

21 July 2016  
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Dear Peter Maguire

Thank you for your prompt response dated 14<sup>th</sup> July 2016. Firstly you identify me as an "informant" in your response Ref: 2016-301303. I have pointed to corruption by AFP, ACBPS/Border Force and the ACC in my case to ACLEI. This does not make me an informant.

I acknowledge receipt and will also raise serious concern of my mail sent by you with clear markings of Commonwealth Ombudsman on the envelope was opened before I received it by the prison. This is a breach of my rights and I strongly suspect for reason of copy to the AFP. I do not believe it was an error as it is very clearly marked with big letters of your office. It is clearly confidential mail that has been opened unlawfully for a reason.

I wrote to you because the problem is precisely that no agency is responding to my complaints of corruption and non disclosure. Border Force is pretending its officers were not at the Scarborough Marina on the 12<sup>th</sup> October 2010 and the AFP hid this for 5 years. They are dealing with it by being silent.

You also state it is "my view" that I was unlawfully detained and interviewed by the Australian Crimes Commission. I will note that it is also the view of the High Court of Australia following decisions of Hammond, Lee, OK and X7.

ACLEI, the agency tasked to investigate and charge for corruption are not acting even after they are given undisputable proof and material evidence for serious charges including perjury, misleading statements, tampering with evidence, removing property under seizure, theft and perversion of justice relating to AFP officers Aaron Burgess, Luke Read, Paul Watt, Simon Wynd, Luke O'Shea, Simon Castles, Christine Geissler, Karen Mazlin, Angus McGilvray, Carmen Begbie and William Tooth as well as undisclosed Border Force officers. These officers have even been promoted. I have told ACLEI of substantial leaks of information within the ACC and they seem uninterested.

It has been both surprising and disturbing concerning lack of any action by ACLEI since 2012 considering the serious non-disclosure, corruption and cover-ups in Operation Collage/Bergonia.

What is the point of giving information to an organisation who then does not act on it?

I understand your response regarding ACLEI and its role although I did raise other agency complaint to your office such as AFP, Border Force, COPP and the ACC.

Minister Peter Dutton has replied to an inquiry advocated on my behalf by Senator Jacqui Lambie. Minister Dutton stated on official response that "I understand that ACLEI continue to assess a number of matters raised by Mr Golding. Please be advised that your correspondence has also been forwarded to ACLEI for consideration"

ACLEI have also responded to me after four years of asking for an official response by them stating that they had not had anything forwarded from Mr Dutton or Border Force, so my question is how does the Minister for Immigration know that a number of matters are raised to ACLEI by me? It also raises a strong concern of a minister of your Government is lying on Ministerial letterhead about actually doing something regarding corruption in Border Force and then not doing anything.

The 20 or so hidden and non disclosed Customs officers present at Scarborough Marina on the 12<sup>th</sup> October 2010 is information that was sought by me from 2010. This is information that is legally entitled to me and imperative for a fair trial according to Australian law. This is information that should have been provided in the Brief of Evidence but instead was hidden by ACBPS/Border Force and Australian Federal Police. For Border Force to now state that they cannot provide me with names and statements of officers present on the 12<sup>th</sup> October 2010 is more lies.

The officers form no part of any ongoing investigation and I have a legal entitlement to this information as I did in 2010. The further the non disclosure goes on, the further the Malicious Prosecution and an Abuse of Process goes on. What is the point of having 5 years of court cases and then appeals when imperative information that was pursued for a fair trial was never legally disclosed to accused?

I request that you speak with the Attorney General in regard to this case and in the light of huge non-disclosure, corruption and unlawful acts in this case that I am released from custody immediately pending the outcome of all investigations and conclusions under the Crimes Act 1914, Section 20BE. *Attorney General may order release.*

I am subject to a miscarriage of justice due to perjury of ACBPS/Border Force and the AFP. This can be substantially proven and I am sure you are well briefed on the case. If not, you should be.

The crux of the perjury, non disclosure and corruption in this case is that ACBPS/Border Force officers were caught with stolen evidence days after the arrests. This was, and still is hidden. Border Force is still pretending officers were not present on the 12 Oct 2010 at Scarborough Marina and lied in subpoena and under oath. This was made evident after an FOi request and also a media enquiry by Ross Coulthart of 60 minutes as well as available in transcripts during my five years of court proceedings.

AFP also lied about this up until the last trial, where it was disclosed that "up to 20 CUSTOMS agents were present at the Scarborough Marina on the 12<sup>th</sup> October 2010". AFP waited over 5 years to disclose this. The first trial in December 2014 was mistrialed due to non disclosure and perjury by the AFP.

### **Background to FOi Decision**

On 24 July 2014, Mr GOLDING sought access to the following documents held by ACBPS:

*1) a document that identifies the name of the Customs Officer or Officers, arrested, questioned, investigated or made subject of any allegations at the Vinyl Room nightclub in Sydney on or about 14/15 October 2010, and a document relating to the names of others that were/may have also been involved;*

*2) a document that identifies names of all/any Customs staff disciplined, questioned, investigated, charged, or made the subject of allegations in any way as regards claims of the quantities of confiscated cocaine stolen from the Mayhem of Eden and/or Operation Collage/Bergonia at Scarborough in October 2010; and*

*3) a document that identifies names of all/any Customs officers present at Scarborough Marina (28 Thurecht Parade, Scarborough QLD 4020) for Operation "BERGONIA" and/or OPERATION "COLLAGE" on the 12th October 2010".*

ACBPS undertook reasonable searches in relation to this request. No documents were in the possession of the Service in relation to parts 2 and 3 of the request. This is on the basis that no allegations related to ACBPS officers were received by Integrity and Professional Standards in relation to the seizures at Scarborough Marina in October 2010 and **no ACBPS officers were present in the Scarborough Marina precinct at the relevant time.**

The 20 ACBPS/Border Force officers present at the Scarborough Marina on the 12<sup>th</sup> October 2010 are still not disclosed by Border Force. They are hidden for corrupt reasons and it is my understanding that around ten were caught with stolen cocaine from the seizure in the days after the raid at Scarborough.

Could you please instruct Border Force to provide all details and statements of the 20 or so ACBPS/Border Force personnel that were present at the Scarborough Marina on the 12 October 2010 to me immediately as were required by law.

Or, alternatively can ACLEI please provide me with these details as they form no basis of any ongoing investigation.

Or, please provide me with details of how to obtain this information as is legally required for my current legal process if it is to be in any way legal and fair according to Australian law.

I sincerely hope you act on this serious issue and I look forward to your response.

  
Simon Golding