

25 August 2016
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Dear Sir

This is a letter for someone to not dally, make flimsy excuses or pass onto another and finally act accordingly.

Since the beginning of Operation Collage/Bergonia in 2010 there has been major corruption and non disclosure by Australian Government agencies. As you maybe aware, some evidence can be found on twitter account simonxgolding.

Many are waiting for the appeals process to take legal course, and I would be content with that but it seems that the same dirty tactics by authorities which took place during my trials are now happening with my appeals. I have no problem following legal process as long as it is not twisted around to the conformity of the prosecution. The prosecution, Mr Glen Rice has slithered around truths in this case for 6 years. He is well aware of the unlawfulness and non disclosure in this case and sulks unprofessionally when legally challenged.

I would like to bring attention to attached letter response to my complaint by Deputy Director of the CDPP Scott Bruckard. He states that he could find no evidence to support my allegations of misconduct by officers of the CDPP. This is despite the serious non disclosure issues in this case which resulted in a mistrial. Despite this the prosecution did not stop the second trial when it was finally disclosed that up to 20 ACBPS/Border Force officers were present at the Scarborough Marina on the 12th October 2010 that were previously never disclosed despite many tenacious attempts by accused for this information over many years. Some of these officers were then arrested in Sydney at and around a nightclub four days after the raid freely handing out cocaine to people passing by. This is evidence that was pursued and never given to accused. The prosecution has a serious obligation of disclosure to the court and another serious obligation to stop proceedings when it is clear there are serious disclosure issues. This has not happened to date.

Below is a copy of extracts of my second trial transcript between my Barrister and AFP case officer Aaron Burgess

Now, were you aware of any Customs agents – I'll withdraw that – Customs officers being present at the marina on the 12th of October?---

Am I aware now or was I aware on the 12th?

Are you aware now?

---I am.

Right. So you say you can't remember how many. What I'm asking you is approximately how many Customs officers do you recall, at the end of your analysis, were at the marina on the 12th?---

I – I can't recall.

Right. So putting that to one side, best you can recall, would it have been around about – between 10 and 20?

---Yes.

Would it be, perhaps, 10? Would it be, perhaps, 20?---

I think it'd be around – under 20 to 20 mark with Customs agents that were involved in the operation at the marina,

Multiple AFP and civilians at the trial confirmed that up to 20 Customs were present at the Scarborough Marina on the 12th October 2010 but none have ever been disclosed. Despite this massive non-disclosure the prosecution and Her Honour Atkinson did not question as to why this had never been disclosed in 6 years by AFP. Atkinson had previously given a mistrial due to non-disclosure by AFP on lesser important non-disclosed information.

Marina manager Tracy Holden stated that the first officers to arrive at the Scarborough marina on the day of the illegal search and seizure were Customs agents and also states they were removing bags all day on the 12th October 2010 but Deputy Director of the CDPP Scott Bruckard seems to think it's amazingly irrelevant to law for the case. I can't help but to think if it aided in a prosecution of an accused then it would be very relevant. Other conflicting evidence given can be seen on page 52 of ACBPS 2010-11 annual report, stating that Customs officers were present at the execution of the Search Warrant of the Yacht Mayhem of Eden on the morning of the 12th October 2010 whilst AFP claim the Search Warrant was executed at 7pm that night. This is information to cover corruption that occurred.

Mr Scott Bruckard also states that “the CDPP is not aware of, or in possession of any witness statements made by officers of the ACBPS who were present at the marina on the 12th October 2010”. Bruckard clearly should be made aware of and thoroughly ask why instead of shrugging it off and clearing the CDPP of any responsibility. It shows Scott Bruckard and the CDPP have absolutely no intention of shedding any lawful light on this case and the blatant disregard for any disclosure of the 20 ACBPS/Border Force officers who acted unlawfully and the corruption in this case and further trials.

Leading up to trial it became evident that the presiding Justice Atkinson was editing court transcripts in my matter. Something which I thought was impossible, but I have clear evidence of in email response by Auscript and also with copies of edited and non edited transcripts. This equates to destruction of evidence and perversion of justice. It must be great

to be able to re-do or delete evidence as you see fit when you say the wrong thing in court. Justice Atkinson also delayed transcripts for inappropriately long periods of time such as the 09/06/15 where she gave order for ACBPS/Border Force to supply ALL evidence and statements to accused. Border Force is still in contempt of court and has ignored the order. Border Force has also perjured in previous subpoenas, right to information requests and media enquires stating that no ACBPS officers were present at the Scarborough Marina on the 12th October. This is a clear lie.

I will just touch on the issue of international detainment/kidnapping on this case as well, only because of some remarkable rulings handed down by Supreme Court Justices in QLD. It is in regard to the two foreign internationals in this case that were illegally boarded and detained by ACBPS/Border Force and the AFP outside Australian waters, then dragged back to Australia. Below is an excerpt of transcript ruling showing that a judge can hand down a ruling she obviously does not agree with and showing pressure from others. Judges should make the best decisions based on law not on how much flack their lawful decision will take. The boarding and detainment of the foreigners is unlawful and Her Honour is very aware of it. Without the foreign nationals there is no case but this is only one of many flaws as there is still huge continuum problems, no following of any protocol such as search warrants and serious corruption and non disclosure issues.

HER HONOUR: In terms, then, of this morning, if I could just indicate what's happening: As you are aware, there were a number of applications pursuant to section 590AA and I have prepared a number of rulings. At the moment, the rulings are complete; however, we're still proof-reading - because there is so much to proof-read - the footnotes and all of the material. So I will hand down my rulings in a draft form. So the rulings won't change; but if I could indicate by the end of today, you will have the finalised document.

HER HONOUR: Whilst I have not ruled that the boarding was unlawful, I have to say there's still some issues there.

MR RICE: Well-----

HER HONOUR: I think the stay issues might be pretty substantial, based on - obviously the same material, but argued in a different way.

MR RICE: Well, there were - I think, as I understand it, there were two related issues: One was the construction issue in relation to the Customs Act-----

HER HONOUR: Yes.

MR RICE: -----which I assume your Honour has resolved.

HER HONOUR: Yes.

HER HONOUR: It's more the - read it, anyway - and the way I was going was it was the variation with - it's the fact that the Customs Act has that section which is so different to

international, as I read it.

MR RICE: Well, I think we conceded that.

HER HONOUR: Yes. It's a fairly remarkable section. And I'm even this: Even if - given the nature of this trial and the five defendants and all of the complex issues, there may well be good reason for - and I know it's only the Attorney-General who can appeal the rulings, but this may well be a case where there should be some appeals on the rulings before we get into - I mean, particularly, that international law issue. I think that's such a pivotal issue that that might be very - there might be a very good reason to - and I'm just flagging it now because having read through it, I think it's a very difficult issue and I think that the stay issue might be a really big issue and that whatever ruling comes there-----

MR RICE: Well, we'll-----

HER HONOUR: There may well be a good reason. And I know it's only the Attorney that can appeal it, but there may be a good reason - because if you can so much as link to that, why would you proceed and have all these trials if that issue - two years down the track - is decided to be the issue that puts everything off-track.

MR RICE: Mmm.

They did proceed obviously, wasting millions in tax payer's money. There are still massive disclosure problems just as there was since 2010.

Serious questions also need to be asked regarding Legal Aid Queensland in this case. Why has LAQ contacted co-accused Holger Sander and Geoff Triplet but not myself and Mr Elfar? Mr Sander is currently provided funding for his appeals yet we are not.

I was cut off LAQ when I was forced to withdraw instruction from my former lawyer Nick Dore in late 2015 just before my second trial. Mr Dore refused to follow sensible instruction, the main one being to subpoena ACBPS/Border Force for crucial evidence for my defence. Mr Nick Dore first said he would subpoena this information and then avoided it altogether over the 4 years I was on bail. I will be taking action for malpractice at a later stage in regard to this. This eventuated in Mr Dore being asked by the court if my subpoena held any forensic purpose to which he advised the court, it did not.

Soon after the court appearance with Nick Dore's comment of "no forensic purpose", my LAQ funding was bizarrely cut off by Mark Briggs of LAQ. Mark Briggs was at the court proceeding and Nick Dore pretended not to know him when he introduced us. Soon after this I rang Mark Briggs when I received a letter stating that my LAQ funding was now cut. I was now cut off and fundless for my 2nd trial. The first one incidentally was a mistrial due to non disclosure by AFP and CDPP.

Mark Briggs conversation with me was very abrupt. He spoke with a facetious condescending arrogance toward me and stated that "I have had enough money" as if he were speaking about

LAQ funding money as his own, not taking into account of the previous mistrial. This goes against the LAQ funding model of eligibility of success and accountability of law. The reason why I was cut off legal aid was because I was winning. It was no fault of my own that there was a mistrial, just as it is no fault of my own there is still gross non-disclosure of crucial evidence.

I spoke with Nick Dore again after this and he advised me that Mark Briggs did not like me or Mr Elfar, which is highly irresponsible of his position and completely unprofessional when making decisions regarding funding. I can only gather why the reason he does not like us is because we fight for our rights against the “industry” and cogs of the Queensland legal industry, or lack of it. They seem to be very good at only doing deals in Queensland and generally the client is the very last to know about it.

I attempted to explain to Mark Briggs of LAQ in late 2015 that it was in no way, shape or form any accused fault for delay and non-disclosure of evidence in our case. The case is full of corruption and the obvious tactic of the AFP and CDPP was simply to not disclose until funding dried up.

I was pushed into a 2nd trial with unprepared representation with no funds. With the huge non-disclosure we should be entitled to go back to committal hearing and explore ALL evidence again as we have un-disclosed crucial evidence. Why should I be the one to suffer injustice because of agencies hiding evidence that was pursued? A cost certificate should be written and the money repaid to LAQ and out funding from Committal should be replaced for my legal counsel. Legal counsel that is able to correctly and legally defend me as is my right.

20 previously un-disclosed CUSTOMS agents just “appeared” at my last trial showing that my subpoena instruction was very warranted and held great forensic purpose. Some of these ACBPS officers were caught handing out free cocaine/evidence at a Sydney nightclub but none have done any gaol time because of it. This information has been illegally hidden and is subject to an ACLEI investigation. This was and is hugely important information to my case which is why it was unlawfully not disclosed.

I won't go into too much detail about the continuum of evidence in the case but it seems to be alright with the prosecution to allow cocaine evidence tested from the same evidence bag to be allowed for evidence in trial. Kilo block 176 to 355 was actually taken from the same sample bag and cocaine presented was actually from previous AFP seizures. If the consequences for me were not so severe then it would clearly be a joke.

There is serious corruption, non-disclosure issues in this case and some serious questions need to be asked to LAQ about my LAQ grant and the recovery of funds by ACBPS, AFP and CDPP.

One year after trial now and I am being pushed into another court appearance unprepared. Mr Mark Slaven of the CDPP Brisbane made a phone conference to Mr Elfar and myself on the 13th July 2016. He advised us that he would be supplying us with the appeals record book and sending copies to the prison. I voiced my concern of being pushed into appeals just as we had with a trial full of non-disclosure after he advised us that our appeal was set for 6 Oct 2016 and the CDPP had gained court order that we were to supply our appeal submissions 6 weeks earlier than the hearing (15th August), instead of the usual 2 weeks, and the CDPP didn't have to provide their submissions to us until the appeal, some 2 weeks after normal. At

no stage was I or Mr Elfar ever notified of a court hearing or any intention of an order sought by the CDPP to do so.

I was being railroaded yet again and none of this seemed in any way fair. This left me with no representation and about a week to do submissions. Realistically I get about 2 hours a week on a computer at the prison. Access to legal books, printing etc is difficult, unreliable and unpredictable. Last week a folder to be photocopied of around 120 pages containing ACC highly confidential material regarding my case was "lost" at this prison by education officer Leigh Ittinson. It was never seen again, she clearly did not care and was defensive about losing the papers covered by the ACC secrecy act. Workers here and the General Manager have been warned of the Act and seem to give little interest in any law governing the viewing and copying of documents covered by the ACC Act.

Mr Mark Slaven sent the Appeals record book to the prison on the 14th July and they never arrived. I suspect the AFP of intercepting the post. Paranoia you say? I guess you just come to realise the lengths agencies go to cover their own corruption, having to deal with it for over 6 years now it becomes more than just a regular occurrence. I have previously had transcripts go missing that were posted to a barrister in Sydney as well as plenty of other "mishaps". Mr Slaven sent a second copy which arrived on the 1st August and Mr Elfar's copy has still not arrived.

The Appeals Record Book has been compiled as I am told by lawyer Julie Gilfoyle by Mr Glen Rice and Laura Manville of the CDPP. Why is the very prosecution team in my case helping prepare my Appeals Record Book? This is very strange and upon viewing the material it is exempt of everything needed in my appeals. There is no affidavits by the AFP case office Aaron Burgess stating (lying) that ALL the evidence is disclosed in the case. This happened twice and was the reason for a mistrial for non-disclosure. There are "selected" committal transcripts. There is no transcript from my first trial. There are no pre-trial court transcripts of the entirety of 2013 which are vital for my X7 argument regarding unlawfulness enacted by the Australian Crimes Commission. There are rulings missing and variations sought by the ACC.

Another worrying point is that the ACC sought and gained "variations" to my ACC material. Around ten in total. They would simply modify and cover themselves in regard to unlawful acts by way of variation to the court. This was never explained to me by my previous legal counsel and there was certainly never any consent by me. It was illegal for the prosecution to obtain the ACC examination transcripts, but they did, so they simply break the law then get a variation to cover it. And it went on and on as well as the lies and the covering of those lies by the prosecution by obtaining more variations.

How do you fight a justice system that edits the case to suit them and a prosecution that hides any adverse evidence and then simply never brings any agency to task about crimes being broken? Corrupt officers in this case are oblivious to any retribution of consequence of breaking serious laws which carry actual gaol time.

ACLEI have investigated this case since 2012 and have done nothing transparent. They are only content with the containing of corruption information and not disclosing it to the public. I have provided plenty of evidence for serious charge to AFP, Border Force and ACC personnel. None have been charged and instead been promoted.

ACLEI are not acting for the best interest of Australia and will do nothing but dissipate corruption information quietly without notice of the public. ACLEI is tasked to properly investigate and expose corruption in Australian agencies, but the officers involved are not in the least concerned. It is the equivalent of being smacked on the wrist with a feather. Any supposed "investigation" by ACLEI is nothing more than street theatre and no one else seems bothered to actually do anything about the measured data and clear evidence for charges to be laid to AFP, Border Force and ACC officers concerning serious corruption in this case.

My very first meeting with ACLEI investigators in 2012 they told me that they knew AFP and CUSTOMS had stolen evidence in Operation Collage/Bergonia yet no one has been charged 6 years on from 2010. 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 the 20 or so undisclosed Border Force officers.

Does ACLEI or anyone else in the Australian Government intend on actually doing anything regarding the serious corruption and non-disclosure in Operation Collage/Bergonia? Does anyone intend on changing the incessant culture of corruption in the AFP, ACC and Border Force?

Previous response by the Commonwealth Ombudsman to my concerns have only focused on ACLEI secrecy legislation and totally ignored all other requests of enquiry into things that clearly do not add up in Operation Collage/Bergonia.

Minister of Immigration Mr Peter Dutton refuses to give information of the 20 ACBPS/Border Force officers that were never legally disclosed. He has also lied on official letterhead to Senator Lambie to me, stating that he is sharing information regarding Operation Collage/Bergonia with ACLEI, to which ACLEI deny.

This disaster and sham of law has gone on long enough. I am content to fight in the courts but the problem is it's a fight with my arms behind my back. The obvious plan is to deny accused vital evidence that should have been disclosed in 2010 and hide all evidence to show unlawfulness to exhaust more funds until it finds its way to the High Court of Australia when it was clear that serious answers were needed after 2011 Committal hearings.

The Australian Customs and Border Protection Service (ACBPS) have changed their name to Border Force over the corruption in Operation Collage/Bergonia. This allows for data (evidence) destruction and to distance themselves from corrupt acts even though it maintains the same staff. Nothing more than the equivalent of a dodgy company changing its bad name. No Border Force/ACBPS officers involved in Operation Collage/Bergonia have done any gaol time and have instead actually been promoted. Now the Australian Crimes Commission (ACC) has "merged" to the Australian Criminal Investigations Commission (ACIC). The saying "you can't polish a turd" comes to mind, so you simply change its name.

Tony Negus, the Former Commissioner for the Australian Federal Police suddenly resigned without notice of any reason due to corruption in Operation Collage/Bergonia. When is the AFP changing its name? Headlines of AFP on the front page of the Age newspaper on 23

August 2016 shows that the public have no idea of what the AFP are truly like. Australian Federal Police rape their female officers and they continue their unlawful culture unhindered.

Lastly, when I was arrested in 2010 I had many friends write to me. I never received their mail and they were never returned their letters, so they assumed I received them. These people seem to be second tier friends who assumedly would not make too much effort enquiring if they never received a letter from me. When I finally received bail after a year and a half incarceration I found out some of the extent of not receiving letters from friends. Now after another year of incarceration I am finding out through enquiring friends that I and they are not receiving mail sent with none being returned to anyone. This is clearly to attempt any form of support and help. I suspect the AFP of this with the aid of the prison system. They have no right to attempt to cut off my support.

I think the people who are manipulating this case will have to answer for it. Someone will ask why something wasn't done sooner. The serious issues regarding corruption, non-disclosure, lies and attempts to disregard and ignore me are not going away.

This letter will be provided to the Commonwealth Ombudsman, the Attorney General Honourable George Brandis, Shadow Attorney General Honourable Mark Dreyfus as well as the entire newly formed Parliament, Upper and Lower House for transparency of what has occurred , is occurring and future occurrences in this matter.

I look forward to your response and actions.

Simon Golding