaye, Ms Finn came to their home unexpectedly on 20 June 1975 while Ms De Gaye was helping Mr Mack prepare for the Saturday races. Ms Finn had a satin-looking evening dress in a drycleaner bag.²⁶
66. They sat in the lounge room and Ms De Gaye watched an afternoon TV program, 'The Days of Our Lives', while Ms Finn and Mr Mack talked. Ms De Gaye was wearing earphones with a volume control that she was able to turn down so that she could hear their conversation while they thought that she could not.²⁷
67. According to Ms De Gaye, Ms Finn told Mr Mack that she had told a high ranking police officer that she was going to meet with the tax office and that she was 'going to give all the names'. Mr Mack asked her what the officer had to say, and she said that he told her 'to shut her mouth or bang' and he put his index finger to his temple. Ms Finn said that she told this officer that, if she went down, then so would he with his boys.²⁸
68. Ms De Gaye said that Ms Finn asked Mr Mack if he thought that the dress was all right because the officer had told her that she was going to dinner

²⁴ ts 365-367 De Gaye J; Exhibit 1.3.2.3 69

²⁵ Ts 367-368 De Gaye J

²⁶ ts 380 De Gaye J

²⁷ ts 371 De Gaye J

²⁸ ts 374 De Gaye J

on Sunday night with someone important and to dress to impress.²⁹ Mr Mack then gave her an envelope, presumably with money in it, and then he and Ms De Gaye drove her to her car in Mt Lawley where they dropped her off.³⁰ That would have been about 2.30 pm because Ms De Gaye and Mr Mack had to pick up their children from kindergarten at 3.00 pm.

69. Ms De Gaye said that, three or four weeks later, she wrote a note of what had occurred. She said that she had kept the note under a mattress for 40 years and then copied it when she took it out and found that it had deteriorated.³¹
70. In my view, there were several aspects of Ms De Gaye's account which cast significant doubt on her credibility. In particular, the linchpin of her testimony that she had surreptitiously overheard Ms Finn's conversation with Mr Mack was that she was pretending to watch a particular TV program, 'The Days of Our Lives', which she was 100% confident commenced at midday.³² She said that she used to watch it every day and would not have made a mistake about the start time.³³ However, a TV guide in the West Australian newspaper on Friday 20 June 1975 shows that the program began at 2.25 pm.³⁴ Ms De Gaye said that she could not have watched it at that time because she would have had to pick up the children by 3.00 pm.³⁵
71. Other evidence which suggests that Ms De Gaye was mistaken included Mr Mack's animosity to Ms Finn,³⁶ his statement to police that he had not seen her for 18 months before her death,³⁷ and the unlikelihood that Ms Finn would show up at his door by taxi with dry-cleaning for no apparent reason and then seek a ride to her car which she had left in the next suburb because she thought that she was being followed.³⁸

²⁹ ts 372, 376 De Gaye J

³⁰ ts 376 - 378 De Gaye J

³¹ ts 366 De Gaye J

³² ts 402 De Gaye J

³³ ts 402 De Gaye J

³⁴ Exhibit 8

³⁵ ts 402 De Gaye J

³⁶ Exhibit 1.4.3 S124; Exhibit 1.11.1 50; Exhibit 1.3.3.1.3.1 32

³⁷ Exhibit 1.4.3.S119

³⁸ ts 377 De Gaye J

72. In these circumstances, while I have no trouble accepting that Ms De Gaye genuinely believed her own story, I am not able to accept its accuracy. In any event, other evidence establishes the likelihood that Ms Finn left her home on the night of 22 June 1975 to attend a meeting and that she was wearing the evening gown to which Ms De Gaye referred.

SATURDAY 21 JUNE 1975

73. Unless otherwise stated, the following account is based upon statements and other evidence obtained in the original police investigation.³⁹

74. According to a statement made to police by Ms Black on 27 June 1975, on the evening of Saturday 21 June 1975, Ms Finn drove Ms Black to the brothel at 395 William Street and told her on the way that she, Ms Finn, had to return straight home as she was expecting a phone call to arrange a business meeting for that night.⁴⁰

75. Shortly after Ms Finn arrived home, she and Bridget were visited by an associate, Glenn Properjohn. Also present was Bridget's boyfriend, Kim Chambers.⁴¹

76. Mr Properjohn was a production manager in the entertainment industry and was working at a Perth hotel.⁴² He had designed some of Ms Finn's wardrobe, including the gown in which she was later found dead. That evening, he had wanted to talk to Ms Finn about two of his friends from Melbourne who had plans to open a massage parlour in Perth. Because of Mr Chambers' presence, they arranged to meet for dinner with Mr Properjohn's friends on the following afternoon. Mr Properjohn then left.⁴³

77. After Mr Properjohn left, Ms Finn had dinner with Bridget and Mr Chambers. Ms Finn called Ms Black and told her about

³⁹ Exhibit 1

⁴⁰ Exhibit 1.6.1 Black 1 R

⁴¹ Exhibit 1.6.1 Black 1 R

⁴² Exhibit 1.1.58; ts 1050 Properjohn G

⁴³ Exhibit 1.1.19; Exhibit 1.1.58

Mr Properjohn's visit. They agreed that they did not want to go out for dinner with him on Sunday night.⁴⁴

78. Later that night, Ms Finn called Ms Black at the brothel and told her that the meeting which she had returned home to arrange had been changed to the next night. Ms Finn confirmed with her that they would not be able to go to a drive-in movie on Sunday as planned and that Ms Black would have to leave the house while the meeting took place.⁴⁵
79. Ms Finn was home in bed at 3.00 am the next morning when Ms Black arrived home in a taxi.⁴⁶

SUNDAY 22 JUNE 1975

80. After lunch on Sunday 22 June 1975, Ms Finn drove with Ms Black to Riverdale, where she bought three canaries in a cage. They then went to a nursery and Ms Black bought a bag of fertiliser, which the nurseryman placed into the car.⁴⁷
81. Ms Finn and Ms Black then drove to Lesmurdie Falls to look around before going to Kenwick to visit Mr Finn in order to ask him about two benches that he had been looking after for Ms Finn. Mr Finn thought that Ms Finn and Ms Black looked happy, healthy and worry-free at the time.⁴⁸
82. Ms Black later told police that, during the day, Ms Finn did not mention the meeting that was arranged for that night and that she was quite natural and did not appear to be worried at all.⁴⁹
83. At around 3.30 pm, Ms Finn called Mr Properjohn and told him that she could not go out for dinner because she was working at the brothel that night.⁵⁰

⁴⁴ Exhibit 1.6.1 Black 1 R

⁴⁵ Exhibit 1.6.1 Black 1 R

⁴⁶ Exhibit 1.6.1 Black 1 R

⁴⁷ Exhibit 1.6.1 Black 1 R

⁴⁸ Exhibit 1.6.1 Black 1 R; Exhibit 1.1.34

⁴⁹ Exhibit 1.6.1 Black 1 R

⁵⁰ Exhibit 1.6.1 Black 1 R

84. Ms Finn and Ms Black returned home at about 5.00 pm, and Ms Black prepared a barbecue. Bridget, who had been out all day, came home at about 6.00 pm and joined Ms Finn and Ms Black for dinner.⁵¹
85. After the barbecue, Bridget watched TV and Ms Black got dressed to go out.⁵² Ms Finn told Ms Black that she was expecting a phone call at about 9.00 pm. Ms Black asked if she could take Ms Finn's car, but Ms Finn told her that she might need it herself.⁵³
86. Ms Black said that she would either go to the brothel or would go to see a friend and employee of Ms Finn, Louise McLaughlin, at her flat. Ms Finn suggested that she go to Ms McLaughlin's flat since it was on the way, but that she should call Ms Finn to tell her where she was so that Ms Finn could pick her up after the meeting.⁵⁴
87. Ms Black called for a taxi and, at around 8.00 pm, she left home in a taxi to Ms McLaughlin's flat at Park Lane Apartments in Mounts Bay Road. By coincidence, Mr Properjohn's friends from Melbourne, whom he was keen to introduce to Ms Finn that night, were also staying at Park Lane Apartments.⁵⁵
88. Ms McLaughlin was at home, so Ms Black watched TV and chatted with her for the evening.⁵⁶ Ms Black told Ms McLaughlin that Ms Finn had a 'big business meeting'. Ms McLaughlin did not inquire about it.⁵⁷
89. Back at home, at Ms Finn's suggestion Bridget had a shower and went to bed around 9.20 pm.⁵⁸ It is unclear why Bridget remained at home while Ms Black was obliged to go out for the evening.
90. At about 9.40 pm, Loretta-Anne Kerr (now Jackson), whose mother lived next door to Ms Finn and Ms Black, was in her husband's car as her

⁵¹ Exhibit 1.1.25

⁵² Exhibit 1.1.25

⁵³ Exhibit 1.6.1 Black 1 R

⁵⁴ Exhibit 1.6.1 Black 1 R

⁵⁵ Exhibit 1.6.2 Pagano A

⁵⁶ Exhibit 1.6.1 Black 1 R; Exhibit 1.1.33

⁵⁷ Exhibit 1.6.1 Black 1 R

⁵⁸ Exhibit 1.1.25

husband was reversing it out into the street after she had been visiting her mother. Ms Kerr saw a woman whom she later identified as Ms Finn walking along the front path of Ms Finn's home towards the driveway. Ms Finn was wearing a long, glittering evening dress and was carrying a similarly glittering evening purse. She appeared to be searching in the purse for something like ignition keys. Ms Kerr did not notice a car in the driveway, but one may have been parked near the house.⁵⁹

91. At the same time, Ms Kerr saw a girl standing in the front doorway of Ms Finn's house, apparently talking to someone inside the house. Ms Kerr had seen the same girl, sitting near a pond at the front of Ms Finn's house two weeks earlier.⁶⁰
92. In oral evidence, Mrs Kerr said that she saw Ms Finn walking away from the house towards the roadway along the driveway. The last time she saw Ms Finn, she was just about at the gate. Ms Kerr did not say that she saw Ms Finn leave.⁶¹
93. A purse matching the one carried by Ms Finn as seen by Ms Kerr was not found later in Ms Finn's car; however, it appears that one was located later at Ms Finn's house.⁶²
94. At around 10.00 pm, Ms Black called Ms Finn at home to let her know that she was at Ms McLaughlin's flat and to ask how things were. Ms Finn said that she was 'expecting him to knock on the door at any minute'. She told Ms Black that she would pick her up at about midnight. She said that Ms Black could ring later and, if no-one answered, she would still be busy.⁶³
95. Ms Black called home again at about 12.15 pm, but no-one answered. She tried to call again about 15 minutes later, but there was still no answer, so she called for a taxi and left a note for Ms Finn on Mr McLaughlin's door to let her know that she had gone to a hotel on Hay Street in the city.⁶⁴

⁵⁹ Exhibit 1.1.31; ts 876 – 877 Jackson L

⁶⁰ Exhibit 1.1.31

⁶¹ ts 877 - 878 Jackson L

⁶² Exhibit 1.10.2 VA3(with statements) 40

⁶³ Exhibit 1.6.1 Black1 R

⁶⁴ Exhibit 1.6.1 Black 2 R; Exhibit 1.1.39

96. Ms Black then took the taxi to the Park Towers Hotel, from where she called home again. This time, Bridget answered the phone and informed her that Ms Finn was not home and that she, Bridget, did not think that her car was there, though Bridget did not look to see if it was.⁶⁵
97. Norma White (born Norma Armstrong) lived with her family in a house across the street from Ms Finn's house. She was 17 years old at the time.⁶⁶ At 11.30 pm on 22 June 1975, she arrived home with her boyfriend and noticed a car parked in Ms Finn's driveway. She then left home again shortly thereafter and returned at about 1.00 am on 23 June 1975, by which time the car had gone.⁶⁷
98. Ms White called police at about 5.00 pm on 24 June 1975 to report what she had seen. At 6.15 pm, two detectives attended her home and recorded that she told them that she had seen Ms Finn's car in the driveway at 7.30 pm on 22 June 1975 and had seen a taxi come and go at 8.30 pm that night. The detectives further recorded that Ms White said that she thought she had seen Ms Finn's car in the driveway at 11.30 pm but was not sure of that.⁶⁸
99. Ms White's evidence was later discounted by SCS investigators because of the supposed inconsistency with the evidence of the taxi driver who said that he picked up Ms Black at 8.00, because of Ms Kerr's supposed evidence that she had seen Ms Finn walking out at 9.40 pm, and because other witnesses had seen Ms Finn's car at Melville Parade before 11.30 pm. The investigators also noted that police records indicated that Ms White had died in 2012.⁶⁹
100. In oral evidence, a very much alive Ms White said that she could not remember anything of what occurred at the time, but that she had no reason not to have told the detectives the truth.⁷⁰

⁶⁵ Exhibit 1.6.1 Black 2 R; Exhibit 1.6.1 Finn1 B

⁶⁶ ts 1945 White N

⁶⁷ Exhibit 1.4.2.50

⁶⁸ Exhibit 1.4.2.50

⁶⁹ Exhibit 1.2.1.12.6 30 - 31

⁷⁰ ts 1945 – 1946 White N

THE POLICE CANTEEN

101. A story which had temporary prominence in the news media after Ms Finn's death was that she was seen in the WAPF canteen in Police Headquarters in East Perth on the evening of Friday 20 June 1975 and that pages of the canteen visitors book showing her name had been torn out.⁷¹ There also appeared to be a belief in the community that she had been in the canteen on the night of 22 June 1975.⁷²
102. Evidence adduced at the inquest made clear that the issue of torn out pages in the visitors book was unrelated to Ms Finn and that, if she had attended the canteen, it was not on the evening of 22 June 1975 since the canteen was closed.
103. However, the evidence of a former police officer, Brian Eddy, requires comment.
104. Mr Eddy told the inquest that, in June 1975, he was a constable conducting road traffic duties on a motorcycle. At about 11.15 pm on 21 or 22 June 1975, he went to the canteen after his shift in order to buy a packet of cigarettes. He noticed another constable, whom he remembered as possibly being Robin Thoy, being there. They started playing pool together.⁷³
105. Mr Eddy said that he heard the bartender yell out something like, 'Bernie, get that woman out of here. We don't have those sort in this area.' The person addressed as Bernie, who was with another man and two well-dressed women, said that they had just come in for a quick drink and to buy some top-shelf stuff. The bartender then told him to sign the lady into the visitors book.⁷⁴
106. Bernie and the lady went to the book and signed in. They then bought a beer and a bottle of spirits and left without Bernie drinking the beer.⁷⁵

⁷¹ Exhibit 1.9.1.2 M34, M35, M39

⁷² For example: ts 2051 Lawrence J

⁷³ ts 634 - 635 Eddy B

⁷⁴ ts 635 Eddy B

⁷⁵ ts 635 Eddy B

107. Mr Eddy asked the bartender who the couple were, and the bartender told him that they were Bernie Johnson and Shirley Finn. Neither name meant anything to him,⁷⁶ but he saw photographs of Ms Finn in the papers later and recognised her as the woman at the canteen. He thought that the other man was referred to as Dennis.⁷⁷
108. Mr Eddy said that he walked past the visitors book and saw the name 'Finn'.⁷⁸
109. When he went back to work, Mr Eddy heard that Constable Geoffrey McMurray had found a person named Shirley Finn shot at the golf course, so he told Mr McMurray that he had seen her at the canteen on the previous night or the night before that. Mr Eddy was overheard by his senior sergeant, who asked him what he had seen. Mr Eddy told him about seeing Ms Finn with Mr Johnson and that his story could be checked with the bartender and the visitors book.⁷⁹
110. On the following Monday or Tuesday, Mr Eddy left home early in the morning on his police motorcycle to start his shift. As he was travelling on Mirrabooka Avenue, a car came up beside him and cut him off, causing him to go over a curb and onto the verge, where he lost control and was ejected from the motorcycle.⁸⁰
111. As Mr Eddy was lying on the ground, five men got out of the car and told him to stay where he was. One of the men told him to shut his mouth if he wanted to live to see his wife and kids again, and that he had not seen anything in the canteen. Mr Eddy assumed that the men were police officers. He never saw them again.⁸¹
112. Mr Eddy said that, on the advice of his father, who had also been a police officer, he went to see Superintendent Dick Larson, the officer in charge of the traffic patrols. He told Mr Larson about what had occurred, and

⁷⁶ ts 635 Eddy B

⁷⁷ ts 640 Eddy B

⁷⁸ ts 641 Eddy B

⁷⁹ ts 643 - 644 Eddy B

⁸⁰ ts 645 Eddy B

⁸¹ ts 645 - 647 Eddy B

Mr Larson said that he would speak to the boss of the Criminal Investigation Branch (CIB).⁸²

113. The next day, Mr Eddy was visited at home by another police officer whom he knew, who told him, ‘shut your mouth. These guys are serious’.⁸³

114. Mr Eddy went back to Mr Larson, who called a meeting of the two traffic patrols and instructed the officers in the patrols to crack down on CIB officers’ driving. As a result of the subsequent campaign against CIB officers, the bosses of the Traffic Patrol and the CIB met and the rift between the two sections of WAPF was stopped.⁸⁴

115. In my view, evidence that is directly inconsistent with Mr Eddy’s testimony puts his reliability in significant doubt. In particular:

- a. Mr Thoy told the inquest that he did not see Ms Finn in the canteen;⁸⁵
- b. a copy of the visitors book shows that it had a page torn out from Friday 20 June 1975 but not 21 June 1975; Ms Finn’s name does not appear on the pages for 21 June 1975;⁸⁶
- c. the *Police Canteen Regulations 1974* prohibited the canteen from selling liquor on Sundays and oral testimony established that the canteen was closed on Sundays;⁸⁷
- d. four people who had been in the canteen at around 11.00 pm on 20 June 1975, and who had been at the centre of the incident where a page was torn out of the visitors book that night, told the inquest that they did not see Ms Finn at the canteen on that evening;⁸⁸

⁸² ts 649 - 650 Eddy B

⁸³ ts 651 Eddy B

⁸⁴ ts 654 Eddy B

⁸⁵ ts 1134 Thoy R

⁸⁶ Exhibit 1.10.11 VA365.1

⁸⁷ Exhibit 35

⁸⁸ ts 1514 Lawrence T ; ts 1549 Timms G; ts 1573 Barker U; ts 1602 Giles C;

- e. Detective Constable Laurence Tyler told the inquest that he was present in the canteen that night and that he witnessed the page being torn out when a detective who was probably intoxicated grabbed the visitors book in anger as he was being escorted out. He had never seen Ms Finn in the canteen;⁸⁹
- f. a significant number of people who had been at the canteen on 20 June 1975, including police officers and the bartender, provided statements during the initial investigation, and none of them stated that they had seen Ms Finn at the canteen on that night or any other time;⁹⁰ and
- g. according to police records, Mr Eddy was on leave for the period 23 June 1975 to 3 August 1975 so, if the records are accurate, he could not have been knocked off his motorcycle on 23 or 24 June 1975 as he claimed.⁹¹

116. Given the above, I have difficulty placing any weight on Mr Eddy's evidence.

117. Another person who came forward with claims to have seen Ms Finn in the canteen was Donald Mettam. He had been on the committee of the WA Amateur Boxing Association along with several police officers.⁹²

118. In 2005, Mr Mettam provided a statement in which he said that he had gone to the canteen at the invitation of a police sergeant after a meeting of the committee on the night of 21 or 22 June 1975. Upon arrival at the canteen at about 9.00 pm, he signed into the visitors book. Within a short time, he noticed a woman in the canteen whom he believed to be Ms Finn. He left the canteen at about 10.00 pm.⁹³

⁸⁹ ts 1124 - 1125 Tyler L

⁹⁰ Exhibit 1.10.13

⁹¹ Exhibit 34, Exhibit 36

⁹² Exhibit 1.6.2 Mettam D

⁹³ Exhibit 1.6.2 Mettam D

119. During the next day at work, Mr Mettam heard about Ms Finn being shot. He later received a phone call from the secretary of the committee, who told him that he was not at the canteen the night before and that he would not be able to return. Mr Mettam believed that the message had been passed along from the police sergeant.⁹⁴
120. For reasons similar to those applying to Mr Eddy's evidence, I am unable to place much weight on Mr Mettam's statement. The visitors book does not contain his entry for 21 June 1975, and on 22 June 1975 the canteen was closed. In addition, his evidence was inconsistent with Ms Black's evidence that she called Ms Finn at home at 10.00 pm on 22 June 1975.

SIGHTINGS OF MS FINN'S CAR

121. Within the first few days after the media reported Ms Finn's murder, several credible witnesses contacted police to say that they had seen her car near the Royal Perth Golf Course off Melville Parade on the night of 22 June 1975 and morning of 23 June 1975.
122. The sightings of the car were purported to have occurred from about 9.30 pm on 22 June 1975 to 7.00 am the next morning. Some witnesses had seen tail lights, brake lights or interior lights illuminated; some had seen it without lights. None of the witnesses saw lights after 11.30 pm. The following are the accounts of the most notable witnesses, based on the records kept by investigators in the original investigation.
123. At 10.30 pm, Mavis Cahill was driving south on the freeway when she saw the car, which she recognised as being similar to one owned by her nephew. She checked her watch and noted that the time was exactly 10.30 pm. She saw no lights or movement in or around the car.⁹⁵
124. At a short time after 10.40 pm, on-duty traffic sergeant and Dodge enthusiast Sergeant Bill Cubbage saw the car as he drove south on the

⁹⁴ Exhibit 1.6.2 Mettam D

⁹⁵ Exhibit 1.6.1 Cahill M

freeway on the way to a task in Manning Road. He noticed its tail lights go on and off.⁹⁶

125. At about the same time as Mr Cabbage, Norman Rickman was driving south on the freeway when he saw the car with its reversing lights on.⁹⁷
126. At about 10.50 pm, Clare Taylor was a passenger in a car travelling south on the freeway when she saw the brake lights of the car flash three times, the reverse lights go on and off, and the car move forward slightly. She saw two people in the front seat, sitting against each door and half-turned towards each other. They appeared to have short-cropped hair, but Ms Taylor could not say if they were male or female.⁹⁸
127. At about 11.00 pm, Tony O'Neill drove down the freeway and saw a large sedan parked on the verge in the Royal Perth Golf Course with its driver's-side door wide open.⁹⁹
128. Also at about 11.20 pm, Edward and Elaine Mosely were travelling south on the freeway when they saw two people approach the car as if they were about to enter it. One of them was a woman wearing slacks and a three-quarter-length coat with close-cropped hair. None of the car's lights were on. They did not see anyone visible above the car seats or any other person or vehicle in the vicinity.¹⁰⁰ On the next day or so, Mr Moseley attended the Central Perth police station where Ms Black was paraded before him wearing slacks and a three-quarter length coat; he did not identify her as the same woman.¹⁰¹ Detectives John Skeffington and Kerry Tangney completed a serial in which they purported to have taken Mr Mosely to the area where he had seen the car,¹⁰² but Mr Mosely adamantly denied in oral evidence that they had done so.¹⁰³
129. Stephen Merralls and his wife drove by Ms Finn's car at about 11.20 pm and noticed the driver's side door of the car open. They also believed that

⁹⁶ Exhibit 1.4.3 S145

⁹⁷ Exhibit 1.10.3 VA60

⁹⁸ Exhibit 1.10.3 VA65

⁹⁹ Exhibit 1.4.2 S70

¹⁰⁰ Exhibit 1.4.3 S143

¹⁰¹ Exhibit 1.6.2 Moseley E; ts 561 Moseley E

¹⁰² Exhibit 1.4.3 S143

¹⁰³ ts 562, 574 Moseley E

they had seen the headlights on. They did not see anyone inside the car. Their sighting was the last one in which the car was seen with any lights illuminated.¹⁰⁴

130. About eight sightings later, at around 1.30 am on 23 June 1975, Roger Truslove saw the car and, about 200 metres south of it, he saw a pale green sedan which he thought was an English make.¹⁰⁵

131. At 6.20 am, bus driver Keith Stevenson saw an olive green or khaki Toyota Corolla parked behind Ms Finn's Dodge and two men near it.¹⁰⁶

Later obtained evidence – Peter Burns

132. In 1975, Peter Burns was a security guard at the University of Western Australia (UWA). A record made by detectives on 27 June 1975 indicates that Mr Burns told them that he was on duty at 12.30 am on 23 June 1975 when he saw a brown Datsun 240Z sports car pull up in front of a new building site at UWA next to the Commerce building. The driver went into the site and came out carrying a parcel about two feet long with one end thin and the other bulky.¹⁰⁷

133. The record shows that Mr Burns told detectives the registration number of the Datsun. He also told them that he had noticed a Cortina sedan and a white Mercedes parked nearby.¹⁰⁸

134. In another extraordinary coincidence, the Datsun belonged to Mr Properjohn, who had admitted in 1975 that he had driven there that night.¹⁰⁹ However, when giving oral evidence at the inquest, he had no recollection of going to UWA or getting a parcel there.¹¹⁰

135. In August 2015, SCS detectives interviewed Mr Burns at an aged-care facility where he was a resident. The detectives were told in advance by a

¹⁰⁴ Exhibit 1.10.3 VA52

¹⁰⁵ Exhibit 1.4.2 S9

¹⁰⁶ Exhibit 1.4.3 S106

¹⁰⁷ Exhibit 1.6.1 Burns 1 P

¹⁰⁸ Exhibit 1.6.1 Burns 1 P

¹⁰⁹ Exhibit 1.6.2 Properjohn 1 G

¹¹⁰ ts 1061 Properjohn G

nurse at the facility that Mr Burns had a narcissistic behaviour disorder, which meant that he made up stories and was manipulative and nasty.¹¹¹

136. Mr Burns told the detectives that, at 11.30 pm on the night of 22 June 1975, he had been knocking off from work at UWA when he saw a woman in a white Dodge Phoenix parked in front of the Anatomy building near the river. He asked her if she was OK, and she told him that she was waiting for someone. He walked away and noticed two men walking out of the building site for the new Guild building. One of the men was carrying a parcel about a metre long.¹¹²
137. Mr Burns told the detectives that the Dodge drove off on Hackett Drive, and the two men drove off in the same direction without turning on their lights.¹¹³
138. Mr Burns said that he recorded in the security log book what he had seen, but that his report was removed.¹¹⁴
139. On 9 March 2017, Mr Burns signed a statement taken by an Australian Federal Police detective sergeant. In that statement, Mr Burns elaborated on the information that he had provided to SCS detectives in 2015. In particular, he said that on 23 June 1975 he had made a handwritten copy of the record he had made in the security log, took it to his bank, and asked the bank manager to place it in the safe in case anything happened to him.¹¹⁵
140. Mr Burns stated that he had called the WAPF homicide squad on 24 June 1975 and described the incident at UWA to a police officer, who told him that they would look into it. When he went to work that night, he noticed that the page that he had completed in the security log had been cut out. He told his supervisor, who said that he would tell the manager, but Mr Burns heard nothing more about the missing page.¹¹⁶

¹¹¹ Exhibit 1.10.16 2015-Q3 9

¹¹² Exhibit 1.6.1 Burns 2 P

¹¹³ Exhibit 1.6.1 Burns 2 P

¹¹⁴ Exhibit 1.6.1 Burns 2 P

¹¹⁵ Exhibit 1.6.1 Burns 3 P

¹¹⁶ Exhibit 1.6.1 Burns 3 P

141. At the inquest, Mr Burns gave evidence reasonably in accordance with his statement of 9 March 2017. He was confident about the time that he had said he had seen Ms Finn's car despite being told of other sightings at the golf course at the same time. He also denied significant portions of the information obtained from him in 1975, including that he had seen the Datsun, the Cortina and the Mercedes.¹¹⁷
142. The information Mr Burns provided to police on 27 June 1975 about Mr Properjohn's car was confirmed by Mr Properjohn and the car registration, yet he adamantly denied having provided it, which calls into question all of his recent evidence. In view of that inconsistency, in combination with the credible evidence from several sources about the location of Ms Finn's car at the relevant times on the night of 22 June 1975, I have difficulty in accepting Mr Burns' evidence of him speaking with Ms Finn and seeing her car at UWA.

Later-obtained evidence – Ray Gardner

143. Ray Gardner is a retired taxi driver who, on 18 July 2017, went to the police station in Fitzgerald Street in Perth to report what he said he had seen on the morning Ms Finn was murdered in her car. On 3 August 2017 he signed a statement containing that information.¹¹⁸ The following is based on his statement.
144. At about 6.00 am on the day Ms Finn was found, Mr Gardner was driving a taxi north on the Kwinana Freeway with a passenger who was going to the bus terminal on Wellington Street. He was travelling about 60 km per hour and his passenger was asleep.¹¹⁹
145. As they drove past the golf course in South Perth, Mr Gardner noticed a large white American car parked on the verge of the golf course with its front end close to the fence; that is, facing the river. He could see a blond woman in the left-hand front side of the car.¹²⁰

¹¹⁷ ts 928 – 929 Burns P

¹¹⁸ Exhibit 1.3.4.28

¹¹⁹ Exhibit 1.3.4.28

¹²⁰ Exhibit 1.3.4.28

146. As he approached the white car, a second car pulled in behind it and parked about three metres behind it so that the cars were boot to boot. He thought that the second car may have been a Holden because that is what detectives drove back then. It was a darker colour than the white car.¹²¹
147. Mr Gardner slowed down to a stop directly opposite to where the cars were parked because the way that they were parked looked strange.¹²²
148. As Mr Gardner watched, two men wearing suits got out of the second car. The man who had been in the passenger seat went to the boot of the car and took out a rifle which Mr Gardner believed was a Browning .22 automatic. The man walked to the left side of the white car, where the blond woman had her head against the door frame as if she were sleeping. The window was down.¹²³
149. The man with the rifle fired two shots into the top of the woman's head. He then fired a shot at Mr Gardner's taxi and the bullet hit a metal pole on the river side of the taxi. Mr Gardner drove off in a panic.¹²⁴
150. Mr Gardner drove through Perth on the way to Wellington Street. He went up Hill Street past the taxation office building and noticed a vehicle parked in the parking area behind the building. Also in the parking area was a police officer, Mr R, whom he recognised and whom he had previously seen with other detectives at the Richmond Raceway trots.¹²⁵
151. As he drove past the taxation office, Mr Gardner could see some bags being thrown down from the roof of the building into the car. He thought that the police were stealing from the Taxation Department. Mr Gardner continued driving and dropped off his passenger at the bus terminal.¹²⁶
152. Later that day, Mr Gardner heard about Ms Finn's murder on the news. He was concerned for his safety and his family's safety, so he did not tell

¹²¹ Exhibit 1.3.4.28

¹²² Exhibit 1.3.4.28

¹²³ Exhibit 1.3.4.28

¹²⁴ Exhibit 1.3.4.28

¹²⁵ Exhibit 1.3.4.28

¹²⁶ Exhibit 1.3.4.28

police what he had seen. He told friends and family, and anyone who would listen, but no-one would believe him.¹²⁷

153. It is clear that many of Mr Gardner's allegations in his statement were inconsistent with other, credible evidence.
154. In oral evidence, he made further allegations which I found even more difficult to accept given their inherent implausibility or their direct inconsistency with incontrovertible evidence, discussed below. He said:
- a. the light conditions at 6.00 am were 'beautiful' and he could see for miles;¹²⁸
 - b. Ms Finn was shot right in the middle of the top of her head;¹²⁹
 - c. the rifle was definitely a Browning automatic because, once you pull the trigger, it keeps going;¹³⁰
 - d. when Mr Gardner drove back 20 minutes later, the white car was gone, so the shooter must have reversed the crime scene;¹³¹
 - e. three shots were fired, two at Ms Finn and one at Mr Gardner;¹³²
 - f. it was a full-length rifle;¹³³
 - g. later, when Mr Gardner was coming back, the four detectives who had been stealing from the Taxation Department passed him in their car, the same car as the one behind Ms Finn's car, and blew their horn at him because he was going too slow;¹³⁴
 - h. Mr O'Connor knew who Mr Gardner was because Mr O'Connor used to go to Mr Gardner's uncle's butcher shop, which is

¹²⁷ Exhibit 1.3.4.28

¹²⁸ ts 431 Gardner R

¹²⁹ ts 433 Gardner R

¹³⁰ ts 438 Gardner R

¹³¹ ts 439, 442 Gardner R

¹³² ts 439 Gardner R

¹³³ ts 440 Gardner R

¹³⁴ ts 445 Gardner R

probably why he (Mr O'Connor) did not shoot him (Mr Gardner); you shoot a Gardner, they come looking for you;¹³⁵

- i. it was Mr O'Connor that shot Ms Finn;¹³⁶
- j. there should have been five cartridges found: four for Ms Finn and one for Mr Gardner. Mr O'Connor later shot Ms Finn twice in the back of the head;¹³⁷ and
- k. Ms Finn was moved to the right side of the car and was shot twice in the back of the head with her on the steering wheel.¹³⁸

155. While I am grateful to Mr Gardner for coming forward, I have great difficulty placing any weight on his evidence.

INVESTIGATION INTO MS FINN'S DEATH

POLICE DISCOVER MS FINN'S BODY

156. At about 8.30 am on 23 June 1975, Mr McMurray was travelling south along Kwinana Freeway on his police motorcycle when he noticed Ms Finn's car parked off Melville Parade facing east towards the seventh fairway of Royal Perth Golf Course.¹³⁹

157. Mr McMurray turned off the freeway at Cale Road exit and travelled back to the car. When he was within a few feet of the car, he noticed a woman slumped behind the wheel with obvious head wounds from which she had bled. She did not appear to be breathing.¹⁴⁰

158. The car was on its own and there was no other vehicle nearby. The only people in the vicinity were some men playing golf in the nearby fairway.¹⁴¹

¹³⁵ ts 446 - 447 Gardner R

¹³⁶ ts 447 - 448 Gardner R

¹³⁷ ts 453 Gardner R

¹³⁸ ts 455 - 456 Gardner R

¹³⁹ Exhibit 1.1.32

¹⁴⁰ Exhibit 1.1.32

¹⁴¹ Exhibit 1.1.32

159. Mr McMurray radioed the WAPF control centre and reported what he had found. He recommended that CIB officers attend. He did not touch the car or put his hands inside it.¹⁴²
160. A short time later, duty-sergeant Detective Sergeant Allan Trigwell arrived and departed soon after. Mr Johnson and another detective also then arrived and left after a short time. Mr Read, who was placed in charge of the investigation into Ms Finn's death, also attended and Mr McMurray was released from the scene.¹⁴³

STANDARD OF THE ORIGINAL INVESTIGATION

161. A coroner's duty under s 25(1) of the Act is to find, if possible, the identity of the deceased person, how death occurred, the cause of death, and the particulars needed for death registration. The issue of how death occurred extends to the circumstances attending the death.¹⁴⁴
162. I am very much of the view that it was not my role to investigate the original police investigation as a direct duty under s 25 of the Act. However, it became necessary to understand the nature, including the limitations, of that investigation in order to determine the reliability of the evidence adduced at the inquest, especially the evidence from the initial investigation.
163. It became apparent to me that several aspects of the investigation were, even by 1970's standards, so incompetent that the evidence obtained at that time was unreliable, and several potentially crucial lines of inquiry were not followed.
164. I shall discuss those aspects in more detail below. However, an anecdote which exemplifies the standard of the original investigation is described in a record of interview from 19 February 2015, in which Mr Johnson told Mr Fletcher that, when he and Mr Trigwell first arrived at Ms Finn's car

¹⁴² Exhibit 1.1.32

¹⁴³ Exhibit 1.6.2 McMurray 2 G

¹⁴⁴ *Re The State Coroner; ex parte The Minister for Health* [2009] WASCA 165 [42]

on the morning of 23 June 1975, Mr Trigwell picked up a cartridge case from the car and showed it to him. Mr Johnson said that he told Mr Trigwell to put it back, which he did.¹⁴⁵

165. It is also evident that several police officers who took part in the investigation were accused by witnesses as having participated in corruption in relation to prostitution or criminal activity. Those officers included some of the officers who are identified in this report as suspects in Ms Finn's murder.
166. It is not clear whether the failings of the investigation were the result of human error, systemic inadequacies, deliberate sabotage by persons involved in the investigation, or some or all of the above. Irrespective of the cause of the failings, the provenance and the accuracy of the original evidence, especially that of unsigned accounts by witnesses, is open to significant doubt.
167. There is a proverb that often holds true: the palest ink is more reliable than the strongest memory. Unfortunately, in this case, the failings of the original investigation and the possibility that corruption subverted the results have also meant that, at 45 years since Ms Finn's death, I could not rely on the written evidence that was obtained within days of the murder.
168. Of course, it is not possible to say with any degree of certainty that the outcome of this inquest would have been different if the original investigation had been perfect.

ORIGINAL EVIDENCE AND REPORTS TO THE CITY CORONER

169. Shortly after Mr McMurray had arrived at Ms Finn's car, a man driving a Holden sedan approached him from the south on Melville Parade. The man parked his car, walked up to him and asked the way to Cottesloe. The man said that he was from Victoria.¹⁴⁶

¹⁴⁵ Exhibit 1.6.2 Johnson B 35 - 36

¹⁴⁶ Exhibit 1.1.32

170. Mr McMurray noted that the car which the man was driving had WA registration plates with a typical Perth number, so he noted the registration number and passed it along to Mr Johnson that morning.¹⁴⁷
171. Mr McMurray told the inquest that the man who approached him, a middle-aged Caucasian, said that the Holden was his car, so it seemed unusual that he did not know the way to Cottesloe. That was why Mr McMurray noted the registration number and passed it along to Mr Johnson.¹⁴⁸
172. When Mr Read took Mr McMurray's statement in October 1975, Mr McMurray gave the Holden registration number to him along with a sketch, and Mr Read appeared astounded that he had it.¹⁴⁹
173. When Mr McMurray retired from WAPF, he was clearing paperwork when he came across the registration number and asked if it had been checked out. He was told that it had been checked and 'he', presumably the owner of the car, was not involved.¹⁵⁰
174. There is no documentary evidence in available police records to indicate that the registration number had ever been followed up.
175. Following Mr McMurray's official discovery of Ms Finn on the morning of 23 June 1975, a substantial investigation was undertaken. According to Mr Fletcher, by 9.20 am on 23 June 1975 the investigators had a basic account of Ms Finn's movements and by 10.00 am they had corroborated Ms Black's alibi. By the end of June 1975 there were 127 unique serials (relevant allegations or pieces of information to investigate) and, within 18 days, investigators had spoken to 700 people. There was a reward of \$20,000, a significant amount at the time and, by the end of October 1975, there were 400 serials. Ballistics investigators went on to test-fire 1300 cartridges.¹⁵¹

¹⁴⁷ ts 335 McMurray G; Exhibit 1.1.32

¹⁴⁸ ts 328 McMurray G

¹⁴⁹ ts 341 McMurray G

¹⁵⁰ ts 343 McMurray G

¹⁵¹ ts 1856 Fletcher B

176. On 9 March 1976, Acting Superintendent Alan Balcombe notified the Commissioner of Police by memorandum that ‘Despite a comprehensive and extensive investigation, the identity of the person or persons responsible for the death of Mrs FINN, remains a mystery’. Under the memorandum were relevant reports for the information of the City Coroner.¹⁵²
177. The reports for the City Coroner commenced with a report by Mr Read, the field commander of the investigation, followed by various reports in support of the details in his report.¹⁵³ The following is a condensation of the information in Mr Read’s report, with significant aspects amplified by reference to information in the reports.
178. After Mr McMurray found Ms Finn’s body in her car on the grass verge just off Melville Parade in an isolated area bordering the seventh fairway of Royal Perth Golf Club, Mr Johnson and Mr Trigwell attended to commence the initial inquiries with the aid of members of the Scientific Bureau.¹⁵⁴
179. According to Mr Read, the ignition key of the car was in the ignition and was turned to the ‘Accessories’ position. The automatic transmission was in the ‘Low’ position. All four doors were closed but unlocked, and all the windows were closed.¹⁵⁵
180. There was blood spattered on the roof lining in a diagonal line from Ms Finn’s body to the rear left-hand roof staunching. The left-hand side of the driver’s seat cover was also stained with blood.¹⁵⁶
181. Mr Trigwell reported that he and Mr Johnson arrived at the scene at 8.30 am. Ms Finn’s car was about 100 metres from the seventh green. Mr Johnson identified the body to Mr Trigwell as that of Ms Finn. Mr Trigwell arranged for Dr W Laurie, forensic pathologist of the State

¹⁵² Exhibit 1.1.8

¹⁵³ Exhibit 1.1.9

¹⁵⁴ Exhibit 1.1.9

¹⁵⁵ Exhibit 1.1.9

¹⁵⁶ Exhibit 1.1.9

Health Laboratory Services, and members of the Scientific Bureau to attend.¹⁵⁷

182. At 9.55 am,¹⁵⁸ Dr Laurie attended and examined Ms Finn's body. He certified that Ms Finn's life had been extinct for several hours.¹⁵⁹
183. Constable Robert Morton of the photography section at WAPF headquarters attended and took photographs at the scene on instructions from Mr Trigwell.¹⁶⁰
184. Detective First Class Constable William Burnett notified the City Coroner, Mr W G Wickens, of the death and Coroner Wickens instructed that a post mortem examination be performed.¹⁶¹
185. Mr Trigwell and Mr Morton accompanied Ms Finn's body to the City Mortuary where Dr Laurie conducted a post mortem examination and Mr Morton took photographs.¹⁶²
186. Mr Trigwell took possession of Ms Finn's clothing and jewellery, as well as samples of blood, hair and vaginal swabs. He delivered the clothing and samples to the State Health Laboratory and the jewellery to the Public Trustee Office. Three days later, he delivered Ms Finn's liver, kidneys and spleen to the Government Chemical Laboratories.¹⁶³
187. Dr Laurie noted in his report of the post mortem examination that he had recovered all four bullets from Ms Finn's head. However, unlike the situation with the body samples taken from Ms Finn's body,¹⁶⁴ I was unable to find a record of Dr Laurie's marking the bullets for identification and providing them to Mr Trigwell.
188. First Class Constable Jerry Townsend of the ballistics section in the Communication and Scientific Bureau reported on 30 June 1975 that, on

¹⁵⁷ Exhibit 1.1.11

¹⁵⁸ Exhibit 1.1.11

¹⁵⁹ Exhibit 1.1.89

¹⁶⁰ Exhibit 1.1.12

¹⁶¹ Exhibit 1.1.9

¹⁶² Exhibits 1.1.11; Exhibit 1.1.12

¹⁶³ Exhibit 1.1.11

¹⁶⁴ Exhibit 1.1.91

23 June 1975, he received a .22 calibre short expended cartridge case from Sergeant Third Class John De Vaney of Criminal Records and four .22 calibre short damaged lead bullets from Mr Trigwell.¹⁶⁵

189. Mr De Vaney prepared a report indicating that he was from the Communications and Scientific Branch and that he took several exhibits from Ms Finn's car, including the expended cartridge case, hair found on the passenger's side right front door (*sic*), vacuuming from seats and floor wells, and fingerprint impressions from six positions.¹⁶⁶
190. A photograph shows a cartridge case lying in the rear passenger foot-well.¹⁶⁷
191. Mr De Vaney stated in his report that the cartridge case was provided to an officer in the ballistics section and that all but two of the fingerprint impressions, which were unsuitable for identification, were identified from a list of persons supplied by investigating officers.¹⁶⁸ Mr De Vaney makes no mention of bullets in his report.
192. A list of exhibits, purportedly compiled by Mr Read, states that the bullets were produced by Mr De Vaney.¹⁶⁹
193. The apparent lack of appropriate chain-of-custody evidence for the transfer of the bullets from Dr Laurie to Mr Trigwell to Mr De Vaney to Mr Townsend was either not identified or was ignored by Mr Read.
194. On 25 June 1975, Dr Laurie found that the direct cause of death was multiple gunshot wounds to the skull and brain and that the time of death was probably around midnight on 22 June 1975.¹⁷⁰ He completed a certificate of his opinion on 26 June 1975.¹⁷¹

¹⁶⁵ Exhibits 1.1.71; Exhibit 1.1.86

¹⁶⁶ Exhibits 1.1.67

¹⁶⁷ Exhibits 1.1.13.11

¹⁶⁸ Exhibits 1.1.67

¹⁶⁹ Exhibits 1.1.71

¹⁷⁰ Exhibit 1.1.92

¹⁷¹ Exhibits 1.1.90

195. Also provided to the State Health Laboratory, in this case by Detective First Class Constable Lindsay Okamoto on 25 June 1975,¹⁷² was a slack suit taken from Ms Black and, on 27 June 1975, a blood sample was obtained from her.¹⁷³
196. A report from Andrew Feeney of the State Health Laboratory Services indicated that all the blood-stains found on Ms Finn's clothing and the stains on the right back pocket lining of Ms Black's slacks were Group O blood and that both Ms Finn and Ms Black had Group O blood.¹⁷⁴
197. Examination at the Government Chemical Laboratories of Ms Finn's blood, urine, stomach contents and liver detected negligible alcohol and no common poisons or drugs.¹⁷⁵
198. At about the same time, Mr De Vaney delivered to the State Health Laboratory the exhibits he had taken from Ms Finn's car. In the absence of comparative exhibits, no conclusions could be drawn from an examination of those exhibits.¹⁷⁶
199. I was unable to find a report from an expert in blood spatter apart from a one-line statement by Mr Trigwell: '[T]here are a number of blood spots on the roof lining travelling in a line over the centre of the front seats towards the left of the rear window.'
200. Mr Read noted in his report that the flow of blood from the right ear and nostril suggested that the first bullet fired would have been discharged into the left side of the skull, possibly from inside the vehicle. The finding of an expended .22 calibre cartridge case in the floor well under the passenger's side of the front seat tended to strengthen that theory.¹⁷⁷

¹⁷² Exhibits 1.1.74; Exhibit 1.1.84

¹⁷³ Exhibit 1.1.84

¹⁷⁴ Exhibit 1.1.84

¹⁷⁵ Exhibit 1.1.80

¹⁷⁶ Exhibit 1.1.82

¹⁷⁷ Exhibit 1.1.9

ORIGINAL INVESTIGATION RECORDS - SERIALS

201. The procedural system that was in place in 1975 for police investigations involved the use of 'serials', which were initiating records of information obtained by investigators from, for example, members of the public.
202. When an investigator learned of information relating to a new issue relevant to the investigation, he or she would make a record of that information and pass it along to an administrating officer who would record that information as a standard document and allocate to it the next available number, hence the term 'serial'. The information on that document, now the enumerated serial, would be assessed and, if appropriate, tasked to an officer to investigate further. The results of that further investigation would then be added to the serial or, if the further investigation uncovered an additional line of inquiry, a new serial would be generated.¹⁷⁸
203. According to retired Assistant Commissioner Frank Zanetti, a running sheet was used as part of the system to record on one document all the results of investigations of serials. If an investigator wanted to look through the materials, he or she could look through the running sheet instead of looking at each serial. There were people who were responsible for updating running sheets.¹⁷⁹ It is apparent that the type of running sheet which Mr Zanetti described was different from running sheets which record each action or event that occurs during an investigation.
204. The officers in charge of an investigation would use the running sheet containing the information recorded from the serials in order to determine what issues needed to be investigated.¹⁸⁰
205. Mr Zanetti said that it was possible that not every serial was recorded in the running sheet.¹⁸¹ In addition, one of the significant problems with that system was that things may have been misfiled or lost, so further

¹⁷⁸ ts 82 Boland J

¹⁷⁹ ts 283 Zanetti F

¹⁸⁰ ts 313 - 316 Zanetti F

¹⁸¹ ts 283 Zanetti F

information obtained in relation to a serial may not have been attached to the serial.¹⁸²

206. The officer in charge of the South Perth CIB in 1975 was Detective Sergeant Dennis Macrone. In oral evidence, he explained how information that a police officer obtained as part of an investigation would be passed along to Central by telephone. The person in Central would then create or update a serial, but the details of the serial would not be checked with the relevant police officer to ensure that the information was recorded correctly.¹⁸³
207. Another document relevant to the use of serials in the investigation into Ms Finn's murder was the uncompleted serials list. This was a list of the numbers of over 60 serials that remained to be investigated, with the name of the allocated detective beside the respective serial.¹⁸⁴ When the investigation of the information in a serial on the list had been completed, the serial was crossed out with a pen.¹⁸⁵ All but three of the serials on the list were crossed out. The uncompleted serials list is particularly pertinent to the following consideration of Serial 393.

SERIAL 393

208. Prior to the inquest, I harboured an expectation that the evidence obtained in the original police investigation was comprehensive and reliable. That expectation was shattered after the first witnesses at the inquest had provided oral evidence.
209. The first witness was James Boland, a detective senior constable working at the WAPF fraud squad at the time of Ms Finn's death. In the course of his duties, he obtained information which was recorded on 1 August 1975 as Serial 393.¹⁸⁶ The following information is from that serial unless otherwise footnoted.

¹⁸² ts 291, 316 Zanetti F

¹⁸³ ts 626 Macrone D

¹⁸⁴ Exhibit 1.4.2 before S1

¹⁸⁵ Exhibit 1.4.2 before S1

¹⁸⁶ Exhibit 1.4.5 S393

210. Serial 393 was a significant piece of evidence, but not only because of what it contained.
211. Mr Boland stated in the serial that he had arrested one Harold Stevens on an extradition warrant from Victorian Police. At the time, Mr Stevens was living in Mount Way Flats in Mount Street in Perth with his partner, known as Keith Lewis.¹⁸⁷ Mr Stevens worked at the Park Towers Hotel in Perth as a receptionist.
212. When Mr Boland arrested Mr Stevens, Mr Lewis offered to provide Mr Boland with information relevant to Ms Finn's death in exchange for conditions relating to the charges against Mr Stevens.
213. The information offered by Mr Lewis was that Ms Finn had been shot by Arthur Stanley 'Ned' Smith, a known underworld hit-man from the Eastern States, with whom Mr Lewis had shared a prison cell. The motivation for the murder was payment of \$5000 by Ms Finn's partners in a brothel in Kalgoorlie, who wanted to stop her from increasing her activities. Mr Smith had flown to Perth using his mother's maiden name and had called Ms Finn to arrange to meet her for drinks on Sunday 22 June 1975. Ms Finn cancelled other plans for that night and agreed to meet him because she fancied him.
214. Mr Lewis said that Mr Smith met Ms Finn and, after having a few drinks, had her drive him to Perth Airport for a fictitious purpose. While they were in the car, he killed her. About a week after he had killed Ms Finn, Mr Smith meet with Mr Lewis at Albert's Tavern in Perth to offer him a role in running brothels in Perth.
215. Mr Lewis also told Mr Boland that he was aware of Mr Smith's quirks, including his habit of only sitting in the rear seats of cars and his preference for short-barrelled .22 repeater rifles.
216. After obtaining the information from Mr Lewis, Mr Boland spoke to Detective Sergeant Donald Hancock, a superior officer with whom he was friendly. Mr Hancock advised him to accept the offer and to arrange for a

¹⁸⁷ Also known as Keith Parker: ts 1087 Parker K

meeting between Mr Lewis and the Victorian detective who was coming to Perth to accompany Mr Stevens back to Victoria.

217. Serial 393 records that an inspector and three detective sergeants, including Mr Read and Mr Balcombe, were made aware of the information in the serial.
218. Serial 393 went on to say that further inquiries would be made by Mr Hancock and Mr Boland in the next few days. It then mentioned that an earlier serial had recorded that Mr Lewis and Mr Smith, both Eastern State criminals associated with a well-known Sydney criminal named McPherson, had been seen drinking in Albert's Tavern on 28 June 1975. That information was received anonymously by telephone on 29 June 1975.¹⁸⁸
219. Under the serial was handwritten 'D/S Mr Zanetti', allocating further investigation to him.¹⁸⁹
220. On the face of it, Serial 393 was a potentially crucial piece of information. It identified Ms Finn's killer and provided details consistent with other information, some of which does not appear to have been the subject of media reports. At the very least, further investigation, including interviews with Mr Smith and Mr Lewis and follow-ups of their whereabouts over relevant periods, was clearly warranted.
221. As it turned out, no further investigations into the allegations in Serial 393 were recorded or, it seems, even occurred. Serial 393 had been put on the uncompleted serials list with Mr Zanetti's name beside it. At some unrecorded stage, it was crossed off the uncompleted serials list.¹⁹⁰
222. Mr Boland provided a statement on 6 February 2015 in which he said that he had gone back to Mr Hancock, who told him to do nothing further in relation to the information and to stay away from it. Mr Boland never heard another thing about it. In oral evidence, he said that, when he called

¹⁸⁸ Exhibit 1.4.3 S118

¹⁸⁹ ts 285 Zanetti F

¹⁹⁰ Exhibit 1.4.2 before Serial 1 (hard copy brief)

investigators involved in later reviews of the case in order to ask about what had happened to his evidence, no-one went to interview him about it.¹⁹¹

223. Neither Mr Hancock nor the three other senior officers named in Serial 393 appear to have followed up the allegations or to have arranged for any follow-up.
224. At the end of Serial 393, Mr Zanetti apparently created another entry on 25 September 1975 to the effect that he had made inquiries and was satisfied that Mr Lewis may have been interviewed by a partner of the brothel keeper in Kalgoorlie on behalf of a company and, as a result, had the company's business card in his pocket. When asked about that entry during the inquest, Mr Zanetti agreed that it had little or no link to the previous part of the serial.¹⁹² There are no further entries to Serial 393.
225. When taken to the paragraph in Serial 393 in which it is stated that the three senior officers had been made aware of the allegations in the serial, Mr Zanetti said 'Now, surely, they wouldn't have just ignored it and just left it'.¹⁹³
226. Serial 393 is significant for several reasons.
227. First, it relates to the standard of the original investigation. The serial demonstrated that there was potentially pivotal evidence obtained by WAPF and retained on the relevant investigation record, but that either nothing of any consequence was done to follow it up or, if anything was done, it was not recorded. No mention is made of the allegations in Serial 393 in the report to the City Coroner following the original investigation.
228. During a review of the investigation in 1993, a detective noted the contents of Serial 393 and added an entry to it suggesting that it needed following up. The detective suggested that, perhaps, the following up could occur by way of an interview of Mr Smith on the next occasion that

¹⁹¹ ts 55 Boland J

¹⁹² ts 296 Zanetti F

¹⁹³ ts 313-124 Zanetti F

a detective was in the Eastern States, where Mr Smith was in prison for the murder of two brothel owners.¹⁹⁴ As far as I can ascertain, that follow-up did not occur until the SCS review in 2015.

229. By the time of the SCS review, Mr Smith's health was deteriorating with Parkinson's disease.¹⁹⁵ Mr Fletcher and another detective interviewed him in prison in Sydney on 31 March 2015. He told them that he had never been to WA and had never been to Albert's Tavern. He thought that he may have been subject to parole or bail reporting in June 1975, but inquiries conducted by NSW Police on behalf of the SCS established that he had reported for parole on 11 June 1975 and 2 July 1975. Despite his protestations that he had never been to WA, he was not eliminated as a suspect in Ms Finn's murder.¹⁹⁶
230. The second reason why Serial 393 is significant is that, at an early stage of the inquest, it demonstrated the possibility that police corruption existed in the CIB at the time of Ms Finn's murder.
231. For example, Mr Hancock was depicted in the serial in questionable, though possibly explicable, circumstances. Before I had been shown Serial 393 and had heard Mr Boland's evidence, I had a preconception that a detective of Mr Hancock's rank was unlikely to be associated with corruption. However, when later evidence included allegations of detectives acting corruptly, such a prospect did not seem far-fetched.
232. Even the mere possibility of corruption among those entrusted with an investigation into a murder alleged to have been related to that corruption must, logically, put the reliability of the evidence obtained in the investigation in doubt.
233. As noted above, the uncertainty of the reliability of the evidence obtained in the initial investigation is one of the reasons why I have been unable to determine who was responsible for Ms Finn's death.

¹⁹⁴ Exhibit 1.4.5 S393

¹⁹⁵ Exhibit 1.2.1.12 48

¹⁹⁶ Exhibit 1.2.1.12 47

234. The third reason why Serial 393 was significant is that it contains what was either another astounding coincidence or an important but unexplained connection between individuals.
235. That connection relates to Ms Black's movements on the night of 22 June 1975 and the next morning. The evidence reasonably establishes that, after not being able to reach Ms Finn by telephone, Ms Black left Ms McLaughlin's flat at Park Lane Apartments at 12.30 am on 23 June 1975 and took a taxi to Park Towers, the same hotel in Hay Street where Mr Lewis' partner, Mr Stevens, was working as a receptionist. She stayed there until about 3.50 am when she took another taxi home.
236. When asked why she chose Park Towers, Ms Black said that it was the only one she could think of off the top of her head. She had not been there before and did not know the receptionist.¹⁹⁷ There is, however, evidence which indicates that Park Towers may have been used by prostitutes as a location to meet clients.¹⁹⁸ That evidence suggests that Ms Black may have at least been aware of Park Towers in that context, and it supports the conclusion that her use of a hotel that employed a person named in Serial 393 was merely a coincidence.
237. The fourth reason why Serial 393 is significant is because it describes in part the criminal environment which Ms Finn and several of the witnesses inhabited. That environment was also the workplace of police officers in the WAPF consorting squad, the relevance of which I shall discuss later.

LOCATION OF MS FINN'S CAR

238. The initial investigation began with an examination of Ms Finn's car. The issue of precisely where Ms Finn was found in her car is a curious one. On the face of it, there would not seem to be much room for debate. After all, Mr McMurray found it facing the seventh fairway of the Royal Perth Golf Course, and the evidence reasonably establishes that it remained in the same place until Dr Laurie and crime-scene investigators had completed their examinations and investigations.

¹⁹⁷ ts 1040 Black R

¹⁹⁸ Exhibit 1.9.1.1 6

239. Independent eye-witness reports¹⁹⁹ and photographs purportedly taken of the car where it was found, compared with aerial photographs and maps, make clear that its location was adjacent to the seventh fairway; that is, less than 100 metres from the northern boundary of the golf course.
240. However, there was also a number of pieces of evidence indicating that it was near South Terrace; that is, near the southern boundary. For example, eye-witnesses Mr and Mrs Moseley said that it was 50 meters from South Terrace.²⁰⁰
241. An example of the confusion relating to the car's location can be found in the SCS report: the location of the car was said to be 70 metres south of the Royal Perth Golf Club's seventh green;²⁰¹ however, an aerial photograph of the golf course in the same report indicates that the location was hundreds of metres south of the seventh green and much closer to South Terrace.²⁰²
242. Mr Fletcher acknowledged in oral evidence that there was some confusion in relation to the location of the car, but he stated that it did not greatly affect the outcome for SCS investigators because the primary crime scene was inside the car.²⁰³ Mr Fletcher's view appears reasonable in relation to the SCS review, but it does not apply to the original investigation, where the area around the spot where the car was found was also part of the search area.
243. In my view, it is of significant concern that the police officers who were recording the location of the car provided evidence that it was close to South Terrace rather than at the north end of the Royal Perth Golf Club course. The background for that happening is found in Mr Macrone's evidence and the associated serials.

¹⁹⁹ For example: Exhibit 1.1.36

²⁰⁰ ts 572, 577 Mosely E

²⁰¹ Exhibit 1.2.1.12 8

²⁰² Exhibit 1.2.1.12 10

²⁰³ ts 1836 Fletcher B

244. Mr Macrone provided a statement on 1 July 1975 in which he said that he had attended the scene at 9.00 am on 23 June 1975 with Detective Litherland. Both officers were there when Ms Finn's body was removed from the car, the car was searched and a .22 cartridge case was found.²⁰⁴
245. Mr Macrone stated that the car was then removed, and he organised a search of the area for a weapon or cartridge cases. He was assisted by four officers, two of whom were in the ballistics squad. The search extended into the trees and the area throughout the Royal Perth Golf Club, but there was no sign of a weapon or cartridge case.²⁰⁵
246. On 24 June 1975, Mr Macrone returned to the scene, where he met with Constables Maxwell and Boyd. He pointed out where the car had been parked, and Mr Maxwell measured the scene with Mr Boyd.
247. Mr Maxwell then prepared a diagram of the location of the car in which it is shown to be south of Lockridge Street.²⁰⁶ In a statement about his involvement with the investigation, Mr Maxwell said that, on 24 June 1975, he visited Melville Parade between South Terrace and Lockridge Street where he met Mr R and Mr Macrone. He said that Mr Macrone pointed out marks representing the position of a Dodge.²⁰⁷
248. Included in the original police brief is a street map of South Perth which shows that Lockridge Street was to extend between Labouchere Road and Melville Parade about half-way from South Terrace to the northern end of the golf course.²⁰⁸ This appears to be hundreds of metres south of the seventh green.
249. Mr Macrone continued in his statement to say that, on 25 June 1975, he returned to the scene accompanied by three other officers. They met members of the armed forces, who searched the area with metal detectors but found no trace of the weapon or cartridge cases.²⁰⁹

²⁰⁴ Exhibit 1.1.14

²⁰⁵ Exhibit 1.1.14

²⁰⁶ Exhibit 1.1.16

²⁰⁷ Exhibit 1.1.15

²⁰⁸ Exhibit 1.1.17

²⁰⁹ Exhibit 1.1.14

250. In oral evidence, Mr Macrone was asked where the car was found, and he said that it was less than 20 metres from South Terrace.²¹⁰ He was asked to mark a map to show the location of the car and asked if he was confident about his memory of the location. He was definite that the car was virtually on the corner of South Terrace and Melville Parade.²¹¹
251. Where did the ground searches take place? I infer from the attendance of Mr Read and others at the original location of the car on 23 June 1975 that the searches were probably done in the appropriate areas. However, it is open to question.
252. In my view, the evidence about the location of the car is not just confusing; it supports claims of incompetence and grounds for conspiracy theories related to possible sabotage of the investigation. Evidence discussed below about the potential for a firearm held in police custody to have been used in Ms Finn's murder adds to those grounds.
253. In an environment where allegations of police corruption were not uncommon and where there were concerns that police were involved in Ms Finn's murder, theories that detectives might have sabotaged their own investigation were bound to arise unless the investigation could be shown to have been meticulous. Despite the involvement of many experienced senior officers, it clearly was not.

Evidence lost – John and Patricia Mearns

254. Evidence that WAPF officers had been notified in 1975 of additional evidence in relation to Ms Finn's car beside Melville Parade came to light years later.
255. John and Patricia Mearns and their children drove down Melville Parade between 4.30 am and 5.00 am on 23 June 1975 and noticed what must have been Ms Finn's car on the edge of the Royal Perth Golf Course and an older, green car Toyota or Datsun parked to the right of it. Ms Finn's car had both front doors open. Neither car had any lights on, and Mr and

²¹⁰ ts 604 Macrone D

²¹¹ ts 605 Macrone D

Mrs Mearns were unable to see anyone in or around the cars because of the poor light and the rain.²¹² Mr Mearns told the inquest in oral evidence that the green car had a Mazda-ish or Torana-ish shape.²¹³

256. At the time, Mr Mearns thought that it was strange for a flash car like Ms Finn's to be parked with its doors open in such bad weather, so he stopped and reversed to see if anyone was present. When he saw no-one, he thought it was suspicious, so he asked Mrs Mearns to write down the registration number of the green car and, possibly, of Ms Finn's car.²¹⁴
257. Later that day, Mr Mearns learned about the circumstances in which Ms Finn had been found, but only Ms Finn's car was mentioned, so he rang police to pass along the registration number of the green car to the desk sergeant or duty sergeant who took the call.²¹⁵ The sergeant thanked him and told him that the police already had all the information they needed.²¹⁶ Neither his call nor the registration number of the green car was entered in the original investigation records.²¹⁷
258. The Mearnses left the piece of paper with the green car's registration number in the glove box of their car, and it was later lost, possibly when they sold their car.²¹⁸
259. In oral evidence, Mr Mearns said that he had called police again in 1982 after listening to Ms Finn's story on ABC talkback radio and calling in to describe what he had seen. Police officers went to Carnarvon, where he was working, in order to interview him and Mrs Mearns. However, the officers dismissed their evidence because of inconsistencies with such things as the location at which he and Mrs Mearns said the cars were found, and their recall of the colour of Ms Finn's car's roof.²¹⁹ That the interviews took place was corroborated in 2017 by one of the police

²¹² Exhibit 1.6.2 Mearns J; ts 468 - 470 Mearns J

²¹³ ts 471 Mearns J

²¹⁴ Exhibit 1.9.1.2 p. 66; Exhibit 1.6.2 Mearns J

²¹⁵ Exhibit 1.6.2 Mearns J

²¹⁶ Exhibit 1.6.2 Mearns J

²¹⁷ Exhibit 1.2.1.12

²¹⁸ Exhibit 1.6.2 Mearns J

²¹⁹ Exhibit 1.6.2 Mearns J

officers who took part, then Senior Chief Superintendent Desmond Ayres.²²⁰

260. I found Mr Mearns to be a credible witness.

Evidence lost – Steve Couacaud

261. A second, potentially significant, lost piece of evidence relating to Ms Finn’s car at Melville Parade was brought to the attention of police by Steve Couacaud. The following information was recorded by a police officer who took Mr Couacaud’s telephone call in June 2005.²²¹

262. Mr Couacaud was about 20 years old in June 1975. He lived in Victoria Park with his parents and his 15-year-old sister, but at the time he was in the process of going to the north of WA to live.²²²

263. Late in the afternoon of 22 June 1975, Mr Couacaud took his car for a test drive after rebuilding the brakes. His sister went along for the ride. He drove south on the Kwinana Freeway and, after crossing the Narrows Bridge, pulled over onto the sand strip that was against a fence separating the freeway area from the Royal Perth Golf Course. He stopped in order to feel the temperature of his wheels, as that would indicate whether he had adjusted the brakes properly.²²³

264. After he stopped, Mr Couacaud could see a large white Dodge sedan with a black roof parked on the golf course near a tree. In the driver’s seat was a woman with white or yellow hair. Parked to the north of the Dodge was a white Holden HQ-type panel van with government number plates. A police officer in full tunic and white hat got out of the panel van and got into the front passenger seat of the Dodge. The police officer was about six feet tall with white-silver hair and black eyebrows. The rank insignia on tunic he wore had sergeant stripes under an upside-down stripe.²²⁴

²²⁰ Exhibit 21

²²¹ Exhibit 1.10.4 VA147

²²² Exhibit 1.10.4 VA147

²²³ ts 474, 476 Couacaud S

²²⁴ Exhibit 1.10.4 VA147

265. After seeing the police officer, Mr Couacaud continued south on Kwinana Freeway to Canning Highway and then turned back north. It was dusk. As he drove back past the golf course, he saw that the Dodge was still there, but the police van and the police officer were gone. Mr Couacaud could not see anyone behind the wheel of the Dodge; the driver's side door was ajar and the interior light was on. He saw the police van turning right out of the golf course towards Labouchere Road.²²⁵
266. Mr Couacaud thought that the police officer could have been Mr Hancock, who had arrested a friend of his for burglary and then used his friend to do burglaries and share the proceeds.²²⁶
267. On the morning after he had seen the Dodge, Mr Couacaud heard about Ms Finn's murder, so he rang police to report what he had seen. Because he had seen the police officer, he called anonymously from a payphone as he did not want to get a bullet in the head from police.²²⁷
268. The police records from the original investigation do not include any note of Mr Couacaud's call to police shortly after Ms Finn's murder. In oral evidence, he said that the police officer to whom he had spoken just thanked him and hung up.²²⁸
269. Mr Couacaud said that he had come forward again after seeing a request by police in the newspaper for information. He said that he did so on most anniversaries, so probably after five years and again at 10 years. He was interviewed at least three times: in Derby in about 1992, in Kununurra in about 2000 and again in Kununurra in 2005. Only the 2005 interview was recorded and saved in police records. A signed statement was not obtained.²²⁹
270. In oral evidence, Mr Couacaud explained that his initial recollection of the day he saw the Dodge was that it was a Saturday because he relied on the day on which he saw the report of Ms Finn's murder in the morning

²²⁵ Exhibit 1.10.4 VA147

²²⁶ Exhibit 1.10.4 VA147

²²⁷ Exhibit 1.10.4 VA147

²²⁸ ts 484 Couacaud S

²²⁹ ts 484 - 485 Couacaud S

newspaper, which he took to be the Sunday Times since he never bought the weekday papers.²³⁰

271. However, Mr Couacaud agreed that the Sunday Times would not have been able to have included a Sunday edition with the story about Ms Finn's murder and that he may have seen a Monday newspaper headline.²³¹ The newspaper clippings obtained by police in the original investigation show that the Daily News headlines on Monday 23 June 1975 included Ms Finn's murder and showed a map depicting the location at which she was found in her car.²³² The headline of the West Australian on 24 June 1975 carried Ms Finn's murder and showed an earlier photo of Ms Finn in her now-famous evening gown. The story also included photos of her car.²³³
272. Mr Couacaud said that he recognised the car at the golf course in the photograph in the newspaper as the one he had seen.²³⁴
273. Mr Couacaud also told the inquest that the record of his phone call taken by the policeman in 2005 had two significant errors. He said that the time of day that he had seen the Dodge was definitely later than dusk, possibly even about 11.00 pm, since he had to get his sister home given her age, and that the rank insignia he had seen the policeman wearing was a crown, rather than an upside-down stripe, over the three stripes.²³⁵
274. I found Mr Couacaud to be a credible witness, but there are difficulties with his evidence that affect his reliability as I shall discuss in relation to allegations that Mr Hancock was involved in Ms Finn's murder.

²³⁰ ts 482 Couacaud S

²³¹ ts 500 Couacaud S

²³² Exhibit 1.9.1.2 5

²³³ Exhibit 1.9.1.2 3

²³⁴ ts 483 Couacaud S

²³⁵ ts 486-487 Couacaud S

Evidence lost – Stephen Green

275. Stephen Green is an experienced tour guide who on 20 December 2017 provided oral evidence to the inquest.
276. Mr Green was 16 years old in June 1975. At the time, he lived in Thelma Street in Como with his parents. His father was a regular golfer at Wembley Golf Course.²³⁶
277. Mr Green used to go to Royal Perth Golf Course on his bicycle to look for lost golf balls which he would sell to his father for pocket money. He would look for golf balls almost every day in summer, but in winter he would only do so occasionally because of the weather.²³⁷
278. Mr Green had a specific recollection of going to Royal Perth Golf Course on his bicycle at about 6.00 am on 23 June 1975 because the next day was his sister's birthday and he wanted to buy her a gift from the newsagent at which he worked part-time.²³⁸
279. As was his habit, Mr Green went to the north end of the golf course and then walked south beside Melville Parade in the vegetation along the verge about a metre or two into the golf course itself. He had a torch attached to the handle-bars of his bicycle, and he carried a separate torch to look for golf balls.²³⁹
280. As he pushed his bicycle south, Mr Green noticed two cars parked off Melville Parade, which was something he had never seen before at that time of the morning. He said that he believed that the cars were to the southern end of the golf course,²⁴⁰ but he then indicated on an aerial photograph that they could have been within a range extending from about a quarter of the length of the golf course south to about three-quarters of its length.²⁴¹

²³⁶ ts 1388 Green S

²³⁷ ts 1388 Green S

²³⁸ ts 1388 – 1390 Green S

²³⁹ ts 1388-1390 Green S

²⁴⁰ ts 1391 Green S

²⁴¹ Exhibit 48

281. The car that Mr Green could see first was a white ‘American classic’, which he believed was a Dodge. He did not recall that it had any other colours. It was facing into the golf course. About a metre or less to the south of it and facing towards the river was a dark green Holden HQ. He was positive about the type of car. Both cars had their lights off, and their doors were closed.²⁴²
282. Mr Green did not look in the Dodge to see if there was anyone in it. However, there were two men wearing suits who, he thought, were in the Holden but may have been outside of it.²⁴³
283. As Mr Green continued to move south, the two men began to run towards him. He jumped onto his bicycle, and one of the men yelled at him to stop.²⁴⁴ He rode onto Melville Parade towards the fence-line to the freeway and kept going south to get home.²⁴⁵
284. Mr Green had no idea at the time who or what the men were but, in hindsight, he thought that they were probably detectives because of the way they were dressed and the type of car they were driving.²⁴⁶
285. When Mr Green got home, he told his father about what had happened. When they learned from the news that night about a murder on the golf course in South Perth, his father had him write down the details of what had happened so that he could present his information to police. Included in his account were the registration numbers of each of the cars. He was able to remember them because of a habit he had developed of recalling number plates in order to enhance his chances of joining the police force.²⁴⁷
286. Mr Green and his father went to the Mends Street police station in South Perth on the following Saturday and provided the written notes to police officers there. The officers commended Mr Green on the detail in his

²⁴² ts 1392 - 1394 Green S

²⁴³ ts 1394 Green S

²⁴⁴ ts 1396 Green S

²⁴⁵ ts 1398 Green S

²⁴⁶ ts 1398 - 1399 Green S

²⁴⁷ ts 1401 Green S

notes and, after a short time, asked him to wait in the waiting room while they spoke to his father in another room for about 10 minutes.²⁴⁸

287. Mr Green later asked his father about the further discussions, and his father fobbed it off and told him that what he, Mr Green, had seen had nothing to do with what had happened.²⁴⁹
288. About a week later, two men in suits and ties went to Mr Green's home in a dark green Holden HQ to speak to his father. He was asked to go to his room, which he did. He could not be sure, but he did not believe that they were the same people whom he had seen on the golf course and he did not recall if the registration plates were the same as the Holden he saw there.²⁵⁰
289. Mr Green again asked his father about the men, and his father became uncharacteristically agitated and told him to leave it and that it had nothing to do with what happened.²⁵¹
290. Mr Green did not recognise the driver of the green Holden. He knows who Mr Hancock was, and as far as he is aware, Mr Hancock was not present at the golf course when he was there on the morning of 23 June 1975.²⁵²
291. Mr Green did not hear from police again until February 2015 after a colleague of his contacted SCS detectives and advised them that Mr Green had information related to Ms Finn's murder, including having recognised Mr Hancock as the driver of the green Holden.
292. Detectives contacted Mr Green and told him that they had been told that he might have information relevant to Ms Finn's death. Mr Green said that he had tried to pass it along in the past and was told to go away. He eventually provided a statement which generally accorded with his oral testimony. Significant evidence in the statement included the fact that he

²⁴⁸ ts 1402 1403 Green S

²⁴⁹ ts 1403 Green S

²⁵⁰ ts 1404 Green S

²⁵¹ ts 1405 Green S

²⁵² ts 1407 Green S

had recognised Ms Finn's car from the time when he had a postal run for the post office in Angelo Street. He had seen the car parked at Ms Finn's house, and he also recalled seeing a Holden HQ at her house sometime before 23 June 1975.²⁵³

293. Following Mr Green's testimony at the inquest, Detective Sergeant Moore of the Cold Case Homicide Squad (previously the SCS) attempted to find the 1975 occurrence book for the South Perth police station in order to discover if Mr Green's attendance was recorded. The WAPF document management centre access team informed Mr Moore that records at that station had been extensively damaged by termite infestation and subsequent arsenic spray. No occurrence books prior to 1978 still exist.²⁵⁴

294. I found Mr Green to be a credible witness. His evidence, if accepted, raises several possibilities. On the face of it, the men he saw could have been detectives who arrived at Ms Finn's car prior to other police officers, though there is no record of their attendance. There seems little doubt that Ms Finn was shot hours earlier, so there is no necessary inference that, whoever they were, the men Mr Green saw were in any way involved in carrying out the murder.

295. Mr Green's evidence that he provided information to WAPF and that this information was not recorded is consistent with the evidence of other instances of lost evidence.

SHOTS HEARD

296. The running sheets compiled by police in the original investigation show that six members of the public reported that they had heard what sounded like gunshots in the South Perth area on the night of 22 June 1975 or the morning of 23 June 1975. The times varied from 10.00 pm on 22 June 1975 to 5.00 am on 23 June 1975. Four people thought that they had heard one shot; one person thought that he had heard two shots, and

²⁵³ Exhibit 1.10.10 VA333

²⁵⁴ Exhibit 64

one person said that she had heard three or four cracks that sounded like gunshots.

297. Given the evidence of sightings of Ms Finn's car and Dr Laurie's estimation of the time of death, only one of those reports appears to coincide with the likely time of the shots. That report was from a man living in a block of flats on Park Street in Como who said that he thought that he had heard two shots around midnight. He had been an avid shooter and was sure that what he had heard were pistol shots. He lived about one kilometre from the location of Ms Finn's car.²⁵⁵
298. The witness who heard three or four cracks lived on South Perth Esplanade, which I calculate to have been about one and a half kilometres from Ms Finn's car, and she heard the cracks at about 10.15 pm on 22 June 1975.²⁵⁶
299. In September 1994, Philip Hooper provided a statement in which he said that, at about 10.00 pm on 23 June 1975, he and his future wife were driving south down Melville Parade when he noticed two vehicles parked on the eastern side of the road. One was a police-like white panel van, and the other was a slightly darker coloured large sedan.²⁵⁷
300. Mr Hooper said that they drove 50 to 100 metres past the vehicles and parked on the left-hand side of Melville Parade about 150 metres from South Terrace. After 15 minutes or so, he heard two or three shots followed by a 30 second pause and then another shot. He believed that they were made by a .22 calibre rifle.²⁵⁸
301. At the inquest, Mr Hooper provided oral evidence which is discussed in detail below.
302. The inquest heard from ballistics expert Senior Constable Clive Roberts of Forensic Field Operations on the issue of how far the sound of .22 calibre gunshots would travel in the circumstances of Ms Finn's murder.

²⁵⁵ Exhibit 1.10.16.1975-Q3; Exhibit 1.4.2 S23

²⁵⁶ Exhibit 1.4.2 S33

²⁵⁷ Exhibit 1.6.1 Hooper 1 P

²⁵⁸ Exhibit 1.6.1 Hooper 1 P

He said that, if the firearm was discharged inside the boundaries of her car, there would be a significant deadening of the sound.²⁵⁹ If the firearm was directed towards the head of the victim, there would be an additional blocking of the sound. He would not be surprised if someone in a house 100 metres away did not hear it.²⁶⁰ However, if the firearm was unsuppressed in an open area and the listener was within the direction of the firing, the shot could be heard up to a kilometre away depending which way the wind was blowing.

303. In my view, through no apparent fault of the investigators, the evidence of gunshots heard does not significantly assist in the investigation.

SOURCE OF THE FIREARM

304. As noted, Mr Townsend reported on 30 June 1975 that, on 23 June 1975, he had received an expended cartridge case from Mr De Vaney and four bullets from Mr Trigwell.²⁶¹

305. Mr Townsend examined the bullets with a microscope and found that they had all been fired from the same rifle. He also determined the specific characteristics of the rifle and checked those characteristics against firearm records held in the Ballistic Library. He found that only two manufacturers produced rifles with those characteristics. When marks on the cartridge case were taken into account, only one of those two types of rifle, a Model 1400 A G Anschutz, had all the relevant characteristics.²⁶²

306. On 25 June 1975, Mr Townsend went to the mortuary and examined bullet wounds on Ms Finn's head. He noted that one of the wounds had a 1.7 cm semi-circular mark or bruise around it from powder burns, which could have been caused by a firearm with a square cut or sawn-off barrel. He found that the mark had the same dimensions as the barrel of an Anschutz rifle when its barrel is cut off at the wooden stock.²⁶³

²⁵⁹ ts 1334 Roberts C

²⁶⁰ ts 1337 Roberts C

²⁶¹ Exhibit 1.1.86

²⁶² Exhibit 1.1.86

²⁶³ Exhibit 1.1.86

307. Mr Townsend also noted that a check of all licensed Anschutz firearms in WA was being conducted in an effort to find the murder weapon.²⁶⁴ That check, which was extended over Australia, was apparently arranged by Mr Burnett.²⁶⁵
308. Mr Burnett told the inquest that, as far as he was involved in the checking of firearms, it did not involve any firearms held by police.²⁶⁶ That evidence is significant in the light of other evidence, including testimony from Colynn Rowe.
309. Mr Rowe had been a police officer from 1972 to 2011. He said that, at one stage in his career, he had been in charge of DNA exhibits and a ballistics section in Midlands. One of the sergeants there mentioned to him that it was easy to get rid of guns; for example, the one that shot Ms Finn, by taking a gun out of the destruction bin, using it, and putting it back into the destructions bin. In the following days, the gun gets destroyed.²⁶⁷
310. Mr Rowe said that the sergeant told him that all firearms that came in for destruction were test-fired so that a photograph or a record of its characteristics could be kept. However, he said that there was no way to check back on the record for those guns that were brought in at the time Ms Finn was murdered.²⁶⁸
311. Investigations conducted following the inquest revealed that it was unlikely that firearms held by WAPF were test-fired and recorded unless they were exhibits.²⁶⁹
312. The WAPF 1975 ballistics register contains entries of two Anschutz rifles with potential significance.²⁷⁰ Advice provided by the WAPF firearms unit through Mr Bennett after the inquest confirmed that neither of the rifles had been test-fired.²⁷¹ The ballistics register records that both of

²⁶⁴ Exhibit 1.1.86

²⁶⁵ Exhibit 16; ts 1374 - 1375

²⁶⁶ ts 1375 – 1376 Burnett W

²⁶⁷ ts 2093 Rowe C

²⁶⁸ ts 2094 Rowe C

²⁶⁹ Exhibit 129

²⁷⁰ Exhibit 128

²⁷¹ Letter from Mr Bennett dated 13 March 2020

them were .22 bolt-action rifles with magazines, and both were in poor condition. Neither appears to have been an exhibit. The first rifle was to be given to a named person to be sold on 25 May 1975. With it were several rounds of ammunition, including 26 rounds of Civic .22 short ammunition.

313. The Civic brand .22 short cartridge, which was not made after 1968, was the same brand as the cartridge case found in Ms Finn's car. The head-stamp on the cartridge found in Ms Finn's car had not been used by the manufacturer since 1962, and it was doubtful that cartridges of that era were available commercially in 1975.²⁷²
314. The second rifle was destroyed on 27 June 1975 – four days after Ms Finn was found. It was recorded in the ballistics register as having no bolt.²⁷³
315. Apart from the reference to the missing bolt, this evidence leaves open the possibility that the second rifle had been used to kill Ms Finn.

BALLISTICS EVIDENCE

316. On 3 September 2014, Mr Roberts prepared a report following his review of the firearms-related evidence obtained in the original investigation. He agreed with Mr Townsend that the bullets had all been fired from the same firearm.²⁷⁴
317. Mr Roberts also noted that the model of Anschutz .22 calibre rifle could be cycled and fired using .22 short calibre ammunition from the magazine provided that the actioning was not done too rapidly.²⁷⁵ In oral evidence, he said that whether that type of rifle would jam using that ammunition when recycled quickly would depend on how good the magazine was. That is, how fast it could be reloaded and shot again without jamming would depend on the specific firearm.²⁷⁶

²⁷² Exhibit 1.5.1.6

²⁷³ Exhibit 128

²⁷⁴ Exhibit 1.6.3 Roberts 2 C 7

²⁷⁵ Exhibit 1.6.3 Roberts 2 C 8

²⁷⁶ ts 1339 Roberts C

318. On 3 November 2015, Mr Roberts prepared a report in which he considered the travel of ejected fired cartridges and the likely position of the shooter as each shot was fired.²⁷⁷
319. In relation to the travel of ejected cartridges, Mr Roberts concluded that at least two of three remaining cartridge cases (other than the one found on the rear foot-well) would have been ejected. The last one could have been ejected or left in the firearm. The two or three cartridge cases were likely to have been ejected near the driver's door, causing them to come to rest inside or outside the car. The relatively short grass may not have made it too difficult to find them if they landed outside. They could have been removed prior to the forensic examination.²⁷⁸
320. As to the location of the shooter, Mr Roberts considered that the first two shots were fired from outside the driver's door or the right rear passenger's door with the muzzle of the firearm against Ms Finn's head or, in relation to the second shot, lightly against her head. The third shot was from behind Ms Finn's seated position, with the possibility that it was from the same location as the first two shots with the shooter being further away. The last shot was likely from outside the front passenger door or rear passenger door, with the possibility that the shooter was inside the front passenger or rear passenger area with Ms Finn facing to the front of the car.²⁷⁹
321. Assuming, despite the absence of watertight evidence regarding the continuity of possession of the bullets, that Ms Finn was shot with the bullets that had been examined by Mr Townsend and then Mr Roberts, and accepting Mr Roberts' expertise and his carefully expressed opinions, possible unsettling scenarios arise.
322. Of concern is the possibility that the expended cartridge case collected in the investigation did not come from the rifle used to shoot Ms Finn but was placed there by the shooter or by someone else.

²⁷⁷ Exhibit 1.6.3 Roberts 3 C 4

²⁷⁸ Exhibit 1.6.3 Roberts 3 C 4 - 5

²⁷⁹ Exhibit 1.6.3 Roberts 3 C 8 - 9

323. Suspicion that the cartridge was placed at the scene arises from the evidence of Gregory Hall, a self-confessed bagman who claimed to have collected graft payments from brothel and illegal gambling venues and to have given it to police officers. In somewhat dubious hearsay evidence, Mr Hall alleged that he dropped off the money to an officer whom I shall call Mr F.²⁸⁰
324. At the material time, a Mr F was in the ballistics section and was one of the officers who attended the scene of Ms Finn's murder on 24 and 25 June 1975 in order to assist Mr Macrone with the search.²⁸¹ Given Mr Hall's allegations, could Mr F have planted or swapped the spent cartridge casing in order to sabotage the ballistics evidence?
325. There is no other evidence apart from Mr F's surname in the context of Mr Hall's other evidence to suggest that he might have sabotaged the ballistics evidence. However, the possibility that the cartridge case was planted was supported by the fact that the cartridge case was found in a reasonably visible place where the shooter might have been expected to find it in order to remove it. The other two or three cartridge cases would likely have been ejected onto the grass where, despite Mr Roberts' evidence, they may have been relatively difficult for the shooter to have found in the dark, yet apparently they were not later discovered by investigators.
326. Fortunately, Mr Roberts makes clear that it is unlikely that a different cartridge would have affected his conclusion as the type of firearm used.²⁸² It is therefore relatively clear that the bullets were indeed fired from an Anschutz rifle and that the rifle had been destroyed or hidden soon after Ms Finn's murder.
327. As mentioned, the WAPF ballistics register for 1975 records that WAPF had several of the relatively uncommon Civic cartridges, and that one of the two Anschutz rifle .22 repeater rifles in custody was destroyed only days after the murder.²⁸³

²⁸⁰ ts 681 – 682, 706-707 Hall G

²⁸¹ Exhibit 1.6.2.Macrone D; ts 606, 609 Macrone D

²⁸² Exhibit 97; ts 1326 Roberts C

²⁸³ Exhibit 128

328. Mr Bennett has, quite reasonably, pointed to the entry in the ballistics register indicating that the Anschutz rifle which had been destroyed after Ms Finn's murder had no bolt, so it was unusable.²⁸⁴ However, basic internet research reveals that removal and replacing a bolt on an Anschutz .22 rifle is simple and does not require either tools or a detailed knowledge of firearms.
329. In addition, the original ballistics report by Mr Townsend shows that the firing pin on the rifle used to kill Ms Finn 'is or has been over-length',²⁸⁵ which may suggest that the bolt used in that rifle had been sourced from another rifle. In that regard, there were three .22 Anschutz rifles in WAPF custody in June 1975 according to the ballistics register,²⁸⁶ and I understand that their bolts were likely to have been compatible with the rifle that had been destroyed soon after Ms Finn's murder.
330. The possibility that a rifle taken from the stock of firearms held by WAPF was used to kill Ms Finn is supported by a letter from the current Attorney General, the Honourable John Quigley MLA, who had at one time had been a lawyer representing the WA Police Union. Mr Quigley stated that the former president of that union, a retired police superintendent who had also been the officer in charge of the firearms branch, had spoken with him and had given him the unmistakable impression that a police officer had been involved in Ms Finn's murder and that the officer had gained access to weapons in the police firearms safe.²⁸⁷
331. That contention is also supported to some extent by the statement of Janine Morton, who in 2018 said that she had been employed at the East Perth Courts in about 1975. She said that the Courts had a storeroom containing evidence, including firearms. The door to the storeroom had a lock, but it was easy to open without a key.²⁸⁸

²⁸⁴ Letter from Mr Bennett dated 13 March 2020

²⁸⁵ Exhibit 1.1.86

²⁸⁶ Exhibit 128

²⁸⁷ Exhibit 81

²⁸⁸ Exhibit 54

332. Ms Morton stated that there had been an Anschutz rifle in the storeroom but that it was missing when it was sought sometime after Ms Finn's murder. It appears from Ms Morton's statement that her knowledge of the existence of an Anschutz rifle in the storeroom was based entirely on hearsay.²⁸⁹
333. Another source of evidence to support the contention that the rifle was from WAPF was Robert Meyers, who said that a detective, Colin Pace, told him that Mr Johnson got the gun out of 'amnesty', shot Ms Finn, put back in amnesty and the gun was destroyed.²⁹⁰
334. There is no evidence to explain how a full-length rifle could have been returned to police custody without attracting attention after it had been altered dramatically. However, the available evidence does support the possibility that an Anschutz rifle was taken out of WAPF custody, cut down and used for the murder, and then returned to WAPF where it was destroyed.
335. In any event, that evidence is either circumstantial evidence or hearsay. While the evidence suggests the possibility that the firearm used to kill Ms Finn could have come from police custody, it does not exclude the reasonable possibility that a rifle from another source was used and then hidden or destroyed.
336. In the end, it is not possible to determine the source of the rifle used to kill Ms Finn.

FORENSIC EVIDENCE

337. In the SCS report, Mr Fletcher and Mr Williams observed that, in 1975, police investigators were unaware of the existence of trace evidence, particularly DNA, so the practices and processes used then did not include the taking of trace evidence samples and instead created significant contamination issues. As a result, the forensic opportunities

²⁸⁹ Exhibit 54

²⁹⁰ ts 898 Meyers R

available in 2015 were greatly reduced and the handling of samples by numerous unprotected persons hopelessly compromised the exhibits.²⁹¹

338. The samples available for review would have originally comprised items, fingerprints and samples from Ms Finn's car and the clothes that she was wearing when she was shot, but several of those exhibits have been lost.
339. In 1975, Government Chemist Laboratory chemist and research officer G A Taylor visually examined a 24.5 cm hair said to have been 'Found D/door outside Dodge XBI 961'.²⁹² The location of that hair is now unknown.²⁹³
340. G A Taylor also examined vacuumings from the left rear floor, the left front floor and the right front floor, a blood-stained seat cover and petri-dish containing four hairs from the driver's seat, and a seat cover from the left bucket seat.²⁹⁴
341. Of note, G A Taylor found a total of 34 hairs in the vacuumings and the petri dish and a large number of hairs on the driver's seat cover.²⁹⁵ All of the hairs from the seat covers and the petri dish have apparently been lost.²⁹⁶
342. In a report dated 20 April 2012, PathWest forensic biology scientist Annette Broom described DNA testing results of samples taken from the seat covers and vacuumings as well as those from the clothing worn by Ms Finn. The DNA found in samples from blood from her dress was assumed to be from Ms Finn.²⁹⁷
343. The DNA testing matched Ms Finn's DNA profile with samples from presumptive blood samples found on her clothing except for her shoes, and from samples taken from the driver's seat cover. DNA profiles were

²⁹¹ Exhibit 1.2.1.12.8

²⁹² Exhibit 1.1.1.82

²⁹³ Exhibit 1.2.1.12.7.8

²⁹⁴ Exhibit 1.1.1.82

²⁹⁵ Exhibit 1.1.1.82

²⁹⁶ Exhibit 1.2.1.12.7.8

²⁹⁷ Exhibit 1.10.6 VA233

not recovered from hairs and fibres taken from the seat covers or vacuumings.²⁹⁸

344. On 18 June 2018, PathWest produced a forensic biology summary of laboratory findings, which included the detection of male DNA on the seat covers and vacuumings. An unidentified female also contributed to a mixed DNA profile in one of the vacuumings.²⁹⁹
345. On 20 March 2019, Andrew McDonald of Cellmark Forensic Services in the United Kingdom provided a report of an analysis of DNA extracts obtained by PathWest from the back of the driver's side seat cover and a hair from vacuumings from the right front floor.³⁰⁰ The purpose of the analysis was to attempt to generate DNA results suitable for comparison with the DNA of Ms Finn and seven suspects in her murder.³⁰¹
346. The result of Mr McDonald's analysis was that the DNA extracts were not from any of the seven suspects.³⁰²
347. As to blood pattern analysis evidence, on 28 April 2017, Senior Constable Laura Hyde and Sergeant David Spivey from the WAPF forensic division prepared a report based on their review of photographs taken of Ms Finn as found in her car on 23 June 1975. They concluded that Ms Finn was positioned in the driver's seat of her car at the time of, or immediately following, the infliction of a bleeding injury and had remained in that position.³⁰³
348. In oral evidence, Mr Spivey said that it was not impossible that Ms Finn had been shot elsewhere and then placed in the car at the scene, but that it was highly unlikely.³⁰⁴

²⁹⁸ Exhibit 1.10.6 VA233

²⁹⁹ Exhibit 115

³⁰⁰ Exhibit 114

³⁰¹ Arthur Stanley Smith; Roger Rogerson; Mr S; Bernard Johnson; Raymond O'Connor; Anthony Lewandowski and Donald Hancock

³⁰² Exhibit 114

³⁰³ Exhibit 1.6.1 Hyde 8

³⁰⁴ ts 1251 Spivey D

349. On 21 August 2018, Mr Spivey and Ms Hyde produced a further report in which they addressed the cause of bloodstains on a seat cover and on Ms Finn's shoes, dress, bra and underwear.³⁰⁵ They concluded that:
- a. the location of saturation bloodstains and flow bloodstains on the seat cover indicated that Ms Finn was positioned in the driver's seat as identified in their earlier report;
 - b. transfer and/or drip bloodstains on the dress during laboratory examination were the result of Ms Finn being removed from her car and/or transported to the mortuary and/or the removal of the dress from her; and
 - c. it is not possible to determine if the transfer bloodstain and spatter bloodstain on Ms Finn's left shoe was a result of the bloodshed incident or of her being transported to the mortuary and/or the removal of the dress from her.³⁰⁶
350. In oral evidence, Mr Spivey referred to a photograph from the report of 28 April 2017 and said that a depiction of blood flow pattern on Ms Finn's right ear and neck would be very difficult to explain if the injuries were inflicted elsewhere and she was placed in the car.³⁰⁷
351. Last, in relation to forensic review, Mr De Vaney had conducted a fingerprint examination of several areas of Ms Finn's car. He developed and recorded fingerprints from the driver's seat belt buckle and the passenger's seat belt buckle.³⁰⁸
352. The fingerprint from the driver's seat belt buckle was determined to be Ms Black's. This was consistent with Ms Black's evidence that she usually drove the car. The fingerprint on the passenger's seatbelt buckle could not be identified from the existing fingerprint data bank in Australia and New Zealand.³⁰⁹

³⁰⁵ Exhibit 103

³⁰⁶ Exhibit 103 12

³⁰⁷ ts 1958 Spivey D

³⁰⁸ Exhibit 1.1.1.67; Exhibit 1.2.1.12.7

³⁰⁹ Exhibit 1.2.1.12.7

353. Fingerprints that Mr De Vaney had developed on other areas of the car were determined to be those of investigating officers.³¹⁰
354. In 2017, WAPF fingerprint expert Senior Constable Peter Guyton examined photographs of the fingerprints developed by Mr De Vaney and compared them against fingerprints of about 60 persons, including Mr Johnson, Mr N and Mr Smith. Mr Guyton identified fingerprints from the driver's side seat belt buckle and the inside left rear window to be those of Ms Black. He was unable to identify any of the others.
355. In oral evidence, Mr Guyton confirmed that one of the fingerprints that was important to the investigation was the one on the passenger side seat belt. He said that it was a poor quality fingerprint but was identifiable.³¹¹ However, he was unable to obtain the fingerprint records of Mr Hancock or Mr S for comparison.³¹²

CONCLUSIONS FROM FORENSIC EVIDENCE

356. The forensic evidence establishes that Ms Finn was killed in her car by a person or persons unknown at the location in which she and her car were found, and that the murder weapon was Anschutz .22 rifle.
357. No other significant conclusions as to the circumstances surrounding Ms Finn's death were available from the forensic evidence.
358. Unfortunately, due to what were apparently poor evidence-retention practices at WAPF, opportunities for further conclusions with respect to the circumstances surrounding Ms Finn's death could not be derived from the physical evidence originally obtained. That fact is particularly difficult to justify given the relatively small quantity of evidence obtained and the high profile of the investigation.

³¹⁰ Exhibit 1.1.1.67; Exhibit 1.2.1.12.7

³¹¹ ts 1232 Guyton P

³¹² ts 1236 Guyton P

HOW DEATH OCCURRED AND THE CAUSE OF DEATH

359. Under s 25(1)(b) of the Act, I am obliged to find, if possible, how death occurred and the cause of death.
360. Apart from finding that, on or about 22 June 1975, Ms Finn was shot and killed in her car by persons unknown on the verge of Melville Parade in South Perth, I am not able to find the circumstances attending her death.
361. By way of a formal verdict, I find that Ms Finn's death occurred by way of unlawful homicide.
362. As to the cause of death, Dr Laurie found that it was multiple gunshot wounds to the skull and brain.³¹³
363. In 2017, forensic pathologist Dr D M Moss reviewed Dr Laurie's report and the relevant documentary evidence. Dr Moss agreed in substance with Dr Laurie's opinion, but he favoured the wording of the cause of death as 'multiple gunshot wounds to the head', which I adopt as my finding.

POTENTIAL MOTIVES

364. Given the lack of direct evidence identifying Ms Finn's murderer, and given that the circumstances of Ms Finn's death strongly suggest that it was not random, determining the motive for her murder could assist in identifying the person or persons responsible.
365. It is tempting to assume, from the fact that the murder took place in an open space near the Perth CBD, that the person or persons behind it intended to make a brazen demonstration of their willingness and unrestricted power to act outside the law. However, the circumstances were also consistent with a strategy to isolate Ms Finn from her family, friends and associates in order to reduce the likelihood of detection when she was killed.

³¹³ Exhibit 1.1.92

366. The evidence that she was going to a meeting with Mr Johnson or another senior police officer provides a plausible link in the chain of reasoning to implicate police officers in her death, but other possibilities are also open.
367. These conflicting considerations make a firm determination of the actual motive problematic, but the evidence does point to two themes which merit exploration: blackmail and competition. These are set out below.

KEEPING HER QUIET

The tax debt

368. It is possible, if not probable, that a sizable debt which Ms Finn owed to the Taxation Department was related to the motive behind her murder.
369. An unconfirmed allegation by Mr Webber suggested that, between 1969 and 1972 when he and Ms Finn lived in a de facto married relationship, Mr Cannon had transferred thousands of dollars in cash to Hong Kong for Ms Finn.³¹⁴
370. By 1973, the Taxation Department was inquiring into Ms Finn's financial affairs, particularly in relation to money that she had received from Hong Kong.³¹⁵
371. Mr Cannon also acted for Ms Finn to engage with the Taxation Department on her behalf. Copies of unsigned letters indicate that, on 5 December 1973, he sent the department a letter from Ms Finn dated 4 December 1973 in which she alluded to payments which she had to make to various people in order to remain in business. She then stated,

You cannot operate a business of my type without a considerable amount of expenditure by way of kick-backs etc which cannot be shown by any book-keeping system.³¹⁶

³¹⁴ Exhibit 108

³¹⁵ Exhibit 1.2.1.12.14

³¹⁶ Exhibit 1.2.1.12.14

372. As to the money from Hong Kong, she said that it was sent by a person who was involved in the same type of business as she was, and that it was to be invested in WA. Ms Finn said that she did not wish to divulge the person's name.³¹⁷
373. In February 1974 the Taxation Department used a 'betterment method' analysis to assess that Ms Finn had failed to disclose \$153,022 of income over the previous four years. The assets side of the analysis included additions that Ms Finn had made to her house in Como and money that was held on her behalf in two accounts in Hong Kong, money which she again said was not hers but had been given to her by a person in Hong Kong to invest for him in Western Australia.³¹⁸
374. In March 1974, Mr Cannon saw a specialist taxation lawyer in Sydney on Ms Finn's behalf. He then wrote to the Taxation Department to indicate that Ms Finn was terrified of the consequences of revealing further information to the Taxation Department because explosives were recently placed in the back of her business premises. The premises next door were blown up but, Mr Cannon said, Ms Finn was a nervous wreck as a result.³¹⁹
375. Mr Cannon later told police that Ms Finn had offered Mr Finn money to bomb a massage parlour for her. Mr Finn had refused, but three days later the premises next door to Ms Finn's were blown up. Mr Cannon said that the bombing may have been done to impress the Taxation Department that her life was in danger and that she could not reveal information about money obtained from a Hong Kong syndicate.³²⁰
376. As somewhat of an aside, Janet Lawrence, a waitress at the X nightclub, testified that she had belongings which Ms Finn allowed her to store in premises next to her brothel, only to have those belongings destroyed in a fire.³²¹ It is not clear whether the fire was connected to the bombing.

³¹⁷ Exhibit 1.2.1.12.14

³¹⁸ Exhibit 1.2.1.12.14

³¹⁹ Exhibit 1.2.1.12.14

³²⁰ Exhibit 1.4.3.136

³²¹ ts 2045, 2049 2050 Lawrence J

377. Mr Cannon also corresponded with Mr McGregor. In April 1974, Mr McGregor informed him that the amount of tax that Ms Finn might have to pay could be more than she could afford. He considered that her only hope would be to have the income spread over 10 years with a minimum penalty.³²²
378. In May 1974, Mr Cannon wrote to the Taxation Department to advise that the department could issue the final assessments to Mr McGregor, who could then ensure that Ms Finn received them. Mr McGregor and Mr Cannon could then talk figures with her and allow her to decide what to do.³²³
379. In September 1974, Ms Finn engaged another accountant, Edward Dymock, to help with her taxation debt. Mr Dymock conferred with Mr McGregor and Mr Cannon in order to obtain historical documentation before lodging an objection to the Taxation Department on 24 September 1974.³²⁴
380. About a month later, Ms Finn and Mr Dymock went to the Taxation Department and met with two officers to discuss the objection. Ms Finn agreed to pay that part of her debt that she did not dispute. She paid a deposit of \$5,000 and arranged to pay \$1,000 a month, which she did for six months. After the meeting, Mr Dymock lodged an appeal for the disallowed part of the objection.³²⁵
381. Mr Dymock considered that Ms Finn's biggest problem in relation to the tax assessment was Ms Finn's money in Hong Kong, almost \$70,000, which she now claimed was a loan. Ms Finn's tax debt would be reduced by about \$35,000 if that money were not included as her asset. The Taxation Department wanted her to supply the name of the person who loaned her the money, but she told Mr Dymock that she would be in danger if she disclosed the name.³²⁶

³²² Exhibit 1.2.1.12.14

³²³ Exhibit 1.2.1.12.14

³²⁴ Exhibit 1.6.1 Dymock 2 E

³²⁵ Exhibit 1.6.1 Dymock 2 E

³²⁶ Exhibit 1.6.1 Dymock 2 E

382. Mr Dymock received an acknowledgement from the Taxation Department of the appeal, and he later received a call from an officer at the Taxation Department to arrange a meeting with him and Ms Finn on 24 June 1975.³²⁷
383. On 19 June 1975, Mr Dymock and Ms Finn met at 395 William Street to discuss the coming meeting. He told her that she had about a 50% chance of having the Hong Kong money deducted from her taxable income and advised her to maintain the story that she was too frightened to divulge the name, which he believed to be true. He considered that, if the appeal was unsuccessful, Ms Finn would not have been able to meet the necessary money from the sale of her assets. When he raised this with her, she impressed upon him that her house in Como was the last thing that she would give up and that she would raise the money by other means.³²⁸
384. Ms Finn and Mr Dymock did not meet again. By chance, Mr Cannon saw Ms Finn briefly in London Court shortly before her death. She told him that she was not confident of having the tax debt reduced, but that she was confident that the Taxation Department would accept payment by instalments.³²⁹
385. In January 2019, the Court obtained through Mr Moore a letter from the Australian Taxation Office disclosing that it had no record of Ms Finn. That information was not unexpected given the considerable amount of time that had elapsed since Ms Finn's death.³³⁰
386. There is no reason to doubt the information discussed above. While it does not disclose a motive in itself, it does provide a basis for the development of a possible motive for those involved with Ms Finn and her business to cause her death.

³²⁷ Exhibit 1.6.1 Dymock 2 E

³²⁸ Exhibit 1.6.1 Dymock 1 E

³²⁹ Exhibit 1.10.2.VA41

³³⁰ Exhibit 109

Payments to police

387. The possible relationship between Mr Finn's tax problems and her murder relates to allegations that she was paying police in order to operate her brothel.
388. In January 1982, Mr McGregor told a newspaper journalist that Ms Finn had been paying money to police. The newspaper printed a story in which it was claimed that Mr McGregor was aware that she was paying up to \$1000 a week in 1971.³³¹ When detectives interviewed him as a result of seeing the story in the newspaper, he told them that he had been misquoted. He said that Ms Finn had had told him that she had paid police \$500 weekly or periodically.³³² He also said that police officers had not approached him previously to ask him questions about Ms Finn and her business records.³³³
389. Linda Watson (previously known as Lydia Korab) stated that in 1980 she was paying police \$100 per girl a week in order to operate a brothel, which came to \$2000 a week since she had 20 girls in her brothel.³³⁴ Her evidence, if accepted, supports the possibility that brothel owners were making payments to police of up to \$1000 a week in the early 1970s.
390. If Ms Finn was making such payments, she would not have been able to declare them against her income as part of her business expenses. If she declared her gross income, she would have been paying tax on the money paid to police.
391. The possibility that Ms Finn's murder was linked to her tax debt was the subject of a strong and enduring rumour that commenced shortly after her death. Mr Tangney described that rumour bluntly: she had a tax debt, she was going to tell the Tax Commissioner that she had been paying politicians and police, and the politicians and police killed her.³³⁵

³³¹ Exhibit 1.9.1.2.M57 65

³³² Exhibit 1.2.2.12.49 3, 7

³³³ Exhibit 1.2.2.12.49 11 - 12

³³⁴ Exhibit 50; ts 1468 Watson L

³³⁵ ts 1357

392. Mr Boland noted in a statement that there was an allegation that Mr O’Conner was good friends with Mr Johnson, that they were involved in corrupt ventures together, and that Ms Finn was going to drop them in unless they helped her with her tax problems.³³⁶
393. Self-confessed but unconfirmed bag-man, Mr Hall, suggested that brothel-owners and gambling clubs had been paying police an increasing amount of money, and Ms Finn was the one who had stuck her neck out to put an end to it. That led to her being the martyr.³³⁷
394. When Ms Wills put that theory to Mr Johnson in an interview in 2009, he said that, if Ms Finn threatened to name names, she would be in a precarious position and could expect someone to have a go at her.³³⁸

Missing albums

395. A related theory was that, in order to stop paying police, Ms Finn threatened to reveal unsavoury activities of politicians and senior police officers. Part of that theory was based on a rumour of the existence of several photograph albums that she was purported to have had. It was thought that there were compromising photographs which Ms Finn threatened to use as blackmail, and that her threats were removed by killing her.
396. One source of evidence substantiating the existence of the photograph albums was Mr Rowe, who had been tasked to carry out guard duty of Ms Finn’s house on the evening of 23 June 1975 until the next morning. He told the inquest that he saw about 20 photograph albums stacked in two piles on a coffee table in the house. He looked through some of the albums and saw photographs of people at parties around the big swimming pool at the back of the property. He recognised some of the officers as people at the rank of sergeant or inspector who had been in

³³⁶ Exhibit 1.6.1 Boland 1 J 27

³³⁷ ts 697 Hall G

³³⁸ Exhibit 1.3.2.3 270

charge of various squads and other things. The photographs were just common shots as would normally be taken at parties.³³⁹

397. Mr Rowe later worked in the WAPF property management division facilities in Perth Central, City Station, Midland and Maylands. When he first went to the Maylands WAPF facility in the 2000s, he was being shown around when he noticed torn paper wrapping in which were about 12 of the albums he had seen at Ms Finn's house. The way in which the wrapping had been ripped indicated to him that some albums had been removed.³⁴⁰
398. Mr Rowe did not know what happened to those albums after that because the property in Maylands was moved to a storage facility in Belmont, and it would be virtually impossible to find them there since about 800,000 items of property are held there without having been transferred onto the new software system.³⁴¹
399. On the face of the foregoing evidence about photograph albums, it is difficult to conclude that the albums were at the heart of a blackmail attempt by Ms Finn. There is no actual evidence of compromising photographs, and Ms Black gave oral evidence that she never saw a politician at any of the parties.³⁴²
400. There is also evidence that Ms Black attended the CIB operations room on 17 July 1975 to collect and sign a receipt for 11 albums removed from Ms Finn's house.³⁴³ Of course, that does not account for the other albums that Mr Rowe said that he saw at the house.

³³⁹ ts 2087 Rowe C

³⁴⁰ ts 2088 - 2089 Rowe C

³⁴¹ ts 2090 - 2091 Rowe C

³⁴² ts 1013 Black R

³⁴³ Exhibit 1.10.16 1975-Q3 25; Exhibit 1.7.2.82

Children to prostitutes

401. Jason Hiller, whose evidence I shall discuss in more detail below, had been married to Ms McLaughlin's daughter for about four years.³⁴⁴ He told the inquest that his wife's foster mother had worked at a doctor's surgery where prostitutes went for check-ups and she worked part-time as a baby-sitter for prostitutes' children.³⁴⁵
402. Mr Hiller said that he had been told by his wife's foster mother that Ms Finn was going to expose some high profile men who had children to prostitutes and that is why she was shot. He said that his father told him that people were saying the same thing at the hospital in which he worked.³⁴⁶
403. Mr Hiller said that he believed that the tax debt was a red herring.³⁴⁷
404. The allegations in Mr Hiller's evidence on this issue cannot be verified or refuted. It is hearsay about rumours, so it cannot be given much weight.

REMOVING HER AS COMPETITION

405. As mentioned above in relation to Serial 393, there was information provided to WAPF that Ned Smith had been contracted to kill Ms Finn by Joe Martin, the boyfriend of a woman named Stella, presumably Stella Strong, who ran a brothel in Kalgoorlie.
406. The motive behind the killing was said to be that Mr Martin and Ms Strong were partners with Ms Finn and that Mr Martin wanted to sell his share. He believed that Ms Finn 'was becoming increasingly greedy and wanting a bigger proportion of the business as well as to expand her activities'.³⁴⁸

³⁴⁴ ts 1680 Hiller J

³⁴⁵ ts 1687 Hiller J

³⁴⁶ ts 1686-1688 Hiller J

³⁴⁷ ts 1688 Hiller J

³⁴⁸ Exhibit 1.4.5 S393

407. Apart from the lack of logic in this purported motive and the lack of direct evidence implicating Mr Smith in the murder, there is also a lack of evidence to support the allegation that Ms Finn was involved in prostitution in Kalgoorlie around the time of her murder.
408. Separate from the Kalgoorlie evidence, there was also evidence from Robert Taylor, a long-time friend of Ms Finn, of part of a conversation he allegedly overheard between Perth brothel-owner Dorrie Flatman and another person at her brothel. Mr Taylor said that, on the night of 22 June 1975, he was working at the brothel as a security officer when he heard Ms Flatman say ‘We got rid of her’.³⁴⁹
409. A few days later, Mr Taylor made a connection between Ms Finn’s death and Ms Flatman’s statement. He assumed that Ms Flatman was talking about Ms Finn because, as a brothel owner in competition with her, Ms Finn would have been a problem for her. However, he had no further information to suggest that Ms Flatman may have been involved in Ms Finn’s death and he had no actual knowledge that she wanted her gone.³⁵⁰
410. There was also information received by WAPF in 1979 from an anonymous female caller who said that, about four weeks after Ms Finn’s death, she heard Ms Flatman tell a named man that she had killed Ms Finn or caused her to be killed. Investigators did not follow up inquiries with the man.³⁵¹ Ms Flatman died in 2013.
411. However, there is other evidence which is inconsistent with Ms Flatman’s involvement, particularly the transcript of an interview between Archie Marshall, the president of the Civil Liberties Association of WA in 1975, and Arnold Johns.
412. I infer from the transcript that Mr Johns was a taxi driver. He told Mr Marshall that he was a client of Ms Finn’s in the late 1960s and early 1970s and that he knew her well. In the interview, he said that she and Ms Flatman were ‘pretty friendly’ and ‘not bitter enemies’. He said that

³⁴⁹ ts 955 Taylor R

³⁵⁰ ts 956 - 957 Taylor R

³⁵¹ Exhibit 1.10.1. MCSA7

their businesses helped each other's so, for that reason, their businesses were often fairly close together.³⁵²

413. In addition, Mr Johnson told Ms Wills that Ms Flatman and Ms Finn had 'professional jealousy or whatever it was. But I couldn't personally come up with anyone who had a blue with her (Ms Finn).'³⁵³

414. In September 1973, the superintendent of Central Perth Police Station, H. E. (Spike) Daniels, prepared a report to his superiors in relation to the escalation of prostitution and 'similar ills'. He identified four of the most important factors in criminal activities as: prostitution, narcotics, illegal gambling and illicit liquor. He expressed concerns about the potential for corruption, coercion, violence and murder if sufficient control was not exercised.³⁵⁴

415. In memoirs completed in August 1991, Mr Daniels wrote:

One hardly needed to be psychic to anticipate further serious trouble in the brothel scene in Perth. To me there was portentous signals of a power struggle within the profession and I conscientiously believed there was an urgent need for a lot of rethinking as to matters of adequate control measures, but no one at all chose to discuss the matter with me, nor to reply to my above written submission.

Due to dynamiting incidents on the brothels of Stella Strong and Shirley Finn and a fire in the semi-detached adjacent to Flatman's 16 Newcastle Street brothel at the time of writing that report, I believed violence and murder to be likely results because of the manner in which the W.A. Police Department was failing to adequately handle the obvious escalation in the vice field. Since then there have been fires and bombings and I correctly fore warned of murder. Firstly Finn was murdered, then later prostitute Elizabeth Roberts murdered her de-facto

³⁵² Exhibit 1.3.3.2.7 25

³⁵³ Exhibit 1.3.2.3 210

³⁵⁴ Daniels H E, H E Daniels *With Equal Poise* privately printed (1992) 116 - 124

and more recently escort prostitute Roslyn Watson was murdered in a northern suburb.³⁵⁵

416. While Mr Daniels may have been prescient, in the absence of more cogent evidence specific to Ms Finn's murder, it is not possible to determine whether or not removing her as competition was a likely motive for her murder.

CONCLUSION REGARDING MOTIVE

417. The motive to kill Ms Finn may have been to keep her quiet or to remove competition. However, it must be accepted that the killer may have also been one of numerous persons nominated to police over the years in unsupported allegations, in some cases anonymously,³⁵⁶ and that the motive may not yet have been identified.

418. That said, the evidence currently available indicates that the most compelling theory is that Ms Finn was killed in response to her attempt to blackmail police about corruption. This theory necessarily rests on evidence to support the premise that the alleged corruption existed, which I shall address next. It is a curious feature of this analysis that the circumstances of the murder and the existence of the motive appear to be interdependent.

419. The theories about missing albums and high profile men having children to prostitutes are really variations of the same theory of blackmail, and the evidence to support either one of them as being central is weak.

420. The theory about other brothel owners removing Ms Finn as competition suffers from a lack of cogent evidence, and it is at least superficially inconsistent with the notion that the sex industry was controlled by the vice squad. However, as with the theory that Ms Finn was attempting to blackmail police about corruption, it does have the intuitively reasonable basis of profit, so it is difficult to exclude as a possible motive.

³⁵⁵ Daniels H E, H E Daniels *With Equal Poise* privately printed (1992) 133

³⁵⁶ Exhibit 1.2.1.12.6 71 - 94

CORRUPTION

INTRODUCTION

421. At the close of the inquest on 17 June 2019, I indicated to counsel for the Commissioner of Police that, among other things, I might make findings about the existence of police corruption at the time of Ms Finn's death.³⁵⁷
422. In written submissions, counsel for the Commissioner of Police submitted that the extent to which I may make findings or comments against WAPF or police officers is confined to those matters set out in s 25(1) and s 25(2) of the Act. Counsel accepted that the evidence may be sufficient to allow me to conclude that some police officers were corrupt in accepting illegitimate payments, but that it would not be appropriate for me to comment on that conclusion unless I concluded that the corruption was connected with Ms Finn's death in the sense that the corruption had been causative of her death. The term 'connected with the death' is provided in s 25(2) of the Act to identify matters upon which a coroner may comment.
423. Counsel further argued that, if I was unable to conclude who caused Ms Finn's death, it would not be possible to conclude that the alleged corruption was causative. As I could not find why Ms Finn was killed, it would not be possible to comment on police corruption as a matter connected with her death.
424. It appears to me that counsel may have conflated the terms 'finding' and 'comment' in s 25 of the Act. Findings under s 25(1)(b) are conclusions of the circumstances attending the death. A coroner sets out those findings and discusses the evidence which the coroner considers necessary to explain them. The discussion of the evidence is not a finding or a comment. However, a conclusion from that evidence of a relevant circumstance attending a death would, in my view, be a finding under s 25(1)(b).³⁵⁸

³⁵⁷ ts 2132 Deputy State Coroner King

³⁵⁸ *Re The State Coroner; ex parte The Minister for Health* [2009] WASCA 165 [42]

425. By contrast, the power to make comments under s 25(2) is used by coroners to make recommendations aimed at preventing deaths occurring in similar circumstances. Such comments were traditionally called ‘riders’ as provided in the *Coroners Act 1920*.³⁵⁹

426. In my opinion, it follows that comments under s 25(2) of the Act are not findings of fact or opinions about the evidence.

427. I accept that it was not my role to conduct an investigation into possible police corruption unrelated to Ms Finn’s death. I also accept that I would not likely be able to conclude to the relevant standard that corruption was causative if I could not determine with some degree of precision who killed Ms Finn. However, if the Commissioner’s counsel are submitting that I am not entitled to canvass the evidence related to alleged police corruption as a possible factor in Ms Finn’s murder, I respectfully disagree.

428. In my view, given:

- a. the nature of Ms Finn’s business and lifestyle; namely her involvement in a lucrative illegal activity which was overseen by a limited group of police officers, and
- b. evidence that:
 - i. she was paying police officers in order to run a brothel unhindered;
 - ii. she believed that her payments to police officers had an adverse effect on her taxation position;
 - iii. she had wanted to reduce the money that she was paying;
 - iv. she was threatening to publicly reveal the fact that she was paying the officers if they did not accept less;

³⁵⁹ *Coroners Act 1920* s43(8)(a); Abernathy J, Baker B, Dillon H and Roberts H, Waller’s Coronial Law and Practice in New South Wales (4th Ed 2010) 222

- v. she had arranged to meet with one of those officers on the night of her murder; and
- vi. that the motive for her murder was to remove her as a problem and to make an example of her to other brothel madams,

those allegations, and the possible existence of police corruption in general, were relevant subjects of inquiry that I must discuss in order to explain my conclusions, irrespective of whether I find a causative link between police corruption and Ms Finn's death.

429. In other words, as part of my duty to find, if possible, the circumstances attending Ms Finn's death, I am obliged to consider whether there was police corruption and, if so, whether it was one of those circumstances.

430. I must add that, in considering evidence of police corruption, it would be naïve of me to ignore evidence of police corruption occurring at a time temporally removed from Ms Finn's death if that evidence could nonetheless support an inference that similar corruption existed at the time of the murder. In that regard, statements falling from the Kennedy Royal Commission in 2001 are relevant, as I will discuss later.

WAPF STRUCTURE

431. In order to put the allegations against police officers into context, it helps to understand the structure of WAPF in the early 1970s. WAPF was, both in structure and culture, more of a traditional paramilitary organisation than it is now, which may be relevant to the police culture of internal control, loyalty and silence apparently being more ingrained at that time.³⁶⁰

432. There were two general divisions at WAPF: uniformed officers and plain-clothed detectives in the CIB. The uniformed officers included members

³⁶⁰ ts 1538 Timms G

of the scientific branch and patrolmen in the traffic patrol of the Road Traffic Authority.³⁶¹

433. The CIB included the general squad, the armed hold-up squad, the stock squad, the fraud squad, the break and enter squad, the drug squad, the motor squad and the consorting squad. There were also the Central CIB and divisions in the suburbs, with an east squad and a south squad.³⁶²
434. The consorting squad was ostensibly tasked with investigating people who consorted with known criminals, an offence under s 65(9) *Police Act 1892* at the time. In practice, apart from frequenting places where criminals were known to gather in order to gather information, the members of the consorting squad were also engaged in other investigations, such as homicide investigations.³⁶³

PROSTITUTION AND CORRUPTION

435. Former Commissioner of Police Karl O’Callaghan stated in an article printed in the *West Australian* on 25 May 2015 that:

There is nothing that undermines the confidence of the community in its police force and the broader public sector than the presence or perception of corruption.³⁶⁴

436. Within the consorting squad was the vice squad, which comprised two officers who were responsible for enforcing the prostitution containment policy. Those two officers were managed by the officer in charge of the consorting squad.³⁶⁵
437. From what I can gather from police records, Mr Johnson had been the officer in charge of the motor squad from 1970 to 1972 and was also in the vice squad in the early 1970s with Detective Sergeant Whitmore. He was the head of the consorting squad from mid-1973 until he went on

³⁶¹ Road Traffic Act 1974 as passed

³⁶² ts 1106 -1107 Tyler L

³⁶³ Exhibit 16; ts 16 Boland J

³⁶⁴ O’Callaghan K ‘Solving Finn murder gets harder with time’ *The West Australian* (25 May 2015) 18

³⁶⁵ Exhibit 91

long service leave in August 1975.³⁶⁶ I must point out that the police records available are often inconsistent in relation to the detail of officers' placements.

438. According to an interview Mr Johnson had with Ms Wills, one of his roles as head of the consorting squad was to vet potential madams before they were allowed to open brothels in WA.³⁶⁷ There were, according to him, three madams operating at the time of Ms Finn's death: Ms Flatman, Ms Strong and Ms Finn.³⁶⁸ It appears from notes taken by another journalist, Martin Saxon, that Mr Johnson told him that two other madams had been removed and that Ms Strong had moved to Kalgoorlie. He also said that there may have been one or two brothels in Fremantle.³⁶⁹
439. Mr Johnson told both Ms Wills and Mr Saxon that he controlled prostitution in WA at the time of Ms Finn's murder.³⁷⁰
440. He told Ms Wills that he never received a payment from a criminal and that he had not seen evidence of any police officers being paid graft, but he said that it would be naïve and stupid to say that there were no crooked officers.³⁷¹
441. There was, however, a considerable amount of evidence implicating police officers generally and Mr Johnson in particular in corruption related to prostitution, so the reliability of his statements to Ms Wills is questionable. The following, in no particular order, are some of the most significant allegations of prostitution-related corruption put before the inquest.
442. In referring to these allegations, I must reiterate the views that I expressed in the introduction to this report about the unreliability of witnesses' oral testimony due to the effect on memory of the passage of time. That said, I accept that memories of significant events are more likely to be accurate than memories of insignificant details.

³⁶⁶ Exhibit 52

³⁶⁷ Exhibit 1.3.2.3 194

³⁶⁸ Exhibit 1.3.2.3 203

³⁶⁹ Exhibit 69 7

³⁷⁰ Exhibit 1.3.2.3 193, 214, 233; Exhibit 69

³⁷¹ Exhibit 1.3.2.3 218-221

443. It is also important to keep in mind that much of the evidence was hearsay, which affects its cogency.

Arnold Johns

444. Mr Johns told Mr Marshall that, after he had known Ms Finn for over a year, she disclosed to him that, in 1972 and earlier, she was paying three detective sergeants in the consorting squad for protection. One of them was the officer in charge of the consorting squad and another was Mr S, whom I shall discuss later. Mr Johns believed that Mr S was not a sergeant at that time.³⁷²

Gregory Hall

445. Mr Hall claimed that his job as bag-man was to be driven to four gambling premises and six brothels on Fridays. He carried with him a locked briefcase-type bag and, at each place, a person would take the bag from him and return it to him a short time later. After he and the driver had been to all the places, they would go to a pre-arranged meeting spot in the eastern suburbs where he would give the bag to one of three people. He later found out that all of the three people were police officers.³⁷³

446. Mr Hall did not know what was in the bag, but he assumed that it was money.

447. Mr Hall said that, in October 1974, he had been recruited for the job of bag-man by the proprietor of a gambling place on William Street in Northbridge. He went there to be interviewed by the proprietor and by Mr Johnson, who told him what to do.³⁷⁴ He had that job until a few weeks after Ms Finn was murdered.³⁷⁵

448. Mr Hall said that he had the impression that the people at the gambling premises and brothels who paid him money were getting increasingly

³⁷² Exhibit 1.3.3.2.7 10 - 13

³⁷³ ts 673-679, 681 Hall G

³⁷⁴ ts 674 Hall G

³⁷⁵ ts 679 Hall G

agitated over time because of the amounts they were paying.³⁷⁶ He also said that a friend of his, Eric Hansen, who used to go out with Ms Finn, told him that she was upset about having to pay so much in order to keep her brothel open.³⁷⁷

449. Mr Hall also said that Mr O'Connor was one of the brothel owners who paid him.³⁷⁸

450. Mr Hall agreed that most, if not all, of his evidence was based on hearsay. It is also clear that much of the detail of his evidence is inconsistent with other evidence, including evidence about the specific ways in which graft was paid to police officers, including to Mr Johnson. For those reasons, I find it difficult to attribute much weight to his evidence of the details, but it is not clear whether his evidence should be disregarded totally.

451. Mr Hall made additional remarks about Ms Finn meeting with Mr Johnson on the night that she was killed. I shall address that evidence later.

George Webber

452. Mr Webber provided a statement and gave oral evidence in which he said that, on many occasions when he was living with Ms Finn in a unit in Yokine from 1969 to 1972, he witnessed her placing hundreds of dollars into an envelope and then driving their car to the edge of a park near their home to give the money to Mr Johnson. He said that he was not present for their meetings, but that Ms Finn told him that she was meeting Mr Johnson.³⁷⁹

453. Mr Webber said that the payments occurred fairly frequently, possibly once a week, for the three years or so that he lived with Ms Finn. He stated that it was common knowledge that the money was to pay off

³⁷⁶ ts 677, 684 Hall G

³⁷⁷ ts 687 Hall G

³⁷⁸ ts 677, 692-693 Hall G

³⁷⁹ Exhibit 108; ts 2063-2064 Webber G

police. Ms Finn's attitude to the payments was that operating under police protection was the only way she could run her business.³⁸⁰

454. Mr Webber did not think that a police officer went to the brothel to collect money.³⁸¹
455. At face value, I found Mr Webber to be a credible witness. I note that there were significant elements of hearsay in his testimony, but it seems to me that the nature of the hearsay meant that it was likely to be reliable given that Ms Finn would not have had any apparent reason to have lied to him at the time.

Leigh Beswick

456. Ms Beswick said that she had been Ms Finn's driver from about 1968 to 1970, and in about 1972 she started working for her as a prostitute in the brothel in William Street.³⁸²
457. Ms Beswick said that it was 'common knowledge in the profession back in them days. Cops were on the take. Everybody knew that'. When asked what she saw, Ms Beswick said that 'cops used to come around' and 'Shirley used to pay them'. The same bloke would usually come weekly or fortnightly. Ms Beswick said that she saw Ms Finn hand him an envelope, and Ms Finn told her that there was money in the envelope.³⁸³
458. Ms Beswick appeared to be credible, but her reliability suffered from inconsistencies and inaccuracies, especially with respect to the specific years in which events occurred.

³⁸⁰ ts 2066 Webber G

³⁸¹ ts 2081 Webber G

³⁸² ts 713 Beswick L

³⁸³ ts 718 – 720 Beswick L

Robert Taylor

459. Mr Taylor said that he knew Mr Finn from a time when he used to take her to and from country sideshows owned by his parents and uncle. For one or two years in a later period, he had a bouncer-type role for her if she had problematic clients at her brothel. After that, he would catch up with her briefly two or three times a year.³⁸⁴
460. After a couple of years, Ms Finn told Mr Taylor that she had been giving Mr Johnson money regularly in a book with the centre cut out.³⁸⁵ Mr Taylor did not see it happen, but it is what she told him.³⁸⁶
461. Mr Taylor's evidence was entirely hearsay and the uncorroborated reference to a book with its centre cut out seems unlikely. On its own, it would not be compelling testimony. However, the reference to the book notwithstanding, it is consistent with other evidence about Ms Finn paying police officers, notably Mr Johnson.

Donna Pelham

462. In the early 1970s, Ms Pelham worked as a waitress or barmaid in the Latin Quarter, a nightclub in Northbridge that doubled as a gambling house. She knew the owners of the X nightclub, which she frequented. She knew of Mr Johnson because he and other police officers had an exclusive area at the X nightclub.³⁸⁷
463. Ms Pelham was informed by girls whom she saw at the X nightclub that Mr Johnson would take money from them so that they could do a few jobs as private prostitutes. They would complain about it regularly. Ms Pelham also understood that it was Mr Johnson who organised for brothels to pay money to police in order to operate.³⁸⁸

³⁸⁴ ts 941 - 942 Taylor R

³⁸⁵ ts 945 Taylor R

³⁸⁶ ts 946 Taylor R

³⁸⁷ ts 1279 - 1280 Pelham D

³⁸⁸ ts 1285 - 1286 Pelham D

464. Ms Pelham's evidence is also based almost entirely on hearsay; however, her depiction of Mr Johnson and the other officers using an exclusive section of the X nightclub as a regular drinking venue is supported by other evidence. Her evidence about that and about Mr Johnson taking money from prostitutes at the X nightclub was corroborated to some degree by Maxwell Healy,³⁸⁹ whose evidence I shall discuss in more detail later in this report.

Witness L

465. Witness L had been a prostitute in the 1970s and 1980s. Due to her concerns about her children learning about her past, I made a non-publication order under s 49(1)(1)(b) of the Act in relation to her identity, which is still in force.³⁹⁰

466. In the 1980s, Witness L was in a de facto married relationship with a detective, Mr N, who had worked in the vice squad with Mr W. She met Mr N in the late 1970s when he would attend the brothel in which she worked. Mr N's WAPF file establishes that he was assigned to the vice squad on 28 May 1979, and other police evidence confirms that Witness L was registered with the vice squad as a prostitute.³⁹¹

467. In 2014, Witness L provided a statement in which she said that Mr N would go to the brothel in which she worked in order to collect graft from the madam. He would go there on a monthly basis, often with Mr W. She said that a lot of officers, including Mr Johnson, took graft.³⁹²

468. In oral testimony, Witness L said that she never saw payments being made, but the madam talked about it, as did the prostitutes and Mr N and Mr W. The same applied to her having seen Mr Johnson.³⁹³ She said that every worker knew that their madam was paying protection so that they could be safe in their jobs and earn money. It was normal in those days.³⁹⁴

³⁸⁹ Exhibit 1.6.1 Healy M; ts 842 Healy M

³⁹⁰ Section 49(2) Coroners Act 1996

³⁹¹ Exhibit 1.10.7VA241.1

³⁹² Exhibit 1.10.7VA241.1

³⁹³ ts 1985 Witness L

³⁹⁴ ts 2009 Witness L

469. I found Witness L's testimony compelling, especially since her evidence of Mr N and Mr W telling her about receiving graft payments amounts to their admission of guilt. However, she did not provide direct evidence of payments.

Linda Watson

470. Ms Watson provided a statement in December 2017 and gave oral evidence at the inquest.

471. Ms Watson said that she had begun working in the sex industry in 1979. In 1980, she wanted to start her own brothel, so she went to the vice squad office and spoke to Mr N and Mr W. They told her that she could open the brothel as long as she paid them \$100 per girl per week. As she had 20 girls, that would cost her \$2000 per week, a huge amount of money in those days.³⁹⁵

472. Ms Watson said that she began paying Mr N weekly but, after a while, police raided her brothel, sent her girls and the clients home, and arrested her. After she had been arrested for the second or third time despite paying the money, she went to the vice squad office and asked the officers why she was being raided. Mr N told her that she should speak to Mr Johnson, who by this time was a detective inspector.³⁹⁶ They said that he was the boss.³⁹⁷

473. Ms Watson said that she went upstairs and spoke to Mr Johnson, but he would not help her. Instead, he told her to get a real job.³⁹⁸

474. With some significant differences, Ms Watson's allegations were similar to allegations that she had made leading up to and during the Dixon inquiry discussed below. Importantly, she did not tell Mr Dixon that she was told that she would have to pay \$100 a girl, and it seems clear that she told him that she had never made a payment to police.³⁹⁹ She told the

³⁹⁵ Exhibit 50

³⁹⁶ Exhibit 50

³⁹⁷ ts 1455 Watson K

³⁹⁸ Exhibit 50

³⁹⁹ Exhibit 1.11.1.4 82

inquest that she did not tell him about paying police because of legal advice received at the time about the prospect of defamation.⁴⁰⁰

475. Ms Watson had also made several public statements in the past which were directly inconsistent with the evidence she gave at the inquest. She admitted at the inquest that she had lied in the past because of legal advice, but said that she had come forward to tell the truth.⁴⁰¹ As a result of those inconsistent statements, I am cautious about accepting all of her evidence, but it is generally supportive of other testimony, especially that of Witness L's.

Janet Lawrence

476. In another coincidence, Ms Lawrence had worked in the X nightclub, had known Ms Finn and Mr Johnson, and had lived a short distance away from the location where Ms Finn was killed.

477. Ms Lawrence provided oral testimony to explain a document that she had obtained from a friend who had told her that he had been a bank manager.⁴⁰²

478. The note alleged that Mr Johnson had opened a bank account in the name of Bernard Francis at a branch in Mt Lawley with funds moved from a Perth Building Society account after staff there commented on it. The note indicated that the account usually had \$30,000 to \$40,000 in it and that all transactions were done in the office of the manager, who was a drinking mate of Mr Johnson at his yacht club. The note stated that, at the time, Mr Johnson had a house in Booragoon, a holiday home in Lancelin, a yacht at the yacht club and two top-of-the-range motor vehicles, despite only ever having worked for the police and having no inherited wealth.⁴⁰³

479. The note also includes allegations relating to the gun with which Ms Finn was shot.⁴⁰⁴

⁴⁰⁰ ts 1490 1491 Watson K

⁴⁰¹ ts 1491 Watson K

⁴⁰² ts 2039 - 2042 Lawrence J

⁴⁰³ Exhibit 100

⁴⁰⁴ Exhibit 100

480. A later WAPF internal investigation into Mr Johnson throws some doubt on the accuracy of the information about the source of his wealth, as discussed later.

481. I accept Ms Lawrence as a generally truthful witness, but the note she produced is entirely hearsay and must stand on its own. It is relevant, perhaps, to the note's accuracy that the information about Mr Johnson's holiday home in Lancelin may not have been widely known.

Rose Black

482. Ms Black provided evidence consistent with Mr Johnson being involved in corrupt payments, as set out in the evidence provided by others.

483. It is notable that she told the inquest that she had no knowledge of police corruption involving Ms Finn's brothels, had never seen Mr Johnson visiting those brothels, and had never seen police receive payments from anyone at Ms Finn's brothels. However, she said that she heard that everyone else had to pay, so she guessed that it was occurring.⁴⁰⁵

Bruce Scott

484. As a counter to the evidence against Mr Johnson, there were witnesses who attested to his good character. One in particular was Bruce Scott, who had been a police officer for about 37 years and had attained the rank of assistant commissioner before he retired.⁴⁰⁶

485. Mr Scott said in a statement that, when he was a probationary detective, he worked with Mr Johnson in the breaking and entering squad and found him to be a bit rough but straight and without a suggestion of corruption.

⁴⁰⁵ ts 1001 Black R

⁴⁰⁶ Exhibit 91

486. After he had retired, Mr Scott heard rumours about Mr Johnson being ‘on the take’, but while he was working as a police officer, Mr Scott never heard rumours about any other officers being corrupt.⁴⁰⁷

487. When Mr Scott took over the consorting squad from Mr Johnson, none of his staff ever mentioned anything to him about accepting money, and he was never offered money or told how to get a quid.⁴⁰⁸

488. It is interesting to contrast Mr Scott’s awareness of allegations against police officers with that of Mr Daniels, who recounted in his memoirs that a free-lance journalist informed him that he had interviewed Ms Finn and that she had told him that she was paying the police. The journalist told Mr Daniels that, while he was with her on one occasion:

[T]wo big broad shouldered men came into the premises and Shirley had said to him words to the effect, ‘Here they are now, you better buzz’, she had then taken something from the drawer and had gone towards them. He believed the men he saw were in fact police officers, though there was no evidential substantiation of this fact.⁴⁰⁹

489. Mr Daniels also recounted information volunteered by a man whose social club devised a money-making scheme of a raffle for the overnight services of a prostitute at a motel. The man said that he and another man from the social club went to see Ms Finn about reducing her fee for the prostitute, and she said words to the effect, ‘Look at this show, it is costing me a thousand a week above expenses and that is not for rent. You know what I mean?’ He suspected that she implied police corruption.⁴¹⁰

490. In relation to Mr Scott’s evidence that he was never told about accepting money while he was in charge of the consorting squad, it is relevant to consider whether it is likely that he would have been told about it if it had existed. In that regard, I note Mr Tyler’s comments that he was never

⁴⁰⁷ Exhibit 91

⁴⁰⁸ Exhibit 91

⁴⁰⁹ H E Daniels *With Equal Poise* privately printed (1992) 133

⁴¹⁰ H E Daniels *With Equal Poise* privately printed (1992) 133

approached by corrupt officers because they do not seek out honest cops.⁴¹¹

Hugh McGregor

491. As noted, Mr McGregor told police officers, notably including Mr Read, that Ms Finn had told him that she had been paying police graft. He said that she mentioned that the payments were \$500, but he could not recall if she said that the payments were made weekly or periodically. She told him about the payments at some time during the period that she was his client after he asked her about her expenses in operating a brothel. She specifically requested of him that he not put those expenses on her tax return as a deduction.⁴¹²
492. Mr McGregor said that he could not vouch for anything Ms Finn told him because he had doubts about the correctness of the information. He doubted whether she told him the truth because her income was obviously understated, and he warned her about it.⁴¹³

PURPLE CIRCLE

493. The following relates to evidence regarding the alleged existence of a group of detectives known as ‘the purple circle’. They were men who appeared to wield more power in WAPF than their respective ranks would normally provide.⁴¹⁴ The headings of paragraphs below relate to the witnesses who provided evidence about the men allegedly in that context.

Gary Timms

494. Mr Timms was a first class constable when he confronted a detective sergeant in the police canteen on the night when Ms Finn was alleged to have attended. The confrontation related to the detective sergeant’s

⁴¹¹ ts 1108 Tyler L

⁴¹² Exhibit 1.2.2.12.49 3, 8

⁴¹³ Exhibit 1.2.2.12.49 8

⁴¹⁴ ts 1549 Timms G

intended ejection from the canteen of three young women with whom Mr Timms was friendly.⁴¹⁵

495. Mr Timms said that the detective sergeant was an extremely powerful member of the CIB, more powerful than his rank. He was known to be in the purple circle.⁴¹⁶ Mr Timms said that the purple circle was commonly known or believed to be a group of officers who were not particularly identified but who had more influence within the department than they ought to have had according to their rank.⁴¹⁷ He was unaware if they used their power illegitimately.⁴¹⁸
496. Mr Timms said that knowledge of the purple circle was based on rumour and innuendo. It was a mystical being. He and other officers knew that there was one and that its members were favoured for promotions, and the one or two individuals who were identified as being in it were treated with caution.⁴¹⁹ As far as he was concerned, it existed, but he did not know if it existed in a structured formal way.⁴²⁰
497. Mr Timms impressed me as a credible and reliable witness, but he had no concrete evidence about the existence or the nature of a purple circle.

Robin Thoy

498. Mr Thoy had been a police officer in WAPF for 29 years and had been with the CIB from 1973 to 1990. He said that there were officers in the CIB who were part of a purple circle, generally involving the breaker squad, the consorting squad and the vice squad. The leader was alleged to be Mr Johnson.⁴²¹
499. Mr Thoy said that, to join the purple circle, you had to be invited. He said that he had been invited by Mr Johnson, who rang him and asked him to give evidence in court in relation to a matter about which he, Mr Thoy,

⁴¹⁵ Exhibit 84

⁴¹⁶ ts 1536 Timms G

⁴¹⁷ ts 1549 Timms G

⁴¹⁸ ts 1550 Timms G

⁴¹⁹ ts 1550 – 1551 Timms G

⁴²⁰ ts 1563 Timms G

⁴²¹ ts1135 Thoy R

knew nothing. When Mr Thoy refused, he knew that his career in the CIB was not going to be good because ‘you don’t say “no” to Bernie’.⁴²²

500. Mr Thoy believed that the circle was run by detective sergeants but that higher echelons got the benefit of it.⁴²³ He never saw police receiving payments, but detectives would talk about it when they would get in a group. He said that money was taken.⁴²⁴
501. While Mr Thoy was frank and had reasonable recall, in my view much of his evidence in relation to the alleged purple circle suffered from being based primarily on assumption, hearsay, and questionable conclusions. That is not to say that his evidence was necessarily inaccurate, but it could not attract much weight in the absence of corroborating evidence.

Laurence Tyler

502. Mr Tyler had been a police officer from 1970 to 1982 and had attained the rank of detective senior constable. He said that the purple circle was a group of people who had worked together for quite a long time, and it was suggested that they had the ears of the hierarchy right through to the Commissioner.⁴²⁵
503. Mr Tyler appeared to contradict himself when answering questions from different counsel, but I understood him to say that his advice from legitimate mentors when joining the CIB was that, if he wanted a long career, he should stay away from officers who he understood were corrupt.⁴²⁶
504. Mr Tyler agreed that the purple circle was something that he heard about by gossip, rumour and innuendo. He did not know if it really existed.⁴²⁷ He had no credible evidence of police officers taking corrupt payments.⁴²⁸

⁴²² ts 1135 Thoy R

⁴²³ ts 1142 Thoy R

⁴²⁴ ts 1141 Thoy R

⁴²⁵ ts 1111 Thoy R

⁴²⁶ ts 1171, 1174 Tyler L

⁴²⁷ ts 1157, 1166 Tyler L

⁴²⁸ ts 1108 Tyler L

Christopher Ferris

505. Christopher Ferris was a police officer for 27 years. In 1975, he was a member of the traffic patrol. He was called to give evidence at the inquest in relation to allegations about Mr S, but he was also asked about the existence of a purple circle.
506. Mr Ferris said that the only way to get into the CIB in those days was through nepotism. CIB officers lived in a completely different world to uniformed officers.⁴²⁹
507. Mr Ferris said that the police force was completely different to what currently exists. Today there is integrity; whereas, in those days there was integrity, but there was a code of silence, a breach of which would end an officer's career.⁴³⁰
508. Mr Ferris' evidence loosely supported the existence of a purple circle as described by other witnesses, but it went no further.

Michael Regan

509. Mr Regan was a uniformed police officer for about eight years in the 1960s, and he kept in touch with serving police officers after he resigned. In 2015, he provided evidence in an interview⁴³¹ and in a signed statement.⁴³² He also gave oral evidence by telephone at the inquest on two occasions because his health failed him during the first occasion.
510. Mr Regan said that one of his duties as a police officer was to act as a driver for detectives, including Mr R and Mr Johnson. He said that the detectives used to go around in a gang; they were 'heavy' then and 'did not stuff around'. They would go to the old Tatts Club in Barrack Street where they played cards while he sat in the car.⁴³³

⁴²⁹ ts 1215 Ferris C

⁴³⁰ ts 1216 Ferris C

⁴³¹ Exhibit 1.6.2 Regan 2 M

⁴³² Exhibit 1.6.2 Regan 1 M

⁴³³ Exhibit 1.6.2 Regan 2 M 8, 27

511. Mr Regan said that Mr Johnson and the other detectives loved money and used to throw it around. They got it from the brothels in Perth.⁴³⁴
512. Mr Regan said that he met Ms Finn once in a bar at Gloucester Park where she was having a drink with a group of detectives. His statement notes that it was about 12 months before Ms Finn was murdered, but in oral evidence Mr Regan said it was two to three weeks beforehand.⁴³⁵ He said that the detectives used to go to the trots and bet hundreds of dollars on horses like it was nothing. At least four of them would be at the same bar at the track every Friday night.⁴³⁶ It was like their own special bar.⁴³⁷
513. Regan said that the group of detectives was a small gang of high-up detectives who were pretty heavy people that did not say much. Every criminal in WA knew who they were and kept out of their way.⁴³⁸ They were a law unto themselves and would frighten people when they walked into places. It was common knowledge that they were getting money off people like Ms Finn, though Regan never witnessed it himself.⁴³⁹
514. In his first oral testimony, Mr Regan said that he was frightened of Mr Johnson, as was everyone else because he was a madman who would look at you sideways in a terrifying way.⁴⁴⁰
515. In his second oral testimony Mr Regan described an incident where he saw Mr Johnson ‘belt God out of one bloke’ at a gambling establishment and then just walk out after telling someone to call for an ambulance. One thing you never ever do, he said, is stuff around with Mr Johnson.⁴⁴¹
516. When asked specifically about a purple circle, Regan said that everyone knew about the purple circle in the ‘70s. Everybody used to call it that. They were a group of about six half-mad, high-up detectives who were very staunch for each other. In their actions, they crossed the line between what was lawful and what was unlawful every second day. He mentioned

⁴³⁴ Exhibit 1.6.2 Regan 2 M 12

⁴³⁵ Exhibit 1.6.2 Regan 2 M 46; ts 866 - 867 Regan M

⁴³⁶ Exhibit 1.6.2 Regan 2 M 33

⁴³⁷ ts 866 Regan M

⁴³⁸ Exhibit 1.6.2.Regan 2 M 34

⁴³⁹ Exhibit 1.6.2.Regan 1 M 14

⁴⁴⁰ ts 865 - 866 Regan M

⁴⁴¹ ts 1785 Regan M

the same detectives he had mentioned earlier and said that Mr Johnson ran the group. He re-emphasised that no-one crossed Mr Johnson; he was a heavy man.⁴⁴²

517. Regan referred to a friend of his, Chief Superintendent James Jennings, who would know about the identity of detectives in the purple circle.⁴⁴³

518. Regan said that he never saw police act corruptly in relation to prostitution, but everyone in WAPF knew about it.⁴⁴⁴

519. Mr Jennings gave oral evidence before Mr Regan's second oral testimony. He refuted some assertions made by Mr Regan which I discuss below. He also said that Mr Regan drinks a lot and is prone to telling stories.⁴⁴⁵ Mr Jennings was not asked about the existence or membership of a purple circle.

Janet Lawrence

520. As noted earlier, Ms Lawrence had worked at the X nightclub, where Mr Johnson and a group of detectives went regularly. She knew Mr Johnson, Mr Hancock and other officers whose names she could not remember.

521. Ms Lawrence recalled one instance where she and a friend who was a jeweller named Mr Coxen were sitting at the captain's table in the X nightclub when Mr Johnson came up to them and told them to move from the table and that they had no right to sit there. That evidence accords with Ms Pelham's and Mr Regan's evidence that there was a small group of detectives led by Mr Johnson.⁴⁴⁶

⁴⁴² ts 1794 – 1795, 1802 Regan M

⁴⁴³ ts 1798 Regan M

⁴⁴⁴ ts 1797 Regan M

⁴⁴⁵ ts 1449 – 1451 Jennings J

⁴⁴⁶ ts 2046 Lawrence L

Witness L

522. As well as providing evidence about corruption per se, Witness L also testified that her partner Mr N and his friend Mr W told her about the money received from brothels. She said that they told her a lot about Mr Johnson; namely, that he had a reputation as an overlord, a controller for whom Mr N and Mr W worked.
523. Witness L was referred to a letter received by the Court from a person with the initials TLJ, who claimed to have worked with Mr N before he joined WAPF.⁴⁴⁷ The letter stated that Mr N had been a yes-man for the circle.⁴⁴⁸
524. Witness L said that there was a legend of a circle of men that, sort of, controlled the police force and that they were actually workers rather than being super high up. She said that they controlled the sex, drugs and other areas such as car-stealing. For example, she said, if you wanted to get a car checked over the pits (which I understand to mean to have a car inspected for licensing purposes), they could make it happen straight-away.⁴⁴⁹
525. Witness L believed that the circle was real because people could get their cars checked or could get drugs if they knew the right people.⁴⁵⁰
526. Witness L also thought that the letter was correct in stating that Mr N was a yes-man to the circle and was only a bag-man for the sergeant's group. At least, she said, it was correct to say that he had those roles originally, but he was promoted and given more respect after Ms Finn was murdered.⁴⁵¹
527. Witness L said that she had no direct knowledge of the circle.⁴⁵²

⁴⁴⁷ ts 1997 Witness L

⁴⁴⁸ Exhibit 105

⁴⁴⁹ ts 1997 Witness L

⁴⁵⁰ ts 1998 Witness L

⁴⁵¹ ts 1998 Witness L

⁴⁵² ts 1998 Witness L

528. Witness L also provided evidence in which she implicated Mr N in Ms Finn's death, as discussed below.

INVESTIGATIONS INTO ALLEGATIONS OF CORRUPTION

529. In the years following Ms Finn's death, the following investigations were held into allegations of police corruption.

Internal investigation into Mr Johnson

530. The inquest had the benefit of a 1988 record of an investigation carried out by the WAPF internal affairs unit (IAU) into potential involvement by Mr Johnson in importation or trafficking of drugs and illegal gaming. There was reference to him having acquired assets worth more than \$1M, but the record of investigation contained no allegation of any activities related to prostitution at that time.⁴⁵³

531. It is worth noting that the record does not refer to an inheritance of \$250,000 which Mr Johnson's wife Christine identified, or to a successful market stall which she said he operated on weekends, or to him building a yacht himself with the help of his crew rather than purchasing one.⁴⁵⁴

532. The IAU record ends with recommendations that a joint investigation take place with the Australian Federal Police and the National Crime Authority and that Mr Johnson's activities be closely monitored. The record does not disclose whether that joint investigation took place.⁴⁵⁵

533. Most relevant in the IAU record to this inquest are introductory remarks about the existence of considerable controversy during the previous decade in relation to Mr Johnson's alleged involvement with prostitution. Also mentioned was 'continual references and innuendos', which suggest that he was the king of vice and was closely connected to Ms Finn's murder. The record says that, despite 'searching investigations' by the Norris Royal Commission and an inquiry by O F Dixon, 'not a shred of

⁴⁵³ Exhibit 118

⁴⁵⁴ Exhibit 113

⁴⁵⁵ Exhibit 118

evidence has been produced which could support the allegations against Mr Johnson'.⁴⁵⁶

534. In my view, the IAU report overstates the nature of the Norris Royal Commission and of Mr Dixon's inquiry. They were far from 'searching investigations' in relation to Mr Johnson's possible corruption. In any event, no comprehensive and independent investigation has ever been carried out to determine whether the suspicions of Mr Johnson's corruption or his involvement in Ms Finn's murder could be substantiated or refuted.
535. There were three independent investigations into issues related to prostitution and police corruption. These were:
- a. the 1975 Norris Royal Commission into matters surrounding the administration of the law relating to prostitution;⁴⁵⁷
 - b. the 1982 Dixon Inquiry into action taken by police regarding allegations of graft and corruption within the police force and what further action is necessary regarding such allegations;⁴⁵⁸ and
 - c. the 2001 Kennedy Royal Commission into whether there has been corrupt or criminal conduct by any Western Australian police officer.⁴⁵⁹
536. None of those investigations attempted to solve Ms Finn's murder. In an article in the West Australian on 25 May 2015, Police Commissioner O'Callaghan's trenchantly criticised the missed opportunity for the Kennedy Royal Commission to be provided with the necessary power to do so.⁴⁶⁰

⁴⁵⁶ Exhibit 118

⁴⁵⁷ Exhibit 1.11.1.1

⁴⁵⁸ Exhibits 1.11.3 ; Exhibit 1.11.4

⁴⁵⁹ Exhibit 1.11.1.5

⁴⁶⁰ O'Callaghan K 'Solving Finn murder gets harder with time' *The West Australian* (25 May 2015) 18

The Norris Royal Commission

537. From what I can gather, the Norris Royal Commission arose primarily because of what became very public allegations by Mr Daniels about police maladministration of the law relating to prostitution.
538. Former Judge of the Supreme Court of Victoria, J G Norris ED QC, was appointed to carry out the inquiry. The terms of reference of the Commission limited the inquiry to relate to allegations made before 14 October 1975 of impropriety in relation to the administration of the law relating to prostitution. The allegations were limited to those made to the public at large or to responsible police officers.⁴⁶¹
539. Judge Norris received a great deal of evidence about the history of police practice in dealing with prostitution in WA. Of particular significance in what he found was the existence of what had evolved into an unwritten policy of controlling and containing brothels instead of attempting to eradicate them. At that time, prostitution was not illegal, but the keeping of brothels was.⁴⁶²
540. As part of the inquiry, Judge Norris obtained evidence from prostitutes and others of Ms Finn's involvement as a brothel madam and of police officers' receipt of graft from her and other madams. Judge Norris did not accept that evidence, preferring instead the denials of the police officers and madams allegedly involved in such payments. He was particularly impressed by Mr Johnson's evidence.⁴⁶³ In that regard, Mr Johnson later disclosed to Ms Wills that he loved being cross-examined by lawyers and playing with them.⁴⁶⁴
541. While Judge Norris noted historical allegations which Daniels' had made to a superior to the effect that Ms Finn may have been murdered by police, he did so by way of an implied criticism that it was not part of Mr Daniels' duties at the time to investigate the murder. In keeping with

⁴⁶¹ Exhibit 1.11.1.1

⁴⁶² Exhibit 1.11.1.1

⁴⁶³ Exhibit 1.11.1.1 135 - 136

⁴⁶⁴ Exhibit 1.3.2.3 212

the Commission's terms of reference, Judge Norris did not investigate Ms Finn's murder either.⁴⁶⁵

542. Judge Norris finalised his report in June 1976. He made no recommendations with respect to the allegations the subject of the inquiry. However, he did endorse the containment policy administered by the CIB as a means of controlling prostitution,⁴⁶⁶ and he considered that '[t]he general body of those detectives who had over the years been dealing with prostitution struck me as good types'.⁴⁶⁷

The Dixon Inquiry

543. In February 1982, the Minister for Police requested O F Dixon, a former Ombudsman of WA and former Chief Crown Prosecutor, to inquire into recent allegations attributed by the news media to Detectives Tangney and Butler and, unrelated to the detectives, to Lydia Korab (former prostitute Linda Watson who had attempted to open a brothel by approaching vice squad detectives to obtain permission to do so).⁴⁶⁸

544. In considering a newspaper article in which Mr Tangney and Mr Butler were said to have been convinced of a police link in Ms Finn's murder, Mr Dixon placed some emphasis on the findings of Judge Norris in the Royal Commission in which Ms Finn's murder was mentioned.⁴⁶⁹

545. Mr Dixon added that Ms Finn's murder had always been the subject of a good deal of ill-informed speculation and that the allegation of police involvement was 'wholly unsubstantiated by any particulars and is incapable of investigation' by either the Commissioner of Police or himself. By 'particulars', I take him to have meant: details of the allegation of police involvement.⁴⁷⁰

⁴⁶⁵ Exhibit 1.11.1.1

⁴⁶⁶ Exhibit 1.11.1.1 178 - 179

⁴⁶⁷ Exhibit 1.11.1.1 166

⁴⁶⁸ Exhibit 1.11.1.4 5

⁴⁶⁹ Exhibit 1.11.1.4 44

⁴⁷⁰ Exhibit 1.11.1.4 44

546. Not surprisingly, given the terms of the request by the Minister of Police, it is clear that Mr Dixon did not investigate Ms Finn's murder beyond considering the allegations in the newspaper article.
547. It appears that, as the then leader of the State Opposition pointed out, only evidence constituting absolute proof of corruption could be accepted, and Mr Dixon had no power to investigate relations between police and brothel operators and no investigative staff.⁴⁷¹
548. As a result, the depth of the inquiry was bound to be more limited than would have been the case with a royal commission with appropriate terms of reference.
549. The leader of the State Opposition also suggested that Mr Dixon had no means of granting immunity from defamation or prosecution to people providing him with information.⁴⁷²
550. Mr Dixon noted those concerns and indicated in his report that he believed that a person who provided information honestly and without malice would be entitled to claim privilege for defamatory statements.⁴⁷³
551. As to self-incrimination, Mr Dixon stated that he considered it his duty to inform the Commissioner of Police of information disclosing a criminal offence. He said that the Commissioner of Police would then have a discretion as to whether the person who provided the information could give evidence for the prosecution and claim a certificate under s 11 of the *Evidence Act 1906*. Such a certificate would render the person's evidence inadmissible in a prosecution against him or her.⁴⁷⁴
552. The Minister for Police at the time and Mr Dixon both clarified that the purpose of the investigation was to decide whether the police had investigated the allegations of Mr Tangney, Mr Butler and Ms Korab. The purpose was not to investigate the subject of those allegations; that is,

⁴⁷¹ 'Probe on police futile – Burke' *The West Australian* (5 February 1982)

⁴⁷² 'Probe on police futile – Burke' *The West Australian* (5 February 1982)

⁴⁷³ Exhibit 1.11.1.4 7 - 8

⁴⁷⁴ Exhibit 1.11.1.4 7 - 8

police corruption. However, Mr Dixon said that, if he found anything wrong, he could order a royal commission.⁴⁷⁵

553. In relation to an allegation in the newspaper article that Ms Finn was found in ‘a well known spot where vice squad detectives regularly meet their closest informants’, Mr Dixon said that, on the basis of his understanding that detectives carefully guard the identity of each of their informants, ‘[t]he notion of all detectives, be they in the vice squad or not, generally using one spot to meet their informants is almost ludicrous’. Added to that ‘sheer nonsense’, in his view, was the inaccessibility of the place to anyone without a car and its visibility from the freeway.⁴⁷⁶
554. Mr Dixon did not indicate the basis for his view, but he appeared to rely on his own understanding of detective work, including from watching films or TV shows.⁴⁷⁷ He was aware that there were never more than two vice squad detectives at the relevant time,⁴⁷⁸ but he did not indicate whether that evidence was relevant to his conclusion. Of course, Mr Dixon did not have the benefit of Mr Webber’s evidence of Ms Finn regularly meeting Mr Johnson on the edge of a park, as noted above.
555. There was also an allegation in the article that Mr Tangney had said that the spent cartridge case recovered at the scene of Ms Finn’s murder had disappeared from police headquarters. Mr Dixon said that he went to inspect the exhibits in a safe, presumably at police or CIB headquarters, and examined quite closely a shell case in relation to which, he said, he had no doubt was the one alleged to be missing. He did not say how he could be so sure, and he did not appear to question whether the shell case found at the scene had been replaced with the shell case he saw.⁴⁷⁹
556. Mr Dixon dismissed that whole of the allegations as sheer conjecture or deliberate fabrication.⁴⁸⁰

⁴⁷⁵ ‘Probe on police futile – Burke’ *The West Australian* (5 February 1982)

⁴⁷⁶ Exhibit 1.11.1.4 45

⁴⁷⁷ Exhibit 1.11.1.4 45

⁴⁷⁸ Exhibit 1.11.1.4 37 - 38

⁴⁷⁹ Exhibit 1.11.1.4 45

⁴⁸⁰ Exhibit 1.11.1.4 45

557. Mr Dixon also considered allegations made by Mr Tangney and Mr Butler to a reporter to the effect that massive cash payments were being made to police officers by brothel madams and illegal casino operators and that senior police officers were organising the payments and distributing the proceeds among other officers.⁴⁸¹ Mr Dixon noted that Mr Tangney had denied similar allegations when he gave sworn evidence before Judge Norris.⁴⁸²
558. Mr Tangney and Mr Butler told Mr Dixon that they had made the allegations at a time when they were stressed and bitter with WAPF following a long drug-trial in which they were acquitted, followed by difficult negotiations with WAPF over entitlements while they had been suspended.⁴⁸³ Perhaps also relevant was the fact that Mr Johnson took part in the investigation leading to their trial and gave evidence against them.⁴⁸⁴
559. When questioned by Mr Dixon, both Mr Tangney and Mr Butler would neither justify the allegations nor retract them. Mr Dixon believed that Mr Tangney, in particular, deserved severe censure for taking that position.⁴⁸⁵
560. Mr Dixon dismissed both of those allegations as so vague as to make any investigation impossible and pointed out that there were only two men in the vice squad, and they were responsible to an inspector. If, he posed, the inspector was involved in graft, he would have had to act through the men and would thereby make himself susceptible to blackmail from the men. In addition, the inspector was responsible to the chief of the CIB who, if he was involved in graft, would be in a similar position, but magnified. Moreover, personnel in the positions were continually changed, so the number of individuals who would have been aware of the illegal practices would be considerable. On that basis, Mr Dixon said that he disbelieved the allegations completely until very cogent evidence was produced.⁴⁸⁶

⁴⁸¹ Exhibit 1.11.1.4 37

⁴⁸² Exhibit 1.11.1.4 34

⁴⁸³ Exhibit 1.11.1.4 34-35

⁴⁸⁴ Exhibit 1.11.1.4 75

⁴⁸⁵ Exhibit 1.11.1.4 35-36

⁴⁸⁶ Exhibit 1.11.1.4 38

561. Mr Dixon did not explain why men involved in graft would want to blackmail a superior who was likewise involved or why an inspector who was involved in graft would tell the chief of the CIB about it.
562. The oral evidence of Mr Scott appears to undermine Mr Dixon's argument. Mr Scott said that he had taken over the consorting squad from Mr Johnson for about 12 months. He said that there were two officers, Mr W and Mr Tangney, who looked after the policing management of the brothels and that he 'had absolutely no working business with the brothels'.⁴⁸⁷
563. When giving oral evidence at the inquest, Mr Tangney said that he had told Mr Dixon that he had no recollection of the allegations made to the reporter. He denied that police in the consorting squad were receiving money from prostitutes or from brothel madams while he was there.⁴⁸⁸
564. Mr Dixon also found that Mr Johnson had reasonable explanations for his wealth being more than might be expected of a police sergeant. One of Mr Dixon's reasons for accepting that Mr Johnson was able to account for his assets was that Mr Johnson was not in the consorting squad after 1972, so he could not have received graft from prostitutes then unless there was a major conspiracy involving both his seniors and juniors in the police force.⁴⁸⁹
565. In Mr Dixon's view, there was not a shred of evidence of any such conspiracy and the existence of men of undoubted integrity in senior positions in the police force would have made the creation of such a conspiracy quite impossible.⁴⁹⁰
566. The evidence from the Norris Royal Commission makes clear that Mr Johnson not only returned to the consorting squad in 1973, he was the officer in charge of that squad from the beginning of that year and into at least 1974.⁴⁹¹ His WAPF file indicates that he was at CIB Perth on

⁴⁸⁷ ts 1639-1640 Scott B; Exhibit 91

⁴⁸⁸ ts 1350 Tangney

⁴⁸⁹ Exhibit 1.11.1.3 31

⁴⁹⁰ Exhibit 1.11.1.3 32

⁴⁹¹ Exhibit 1.11.2.39 Re 60560075 79; State Archive materials, WA Police Department Half Yearly Report 1975

general duty at 30 June 1975 and that, prior to that, the consorting squad, general duties and then the east squad at the end of 1974.⁴⁹² As mentioned, Mr Johnson told Mr Saxon and Ms Wills that he was in charge of prostitution at the time of Ms Finn's murder.

567. In those circumstances, it appears to me that at least part of Mr Dixon's conclusions about Mr Johnson in relation to the allegations of corruption may have been based on false premises, but that is no criticism of Mr Dixon given the task which he faced in his inquiry.

Kennedy Royal Commission

568. On 12 December 2001 the Governor of WA appointed former Supreme Court judge, G A Kennedy, as a Royal Commissioner to inquire into corrupt conduct or criminal conduct by any WAPF officer since 1 January 1985.⁴⁹³ That temporal limitation in the terms of reference effectively precluded an investigation into Ms Finn's death.

569. However, the focus of that royal commission and the evidence obtained in the course of the inquiry on police corruption is relevant to the allegations of corruption with respect to Ms Finn's murder.

570. Examples of the corruption uncovered in the Kennedy Royal Commission included stealing, assaults, perjury, drug dealing and improper disclosure of confidential information. Judge Kennedy noted that, in the light of experience of investigation into police corruption in other jurisdictions, 'it would have been quite remarkable if that evidence had not emerged'.⁴⁹⁴ The consistent analysis of corruption was that there was 'no room for doubt that culture and poor management were principal factors in allowing corruption to continue unimpeded'.⁴⁹⁵

571. Judge Kennedy also noted that a 2003 report by the Home Office in the United Kingdom into police corruption in England and Wales referred to recent cases of officers, often in specialist squads, profiting from their

⁴⁹² State Archive materials, WA Police Department Half Yearly Report 1975

⁴⁹³ Exhibit 1.11.1.5 28

⁴⁹⁴ Exhibit 1.1.11.5 11

⁴⁹⁵ Exhibit 1.11.1.5 64

position through theft of money, resale of drugs and protection of criminals.⁴⁹⁶

572. In analysing the effect of police culture on the existence of corruption by police, Judge Kennedy referred to the traditional assumptions about police culture that have shaped the behaviour of police officers. Those assumptions include the blue wall of silence, brotherhood, secrecy, loyalty, solidarity and protecting your mates.⁴⁹⁷ He also noted the different standards of behaviour of uniformed officers and those of plain-clothes officers. He said that, with few exceptions, the recent exposures of serious police corruption in Australia involve detectives.⁴⁹⁸

573. A note of concern of Judge Kennedy was that:

Some of the segments (of his investigation) were remarkable for the fact that many witnesses, some civilians and some police, came forward to give evidence of a wide range of corrupt or criminal conduct by police, in circumstances where the evidence could not be explained by collusion or other mischief, yet almost without exception, the police officers named vehemently denied the accusations.⁴⁹⁹

574. That concern is also relevant to an assessment of the evidence in this inquest since all former police officers, even those who impliedly admitted to knowledge of corruption or had complained of that corruption, denied ever having seen payment of graft.

575. Of course, that comment by Judge Kennedy and the denials by police officers in this inquest do not on their own establish that the allegations of corruption related to prostitution in WA in the 1970s were true.

576. It is also worth recalling that witnesses told the inquest that they were afraid to go to police with their knowledge and, despite the passing of decades and the deaths of ex-police officers who were the subject of

⁴⁹⁶ Exhibit 1.11.1.5 11

⁴⁹⁷ Exhibit 1.11.1.5 Volume II 40

⁴⁹⁸ Exhibit 1.11.1.5 Volume II 49

⁴⁹⁹ Exhibit 1.11.1.5 Volume I 14

allegations of corruption, many witnesses and potential witnesses at the inquest expressed an abiding fear of coming forward because of possible retribution by police officers. On that basis, if making an example of Ms Finn was the intention of those who carried out or arranged for her murder, the results were extremely effective.

CONCLUSIONS ABOUT CORRUPTION AND MOTIVE

577. The lack of direct evidence to prove who killed Ms Finn meant that the question of the likely motive behind the pre-meditated killing took on a primary importance.
578. The gangland execution-like circumstances of the way in which Ms Finn was killed points to the likely motive being related to criminal activity. There was also evidence that she was to meet with a police officer on the night she was killed, that the officer was involved with on-going corruption related to prostitution, and that there was escalating unrest between Ms Finn and police officers associated with prostitution and corruption. Given that evidence, the possibility that the motive was related to police corruption was prominent.
579. The existence of a corruption-related motive relies firstly on the existence of corruption with respect to prostitution. That it did exist would not be surprising. To paraphrase Judge Kennedy, given the circumstances of a specialist squad of detectives with autonomous control of a lucrative illegal activity, it would be surprising if corruption did not exist.
580. However, a finding of police corruption against a police officer cannot be made lightly. As it is a serious crime, such a finding would need to be established at a standard of proof approaching ‘beyond a reasonable doubt’ in accordance with the well-known *Briginshaw* principle.⁵⁰⁰ In my view, such a finding against non-specified members of an identifiable group would require the same standard of proof as a matter of fairness, otherwise all the members of that group would be tarnished by the finding.

⁵⁰⁰ *Re The State Coroner; Ex Parte The Minister for Health* [2009] WASCA 165 [21]; *Briginshaw v Briginshaw* [1938] HCA 34; (1938) 60 CLR 366 [362] – [363] (Dixon J)

581. There was a considerable amount of evidence pointing to the existence of prostitution-related corruption generally and significant evidence implicating some police officers specifically. However, that evidence was not sufficiently cogent to prove at the applicable standard that the suspected corruption actually existed or, if it did, who was actually involved.
582. In addition, even if I were able to find that the suspected corruption existed at the material times, other reasonably possible motives for Ms Finn's murder cannot be excluded.
583. Therefore, even though it appears that corruption existed and may have been behind a motive for Ms Finn's murder, given the lack of direct evidence or reliable circumstantial evidence, I am not able to find to the requisite standard that police officers were either involved in corruption connected to prostitution, or that corruption underlay the motive to kill Ms Finn.
584. That conclusion is relevant to the following consideration of the persons suspected of being responsible for Ms Finn's death.

SUSPECTS IN MS FINN'S MURDER

585. The evidence in the inquest identified the following main suspects. The subheadings relate to the sources of the evidence.

BERNARD JOHNSON

586. Mr Johnson was nominated by several witnesses, including police officers, as the person whom 'everybody knew' to have directly or indirectly caused Ms Finn's death.⁵⁰¹ Much of the belief was based on his role in the consorting squad and the vice squad as the officer overseeing the prostitution containment policy.

⁵⁰¹ For example: ts 1226-1227 per Ferris, C, ts 2096 and 2099 per Rowe, C P, ts 1290-1291 per Pelham, A L D L

587. What most police witnesses left unsaid was that Mr Johnson's motive for Ms Finn's death might have been to stop her from making public allegations of police corruption in which he was involved. Non-police witnesses had no such qualms. Mr Hall, the bag-man, expressed the connection in the following terms:

Look, I thought it would have been Bernie. He had the most to lose.⁵⁰²

588. There was no direct evidence of Mr Johnson's involvement, and the evidence implicating him was often inconsistent. Some of the evidence was so inherently implausible as to be outright fantasy, while other evidence appears manufactured. There was also a great deal of circumstantial evidence which, if accepted, is consistent with his involvement, but it goes no further than that.

589. Mr Johnson did not have an alibi for the night of 22 June 1975. He told Mr Fletcher in February 2015 that he believed that he had spent the night alone at his former wife's house in Manning.⁵⁰³ He told journalist Martin Saxon that he could not recall where he had been that night.⁵⁰⁴

590. Though Mr Johnson acknowledged that he was a suspect, he was involved in the initial stage of the investigation, including interviewing Ms Black and attending Ms Finn's house for the initial search.⁵⁰⁵ He told Mr Saxon that he had been interviewed as a suspect by an assistant commissioner and the chief of the CIB in relation to allegations by Mr Daniels that he had been involved in Ms Finn's murder, but had probably indicated that he had not wanted to make a statement.⁵⁰⁶ A record of interview or notes of the interview were not available as far as I am aware.

⁵⁰² ts 693 Hall G

⁵⁰³ Exhibit 1.6.2 Johnson B 26

⁵⁰⁴ Exhibit 69 1

⁵⁰⁵ Exhibit 69 6

⁵⁰⁶ Exhibit 69 7

591. As mentioned, Mr Johnson was not called to give evidence at the inquest because of medical evidence that he was incapable of understanding the proceedings due to his severe dementia.⁵⁰⁷

592. The following is a synopsis and brief assessment of the evidence of witnesses who implicated Mr Johnson in Ms Finn's murder.

Rose Black

593. At the inquest, Ms Black provided oral evidence in which she recounted the evening of 22 June 1975 before she left home to go to Ms McLaughlin's place. She said that she found Ms Finn crying and nervous about attending the meeting that night with people who were going to fix her taxation problem. Ms Finn told her that she was going to drive her car to meet someone called the Bear, who was bringing someone over from Sydney. Ms Finn became very afraid before Ms Black left.⁵⁰⁸

594. Ms Black said that she had never met the Bear, but she felt that Ms Finn met with him regularly because, about monthly, she would tell Ms Black that she had to go see the Bear at either 'this end' or 'that end'. Ms Black felt that 'this end' was close to home and, in fact, it turned out to be just down the road.⁵⁰⁹

595. Ms Black said that she offered to get into the boot of Ms Finn's car on the night of 22 June 1975, but Ms Finn refused because there were two plastic garbage bags of money in the boot for her to buy her way out of her difficulties.⁵¹⁰ Ms Black said that, some weeks before that night, the Bear had gone to Mr Finn's house to count the money. Ms Black said that she had hidden in a cupboard and heard snippets of him talking with Ms Finn. When he left, she helped Ms Finn to put the money into the bags.⁵¹¹ She emphasised that there was a lot of money.⁵¹²

⁵⁰⁷ Exhibit 41

⁵⁰⁸ ts 985 Black R

⁵⁰⁹ ts 988 Black R

⁵¹⁰ ts 986, 990 Black R

⁵¹¹ ts 990 - 992 Black R

⁵¹² ts 994 - 995 Black R

596. Ms Black said that Ms Finn had been under a lot of stress to get the money together.⁵¹³
597. Ms Black said that she later pieced together that the Bear was Mr Johnson but, until she was interviewed by SCS detectives in October 2014, she had never told police of her belief that Ms Finn planned to meet with him on the evening of 22 June 1975. At that interview, she recounted a similar story, but she said that Mr Johnson had attended Ms Finn's house to count the money only two days before Ms Finn was murdered rather than weeks before. Ms Black did not tell the detectives that, in 1975, she only knew of Mr Johnson as 'the Bear'.⁵¹⁴
598. When asked why she did not previously tell police about the events she recounted in 2014 and at the inquest, she said that she was too afraid to say anything back then.⁵¹⁵
599. In my view, the significant changes in Ms Black's evidence reduce the reliability of her evidence against Mr Johnson. In addition, her testimony about Mr Johnson attending Ms Finn's home to count money to be used to pay Ms Finn's way out of her tax problem⁵¹⁶ makes little sense in the context of the evidence that the Taxation Department was willing to accept instalments.⁵¹⁷ That evidence, which seems to me to be credible, indicates that she was not under pressure to pay anyone, apart from the Taxation Department, anything in relation to her tax bill.
600. That is not to say that all of Ms Black's evidence should be discounted, but I approach it with caution.

Robert Taylor

601. Mr Taylor, who was a long-time friend of Ms Finn's, said in an interview that she rang him in the early afternoon on 22 June 1975 and told him that she had to go somewhere that evening with a man whom he assumed was

⁵¹³ ts 995 Black R

⁵¹⁴ Exhibit 1.10.8 VA248

⁵¹⁵ ts 1027 Black R

⁵¹⁶ ts 990, 1035 Black R

⁵¹⁷ Exhibit 1.2.1.12.6 37; Exhibit 1.10.2 VA41

Mr Johnson and that she was frightened.⁵¹⁸ He confirmed that evidence in oral testimony at the inquest.⁵¹⁹

602. Mr Taylor believed that Ms Finn had also called her old friend George Stewart,⁵²⁰ but Mr Stewart was interviewed by Ms Wills in 2013 and did not mention a call from her.⁵²¹
603. Mr Taylor's evidence in this regard is consistent with other evidence but does not add anything further apart from his assumption about Mr Johnson.

Maxwell Healy

604. Mr Healy's evidence identifies him as a centrally positioned witness in Ms Finn's murder because he knew three suspects: Mr Johnson, Mr Hancock and Mr O'Connor, and he had seen Ms Finn at the X nightclub over the years. He later became familiar with Terence McLernon, a police officer who went on to become a private investigator and author, and Ms Wills, both of whom investigated corruption in WA.
605. Mr Healy had a chequered history, having been imprisoned for breaking, entering and stealing in Queensland in 1970,⁵²² imprisoned in Wooroloo prison in about 1995 for conspiracy to pervert the course of justice in relation to a trial of Laurie Connell for fixing a horse race,⁵²³ and fined for being the director of a company that was convicted under consumer laws for offences that occurred in 2013 and 2014.⁵²⁴ But he had also been a licenced real estate agent and business agent for 40 years, so he had necessarily been considered fit and proper to hold a licence under the *Real Estate and Business Agents Act 1978* for that time.⁵²⁵

⁵¹⁸ Exhibit 28

⁵¹⁹ ts 949 Taylor R

⁵²⁰ ts 947 Taylor R

⁵²¹ Exhibit 30

⁵²² ts 821 Healy M

⁵²³ ts 809 - 812 Healy M

⁵²⁴ ts 821 - 822 Healy M

⁵²⁵ ts 822 Healy M

606. Mr Healy provided a statement to SCS officers in February 2015,⁵²⁶ and he gave evidence by video-link at the inquest.⁵²⁷ The following is based on that evidence.
607. Mr Healy had first met Mr Johnson after he was interviewed at work by detectives about an allegation that he had kicked in a woman's door and tried to rape her. Mr Healy said that he had kicked the woman's door when he and a group of friends left her home. His boss asked the detectives if they knew Mr Johnson and, when they said that they did, he called Mr Johnson on the phone.⁵²⁸
608. The detectives then spoke to Mr Johnson and informed Mr Healy that the woman would withdraw her allegation if he paid for the damage to her door. He agreed and never heard about the matter again.⁵²⁹
609. In the late 1960s, Mr Healy was a regular at the X nightclub. Some months after the incident with the woman's door, he went to the X nightclub with his boss, who introduced him to Mr Johnson as a friend whom he had known in the Army Reserve. Mr Johnson recognised Mr Healy as a regular at the X nightclub and told him to mention his, Mr Johnson's, name at the door and that he would have free entry.⁵³⁰
610. Mr Healy said Mr Johnson and a group of friends, who Mr Healy believed included a lot of other detectives or police officers, had a special table at the X nightclub which they used every night. Mr Johnson appeared to be the boss. Several prostitutes associated with Mr Johnson at the table and Mr Healy saw prostitutes giving him envelopes on a number of occasions.⁵³¹
611. About two weeks before Ms Finn's murder, Mr Healy was in the X nightclub when he saw her speaking with Mr Johnson. He had seen them together there on a number of occasions, and they had always been very

⁵²⁶ Exhibit 1.6.1 Healy

⁵²⁷ ts 785-843 Healy M

⁵²⁸ Exhibit 1.6.1 Healy M

⁵²⁹ Exhibit 1.6.1 Healy M

⁵³⁰ Exhibit 1.6.1 Healy M

⁵³¹ ts 842 Healy M; Exhibit 1.6.1 Healy M

friendly. On this occasion, they had an argument and Ms Finn slapped Mr Johnson's face and stormed out.⁵³²

612. On the night of 22 June 1975, Mr Healy went to a party in Leederville after a Sunday session at a hotel. He met a young woman and, sometime after 9.00 pm, he gave her and another couple a lift to the Raffles Hotel car park to pick up their car.⁵³³
613. As Mr Healy and his passengers were travelling south on the Kwinana Freeway on the way to the Raffles Hotel, his female passengers indicated that they needed a toilet, so Mr Healy took the first exit after the Narrows Bridge in order to go to public toilets at the oval next to the Pagoda Ballroom.⁵³⁴ The Pagoda Ballroom is a short distance south of the Royal Perth Golf Course on Melville Parade.
614. As they were approaching the Pagoda Ballroom, Mr Healy saw a large dark car parked beside the road and a man leaning and talking into a driver-side window. The man stood up as if to step out in front of Mr Healy's car, and Mr Healy recognised him as Mr Johnson. Mr Johnson was dressed in casual clothes. Mr Healy also thought that he recognised the driver, but he was not sure.⁵³⁵
615. After his passengers had used the toilet, Mr Healy dropped the couple at the Raffles Hotel. He then parked with the young woman and later drove her home at about midnight. She gave him a phone number which turned out to be incorrect.⁵³⁶
616. About a week after Ms Finn was murdered, Mr Healy struck up a conversation with Mr Johnson at the X nightclub and mentioned that he had seen him at the front of the Pagoda Ballroom on the previous Sunday. Mr Johnson told him that he was miles away on a boat that night and that, if he heard of Mr Healy repeating that again, he was dead. Mr Healy said to Mr Johnson that he, Mr Healy, must have been mistaken, but his free

⁵³² ts 803 Healy M

⁵³³ Exhibit 1.6.1 Healy M

⁵³⁴ Exhibit 1.6.1 Healy M

⁵³⁵ Exhibit 1.6.1 Healy M

⁵³⁶ Exhibit 1.6.1 Healy M

entry privilege at the X nightclub ceased, and Mr Johnson and his group snubbed him.

617. About six months later, Mr Healy was in the X nightclub and saw Mr Johnson clowning around with a prostitute. The prostitute gave Mr Johnson a soft slap on his face. Later that night, Mr Healy was standing at the bar next to the prostitute when he jokingly remarked that it was not a good idea to slap Mr Johnson because the last whore who had done that ended up with a bullet in her head.⁵³⁷
618. Some weeks later, one of the owners of the X nightclub called Mr Healy and asked why he was no longer attending. When Mr Healy explained that he no longer had free entry and that Mr Johnson and his mates made him uncomfortable, the owner said that there must have been a misunderstanding and that he would fix it up. He told Mr Healy to come back on Saturday and he would get free drinks.⁵³⁸
619. Mr Healy went to the X nightclub as invited. The owner asked him to come out the back to see something and, when Mr Healy followed him out, he was severely beaten by Mr Johnson and another big man. Mr Johnson told him that he had given him a chance to keep his mouth shut and that he would not be mouthing off any more.⁵³⁹
620. As Mr Healy was being beaten, the other owner of the X nightclub came out and told the men to stop because they could not let Mr Healy die there. Mr Johnson told his colleague to get the car, and they all went inside. Mr Healy then managed to stagger to his car and drive home, where he stayed and nursed his injuries for three weeks. For years afterwards, he feared that Mr Johnson would have him killed.⁵⁴⁰
621. In the early 1980s, Mr Healy used to drink at a hotel in Kelmscott at which Mr Hancock and other WAPF members frequented. Mr Healy

⁵³⁷ Exhibit 1.6.1 Healy M

⁵³⁸ Exhibit 1.6.1 Healy M

⁵³⁹ Exhibit 1.6.1 Healy M

⁵⁴⁰ Exhibit 1.6.1 Healy M

socialised with those men and discovered a shared interest with Mr Hancock in mining, which, over months, led to their friendship.⁵⁴¹

622. Mr Healy eventually asked Mr Hancock whether he was a friend of Mr Johnson's and whether he knew much about Ms Finn's murder. Mr Hancock said that he hardly knew Mr Johnson and that he knew nothing about the murder.⁵⁴²
623. Mr Healy then told Mr Hancock about seeing Mr Johnson near the Pagoda Ballroom and about Mr Johnson beating him nearly to death. He asked Mr Hancock whether he should go to the police with his information. Mr Hancock advised him never to bring up the Finn murder with him again and not to say anything about Mr Johnson because he still had a lot of dangerous associates and friends in the WAPF.⁵⁴³
624. Mr Healy later learned that Mr Hancock knew Mr Johnson well and that he had been involved in the Finn murder investigation.⁵⁴⁴
625. In relation to Mr O'Connor, Mr Healy knew him socially from the time they were involved in the East Perth Football Club and in junior baseball. By coincidence, he and Mr O'Connor were incarcerated at Wooroloo prison farm about a week apart.⁵⁴⁵
626. Mr Healy had spoken to Mr O'Connor previously about the Pagoda incident and the X nightclub beating. Mr O'Connor told him that he had only had direct contact with Mr Johnson twice, but he believed that Mr Johnson and the person who Mr Healy thought was in the driver's seat of the car at the Pagoda were involved in Ms Finn's murder. Mr O'Connor was also adamant that Mr Johnson had stolen the .22 rifle used to kill her from the police property department.⁵⁴⁶

⁵⁴¹ ts 809 Healy M

⁵⁴² ts 810 - 811 Healy M

⁵⁴³ ts 810 - 811 Healy M

⁵⁴⁴ ts 810 Healy M

⁵⁴⁵ ts 812 Healy M

⁵⁴⁶ ts 813 - 815 Healy M

627. Mr Healy also provided evidence relevant to allegations of Mr O'Connor's association with Ms Finn and his involvement in her murder, but I shall deal with those later.

628. Mr Healy provided direct evidence that Mr Johnson was in the vicinity of the scene of Ms Finn's murder on the night she was killed, but there is no reliable corroboration of that evidence. His evidence of being threatened and then beaten by Mr Johnson is consistent with Mr Johnson's involvement in Ms Finn's murder, but it is also consistent with Mr Johnson attempting to ensure that false allegations were not made against him.

Gregory Hall

629. Mr Hall, the purported bag-man, told SCS officers in an interview on 3 August 2009 that a friend of his, Mr Hansen, told him that on the night of Ms Finn's murder, he (Hansen) was with her when Mr Johnson approached them and told her that he wanted to see her later. Mr Johnson did not specify a location, so Hall thought that it was a pre-arranged and regular meeting place. Mr Hansen told Mr Hall about that meeting when they heard about Ms Finn's murder, and they were concerned that Mr Johnson had killed her.⁵⁴⁷

630. Mr Hall appeared to have a good memory and he was generally willing and able to provide the names of people who were the source of his information. However, his evidence in relation to Mr Hansen suffers from being entirely unsupported hearsay. Several witnesses who might have met Mr Hansen through Ms Finn could not remember him when asked. According to Mr Hall, Mr Hansen is dead.

Philip Hooper and Janice Hooper

631. As mentioned in relation to the evidence about the sightings of Ms Finn's car, at around 10.00 pm or later on a night in late June 1975, Mr Hooper and his then girlfriend, Janice, were travelling in his mother's car south

⁵⁴⁷ Exhibit 1.10.6 VA223

on Melville Parade beside the Royal Perth Golf Course when they saw her car parked beside an unmarked white police van.⁵⁴⁸

632. According to signed notes which Mr Hooper provided to police in September 1994, he believed that the incident occurred on a weeknight, perhaps a Thursday, but he saw an article about Ms Finn's murder in a newspaper a day or two later and assumed that they had been parked nearby at the time. Both vehicles were facing away from the road.⁵⁴⁹
633. Mr Hooper stated that he and his girlfriend drove past the two vehicles and parked 50 to 100 metres south of them. They were parked for 15 minutes or so when he thought that he heard two or three shots from a .22 rifle and then another shot a short time later.⁵⁵⁰
634. Soon after that, two men wearing what appeared to be police uniforms and carrying torches came to their car, one man on each side. The man on Mr Hooper's side shone the torch in his face and told him to move on. Mr Hooper did not see the men's faces or other distinguishing marks. The man on his side was not wearing police insignia.⁵⁵¹
635. Mr Hooper said that, about a week later, his mother told him that police had attended their house and asked about her car.
636. To that extent, Mr Hooper's evidence was generally supported by his wife, Janice Hooper. Mrs Hooper gave oral evidence at the inquest and said that she and Mr Hooper were parked along Melville Parade a short distance from South Terrace. They had driven down the Kwinana Freeway and then taken the South Terrace exit before turning north on Melville Parade to park.
637. Ms Hooper recalled two men with torches who pounded on the roof of the car and told them to move. She did not hear gunshots, but she did recall Mr Hooper saying something at the time, perhaps that he heard something

⁵⁴⁸ Exhibit 1.6.1 Hooper 2 P

⁵⁴⁹ Exhibit 1.6.1 Hooper 2 P

⁵⁵⁰ Exhibit 1.6.1 Hooper 2 P

⁵⁵¹ Exhibit 1.6.1 Hooper 2 P

that sounded like a gunshot. She said that she and Mr Hooper left the area straight after the men told them to leave.⁵⁵²

638. Ms Hooper recalled seeing a large black car somewhere near the incident, possibly on the road in front of them, but she could not recall anything further about it. She did not recall thinking at the time that the incident was linked to Ms Finn's murder in some way.⁵⁵³
639. In January 2015, Mr Hooper provided a further, signed statement to police in which he made significant changes to his earlier account.⁵⁵⁴
640. In July 2016, Mr Hooper prepared comprehensive typed notes of the events of the night of 22 June 1975 and events that followed.⁵⁵⁵ In oral testimony, he introduced a great deal of evidence not previously disclosed, including the presence that night of men, whom he later discovered were Mr Johnson and an owner of the X nightclub, near a green Datsun 260C parked by the Pagoda Ballroom.⁵⁵⁶
641. Mr Hooper claimed that, a day or so after 22 June 1975, he was stopped at a roadblock set for him by police and was warned by a police officer to be careful. He was stopped later that day by a green car containing Mr Johnson (whose identity he did not know at the time) who threatened to shoot him if he went to the police. He was then subjected to years of being stalked, harassed and threatened with death. His mother was also followed and harassed.⁵⁵⁷
642. Mr Hooper later said that he had been followed around by plainclothes police officers for almost 42 years and that they would speak to his customers and tell them that they should not be dealing with him.⁵⁵⁸ He said that he would see them every second day for years.⁵⁵⁹ He agreed that

⁵⁵² ts 753 - 757 Hooper J

⁵⁵³ ts 761 Hooper J

⁵⁵⁴ Exhibit 1.6.1 Hooper 3 P

⁵⁵⁵ Exhibit 4

⁵⁵⁶ ts 185, 187 – 188 Hooper J

⁵⁵⁷ Exhibit 4

⁵⁵⁸ ts 205 Hooper P

⁵⁵⁹ ts 211 Hooper P

it occurred around 1000 times and that it was an unbelievable amount of manpower.⁵⁶⁰

643. In his notes, Mr Hooper said that, in 1976, his employer was in a business dispute and had a discussion at his place of work with an expert in dispute resolution. The employer and the expert met in the employer's office. After 10 minutes, Mr Hooper heard his employer yelling at the expert to get out.⁵⁶¹
644. The expert turned out to be Mr Johnson, and the employer told Hooper that he was a contract killer. Mr Hooper's mother, who also worked there, recognised Mr Johnson as a police officer who knocked on her door on the day after Ms Finn's murder. Mr Johnson had left his business card with the employer and Hooper recognised him as the man driving the green car.⁵⁶²
645. In August 2017, Mr Hooper provided a signed statement which appears to be based on his 2016 notes, though the statement goes further in alleging that a young woman who was a stranger to him saw him at a supermarket and accused him of murdering Ms Finn. He spoke to her and met with her again later on, at which time she showed him a copy of a list of people who had been at a party at Ms Finn's home when a 13-year-old girl was raped and murdered. The names on the list were of police officers, bureaucrats, student lawyers and others. He never saw the young woman again.⁵⁶³
646. In oral evidence, Mr Hooper also claimed that, in 1977 or so, men from the X nightclub followed him and fired five shots at him in his car while he was driving in Victoria Park.⁵⁶⁴
647. In his 2017 statement, Mr Hooper alleged that, in 1985 or 1986, he went to the X nightclub to help someone with quotes for windows. He met the X nightclub owner and another man who had been at the Pagoda incident

⁵⁶⁰ ts 241 Hooper P

⁵⁶¹ Exhibit 4

⁵⁶² Exhibit 4

⁵⁶³ Exhibit 1.3.4.23

⁵⁶⁴ ts 243 - 244 Hooper P

and who had threatened him the next day. The men were friendly to him and told him that the person who had been running all the events surrounding him had been a well-known Perth barrister.⁵⁶⁵

648. Mr Hooper then said in his statement that, in maybe 1979, Mr Johnson came to see him out of the blue and said that he would bring his boss to see him the next day. The next day, Mr Johnson attended with the Commissioner of Police, who told Mr Hooper that they ought to get rid of people like Ms Finn, and that WAPF had a file on him, but that he would be all right as long as he kept his mouth shut. The Commissioner told him that he would be left alone from that time and thanked him for his silence.⁵⁶⁶ Mr Hooper did not explain the discrepancy of this evidence with his evidence of being watched for 42 years.
649. At the inquest, Mr Hooper also gave oral evidence that was generally in accordance with his 2016 notes and his 2017 statement. He said that he gave incorrect information in his 1994 notes because he did not want police to know that he knew more than he stated.⁵⁶⁷ He said that he went to police with the notes and a detective had written a statement and forced him to sign it by threatening him. He no longer had a copy of that statement, but the notes were the ones he wrote.⁵⁶⁸
650. Mr Hooper told the inquest that in 2010 he was in a car accident in which he sustained fractures to neck vertebrae, and in 2015 he was very ill with a kidney problem which caused him to lose his memory for a while.⁵⁶⁹
651. When counsel for the Commission of Police put to Mr Hooper that there had been a sequence of changes in his evidence over time, Mr Hooper agreed and said that it was probably because of the way he saw it the next time he wrote the statement out.⁵⁷⁰
652. In my view, the combination of those changes in his evidence, the internal inconsistencies and the inherent implausibility of his more recent

⁵⁶⁵ Exhibit 1.3.4.23

⁵⁶⁶ Exhibit 1.3.4.23

⁵⁶⁷ ts 186 Hooper P

⁵⁶⁸ ts 221 Hooper P

⁵⁶⁹ ts 190 – 191, 227 – 228 Hooper P

⁵⁷⁰ ts 237 Hooper P

allegations reduces the reliability of Mr Hooper's evidence significantly. In the end, the only weight that I can put on Mr Hooper's evidence is that which Mrs Hooper corroborated.

Carolyn Langan, Craig Klauber, Joan Wilson

653. Carolyn Langan had known Mr Johnson as a neighbour in the late 1980s and had then lived with him in a de facto married relationship for about 15 years from 1991 to the late 2000s. After their relationship ended, she met and began living with Grattan Stone in South Yunderup.⁵⁷¹
654. Late in the inquest, oral evidence concerning Ms Langan and her relationship with Mr Johnson came to light. In essence, Mr Stone's son and brother each alleged that they had learned through Mr Stone that Ms Langan knew a great deal about Ms Finn's murder, including who had killed her.⁵⁷² Ms Langan flatly denied those allegations in oral evidence provided by video-link.
655. Following Ms Langan's denial, Dr Craig Klauber, a former colleague of hers who had been in the courtroom while she provided her video-link evidence, came forward to allege that she had given false evidence. He provided a statement in which he alleged that Ms Langan had told him that Mr Johnson had claimed to have killed Ms Finn.⁵⁷³
656. In the statement, Dr Klauber said that the impression he got from Ms Langan was that the context in which Mr Johnson had relayed that information to her was not general chit chat or bravado; it was by way of a threat not to cross him.⁵⁷⁴ Ms Langan was re-called to answer Dr Klauber's allegations, which she did with more detailed reasons for her denial to the earlier allegations. She also cast a different perspective on Dr Klauber's recollections.⁵⁷⁵

⁵⁷¹ ts 2022 Langan C

⁵⁷² ts 1618,1632 Stone R

⁵⁷³ Exhibit 101

⁵⁷⁴ Exhibit 101

⁵⁷⁵ ts 2022 – 2028 Langan C

657. While there is a clear inconsistency between the evidence of Dr Klauber and that of Ms Langan, Dr Klauber accepted that Mr Johnson could have used Mr Finn's murder as a threat whether or not he had actually been involved in it.⁵⁷⁶ In these circumstances, it is difficult to place much weight on the alleged admission by Mr Johnson as proof of his involvement in the murder even if he had, in fact, said what Dr Klauber alleged Ms Langan told him. I therefore see no purpose in determining which witness to prefer.
658. Dr Klauber also provided evidence in relation to an experience he had after going to see a friend's brother play basketball on 5 December 1989. After the game, he and his friend went to the friend's house where they met her mother, Joan Marzo.
659. Dr Klauber said that he mentioned to Ms Marzo that he had been researching gold processing, and she told him that she knew where \$300,000 worth of gold was buried on a 300-acre property owned by Mr Johnson. He told her that he knew Mr Johnson, which caused Ms Marzo to chat at length about Mr Johnson, including making allegations of corruption, drugs, protection and organised killings.⁵⁷⁷
660. Ms Marzo (now Wilson) provided oral evidence in which she initially denied ever meeting Dr Klauber⁵⁷⁸ and later clarified that to say that she did not recall him at all.⁵⁷⁹ She said that she had gone out with Mr Johnson on a few dates, but he had never told her about gold buried on his property. She said that she had never provided information about Mr Johnson to anyone.⁵⁸⁰
661. The conflict between Dr Klauber's evidence and Ms Wilson's evidence is stark. Dr Klauber provided significant peripheral details related to his conversation with Ms Wilson, and she confirmed many of them to be accurate. On that basis alone, it is likely that a conversation took place as he testified. However, it is clear that Ms Wilson had no recollection of it

⁵⁷⁶ ts 1919 Klauber C

⁵⁷⁷ Exhibit 101; ts 1884 Klauber C

⁵⁷⁸ ts 1929 Wilson J

⁵⁷⁹ ts 1930 Wilson J

⁵⁸⁰ ts 1933 Wilson J

or of the information which Dr Klauber said she had provided. It is also clear that, even if she had provided him with that information, it was vague hearsay at best.

662. In the end, there is little or no evidence falling from Dr Klauber, Ms Langan or Ms Wilson upon which I rely.

Michael Regan

663. As mentioned above, Mr Regan was a former police officer who provided evidence about the so-called purple circle and Mr Johnson's role in it.

664. In August 2015, Mr Regan provided a statement to SCS officers in which he said that, before Ms Finn's murder, he used to be a regular at the George Tavern in East Fremantle. He knew the manager, who told him that a newcomer to the pub by the name of Pat Crawford had come over from Melbourne to do a hit.⁵⁸¹

665. Mr Regan had a confrontation at the pub with Mr Crawford over a horse-race bet, and Mr Crawford threatened him with a revolver resembling a police-issue revolver. The confrontation ended with Mr Crawford offering to pay Mr Regan his bet back. Mr Regan was told that Mr Crawford had been given the revolver to do the hit.⁵⁸²

666. Mr Regan stated that, a few days after Ms Finn's murder, the manager of the pub asked him to escort Mr Crawford to the airport the next day so that he could get the midnight flight back to Melbourne on Sunday.⁵⁸³

667. The next day, Mr Regan went to the airport with Mr Crawford in a flashy sports car. When they arrived, they went to the bar and found Mr Johnson sitting alone. When they went up to him, Mr Johnson told Mr Regan to take a walk, so Mr Regan went to a different area and left Mr Crawford with Mr Johnson.⁵⁸⁴

⁵⁸¹ Exhibit 1.6.2 Regan 1 M

⁵⁸² Exhibit 1.6.2.Regan 1 M

⁵⁸³ Exhibit 1.6.2.Regan 1 M

⁵⁸⁴ Exhibit 1.6.2.Regan 1 M

668. After some time, Mr Regan met up with Mr Johnson again at the airport and Mr Johnson told him that Mr Crawford had got onto his flight. Mr Johnson then drove Mr Regan back to East Fremantle in the same sports car.⁵⁸⁵
669. Mr Regan stated that, a few days later, he read in the newspaper that Mr Crawford had been shot and murdered in a pub a few days after returning to Melbourne.⁵⁸⁶
670. Mr Regan stated that his friend Mr Jennings had told him ‘that Pat Crawford was the one that did the hit on Shirley Finn’.⁵⁸⁷
671. As mentioned earlier, Mr Regan gave oral evidence by telephone on two occasions at the inquest. On the first occasion, he experienced a deterioration in his medical condition, so his testimony was cut short. On the second occasion, his condition had improved significantly, and he was able to give prolonged evidence. He repeated at that time that he went to the airport with Mr Crawford and met Mr Johnson, but that it had occurred two years after Ms Finn’s murder.
672. Mr Regan said that his friend, the pub manager, had told him that Mr Crawford had shot Ms Finn, but he did not believe it because so many people were said to have shot her. However, when he got to the airport and saw Mr Johnson, it made sense to him because Mr Crawford was crazy.⁵⁸⁸
673. In oral evidence, Mr Jennings said that Mr Regan was the person who told him about Mr Crawford and that he, Mr Jennings, knew nothing about him. As noted above, Mr Jennings view was that Mr Regan drinks a lot and has suffered from poor health which has affected his memory and causes him to create stories.⁵⁸⁹

⁵⁸⁵ Exhibit 1.6.2.Regan 1 M

⁵⁸⁶ Exhibit 1.6.2.Regan 1 M

⁵⁸⁷ Exhibit 1.6.2.Regan 1 M

⁵⁸⁸ ts 1788 Regan M

⁵⁸⁹ ts 1449 - 1450 Jennings J

674. Mr Jennings said that he did not know whether or not to believe Mr Regan's story about Mr Crawford.⁵⁹⁰
675. Following Mr Regan's evidence, contact was made with the Victoria Police in order to ascertain whether there was any information available in relation to Mr Crawford and his murder. On 11 December 2017, the Court received, through Mr Fletcher, the statement of Leading Senior Constable David Burns of the Victoria Police missing persons squad. Mr D Burns had attempted to find a reference to Mr Crawford's murder as described by Mr Regan. He found no such reference in police records or the Victorian coronial records.⁵⁹¹
676. Given the substantial changes of his evidence over time, I find it difficult to attach any weight to Mr Regan's evidence that Mr Crawford had killed Ms Finn or that Mr Johnson was involved with him.

Jason Hiller

677. Mr Hiller was five years old when Ms Finn was murdered. For 18 years, he lived with his family on Bessell Avenue in South Perth, opposite a house owned by Christine Warren, who eventually married Mr Johnson. He believed that Mr Johnson was living there at the time.⁵⁹²
678. Mr Hiller said in an interview in May 2018 and re-iterated in oral evidence that, about a week before the murder, Mr Johnson had come to his family's home to use a vice in the garage in order to cut off the end of the barrel of a rifle.⁵⁹³
679. At about 5.45 pm on the day Ms Finn was shot, Mr Hiller was at home and heard a shot. He went out of the house to investigate and heard another shot. He went about five houses away from his home and saw a group of men in suits standing around a driveway on which a large car

⁵⁹⁰ ts 1450 Jennings J

⁵⁹¹ Exhibit 40

⁵⁹² Exhibit 70

⁵⁹³ Exhibit 70

was parked. The men saw him and ran towards him, but he ran back home.⁵⁹⁴

680. Mr Hiller said that, on the next day, the men turned up at the front door to speak to his mother in order to get to him, but he did not understand why. Sometime later, a police officer came to his school in a car and waited for him to come out. The officer told him to get in the car and offered him a piece of an apple which he had been peeling with a knife. After some hesitation, Mr Hiller got into the car and the officer drove him to the house where the men had been standing. The officer asked him what he had seen, but Mr Hiller did not know what the officer was talking about. The officer asked if he knew Mr Johnson, and Mr Hiller lied and said no because the officer was grumpy.⁵⁹⁵

681. Mr Hiller later believed that the officer was Mr Hancock because he was told that Mr Hancock had a habit of eating fruit with a knife⁵⁹⁶ and because, when he was 12 years old, he identified the car that the officer was driving as belonging to a friend of Mr Hancock.⁵⁹⁷

682. Mr Hiller said that his father had kept the end of the rifle cut off by Mr Johnson but that it was eventually removed or discarded by a friend of the family who was a detective.⁵⁹⁸

683. In yet another of the bizarre coincidences in the evidence of this inquest, Mr Hiller went on to marry the daughter of Ms McLaughlin, at whose apartment Ms Black spent the evening of 22 June 1975. He said that Ms McLaughlin had a twin sister who told him that Ms McLaughlin had been set up to be framed by police with Ms Finn's murder in order to force her to leave Western Australia.⁵⁹⁹ She also told him that the framing was instigated by Mr Johnson and that he had shot Ms Finn.⁶⁰⁰

⁵⁹⁴ Exhibit 70

⁵⁹⁵ Exhibit 70

⁵⁹⁶ ts 1671 Hiller J

⁵⁹⁷ Exhibit 70; ts 1670 - 1671

⁵⁹⁸ Exhibit 70

⁵⁹⁹ Exhibit 70; ts 1682 Hiller J

⁶⁰⁰ ts 1684 Hiller J

684. As mentioned earlier, Mr Hiller said that he had spoken to a woman who worked for Ms Finn as a minder of prostitutes' children. She told him that the motive for the murder was that Ms Finn was going to let people know who had children to certain high-profile men.⁶⁰¹

685. Mr Hiller also testified that:

- a. the rifle barrel left at the house was a .22, according to his father;⁶⁰²
- b. he had heard two further shots early in the morning of 23 June 1975, possibly around 6.00 am or earlier.⁶⁰³
- c. he also recognised Mr Hancock later from photographs;⁶⁰⁴ and
- d. he was told by a high-ranking police officer in about 1999 to stay away from investigating Ms Finn's murder because it was very dangerous to get involved.⁶⁰⁵

686. As with other witnesses, Mr Hiller appeared to have a reasonable memory for detail, but one of the main bases for his earliest recollections: Mr Johnson living across the street from him in 1975, was shown to have been extremely unlikely. A certificate of title demonstrated that Mr Johnson's then future wife and her husband had bought the property across the street from Mr Hiller's family in May 1976.⁶⁰⁶ She also provided a signed statement in which she said that she had not met Mr Johnson until after she separated from her husband in February 1977.⁶⁰⁷

687. When told of that evidence, Mr Hiller said that he was a year out and that the things he had seen occurred a year or two later.⁶⁰⁸ Given that, his

⁶⁰¹ Exhibit 70 15

⁶⁰² ts 1663 Hiller J

⁶⁰³ ts 1675 Hiller J

⁶⁰⁴ ts 1672 Hiller J

⁶⁰⁵ ts 1685 - 1686 Hiller J

⁶⁰⁶ Exhibit 88

⁶⁰⁷ Exhibits 87

⁶⁰⁸ ts 1679-1680 Hiller J

already dubious evidence of Mr Johnson's potential involvement in Ms Finn's murder has no weight.

688. As to Mr Hiller's evidence of what he was told by Ms McLaughlin's sister, it was double hearsay so, though possibly relevant, it could not be reliable on its own.

689. Moreover, Mr Hiller's sister, who was living at the house in Bessel Avenue in 1975, and his brother, who was 15 at the time but may have just left home to work, both told Mr Bishop in telephone interviews that they had never heard of any of the events related to Ms Finn's murder that were alleged by Mr Hiller.⁶⁰⁹

690. It is also of note that documents obtained from the Department of Child Protection suggest that Ms McLaughlin was living in Kalgoorlie in April 1977 so, if she had been forced to leave Western Australia, she had returned by then.⁶¹⁰

Bare allegations and rumours

691. The following are allegations, in no particular order, that Mr Johnson was responsible for Ms Finn's death.

692. Mr Rowe told SCS investigators that he was aware that Mr Johnson may have been involved in Ms Finn's murder⁶¹¹ but, in oral evidence, he agreed that his belief was based on rife scuttlebutt around the police force at the time.⁶¹²

693. Ms Lawrence said in oral evidence that her friend Mr Coxen told her that he had seen Mr Johnson wrap up the gun that killed Ms Finn in newspaper and put it in the rubbish bin in front of the X nightclub just prior to the rubbish truck coming.⁶¹³

⁶⁰⁹ Exhibit 71

⁶¹⁰ Exhibit 106

⁶¹¹ Exhibit 1.10.11 VA394

⁶¹² ts 2096-2097 Rowe C

⁶¹³ ts 2046 – 2047 Lawrence J

694. Ms Pelham stated that Mr Tangney once said words to the effect, ‘You know Shirley Finn?... You know Johnson?’ and to both questions she answered ‘Yes’. Mr Tangney then made a motion with his hand shaped like a gun, pointed at his head and made a sound to indicate the gun going off. At the time, Ms Pelham thought that it was common knowledge because she had heard it before.⁶¹⁴
695. In oral evidence, Mr Tangney denied that what Ms Pelham had said ever occurred and said that he did not know anything about who shot Ms Finn.⁶¹⁵
696. As mentioned above, Mr Meyers stated that Mr Johnson got a gun out of ‘amnesty’ and used it to shoot Ms Finn. Mr Meyers was a racehorse trainer who, in another coincidence, also gained notoriety in relation to race-fixing by Laurie Connell in 1983. In oral evidence, Mr Meyers said that, in the early 1980s, he was told by a detective, Mr Pace, that Mr Johnson had shot Ms Finn.⁶¹⁶ Mr Pace refuted Mr Meyers’ evidence so far as it pertained to him.⁶¹⁷
697. To paraphrase somewhat, Mr Meyers also said that 90 per cent of the police force knew that Mr Johnson had shot Ms Finn, but that lots of people were scared of Mr Johnson and so was Mr Meyers. Mr Johnson was a very dangerous man; like a criminal with a badge. No matter what people dig up and say about who shot her, we all know it was him.⁶¹⁸
698. Mr Ferris, who was a former police officer, said ‘through my career every – so many police officers all know that the murder was committed by Mr Johnson and others to silence her.’ He emphasised that it was rumour and gossip.⁶¹⁹
699. Peter O’Neill, whose evidence I shall discuss below in relation to allegations against Mr S, said that he was told by a former fraud squad

⁶¹⁴ ts 1290 – 1291 Pelham A

⁶¹⁵ ts 1351 Tangney K

⁶¹⁶ ts 898 Meyers R

⁶¹⁷ Exhibit 46

⁶¹⁸ ts 899 Meyers R

⁶¹⁹ ts 1227 - 1228 Ferris C

officer, whom he named, that Mr Johnson was widely rumoured to have killed Ms Finn.⁶²⁰

Discussion of evidence against Mr Johnson

700. There is, as demonstrated, a large quantity of evidence implicating Mr Johnson in Mr Finn's murder. That evidence supports findings that he had the opportunity and, arguably, a motive for her murder, and that he was in the vicinity of the shooting at that material time. There is, however, no direct evidence that he was involved, and the vast majority of the testimony of circumstantial evidence is based on recollections that are open to some level of doubt due, primarily, to inconsistencies with the relevant witness' previous statements or with other, verifiable, evidence.

701. As with a finding of corruption against a police officer, in order to find that Mr Johnson either shot Ms Finn himself or was involved in arranging for her murder, I would need to be satisfied to a standard of proof approaching 'beyond reasonable doubt'.⁶²¹

702. In my view, even if there were no evidence implicating other persons as possibly responsible for Ms Finn's death, the evidence available at the inquest in relation to Mr Johnson was not so compelling as to allow me to be satisfied to that standard that he was responsible for, or involved in, Ms Finn's murder.

703. Given that there is evidence implicating other persons, especially Mr Hancock and Mr N, it is even less open for me to find that Mr Johnson was responsible. That is so even though it is entirely possible, if not probable, that whoever shot Ms Finn did not act alone. It would not be possible on the available evidence to exclude the possibility that one or more persons, not including Mr Johnson, were responsible.

⁶²⁰ ts 1757 O'Neill

⁶²¹ *Re The State Coroner; Ex Parte The Minister for Health* [2009] WASCA 165 [21]; *Briginshaw v Briginshaw* [1938] HCA 34; (1938) 60 CLR 366 [362] – [363] (Dixon J)

DONALD HANCOCK

704. The evidence implicating Mr Hancock in Ms Finn's murder included the rather startling disclosure by Ms Beswick that, not long before Anthony Lewandowski committed suicide in May 2004, he confessed to her that he had driven the car in which Mr Hancock had travelled in order to shoot Ms Finn and that Mr Hancock had carried out the murder for a mate.
705. It appears that Mr Lewandowski's mental and physical health had suffered after he had confessed in 2002 to fabricating evidence in the case against the Mickelbergs over the 1982 Perth Mint swindle,⁶²² but I am unable to ascertain if his mental health could have led to him to make a false confession to Ms Beswick about his role in Ms Finn's murder
706. Ms Beswick also said that, while she was Ms Finn's driver, she took her and Mr O'Connor to King's Park. Ms Beswick said that she went for a walk to leave them alone in the car, but she did not go far. She could hear Ms Finn telling Mr O'Connor, 'You know I am in trouble with the tax man, and if I go down I'm taking you with me' to which Mr O'Connor replied in rude terms that he was not going to help her.⁶²³
707. Sometime later, Ms Beswick put two and two together to conclude that the mate mentioned by Mr Lewandowski was Mr O'Connor. She said that Mr Hancock's career went up after Mr O'Connor became Minister of Police and that Mr Lewandowski had told her that Ms Finn had threatened to bring Mr O'Connor down by exposing their affair. As Mr O'Connor was going to become the premier of Western Australia, he could not afford to have her do so.⁶²⁴
708. Other, potentially compelling evidence against Mr Hancock could be found in Mr Couacaud's testimony that he saw a police officer resembling Mr Hancock get into Ms Finn's car. That evidence is weakened in my view by Mr Couacaud's recollection that the officer was wearing a full uniform with an insignia on his arm having three chevrons and a crown

⁶²² For example: <https://www.abc.net.au/news/2004-05-19/lewandowski-found-dead-in-his-home/1978564>

⁶²³ ts 717 - 718 Beswick L

⁶²⁴ ts 725 - 726 Beswick L

above them, which indicated the rank of first-class sergeant. It seems unlikely that Mr Hancock had the rank of first-class sergeant at that time since the seniority list in the Police Gazette in January 1976 indicates that he was a third-class sergeant.⁶²⁵ Other evidence suggests that it was unlikely that a detective, as Mr Hancock was, would have worn a uniform.⁶²⁶

709. Mr Healy told the inquest that Mr Hancock had lied to him about not knowing much about the murder despite having worked on it, and about not being a friend or colleague of Mr Johnson's.⁶²⁷ Mr Hancock also told him not to ever bring up Mr Johnson's presence at the Pagoda or his attack on Mr Healy because of Mr Johnson's dangerous associates.⁶²⁸ That evidence could indicate an attempt to divert any further investigation into the murder, but it could also have been a sincere warning to Mr Healy.

710. I note Mr Boland's evidence that Mr Hancock had told him not to do anything further in relation to the evidence relating to Arthur Stanley Smith as detailed in Serial 393, but without further explanation, it is difficult to discern Mr Hancock's motive at the time. Likewise, there was hearsay evidence from Mr Tyler that, on 23 June 1975, Mr Hancock had not turned up for work at the Victoria Park CIB,⁶²⁹ but that evidence is equivocal at best.

711. A stand-alone allegation against Mr Hancock was made by Mr Rowe, who told SCS officers: 'the same person who was involved in the Mickelberg job knows who did the job on Finn'.⁶³⁰ In oral evidence, Mr Rowe said that the meaning of that statement was that 'Hancock and Bernie Johnson were mates'.⁶³¹ He had also said that he believed, on the basis of rumours in the WAPF, that Mr Johnson had killed Ms Finn.⁶³²

⁶²⁵ Police Gazette, No. 1 1976, 7/1/76 6

⁶²⁶ ts 1818 Fletcher B; Mr N's WAPF file containing Transfer Ticket to CIB and issue of suits, etc

⁶²⁷ ts 810 Healy M

⁶²⁸ ts 811 Healy M

⁶²⁹ ts 1126, 1162 Tyler L

⁶³⁰ Exhibit 1.10.11 VA394

⁶³¹ ts 2099 Rowe C

⁶³² ts 2096 - 2097 Rowe C

712. It is interesting to consider that, despite evidence of Mr Hancock's association with Mr Johnson,⁶³³ Mr Johnson told Ms Wills that he was not Mr Hancock's mate and then refused to answer her question of what he thought about Mr Hancock as a police officer.⁶³⁴ However, such cryptic evidence does little to assist.
713. While there was evidence suggesting that Mr Hancock was corrupt,⁶³⁵ other witnesses attested to his good character. For example, Mr Meyers said that he had met Mr Hancock and got to know him socially. He got to respect him and could not believe that he could stoop so low as to shoot Ms Finn. Mr Meyers said that he had never heard anything in the underworld side that Mr Hancock had anything to do with Ms Finn.⁶³⁶
714. Though not a testament to Mr Hancock's good character, Mr Regan said that he did not like him, but that he did not believe that Mr Hancock killed Ms Finn because he would not have had the guts to do it or to be tangled up in that sort of thing.⁶³⁷

Discussion of evidence against Mr Hancock

715. Ms Beswick's evidence and Mr Couacaud's evidence, taken at their highest, support a finding that Mr Hancock murdered Ms Finn. However, each witness' evidence had gaps which were not filled by the other's evidence.
716. When it came to Ms Finn 'going down' in relation to a tax debt, Ms Beswick's evidence was inconsistent with evidence from 1975 in relation to the resolution of the tax debt by instalment payments, and it is difficult to see how any threat Ms Finn may have made to Mr O'Connor about that debt in 1973 or early 1974 could have led him to seek her death some 18 months later. This is especially so given that, as a State politician, Mr O'Connor had no authority in relation to the Commonwealth Taxation Department.

⁶³³ For example: ts 2046 Lawrence J; ts 2099 Rowe C

⁶³⁴ Exhibit 1.3.2.3 267

⁶³⁵ For example: ts 492 Couacaud S

⁶³⁶ ts 914 Meyers R

⁶³⁷ ts 1791 Regan M

717. Of course, it may be that Ms Beswick was wrong in deducing that the mate to whom Mr Lewandowski referred was Mr O'Connor, but the evidence does not suggest any other person apart from, possibly, Mr Johnson, as a person for whom Mr Hancock may have killed Ms Finn.
718. As with many other witnesses, including Mr Couacaud, Ms Beswick's evidence was frequently marred by inconsistencies in relation to times and dates. In her case, she had trouble with even approximate dates, which significantly adversely affected the reliability of her memory.
719. There is no direct evidence to contradict Ms Beswick's account of Mr Lewandowski's confession, but it appears to me that the confession may have been a result of Mr Lewandowski's fear and hate of Mr Hancock. That latter possibility may have been consistent with Mr Lewandowski's mental health in the time leading up to his suicide, but that too is speculative.
720. As an aside, as I understand it, Mr Lewandowski's confession to Ms Beswick would not have been admissible against Mr Hancock in a criminal trial had Mr Hancock been alive.
721. Mr Couacaud's evidence is important in placing a police officer near Ms Finn's car, but it only goes so far as to say that he saw a police officer who he later believed was Mr Hancock get into her car which then drove away. That is far from compelling identification evidence.
722. If that evidence were sufficient to identify Mr Hancock at the scene, there may have also been an explanation consistent with Mr Hancock's innocence. For example, he may have been sent by a superior to convey Mr Finn to a meeting and then took no further part in what happened next. Neither Mr Couacaud nor Ms Beswick was able to shed light on the details of the shooting.
723. Given those uncertainties, in my view the evidence does not support a finding at the applicable standard that Mr Hancock shot Ms Finn, but it does not exclude him.

MR N

724. In June 2005, a man (who gave his name) called Crime Stoppers and stated that a deceased family member who had been a senior public servant had told colleagues that Mr N had been involved in Ms Finn's murder.⁶³⁸
725. In 2014, Witness L attended the Nannup Police Station with ammunition which, she said, had belonged to Mr N. The ammunition was in a matchbox which she had found at home. She then told the police sergeant about her relationship with Mr N and his disclosure to her that he had killed Ms Finn.⁶³⁹
726. In oral evidence by video-link, Witness L described Mr N as a controlling and violent man. She said that, about two years before his death in 1987, he threatened to kill her as he had killed Ms Finn. She said that he told her that Ms Finn had gone to the CIB office and was told to go to the foreshore. He was waiting there with a shotgun strapped to his leg under his trousers. When Ms Finn arrived, the headlights from his car were on her car. He lit a cigarette and walked up to her window, lifted his flares to access the shotgun, shot her in the face⁶⁴⁰ and blew her head off.⁶⁴¹
727. Witness L said that, after Mr N told her about Ms Finn, she became upset and told him that she was going to leave him. He threatened to kill her and her kids, so she remained with him and did what he told her. About three times after that, he threatened that she would end up like Ms Finn if she did not do as she was told.⁶⁴²
728. Witness L said that Mr N had eight or nine firearms; some were rifles, some were sawn-off and some were pistols. Some of them were unlicensed. She said that she did not know anything about guns at the

⁶³⁸ Exhibit 1.10.4 VA106

⁶³⁹ Exhibit 1.10.7 VA241.1

⁶⁴⁰ ts 1987 Witness L

⁶⁴¹ ts 1993 Witness L

⁶⁴² ts 1987 Witness L

time. After he died, she took the unlicensed ones to the tip and gave the licensed ones to one of Mr N's friends who was an ex-police officer.⁶⁴³

729. In oral evidence, Witness L said that Mr N had told her that he had gone to 'the big green' to wait for Ms Finn. She thought that it meant the foreshore on the South Perth side but later learned that it was apparently a golf course.⁶⁴⁴

730. Witness L said that, when Mr N told her about killing Ms Finn, she believed him absolutely because he was a violent and aggressive psychopath.⁶⁴⁵

731. When asked about the car that Mr N was driving at the time, Witness L said that it was a dark green four-cylinder Holden Torana which, he had told her, was an undercover police car. She then produced a workshop manual for 1969-1975 Holden Toranas. The cover of the manual depicts a green Torana which she said was the same as Mr N's.⁶⁴⁶

732. When asked about Mr N's reference to a shotgun, she said that she was not familiar with guns at the time but that she had got rid of a sawn-off gun with two barrels and that it was the only sawn-off gun she found. She was not sure if he had said gun or shotgun when he told her about the shooting.⁶⁴⁷

733. Witness L also elaborated on Mr N's motive for the shooting. She said that he told her that he was ordered to do it because Ms Finn was causing trouble. She was going to go to the newspapers and bring down the Police Department because she was paying tax and graft, so she was paying tax on the graft money. She turned up at the WAPF headquarters at 11.00 pm on the night she was killed to complain to the Commissioner of Police, and 'they were told to get rid of the problem'.⁶⁴⁸

⁶⁴³ ts 1992 Witness L; Exhibit 1.10.7 VA241.1

⁶⁴⁴ ts 1987, 2011 Witness L

⁶⁴⁵ ts 1988 Witness L

⁶⁴⁶ ts 1989 Witness L

⁶⁴⁷ ts 1994 Witness L

⁶⁴⁸ ts 1995 Witness L

734. When asked about specific dates, Witness L said that she did not remember. She said that it was so long ago that the most important things she remembered were Mr N telling her that he killed Ms Finn and her dumping the guns.⁶⁴⁹
735. Mr N's WAPF file indicates that, on 22 June 1975, he was a probationary detective constable in the CIB. It is not entirely clear from the records, but it appears likely that he was stationed in Fremantle at the time. Medical leave records indicate that he was referred for tests for a swollen throat on 17 June 1975 and was given a medical certificate to be absent from duties with severe tonsillitis for 19 days from 21 June 1975. In August 1975, he underwent a tonsillectomy and was certified unfit for another 18 days.

Discussion of evidence against Mr N

736. As with similar, though hearsay, allegations against Mr Johnson, Witness L's evidence boils down to allegations that Mr N, whom she described as violent and aggressive, told her of killing Finn as a basis to threaten her. Her evidence about his stated motivation behind the killing does not, on the face of it, advance the proposition that he killed Ms Finn, nor does Witness L's evidence about his firearms advance it since, to the extent that her evidence contains any detail, that evidence suggests that she did not see a sawn-off .22 calibre repeater rifle.
737. Witness L's unexpected evidence about Mr N's car and the workshop manual she produced leave open the possibility that it was his car that was seen by Mr and Mrs Mearns beside Ms Finn's car at about 5.00 am on 23 June 1975. However, it is difficult to reach a further conclusion.
738. In those circumstances, the evidence does not establish to the applicable standard that Mr N killed Ms Finn; however, it does not exclude him as a suspect.
739. I note in passing that the conflict between, on one hand, the information that Witness L said Mr N gave her, and the relatively public information about the nature of the gunshot wounds which killed Ms Finn on the

⁶⁴⁹ ts 2010 Witness L

other, suggests that she was not attempting to craft her evidence based on what she had seen in the media.⁶⁵⁰

MR S

740. Mr S had been a consorting squad detective⁶⁵¹ who went on to become the officer in charge of the Pinjarra station. While he was at the Pinjarra station, he used to have regular social gatherings, or sundowners, for the officers at the station. The officers going off duty would have snacks and drinks, while those going on duty would have soft drinks. One of the officers was Christopher Ferris.⁶⁵²
741. Mr Ferris told the inquest that, on one of those sundowners, an officer asked Mr S what he thought had happened to Ms Finn, and Mr S said that she had been shot by police because she had not been playing the game and that he had pulled the trigger.⁶⁵³
742. Mr Ferris said that he believed that Mr S was not joking and that he seemed to be adamant that he had done it.⁶⁵⁴ Mr Ferris did not report to a superior officer what Mr S had said because there was a code of silence and he, Mr Ferris, would have been finished in the police force had he done so.⁶⁵⁵
743. Mr Ferris considered Mr S to be a hard, tough man. Mr Ferris related a story about Mr S carrying a much bigger revolver than the standard-issue .38 calibre police revolver and killing an injured cow with it with one shot. After 40 years of hindsight, Mr Ferris' view is that, when Mr S said that he shot Ms Finn, Mr Ferris believed him.⁶⁵⁶
744. Following the incident at the sundowner, Ferris stopped going to drinks after work. Mr Ferris believed that, because of that, Mr S turned on him and made his life a misery, including by verballing him and trying to have

⁶⁵⁰ ts 1985 Witness L

⁶⁵¹ ts 1342 Tangney K

⁶⁵² ts 1213 Ferris C

⁶⁵³ ts 1214 Ferris C

⁶⁵⁴ ts 1214 Ferris C

⁶⁵⁵ ts 1214 Ferris C

⁶⁵⁶ ts 1219 Ferris C

him charged with stealing.⁶⁵⁷ Mr Ferris transferred out of Pinjarra and never saw Mr S again.⁶⁵⁸

745. Two other police officers who had worked at Pinjarra Police Station were contacted by Mr Bishop by telephone. One officer was Alan Milson, who told Mr Bishop that he had not heard Mr S say that he had killed Ms Finn and he would not have believed it. He said that Mr S was a bit of a drunk and was a big-noter who took on other people's stories to make himself look bigger and tougher. Mr Milson had left the station a short time after Mr S had been made the officer in charge.⁶⁵⁹
746. The other officer who spoke to Mr Bishop was Mike Coster, who had been a constable at Pinjarra when Mr S was the officer in charge. He said that he considered Mr S to be dangerous because of stories about him. Mr Coster did not go to Mr S' sundowners because he did not drink. He had not heard Mr S say that he shot Ms Finn and had not heard anything about him saying that until he spoke to Mr Ferris a few months before April 2018. After speaking to Mr Ferris, he had a vague recollection about Mr S saying that, but if he did say it, Mr Coster did not take it seriously because Mr S was an alcoholic and was always drunk.⁶⁶⁰
747. Relatedly, former detective Mr Thoy was asked about Mr S being part of the purple circle and replied that Mr S was too lazy to get out of his own way and was called 'in-off'.⁶⁶¹
748. Another source of evidence against Mr S being responsible for Ms Finn's murder was that of Peter O'Neill. Mr O'Neill was a farmer who had moved to Perth from Narrogin in 1980 and began selling real estate. He met many people in his job, and a common topic with the various people he met was police corruption and Ms Finn's murder at the hand of Mr Johnson.⁶⁶²

⁶⁵⁷ ts 1224 Ferris C

⁶⁵⁸ ts 1225 Ferris C

⁶⁵⁹ Exhibit 55

⁶⁶⁰ Exhibit 56

⁶⁶¹ ts 1137 Thoy R

⁶⁶² ts 1758 O'Neill P

749. Mr O'Neill said that, in 1994, he used to go to early morning mass every morning at a Catholic church in Palmyra. He noticed an older lady who also used to attend the same mass every morning, and he realised that he would pass her on the way there. On one occasion, he offered her a lift and, after that, he would pick her up on the way to mass every day. When he told her his occupation, she invited him to her home to meet her husband because they were considering moving into a retirement villa.⁶⁶³
750. Mr O'Neill went to the lady's home and met her husband, Tony Westerside, who was a retired police sergeant. Mr O'Neill asked Mr Westerside if he knew Mr Johnson, and Mr Westerside replied that there was a lot of scuttlebutt in relation to police corruption and the containment policy in relation to brothels, but he did not say much more.⁶⁶⁴
751. On the third occasion that Mr O'Neill went to the Westersides' home, he again raised the topic of Mr Johnson and Ms Finn's murder. Mr Westerside told him that there was a purple circle of police who used to run the containment policy. He then brought out a photo album, showed Mr O'Neill a picture of a man whom he identified as Mr S, and he said that Mr S had shot Ms Finn.⁶⁶⁵
752. Mr O'Neill said that Mr Westerside told him that he knew that Mr S had killed Ms Finn because he, Mr Westerside, had been in charge of the WAPF firearms department and, on the day that Ms Finn was found murdered, Mr Johnson came into the department and demanded a replacement firearm for Mr S. Mr Westerside asked Mr Johnson for an explanation, and Mr Johnson eventually told him that he had been in Ms Finn's passenger seat while Mr S was in the back seat.⁶⁶⁶
753. Mr O'Neill said that he asked Mr Westerside how he knew that Mr Johnson had not pulled the trigger, and Mr Westerside said that Mr Johnson was too clever for that – he controlled the whole containment system with about eight other officers. Mr O'Neill pointed out to

⁶⁶³ ts 1754 O'Neill P

⁶⁶⁴ ts 1754 1755 O'Neill P

⁶⁶⁵ ts 1755 1756 O'Neill P

⁶⁶⁶ ts 1756 O'Neill P

Mr Westerside that, according to the coroner's report, it was not a police revolver that shot Mr Finn, and Mr Westerside told him that the post mortem result had been altered to show that it was not a police revolver.⁶⁶⁷

754. Mr O'Neill then asked about the tax department issue with Ms Finn, and Mr Westerside told him that Ms Finn did not owe the \$100,000 to the tax department – she owed it to Mr Johnson and she did not want to play ball. They wanted to show the other brothel owners what would happen to them if they did not do as they were told.⁶⁶⁸
755. Mr O'Neill said that Mr Westerside told him that Mr Johnson had said that he was concerned that Mr S was going to roll over, so they were thinking about putting him on long-service leave.⁶⁶⁹
756. At the end of their conversation, Mr Westerside told Mr O'Neill that he would deny ever saying those things to him.⁶⁷⁰
757. Mr O'Neill said that, in the late 1990s or early 2000s, he spoke to a fellow member at his tennis club, Don Doig, who was a Commissioner of the Anti-Corruption Commission (ACC) at the time. He said that he told Mr Doig of the information he had received about Mr S, and Mr Doig told him that he knew Mr S, that Mr S was in Wyndham when Mr Doig was a junior clerk there, and that Mr S was 'a real tough bloke'.⁶⁷¹
758. Mr O'Neill also said that, in about 2008 or 2009, he and his wife were staying at a caravan park in Carnarvon when he met William Kidd, a former police officer who was also staying there with his wife.⁶⁷²
759. Mr O'Neill said that Mr Kidd had worked in Carnarvon, so Mr Kidd and his wife showed the O'Neill's around Carnarvon for a day. At one stage during that day, Mr Kidd and Mr O'Neill were left on their own while their wives went into a shop. Mr O'Neill mentioned Mr Westerside's

⁶⁶⁷ ts 1756 O'Neill P

⁶⁶⁸ ts 1757 O'Neill P

⁶⁶⁹ ts 1757 O'Neill P

⁶⁷⁰ ts 1756 - 1757 O'Neill P

⁶⁷¹ ts 1764 O'Neill P

⁶⁷² ts 1765 O'Neill P

information about Mr S, to which Mr Kidd replied that he thought Mr O'Neill was 'on the money'. He said that a lot of police officers would be pleased if Mr S rolled over because it would relieve the police of any bad name.⁶⁷³

760. In attempting to verify Mr O'Neill's evidence, it was established that Mr Westerside was deceased. However, both Mr Doig and Mr Kidd provided statements.

761. Mr Doig stated that he had been an active member of the Melville Palmyra Tennis Club and that he remembered that he had heard the name Peter O'Neill at the tennis club, but that he does not know him. He also said that he had no conversation with Mr O'Neill at the ACC offices or the CCC offices, that he did not know anyone named Mr S, and that the closest he had come to Wyndham was when he was relieving as clerk of courts in Derby in 1967.⁶⁷⁴

762. Mr Kidd had been a police officer for over 30 years. He retired in 1996 at the rank of inspector. In addition to providing a statement, he gave oral evidence at the inquest.

763. Mr Kidd recalled meeting Mr O'Neill in Carnarvon and having a conversation about Ms Finn's murder. He knew nothing about the murder or about the investigation.⁶⁷⁵ He told Mr O'Neill that he knew Mr S well and that he used to work and socialise with him. Mr O'Neill asked him if he, Mr Kidd, thought that Mr S was the offender, and Mr Kidd told him that he could be, but so could Mr O'Neill or Mr Kidd himself.⁶⁷⁶ He said that he did not think that anybody is going to find out who the offender was. He did not recall saying anything about there being a number of policemen who were hoping that Mr S would come clean.⁶⁷⁷ He may have said that he hoped that whoever has done it rolls over before they pass away.⁶⁷⁸

⁶⁷³ ts 1765 – 1766 O'Neill P

⁶⁷⁴ Exhibit 94

⁶⁷⁵ Exhibit 90

⁶⁷⁶ ts 1775 Kidd W

⁶⁷⁷ ts 1775 Kidd W

⁶⁷⁸ ts 1776 Kidd W

764. Mr Kidd thought that it was ridiculous to think that Mr S could have killed Ms Finn because he knew Mr S pretty well and did not think that he had it in him.⁶⁷⁹

765. When the contents of Mr Doig's and Mr Kidd's statements were put to Mr O'Neill, he was adamant that his version of the events was correct.⁶⁸⁰

Discussion of evidence against Mr S

766. Mr Ferris' evidence boils down to a statement he recalls Mr S making while likely affected by alcohol and to a personal opinion of Mr S as a hard man. The evidence from Mr Milson and Mr Coster suggests that, if Mr S had made that statement, it was not serious.

767. Mr O'Neill's evidence is entirely hearsay. Mr Westerside is deceased, so it is difficult to assess the veracity of the statements he allegedly made to Mr O'Neill. However, Mr Westerside's purported explanation for his belief that Mr S had killed Ms Finn is contrary to the evidence establishing that Ms Finn was shot with a sawn-off Anschutz .22 rifle.

768. The other two people whose statements Mr O'Neill said he heard both deny making the statements. In any event, the statements Mr O'Neill attributed to them were of opinions, not facts.

769. In these circumstances, there is no cogent evidence upon which I could find that Mr S was responsible for Ms Finn's death.

ARTHUR STANLEY (NED) SMITH

770. Mr Smith was named by Mr Boland in Serial 393 as a notorious hit-man from Victoria who an informant, Mr Lewis, told him had come to WA to kill Ms Finn for a payment of \$5000 from Joe Martin, one of Ms Finn's co-owners of a brothel in Kalgoorlie. The other co-owner was Stella Strong. The alleged motive for Ms Finn's murder was that Mr Martin

⁶⁷⁹ ts 1777 Kidd W

⁶⁸⁰ ts 1765, 1768 O'Neill P

wanted to sell his share of the brothel, and she was becoming too greedy.⁶⁸¹

771. Mr Lewis apparently told Mr Boland that, about a week after the murder, he met with Mr Smith, who offered him a job assisting him to run brothels in WA.⁶⁸² On 29 June 1975, an anonymous caller identified Mr Lewis and Mr Smith drinking at Albert's Tavern in Perth and suggested that they may know something about Mr Finn's murder.⁶⁸³
772. Much of the background detail which Mr Boland included in Serial 393 about Mr Lewis and his partner, Mr Stevens, was corroborated by the now Ms Stevens (following gender reassignment) by telephone link, including her relationship with Mr Lewis and their apartment in Mount Street in Perth. She had no recollection of Mr Lewis discussing a conversation with police about her extradition or about information Mr Lewis was providing them. She did not recall him ever saying that he knew anything about Ms Finn's murder or about Smith.⁶⁸⁴
773. At the inquest, Mr Lewis provided oral evidence by telephone under his original name. To keep things simple, I shall continue to refer to him as Mr Lewis. I shall also refer to Ms Stevens as Mr Stevens as this is reflective of Mr Lewis' testimony of events and identities at that time.
774. Mr Lewis said that he was a friend of Mr Stevens' family and had travelled with Mr Stevens to Perth when he left Melbourne to escape a fraud charge. He said that they had lived in Applecross and did not recall Mr Stevens having a job. Mr Lewis vehemently denied making any deals with Mr Boland or providing him with any information.⁶⁸⁵
775. Mr Lewis said that he knew a Stanley Arthur Smith, who was different from Arthur Stanley Smith. The former worked for a club and the latter was a gangster also known as Ned. Mr Lewis said that he had been in jail with Ned Smith for seven years but had never met with him in Perth.⁶⁸⁶

⁶⁸¹ Exhibit 1.4.5 S393

⁶⁸² Exhibit 1.4.5 S393

⁶⁸³ Exhibit 1.7.5 D288

⁶⁸⁴ ts 976, 981 Stevens L

⁶⁸⁵ ts 1090, 1103 Parker K

⁶⁸⁶ ts 1091 - 1092 Parker K

He said that he did not know of the way Ned Smith would shoot people, or if he had ever shot anyone before.⁶⁸⁷

776. In March 2015, SCS detectives interviewed Mr Smith in prison in Sydney. He told them that he had never been to WA, had never heard of Ms Finn and may have been in jail or fulfilling daily reporting conditions for bail at the time of Ms Finn's murder. He could not remember Mr Lewis and had never been to Albert's Tavern with him.⁶⁸⁸

777. As noted earlier, Mr Smith was on parole and had reported to authorities on 11 June 1975 and then 2 July 1975, so he was unaccounted for around the time Ms Finn was murdered. He had been charged with eight murders and was convicted of two, including the murder of a male brothel owner.

778. Other possibly relevant evidence related to Mr Smith came from Mr Johnson, who told journalist Martin Saxon that he was friendly with Stanley Smith, whom he would visit in prison when he went to New South Wales.⁶⁸⁹ It is not clear whether Mr Johnson was referring to Ned Smith or Stanley Arthur Smith, but there is information linking Mr Johnson's friend Roger Rogerson to Ned Smith, so it seems likely that Mr Johnson was referring to Ned Smith.⁶⁹⁰ However, Mr Rogerson reportedly did not know Mr Smith until 1976.

Discussion of evidence against Mr Smith

779. The evidence against Mr Smith, apart from that establishing his propensity for murder, is provided by Mr Boland, Serial 393 and Ms Stevens. There are details within it which, on their face, do not make sense, especially those pertaining to the motive being Mr Martin's desire to remove Ms Finn in order to sell his share of the brothel and Mr Smith's offer to Mr Lewis to assist in running prostitution in WA.

780. In addition, given Mr Lewis' repugnance of a purported deal with authorities, it also appeared odd that he would implicate a former

⁶⁸⁷ ts 1097 Parker K

⁶⁸⁸ Exhibit 1.2.1.12 49

⁶⁸⁹ Exhibit 69

⁶⁹⁰ Exhibit 98

associate for murder when the charge facing Mr Stevens was relatively minor. Indeed, Ms Stevens told the inquest that the charge was ridiculous and that his sister had told him before the extradition took place that it would be dismissed, as it subsequently was.⁶⁹¹ Ms Stevens said that Mr Lewis would have known that the charge was rubbish, so he had no reason to make a deal.⁶⁹²

781. However, the corroboration by Ms Stevens of information which Mr Boland was unlikely to have known otherwise but from Mr Lewis is consistent with Mr Boland having faithfully recorded what Mr Lewis told him. The tip-off in relation to Messrs Smith and Lewis meeting at Albert's Tavern also supports Mr Smith's presence in WA at the material time.

782. Investigations by SCS investigators, including inspections of flight manifests and interviews with Mr Smith and Mr Rogerson, did not rule out Mr Smith as a suspect in Ms Finn's murder.

783. While the evidence does not allow for a finding that Mr Smith killed Ms Finn, it remains an open possibility that he did so. That possibility would have to be considered when assessing the evidence against other suspects.

JAMES BOLAND

784. As we have seen, Mr Boland was a detective in the fraud squad at the time Ms Finn was murdered. He resigned from WAPF in 1981 under a cloud after he was accused of a minor theft. He then worked as a Commonwealth review officer and investigator⁶⁹³ before going on to work with the Department of Corrective Services in 1988.⁶⁹⁴

785. In 1995, Mr Boland began working at Pardelup Prison as an Assistant Superintendent Operations Management. There, he shared the

⁶⁹¹ ts 970 - 971 Stevens L

⁶⁹² ts 974 Stevens L

⁶⁹³ ts 7 Boland J

⁶⁹⁴ Exhibit 1.10.6.217 7

administration building with Margo Devine, an industrial officer who had commenced work about six months before Mr Boland arrived.⁶⁹⁵

786. In 2007, Ms Devine alleged to SCS investigators that, soon after Mr Boland started working at Pardelup Prison, she and he had a conversation in which he told her that he had previously been a hostage negotiator with WAPF and that he and another two police officers had shot Ms Finn.⁶⁹⁶

787. At the time, Ms Devine did not know anything about Ms Finn and she thought that he may not have been telling the truth because 'it was not the sort of thing that you tell someone you don't really know.'⁶⁹⁷

788. Ms Devine told investigators that Mr Boland had mentioned on more than one occasion that he and others had killed Ms Finn.⁶⁹⁸

789. Ms Devine also signed a statement and provided oral evidence generally in accordance with what she had told investigators more than 10 years previously, though she could not remember that Mr Boland had spoken to her more than once about killing Mr Finn.⁶⁹⁹

790. In oral evidence, Ms Devine said that she had no reason at the time not to believe what Mr Boland told her about Ms Finn,⁷⁰⁰ and that she took it seriously enough to report it in her statement.⁷⁰¹ However, she had the impression that he was a big-noter who might exaggerate from time to time, and she said that, in the prison system, one never knew what to believe.⁷⁰²

791. As mentioned, Mr Boland was the first witness to testify at the inquest. When asked whether he remembered Ms Devine, he said that he did and

⁶⁹⁵ Exhibit 1.6.1 Devine M

⁶⁹⁶ Exhibit 1.6.1 Devine M

⁶⁹⁷ Exhibit Devine M

⁶⁹⁸ Exhibit 1.6.1 Devine M

⁶⁹⁹ ts 262 Devine M

⁷⁰⁰ ts 270 Devine M

⁷⁰¹ ts 271 Devine M

⁷⁰² ts 265, 271 Devine M

that he had reported her for financial irregularities which led to her leaving.⁷⁰³

792. When Ms Devine's allegations were put to him, Mr Boland denied that he had ever said that he had shot Mr Finn.⁷⁰⁴
793. In July 2015, SCS detectives interviewed Mr Boland about Ms Devine's allegations and related matters. He denied meeting or shooting Ms Finn, or admitting to anyone that he had shot Ms Finn, and he immediately wanted to know who made the accusation. He suggested that it may have been his secretary from Pardelup Prison (not Ms Devine). Mr Boland also told SCS detectives that he had never observed any corrupt behaviour by police officers.⁷⁰⁵
794. The SCS detectives noted that Mr Boland appeared happy to talk at length about general information, but that when talking about issues of significance in relation to Ms Finn's murder, his answers were brief and his demeanour changed when answering. They noted that when answering about Ms Finn or police corruption, his leg began shaking rapidly, which they equated with him not telling the truth.⁷⁰⁶
795. The SCS officers concluded that there was no evidence or intelligence to implicate Mr Boland from their investigation.
796. Ms Devine provided oral testimony several days after Mr Boland did. In relation to his allegations about her, she said that she had resigned because she was pregnant but that he had ruined her career. She said that there had never been allegations against her for stealing in the prison system, but that there had been allegations against him.⁷⁰⁷
797. I note that there are records of a series of allegations of wrongdoing against Mr Boland while at Pardelup Prison, but the allegations were not

⁷⁰³ ts 8 Boland J

⁷⁰⁴ ts 9 Boland J

⁷⁰⁵ Exhibit 1.10.6.217.1 2-3

⁷⁰⁶ Exhibit 1.10.6.217.1 3

⁷⁰⁷ ts 273 Devine M

substantiated.⁷⁰⁸ He went on to become Assistant Superintendent – Programs at Albany Prison in January 2002.

798. Other evidence about Mr Boland included the opinion of Mr Thoy, who said that he was a nice guy who had been a sniper in the Tactical Response Group and ‘did not have the mindset’.⁷⁰⁹

Discussion of evidence against Mr Boland

799. It is apparent that the only evidence against Mr Boland was hearsay of a disputed admission from a man with a reputation to big-note himself. On that basis, it would not be possible to find that he was involved in Ms Finn’s death.

800. Of interest, but ultimately irrelevant, is evidence that Mr Boland had been the owner of an Anschutz .22 calibre rifle. As part of the 2014 review, that rifle was examined by ballistics officers who eliminated it as the possible murder weapon.⁷¹⁰

RAYMOND JAMES O’CONNOR

801. Mr O’Connor had been named by several witnesses as being involved in Ms Finn’s murder. Putting aside Mr Gardner’s discounted testimony that he had witnessed Mr O’Connor actually shooting Ms Finn, the allegations generally relate to his association with Ms Finn and prostitution, and her supposed threats to expose him if he did not help her with her tax problem. Those allegations are spelled out in the evidence of Mr Healy and Ms Beswick.

802. In particular, Mr Healy had known Mr O’Connor socially and had then spent time in Wooroloo Prison with him. Mr Healy said that Mr O’Connor told him that he had nothing to do with Ms Finn’s murder and that he did not even know her and had not met her. Mr Healy

⁷⁰⁸ Exhibit 1.10.6.217 8, 14-21

⁷⁰⁹ ts 1139 Thoy R

⁷¹⁰ Exhibit 1.2.1.12 53

believed him because he had many girlfriends and would talk about his conquests.⁷¹¹

803. Mr Healy said that, even before they were in Wooroloo Prison, Mr O'Connor had told him that Ms Finn's death was a millstone around his neck because of the rumour that he was supposed to fix her tax problem. People were pointing their finger at him when he knew nothing about her tax problem and could not do anything about the Tax Department.⁷¹²
804. Mr Healy said that Mr O'Connor was also upset about a rumour that he had been receiving bribes from Ms Finn. Mr O'Connor freely admitted to being a sexaholic and to using prostitutes, but he told Mr Healy that he had never made any money from prostitution.⁷¹³
805. Mr Healy said that Mr O'Connor also told him that he hardly knew Mr Johnson and had only come into contact with him twice, once being at his office.⁷¹⁴ As mentioned earlier, he also told Mr Healy that he was sure that Mr Johnson had taken the rifle used to kill Ms Finn from police custody.⁷¹⁵
806. Ms Beswick's evidence is, of course, directly in conflict with Mr Healy's evidence that Mr O'Connor told him that he did not know Ms Finn.
807. Also relevant is the, albeit weak, evidence of Mr Taylor telling Ms Wills that, though Ms Finn told him that she was meeting Mr Johnson on the night of 22 June 1975, he had heard that she was meeting Mr O'Connor that night and that is why she dressed up.⁷¹⁶
808. Part of the allegation about Mr O'Connor's involvement was that he had elicited the help of Mr Johnson to deal with Ms Finn. For example, nightclub owner Robert Maher, whom I shall discuss below, said in clear effect that there was always a story that Mr Johnson and Mr O'Connor

⁷¹¹ ts 813 -814, 816 Healy M

⁷¹² ts 815 Healy M; Exhibit 1.2.2.12.55

⁷¹³ ts 817 Healy M

⁷¹⁴ ts 815 Healy M

⁷¹⁵ ts 818 Healy M; Exhibit 1.2.2.12.55

⁷¹⁶ Exhibit 28 6

and other people were involved,⁷¹⁷ and Mr Regan said that ‘She had to be killed because Ray O’Connor and them wanted her killed’.⁷¹⁸

809. Possible support for that allegation came from a public servant called Mick Healey who, according to notes of an interview he gave Ms Wills, was Mr O’Connor’s acting private secretary two days before the murder. Mr Healey told Ms Wills that, on that day, Mr O’Connor told him that he could go home, but he stayed on and saw four men, including Mr Johnson, attend Mr O’Connor’s office in Dumas House. He recognised Mr Johnson because, coincidentally, they lived near each other.⁷¹⁹
810. Mr Healey told Ms Wills that Mr O’Connor’s actual private secretary told him the next day that the visitors were all in a clique and ‘were reputed to be the big men behind the call girl business’. Mr Healey had not seen Mr Johnson with Mr O’Connor except on that occasion.⁷²⁰
811. Mr Healey also said that, for about six months during the period after Ms Finn’s death, Mr O’Connor was regularly visited on Friday afternoons at 4.00 pm by a woman who would provide him with a brown envelope and a prostitute. The clear implication was that he was receiving money from a brothel.⁷²¹
812. As mentioned above, Mr Hall made unsubstantiated statements about Mr O’Connor being involved in prostitution as a brothel owner and making payments to police.⁷²² It does seem far-fetched given Mr O’Connor’s high profile at the time but, if true, it might be expected to have left him susceptible to blackmail.
813. However, Mr Johnson told Mr Saxon and Ms Wills that Mr O’Connor was not involved in brothels: ‘I would know better than anyone, Ray O’Connor was never ever involved in the prostitution racket’.⁷²³

⁷¹⁷ ts 1971 Maher R

⁷¹⁸ ts 867 Regan M

⁷¹⁹ Exhibit 1.2.2.58

⁷²⁰ Exhibit 1.2.2.58

⁷²¹ Exhibit 1.2.2.58

⁷²² ts 677, 693, 704 Hall G

⁷²³ Exhibit 1.3.2.3 222

814. Mr Johnson made that statement on the basis of his role in controlling prostitution, but he also said that he was friendly with Mr O'Connor. He told Ms Wills that he knew Mr O'Connor very well, but he said that he did not know if Mr O'Connor knew Ms Finn.⁷²⁴
815. That Mr Johnson knew Mr O'Connor was verified by Mr Regan, who said that he had seen Mr O'Connor with Mr Johnson once at Gloucester Park.⁷²⁵ Of course, that evidence also casts doubt on the veracity of all the information that Mr O'Connor is said to have told Mr Healy.

Discussion of evidence against Mr O'Connor

816. Mr O'Connor was clearly a colourful character. There is evidence indicating that he may have been involved with Ms Finn, and weak circumstantial evidence suggesting that he may have procured Ms Finn's death. However, none of that evidence comes close to establishing his involvement to the applicable standard of proof.
817. The SCS review also arrived at the conclusion that there was no direct evidence to implicate Mr O'Connor, but that it was impossible to exclude allegations that he may have procured Ms Finn's death.⁷²⁶

ROGER ROGERSON

818. Mr Rogerson had been a highly decorated detective sergeant in the New South Wales police force but was dismissed in 1986 following several allegations against him for fabricating evidence and for murder. He is currently in prison after being convicted in 2016 of murder and supplying methamphetamine.⁷²⁷

⁷²⁴ Exhibit 1.3.2.3 222

⁷²⁵ ts 866 Regan M

⁷²⁶ Exhibit 1.2.1.12 46

⁷²⁷ https://en.wikipedia.org/wiki/Roger_Rogerson

819. Mr Rogerson was associated with organised crime figure Abraham Saffron and with Ned Smith.⁷²⁸ It appears that he first met Mr Smith in 1976 when he arrested him.⁷²⁹
820. Mr Johnson considered Mr Rogerson to be a good mate.⁷³⁰
821. The evidence implicating Mr Rogerson in Ms Finn's death, apart from his history of violent crime and criminal associations, was a rumour repeated by Ms Watson that he came to WA as a 'mechanic'; that is, he flew in, killed Ms Finn and flew out.⁷³¹
822. Mr Regan had also heard a rumour that Mr Rogerson had organised Ms Finn's murder. Mr Regan said that, when he used to drive detectives around, he would drive Mr Rogerson and others to Mr Saffron's pub,⁷³² which I understand to mean the Raffles Hotel. He said that Mr Rogerson and Mr Johnson were good friends and that Mr Rogerson would know the full truth about Mr Johnson because Mr Johnson would confide in him.⁷³³
823. The rumours about Mr Rogerson were supported to some extent by the evidence of Mr Tyler, who in 1975 was a detective in the Perth CIB. He knew Mr Johnson and Mr R, who was the second-in-charge of the armed hold-up squad.⁷³⁴ He also knew of Mr Saffron,⁷³⁵ and he had seen Mr Rogerson many times and had been introduced to him a couple of times at the police canteen.⁷³⁶
824. Mr Tyler said that, around the time Ms Finn was killed, he and a couple of detectives went into the Raffles Hotel, which he considered to be a place where criminals associated. In the hotel, he saw Mr Saffron there with several detectives, including Mr Rogerson, Mr Johnson and Mr R.⁷³⁷

⁷²⁸ https://en.wikipedia.org/wiki/Roger_Rogerson

⁷²⁹ Exhibit 98

⁷³⁰ Exhibit 1.3.2.3 219

⁷³¹ ts 1464 Watson L

⁷³² ts 1790 Regan M

⁷³³ ts 1790 Regan M

⁷³⁴ ts 1113 Tyler L

⁷³⁵ ts 1114 Tyler L

⁷³⁶ ts 1115 Tyler L

⁷³⁷ ts 1115 Tyler L

Mr Tyler was not surprised to see the detectives with Mr Saffron because it was their job to associate with criminals.⁷³⁸

825. Sometime later, after the heat had gone out of the investigation into Ms Finn's murder, Mr Tyler heard rumours that Mr Johnson may have had knowledge of who had killed Ms Finn. He then thought that the meeting at the Raffles Hotel of Mr Johnson, Mr Saffron, Mr Rogerson and others may have been significant to the investigation.⁷³⁹

826. In an interview with SCS detectives in 2015, Mr Rogerson admitted that he had been to WA a couple of times and that Mr Johnson had looked after him, but he said that he could not recall having met Ms Finn.⁷⁴⁰

Discussion of evidence against Mr Rogerson

827. The evidence against Mr Rogerson boils down to propensity and opportunity. As with the evidence against Mr O'Connor, it is not possible to exclude the possibility that Mr Rogerson was directly or indirectly involved in the murder but, on the available evidence, it would not be possible to find that he was.

PAT CRAWFORD

828. As noted above in the context of the evidence against Mr Johnson, Mr Regan provided information implicating Mr Crawford in Ms Finn's murder.

829. While Mr Regan's evidence was fascinating in the apparent authenticity of his connection to the CIB officers alleged to have been involved in corruption and in Ms Finn's death, the significant inconsistencies of his testimony and a lack of substantiation for even the existence of Mr Crawford reduce the reliability of his evidence. In particular, Mr Regan's testimony that his trip to the airport with Mr Crawford to meet Mr Johnson took place two years after Ms Finn's murder and his testimony that it was Mr Jennings who had told him about Mr Crawford

⁷³⁸ ts 1117 Tyler L

⁷³⁹ ts 1118 Tyler L

⁷⁴⁰ Exhibit 1.10.10 VA353

(which was denied by Mr Jennings) makes any reliance on his evidence difficult.

Discussion of evidence against Mr Crawford

830. On the assumption that Mr Crawford had existed, it would not be possible to find to the applicable standard that he had killed Ms Finn, nor is the evidence against him so cogent as to preclude a finding that another person had killed her.

WALTER COMAN

831. In 1981, Ms Watson told an assistant commissioner of WAPF that she had heard from journalist William Thompson that Mr O'Connor had been involved in Ms Finn's murder and that Mr Thompson knew the identity of the killer who had been brought in from the Eastern States.⁷⁴¹

832. Mr Zanetti and Detective Sergeant Brennan then interviewed Mr Thompson, who admitted speaking to Ms Watson but denied having said anything about Mr O'Connor. Mr Thompson said that he had mentioned to Ms Watson that the person from the Eastern States was Walter Coman, who had claimed to him that he was responsible for the murder. Mr Thompson said that he had not put much reliance on the claim because Mr Coman was well-known for being a loud-mouth.⁷⁴²

833. Mr Zanetti noted in a 1982 memo to Chief Superintendent Wiley that Mr Coman was a bouncer at nightclubs and was then in prison in New South Wales for the wilful murders of his partner and her lesbian associate. Mr Zanetti also noted that it was important that Mr Coman be interviewed and asked Mr Wiley to arrange for that to happen on Mr Wiley's return to New South Wales from his interchange duties in WA.⁷⁴³ I am unaware of any evidence indicating whether Mr Coman was interviewed. He died in 2007.⁷⁴⁴

⁷⁴¹ Exhibit 1.10.1. MCSA0008

⁷⁴² Exhibit 1.10.1. MCSA0008

⁷⁴³ Exhibit 1.10.1. MCSA0008

⁷⁴⁴ Exhibit 1.2.1.12 53

834. In August 2013, retired Assistant Commissioner Graeme Lienert sent an email to then Deputy Commissioner Chris Dawson to inform him that he had been told that Mr Coman had shot Ms Finn. In July 2015, he forwarded the same email to the Corruption and Crime Commission.⁷⁴⁵
835. In March 2019, Mr Bishop contacted Mr Lienert and, a short time later, Mr Lienert provided an account of his source of the information implicating Mr Coman in Ms Finn's murder.⁷⁴⁶
836. Mr Lienert said that, in 2013, he had attended a lunch gathering with a group of lawyers and businessmen, including nightclub proprietor Robert Maher. Mr Maher told him that Mr Coman had attended his nightclub in Perth in the early hours of the morning of Ms Finn's murder. Mr Coman was unsettled and said that he was to catch an early flight to Sydney. When Mr Maher asked him what was wrong, he responded, 'You will read about it in the newspapers in the morning'.⁷⁴⁷
837. Mr Maher gave oral testimony in which he said that he had hired Mr Coman from time to time as a bouncer and considered him to have been 'totally unpredictable, incredibly violent and a bully'. He said that Mr Coman carried a gun and was notorious for having bashed up people and, 'at times, there might be no rhyme nor reason and he was totally out of control'.⁷⁴⁸ He said that Mr Coman was an evil man who lived on the dark side and was often close with the police.⁷⁴⁹
838. Mr Maher recalled the lunch gathering which Mr Lienert attended, but he disagreed with Mr Lienert's account of it. He said that he had given his opinion that Mr Coman was somehow involved in Ms Finn's death.⁷⁵⁰ He had not told Mr Lienert that he had seen Mr Coman in the early morning of Ms Finn's murder or that he heard him say anything about flying to Sydney. Mr Maher said that nightclubs did not open on Sundays and that it was wrong to say that he and other people at the lunch told Mr Lienert that they had heard what Mr Coman had said.

⁷⁴⁵ Exhibit 121

⁷⁴⁶ Exhibit 121

⁷⁴⁷ Exhibit 121

⁷⁴⁸ ts 1961 Maher R

⁷⁴⁹ ts 1969 Maher R

⁷⁵⁰ ts 1967 Maher R

839. Mr Maher said that there was always a story of a policeman, the ex-premier and all these other people to have been involved in Ms Finn's death. That was the common conversation, but it was not in the same light as the conversations about Mr Coman because, unlike the others, if he was involved, he would not have had any reason to kill her.⁷⁵¹

840. Mr Maher testified that he thought Mr Coman was capable of killing someone and said that it did not shock him to hear rumours that Mr Coman had been involved in Ms Finn's death.⁷⁵²

841. Mr Coman's criminal history shows that, on 25 July 1975, he was convicted of an assault in WA, indicating that he could have been here at the time of Ms Finn's murder.

Discussion of evidence against Mr Coman

842. Once again, the evidence against this suspect is that of propensity, rumour and opportunity. While it is not possible to exclude entirely the possibility of Mr Coman's involvement in Ms Finn's death, the evidence against him is far from compelling. As with the evidence against Mr Crawford, it would not preclude a finding against another person.

ROSE BLACK

843. At a very early stage in the investigation, Ms Black was suspected and then cleared by investigators of any involvement in Ms Finn's death. Among other things, there was no direct evidence to implicate her in the murder, she had an alibi provided by Ms McLaughlin, and Mr Mosely did not identify her in a witness parade as the person he saw walking near Ms Finn's car on the night of 22 June 1975.⁷⁵³ There is also consistent opinion evidence indicating that she was strongly attached to Ms Finn,⁷⁵⁴ and there was Mr Finn's evidence that all appeared to be well between them on the afternoon of 22 June 1975.

⁷⁵¹ ts 1971 Maher R

⁷⁵² ts 1980 Maher R

⁷⁵³ Exhibit 1.6.2; ts 561 Mosley E

⁷⁵⁴ ts 728 Beswick L; Exhibit 1.3.2.3 250

844. However, following the inquest, the Court received a statement from Maureen Hockey,⁷⁵⁵ who said that from about 1985 to 1992 she had worked as a driver for prostitutes who worked at a brothel in Perth. The brothel was run by a woman she knew as Bernie, who was almost certainly Bernadette Ryding. During that time, Ms Ryding was living with Ms Black as her partner. Ms Hockey stated that Ms Ryding died in 1992.⁷⁵⁶
845. Ms Hockey stated that, in 1991, Ms Ryding told her that, on the night Ms Finn was murdered, Ms Ryding had driven Ms Black to meet her. At the time, Ms Finn and Ms Black had split up and Ms Black was living with Ms Ryding. Ms Black had become annoyed that Ms Finn was calling and interfering with her relationship with Ms Ryding in order to get Ms Black to return to her. Ms Black told Ms Ryding that she was going to end it that night.⁷⁵⁷
846. Ms Hockey stated that Ms Black called Ms Finn and asked to meet her, wearing the gold dress that Ms Black had bought for her. Ms Ryding then drove to the park where Ms Finn was parked and pulled up on the road. Ms Black then got out and Ms Ryding heard a number of shots. Ms Black then got back into the car and told Ms Ryding, 'Just drive'.⁷⁵⁸
847. Ms Hockey stated that the media reports about Ms Finn's death indicated that people were focused on the tax debt, politicians and corrupt police, but she believed that Ms Finn was killed as a result of a love triangle and that Ms Black also killed Ms Ryding.⁷⁵⁹

⁷⁵⁵ Exhibit 127

⁷⁵⁶ Exhibit 127

⁷⁵⁷ Exhibit 127

⁷⁵⁸ Exhibit 127

⁷⁵⁹ Exhibit 127

Discussion of evidence against Ms Black

848. Ms Hockey's statement appears to have been motivated by her sincere desire to reveal information which she believed to be important and credible. However, that information is directly inconsistent with uncontroversial evidence, especially that of Ms Shewring who testified about Ms Finn's relationship with Ms Black during all material times.
849. Copies of Ms Hockey's statement were provided to the interested parties. Ms Wills responded on behalf of Ms Shewring to inform the Court that, after Ms Finn's death Ms Shewring had been placed in Ms Black's care and later kept in contact with her, at which time Ms Black was in a relationship and lived with a woman called Sonya for quite a period of time. Ms Shewring believed that Ms Black did not begin a relationship with Ms Ryder until the early 1980s.⁷⁶⁰
850. In my view, the contents of Ms Wills' and Ms Shewring's emails confirm the unreliability of Ms Hockey's statement, as was already apparent given the inconsistent evidence.
851. In these circumstances, there is no reliable evidence upon which I could find that Ms Black was involved in Ms Finn's murder.

CONCLUSION

852. The matters set out in this report demonstrate that the evidence available from the inquest has not been sufficiently cogent to enable a finding as to who was responsible for Ms Finn's death.
853. As I noted at the outset, this regrettable situation has occurred in the context of the passage of time, the poor original investigation and the allegations of corruption against several of the officers who took part in the investigation.

⁷⁶⁰ Email 9 February 2020 J Wills to D Davidson and others, attaching email B Shewring 6 February 2020

854. A great deal of the evidence implicated Mr Johnson, but the majority of it was so weak that, even taken as a whole, the evidence could not support a finding against him to the standard of proof required for such a serious allegation.

855. In addition, evidence implicating other suspects could not be discounted entirely, which meant that it was not open to exclude the possibility that one of them was responsible. As Mr Kidd stated to Mr O'Neill when asked whether Mr S was involved in Ms Finn's murder, 'he could be the offender. You could be the offender. I could be the offender'.⁷⁶¹

B P King
Deputy State Coroner
4 August 2020

⁷⁶¹ ts 1775 Kidd W