

## Whiskey Au Go-Go Coronial Review



### Introduction

In 2014 the Homicide Cold Case Unit commenced a re-investigation into the 1974 abduction and murder of Barbara May McCULKIN [Barbara][Deceased][DOB:30/09/39] and her two daughters Vicki Marie McCULKIN [Vicki][Deceased] [DOB:9/11/60] and Barbara "Leanne" McCULKIN [Leanne][Deceased] [DOB: 26/06/62]. In separate trials in November 2016 and May 2017 Gary Reginald DUBOIS [DUBOIS][DOB:11/03/47] and Vincent O'DEMPSEY [O'DEMPSEY] [DOB: 2/10/38] were convicted for their abduction, rape (Dubois only) and murder on or about 16 January 1974 (Appendix A – Court Transcripts all).

During this investigation it was determined that the motive for the murder of the McCulkins was intertwined with the criminal associations of Barbara's husband, Robert William "Billy" McCULKIN [McCULKIN][Deceased] [DOB: 15/03/40] in the early 1970's. Reliable evidence was identified indicating Barbara McCULKIN had knowledge of the parties involved in both the Torino arson on 25 February 1973 and the Whiskey Au Go Go arson-murders [WAGG] on 8 March 1973. Barbara was, through her husband, in contact with persons implicated in both arsons. Her comments to others about Torino's and her comments and behaviour around the time of the WAGG, support the belief that her knowledge of these offences, was central to the motive for their murders.

Justice Peter APPLGARTH, in his sentencing remarks on 1 June 2017 referenced evidence showing links DUBOIS and O'DEMPSEY had in the Torino arson and WAGG arson murders and the motive based connections of these crimes to the McCULKIN murders. "It was clear that Barbara McCULKIN knew enough about each of the pairs roles in night club bombings at the time for them to want to silence her" Justice APPLGARTH (Appendix A – Court Transcripts all).

On 2 June 2017 the Attorney General Yvette D'ARTH directed that the outcome of the O'DEMPSEY and DUBOIS trials, justified an inquest be held to further investigate the WAGG arson murders. The State Coroner subsequently requested a review of the WAGG. The Homicide Cold Case Unit began investigations into the validity of the claims that other persons, specifically O'DEMPSEY and associates were involved (Appendix A – Court Transcripts all).

After the 1973 conviction of James Richard FINCH's [FINCH] [DOB 20/12/44] and John Andrew STUART [STUART][Deceased] [DOB 15/09/40] for the WAGG arson murders, the outcome of the WAGG trial remained a contentious issue. A number of related investigations have seen new evidence or information relevant to the WAGG arson murders come to light which fuelled ongoing speculation around other parties being involved.

This report has been prepared for the Coroner, considering the involvement of other parties in WAGG arson murders. No attempt has been made to address the entire WAGG investigation, however early sections of this report reference relevant evidence from the initial investigation, the Torino's arson, and the McCulkin rape/murder investigations as they relate to evidence identified during the current Coronial Review. Appendix documents have been generated for specific related lines of inquiry in the interests of providing context including a WAGG Involved Persons Spreadsheet outlining brief details of the persons mentioned and their connection to the investigation and a Main Players Antecedents List outlining details of persons of significance in the investigation (Appendix B).

## **Investigation - 1973**

### **The Offence – WAGG Arson-Murder 8 March 1973**

Shortly after 2.05am on Thursday the 8th March 1973 an arson occurred at the WAGG night club situated on the corner of Amelia Street and St Pauls Terrace Fortitude Valley in which fifteen people lost their lives (Appendix C - UBD street map 1973 /aerial photographs). The fire was determined to be deliberately lit, and a homicide investigation commenced on that date. (Appendix B – Victim Names).

Investigations established that at approximately 2.08am the clubs Manager John Francis BELL [BELL] [Deceased] [DOB: 10/12/41] and staff member James Douglas CHALMERS [CHALMERS] [Deceased] [DOB:17/05/1949] who had been seated near the front door discovered the fire in the ground floor (Amelia Street) foyer of the club. The alarm was raised, and staff commenced ushering patrons to the fire exit, however the fire caused the lights to go out a short time later. In the resulting panic, some fifteen staff and patrons were overcome by smoke and were unable to escape. The “cause of death” for all fifteen victims was carbon monoxide poisoning (Appendix D – Forensic and Medical Reports).

### **Forensic Analysis**

Forensic analysis at the time established that two petrol drums, one of four-gallon capacity and one of five-gallon capacity were left at the ground floor entrance of the night club and were ignited. There were some fifty to sixty patrons and staff in the premises at the time the fire was lit. There was no explosion, but the fuel vapour and smoke were transferred quickly to the second level by the outlets for the air conditioner units which were situated in the ground floor entrance to the club. These air conditioning units effectively operated as a chimney pumping smoke from the foyer into the club. This chimney effect, explained the rapidly expanding heat/flame and smoke to the first floor and this, combined with identified issues around the fire escape access, contributed significantly to the large number of deaths.

The fire escape access was in the middle of the back wall of the premises. The fire escape was a “weighted” timber sliding door which led to a stairway and back access. The back access led to a side alley and a large locked steel gate at the side of the premises. Staff had placed cooking fat in drums near the fire escape, which had spilled and hampered the escape from the fire. Some patrons and staff were unable to get to the fire escape and smashed locked windows (the windows had been locked by order of the Brisbane council after noise complaints) and gained access to the roof of an adjoining building. The Fire Brigade received the call at 2.09am, arriving on scene at 2.12am to find the building alight end to end. It was twelve minutes (2.21am) before the fire was under control and once access was gained, the fifteen victims were located inside the building (Appendix C - site map/aerial photograph of premises and photographs of WAGG arson scene and deceased's). The victims' bodies were removed from the building by first response police, QFS and QAS personnel (Appendix D – Forensic and Medical Reports).

### **Extortion - STUART - Sydney Criminals**

The events of 7 March 1973 arose out of a period of violence and disputes between and in and around night clubs in Brisbane, in which incidents including threats, assault, arson/fires and property damage associated with licenced premises etc were relatively common (Appendix E -WAGG Management and club disputes).

Police had also been aware for some months prior to the fire that the WAGG and other licenced premises in Brisbane were the subject of an apparent "protection racket" approach. This consisted of STUART, sometimes in the company of others, attending various licenced premises, claiming to have been engaged by a group of "young southern criminals" who were intending to establish an extortion racket in Brisbane.

STUART claimed the group did not want ongoing protection payments, but rather "a lump sum" payment from the clubs and licenced premises. The approaches by STUART were overt and involved a similar conversation with numerous owners/managers of different clubs and pubs in the Brisbane area. These approaches had occurred over the preceding six months and had increased in frequency in the lead up to the fire.

STUART, a renowned criminal with criminal underworld connections in both Brisbane and Sydney spoke to several parties about the extortion plans, however his accounts were inconsistent when it came to his role in the protection racket. In the six months prior to the WAGG arson STUART claimed to both journalist Brian Monfred BOLTON [BOLTON] [DOB:26/08/35] [Deceased] and Detective Sergeant Basil James HICKS [HICKS] [Deceased] [DOB: 24/04/27], with whom STUART was on good terms, that he wanted no part in the activities but stated he was fearful of refusing the parties involved. STUART indicated to BOLTON and HICKS over several discussions that he was passing on this information so that he could not be blamed if something did happen. STUART repeatedly stated that Leonard "Lenny" Arthur McPHERSON [DOB:19/5/21][Deceased][McPHERSON] and Stewart John "John" REGAN [REGAN][Deceased] [DOB:13/09/45] and their connections were behind the racket, however refused to name the persons directly involved. STUART told HICKS on one occasion that he would inform the club owners about the threats and if they gave him money to protect them, he would accept it.

HICK's was at the time, Detective Sergeant of the Criminal Intelligence Unit [CIU] established by recently appointed Commissioner Raymond Wells WHITROD [DOB: 16/04/15] [Deceased] [WHITROD]. STUART was an informant of HICKS – code named EMU. HICKS kept detailed records of his contact with STUART between 28 July 1972 (after his release from custody in Sydney on 25 July 1972) and 10 March 1973. STUART spoke of his recent time in Sydney and his close association with renowned underworld figure Raymond Patrick "Ducky" O'CONNOR [DOB: 3/07/38] [Deceased] [O'CONNOR] (Appendix F- STUART related documents and interviews). STUART also provided details of his association with and knowledge of McPHERSON and REGAN. In conversations with HICKS STUART also said that he had heard that McPHERSON was trying to get in touch with him (10/10/72) and in a later conversation spoke of McPHERSON and REGAN's intentions in Brisbane (15/11/72). STUART's links to Sydney based underworld figures both as an associate and adversary were confirmed by investigations during the current review.

Billy McCULKIN, a long-term criminal associate of STUART, also had an established connection with HICKS, and was present for some of the conversations STUART had with HICKS relating to McPHERSON and REGAN. HICKS makes the observation in his notes that STUART and McCULKIN are clearly spending time in each other's company and predicted that it was a matter of time before they committed offences together (HICKS Notes 9/10/72) (Appendix F- STUART related documents and interviews).

## **Early Investigations**

### **Interview STUART 8 March 1973**

Aware that he would be a suspect for the WAGG arson murders, STUART contacted a number of associates and family members, including BOLTON and HICKS, early on the 8 March 1973, to declare that he was not involved and could prove where he was at the time of the fire.

STUART subsequently presented himself for interview at approximately 1.00pm on 8 March 1973. He was in company with his solicitor William John WEIR [WEIR] [DOB:9/12/45]. Detectives Robert "Brian" HAYES [Det HAYES] [DOB:6/04/24] and Thomas Sydney Charles "Syd" ATKINSON [Det ATKINSON] [DOB:7/5/27] conducted the interview.

STUART provided an account of his movements at the relevant times. He continued to give the same account of being approached by a group of "young southern criminals" who were planning to move in on the Brisbane "protection scene". During the interview both STUART and his solicitor, stated "on the record" that STUART would not be further interviewed by police then or in the future, unless his solicitor was present.

At 6.30pm on that date, as part of the interview, STUART arranged for his vehicle, a green Valiant Station Sedan Rego PFC 356 to be collected by his brother and presented to police for examination. STUART refused to reveal the location where his vehicle had been stored. Later in the investigation, it was established that this vehicle had been stored at 61 Heussler Terrace MILTON. This address had been rented by STUART and FINCH between 5 March 1973 and 13 March 1973 under an alias "TRAUTS".

STUART was released at the conclusion of the interview, but he remained the focus of investigations. A file reference indicates police were tasked surveillance of STUART after this interview, but police quickly lost track of him (See RL Entry 167 Patrick James GLANCY [Det GLANCY][DOB: 16/05/40]) (Appendix G WAGG Original FBOE, Running Sheet and Reports).

Some aspects of STUART's early version were corroborated and seem to support his version of being pressured by others to engage with nightclubs in Brisbane while other aspects are self-serving and seem designed to distance himself from the offence and establish an alibi for the relevant times. Of note the interview with HICKS on 7 March 1973, HICKS questions STUART about what was going to occur on 8 March 1973 and asked about WAGG indicating someone close to STUART had spoken to HICKS (Appendix F- STUART related documents and interviews).

### **STUART Alibi**

Initial investigations identified that STUART had an alibi for the period that the fire was lit. STUART had engaged with Police, lawyers and a media representative prior to the fire outlining his story about southern criminals moving in on Brisbane. He arranged to meet BOLTON on the night of the fire. When BOLTON did not attend as arranged, STUART attempted to locate him by phone, and even attended BOLTON's place of work late on the night of 7 March 1973 looking for him. STUART gave details to his associates as to what his intended movements were for the evening and also contacted his relatives during the night, to see if a message had been left for him by BOLTON.

STUART was sighted by witnesses at a number of locations during that night before he ultimately attended the Flamingo Nightclub in the Valley, remaining there from approximately 12.45am on 8 March 1973 to 2.15am, at which time he stated it was time for him to go home.

Witness accounts are that STUART was very overt in his contact with both the manager and bouncer at the Flamingo Nightclub around the time of the fire. Witnesses Alfred Henry QUICK [QUICK] [DOB:27/02/41] [Deceased], doorman at Flamingos, and Abraham YASSE [YASSE] [DOB: 4/10/30], manager of Flamingo's, gave consistent accounts of STUART's actions and comments between 12.45am and 2.15am on 8 March 1973.

They confirm STUART was driving his green Valiant Station Wagon that night and recalled discussing with him problems he was having with a faulty tail light. They confirmed seeing STUART in or around the club between the stated times. During conversations with QUICK and YASSE, STUART made continued references to the time and even asked to use the phone to obtain the officially recorded time, apparently in order to have QUICK recall the times that he was at the Flamingo Nightclub. QUICK stated the time was 2.15 when STUART phoned for the official time in the manager's office. Shortly after obtaining the "official time" STUART said it was time for him to leave. STUART then left the club and QUICK and YASSE were notified about the WAGG fire by a staff member Lyndon BROWN [BROWN] [DOB:UK] shortly after. Robyn Michelle HALL [DOB:UK] [SM dated 25/7/73] gave evidence that she last saw STUART talking to YASSE at about 2.00am. Halina MIKULAK [SM dated 10/08/73] stated she saw YASSE and QUICK talking with STUART at the Flamingo nightclub at about 2.05 – 2.10am. She was not called to give evidence by prosecution or defence (Appendix F- STUART related documents and interviews).

When interviewed in 2019 YASSE states he was spoken to by Police several times after the fire and repeatedly asked about the time frames that STUART was at the club, clearly attempting to test STUART's alibi. YASSE stated he maintained his truthful version. YASSE stated he was not called by the prosecution or defence, however QUICK gave evidence about STUART's movements and the phone call made to obtain official time.

STUART's behaviour did not remove him from suspicion. On the contrary his behaviour at or around the time the arson occurred indicated a knowledge of the date and time the offence was planned. It is relevant to note that until 10 March 1973 police were unaware of the presence of FINCH in Australia.

On 9 March 1973, Detectives from New South Wales and Victoria arrived in Brisbane to assist in the investigation, being Noel Charles MOREY [Det MOREY][DOB:25/12/24 ] and Roger Caleb ROGERSON [Det ROGERSON][DOB:3/01/1941] from Sydney and Det S/Sgt Paul DELANUS [Det DELANUS] [DOB:UK] from Melbourne.

#### **Arrests of STUART 10 March 1973**

The arrest of STUART at the home of his brother Daniel Peter STUART [Dan STUART Snr] [Deceased] [DOB:7/04/39] on 10 March 1973 arose from anonymous information supplied to Police about the location of the two men responsible for the WAGG arson murders (Appendix F- STUART related documents and interviews).

The original FBOE and police evidence provides the following account of the arrest of STUART on 10 March 1973. As a result of information from Dan STUART, police attended his Jindalee address. On arrival there was a dispute between Daniel STUART Snr and another family member, police subsequently arrested STUART for threatening police [Det GLANCY] with a knife.

STUART was transported from the address to the Brisbane watch house. While waiting to be searched at the Brisbane watch house, Police observed STUART place a piece of paper in his mouth. An envelope is recovered from his mouth and was found to be addressed to "Mr A MASON 234 Beams Rd Zillmere. Q. 4304", his brother in laws address which he frequented. The envelope and enclosed letter were addressed to Arthur MASON and was in relation to the overpayment of a money order sent to JONES (FINCH) in England.

The letter was recovered by Police. STUART stated that the letter related to his best mate Doug JONES. When asked, STUART denied JONES was the person Police had seen running from the Jindalee address at the time of his arrest that evening (Appendix H - Exhibits Index).

No formal interview was conducted at the time.

#### **Arrests of FINCH 11 March 1973**

The original FBOE and police evidence provides the following account of the arrest of FINCH on 11 March 1973. At 9.15am on 11 March 1973, Detectives ATKINSON, HAYES, MOREY, GLANCY and DELANUS attended Daniel STUART's Snr address and on arrival, they observed a male person decamping from the premises. A passport in the name of FINCH was located at the house (with the assistance of Dan STUART Snr).

A short time later, FINCH was intercepted by Detective ATKINSON at the nearby Jindalee Shopping Centre and when approached, provided the false name Doug JONES. When challenged, he denied being FINCH and again claimed his name was JONES, stating that he had arrived from England ten days before. Detective ATKINSON had previously been shown FINCH's passport by Dan STUART Snr and told FINCH he recognised him from his passport photo.

Det ATKINSON stated that when asked why he ran from police on 10 March 1973 and again on 11 March 1973 FINCH responded "Wouldn't you if you'd done what I've done? Kill me now, go on! Kill me! I deserve it." Detective ATKINSON stated he formally warned FINCH and told him police wished to question him about the WAGG fire and the deaths of fifteen persons.

Detective ATKINSON gave evidence of a number of incriminating statements made by FINCH when initially located. Detective ATKINSON stated FINCH explained that STUART paid his way to Australia a fortnight prior and then got him mixed up in the fire. FINCH exclaimed "Fifteen dead!". FINCH is said to have repeatedly asked Detective ATKINSON to shoot him and commented "I nearly died when he (STUART) told me last Thursday morning". FINCH also admitted hiding in nearby bushland since that time. Detective ATKINSON then transported FINCH to Dan STUART's Snr address, collected Dan STUART Snr and other police and transported FINCH to the Brisbane CIB office.

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[REDACTED]

[REDACTED]

**FINCH Interview on 11 March 1973**

FINCH was formally interviewed at 5.45pm on 11 March 1973, by Detectives HAYES, ATKINSON, ROGERSON, MOREY, GRIFFITHS and REDMOND [Det Ronald Joseph REDMOND] [DOB:5/07/32] [Deceased], and the typed ROI [Record of Interview] records that FINCH made admissions to burning the WAGG and causing the deaths of the fifteen victims. There is very limited detail obtained in the confession. Investigators provided evidence that FINCH confirmed the accuracy of the interview however he refused to sign the ROI. The interview document shows the interview was terminated at 8.15pm.

These admissions and the later incriminating statements were in the presence of several police officers who later gave evidence as to the accuracy of the interview document. FINCH was provided a copy of the unsigned ROI. Available records indicated that the validity of the ROI and other incriminating statements represented a significant part of the prosecution brief and the defence challenges at trial. It is noted that police did not gain any evidence from FINCH during this interview, that was not already known from other sources at that time (Appendix I – FINCH related documents and interviews).

**Incriminating statements by FINCH and STUART on 11 March 1973**

Police evidence was that STUART and FINCH in several conversations with different police made incriminating comments about their respective roles in the planning and execution of the arson murders.

**Brisbane Watch House 11 March 1973**

Records indicate that FINCH was taken after his interview, from the Brisbane CIB to the Brisbane watch house at 8.20pm on 11 March 1973. Police evidence is that incriminating statements by FINCH and STUART, continued at the charge counter when the pair were being formally and conjointly charged.

Police evidence indicates that at the same time FINCH was brought to the watch house, HAYES, ATKINSON and MOREY went to cells on first floor and had a conversation with STUART. Investigators state STUART asked if his solicitor was present and was told “no”. STUART was then removed from his cell and taken to an interview room and he was informed that Police intended to tell him some things and he was warned (STUART was not warned in previous contact with Police). Investigators stated STUART confirmed that he understood this warning and did not want his solicitor present, asking “what have you found out?” They informed STUART that when they located FINCH, he had admitted that he was imported by STUART from England ten days previously, with the purpose of terrorising nightclub owners to further STUART’s plans for extortion. FINCH admitted during at ROI that he had set fire to the WAGG nightclub at STUART’s instigation. STUART was asked if he wished

to read the ROI from FINCH. STUART responded "No I don't. I told the bastard to "go through" as soon as we knew fifteen people were dead. Now he's brought me undone. I went to a lot of trouble to set it up. We didn't mean to kill anyone. I didn't light it, he did". Notes were made of these conversations, however STUART refused to sign the notebook when asked to confirm content of the conversation. STUART was then arrested by HAYES for arson and fifteen murders.

The Police evidence was that STUART was taken to the watch house charge counter, where FINCH was seated nearby. Investigators stated STUART made further incriminating statements in the presence of Det HAYES, and Det ATKINSON. While at the charge counter with FINCH and STUART both present, STUART asked FINCH "Did you tell them everything about the fire?" FINCH responded "Yes" and then gave STUART a copy of his ROI, stating "I didn't sign it, fifteen dead, fifteen dead".

Police evidence was that STUART appeared to read the FINCH ROI and then accused FINCH of being "loose lipped" and asked him why he didn't stay quiet. STUART stated "I plead not guilty, and you are the same Jim". FINCH called out "Not Guilty" too. STUART then said to FINCH "You needn't have told them that I gave you the matches Jim". FINCH then said, "Well Johnny, you did, and we'll have to try and beat these Johnny".

### **Significant evidence identified post the arrest of FINCH and STUART**

After investigators became aware of the existence of FINCH in Australia and the covert nature of his existence, a number of significant and compelling pieces of evidence against STUART and FINCH were uncovered. Significant evidence was provided by STUART's brother Daniel Snr and his wife Rose STUART which subsequently represented a substantial part of the prosecution brief.

### **Movements of STUART and FINCH on night of 7 March 1973**

Investigations were initially conducted into the movements of STUART in the lead up to the WAGG as was provided in his interview on 8 March 1973. Daniel STUART Snr was approached by Police on 8 March 1973 and initially provided a version consistent with STUART's own account of his movements and in which Daniel STUART Snr makes no mention of the existence of FINCH @ Doug JONES.

Investigators interviewed STUART's brother Daniel STUART Snr who indicated in his statement dated 08/03/1973, that at about 6.00pm on the night of 7 March 1973, STUART attended his brother Daniel STUART Snr's Jindalee address, had some dinner and watched TV. At about 8.30pm STUART left to visit Lyall Heinrick BECKMAN [BECKMAN] [Deceased] [DOB:24/12/30] at 234 Beams Rd Zillmere before visiting his sister June Yvonne Marie BECKMAN [June] [Deceased] [DOB:18/06/30] at Kangaroo Point. Dan STUART was aware that STUART was also intending to meet journalist BOLTON that evening. At approx. 9.10pm that evening, STUART rang his brother Dan STUART Snr and confirmed the time stating that BOLTON had not arrived at their appointment at the Hacienda Hotel. At 10.40pm STUART had arrived at Dan's STUART Snr's address, and they spent some time fixing the tail lights and interior light in STUART'S vehicle before STUART left again about midnight.

By 10 March 1973 STUART's brother Dan STUART Snr had become suspicious of his brother and FINCH being involved in the WAGG arson murders contacted police. A file document indicates, "Anon and fearful informant states the two men responsible for WAGG currently at Dan STUART's address, Don BUCHANAN knows location".



Dan STUART Snr's subsequent statement (dated 10/03/73) informed investigators of the existence of his brother's associate Jim FINCH @ Doug JONES who had arrived in Brisbane from London during the week before the WAGG arson. On that date, Daniel Snr detailed conversations he had with this brother and provided an account of STUART and FINCH's movements in the lead up to the fire, as well as their behaviour after the fire. The assistance provided by Dan STUART Snr and his wife Rose was integral to the arrest of STUART on that date and later FINCH on 11 March 1973.

### **Movements of STUART and FINCH prior to 7 March 1973**

Dan STUART Snr and wife Rose provided the following account of their contact with STUART since his return from Sydney.

In November 1972 STUART first spoke to his brother Dan about some "heavies" from Sydney who wanted him to be their "front man" in an extortion racket they were setting up in Brisbane. STUART initially mentioned his friend Doug JONES (@ James FINCH) to his brother, around January 1973. STUART told him that they had committed crime together and had great trust in each other.

Dan STUART Snr stated, STUART was seeing a girl named Sue Katherine CHAPMAN [CHAPMAN] [Deceased] [DOB: 1/05/47] and was spending time with tattooist William Garnett "Billy" PHILLIPS [PHILLIPS] [DOB:10/03/38] [Deceased] at the time. Around this time CHAPMAN and STUART drove to Darwin and back and CHAPMAN reported that STUART lit several fires on the trip.

### **Arrest of STUART in Sydney**

In late November 1972, STUART went to Sydney where he committed a Break and Enter on 29/11/72, was charged on 30/11/72 and later held at Paramatta Goal. On the evening of 20 December 1972, a Sydney based criminal Graham James "Lou/Mad dog" MILLER [MILLER] [DOB: 6/08/1946] who was linked to known Sydney criminals including McPHERSON, arranged bail for STUART, apparently without STUART requesting assistance. STUART was bailed by MILLER's associate on that date, which was confirmed during the initial investigation and during MILLER's evidence at the trial. MILLER arranged an associate to post the \$300 cash bail on STUART's behalf and when questioned as to his reasons for bailing STUART, stated he felt it was the right thing to do. Note conversation STUART and HICKS on 22/12/72, in which STUART claims MILLER, McPHERSON and REGAN have interest in new BLINKERS nightclub Brisbane.

STUART was bailed from custody and asked authorities to arrange a plane ticket to Queensland (using his own held funds). STUART had previously spoken to prison guard, James Alfred COX [COX] [DOB:UK] expressing concern that he would be "knocked" if he was bailed. STUART told COX he had job waiting for him in a Queensland hospital and had to meet Detective HICKS. Due to his concerns for STUART, COX arranged for STUART to contact him once he arrived at the airport and STUART made a call advising he had arrived safely. STUART claimed to Det HICKS et al, that the persons behind paying his bail and arranging his travel to Brisbane were notable Sydney based criminals looking to use him to expand their protection interests into Brisbane.

On his return to Queensland after being bailed STUART spoke to his brother Dan STUART Snr about bringing his friend "Doug" (FINCH) out from England. He impressed on his brother that he was telling him the information in the strictest confidence. STUART made comments, that when his friend Doug arrived from England, they intended "fixing up every bastard". Dan STUART stated he saw a number

of letters written between STUART and FINCH while he was in England, which contained similar references.

In the weeks before the fire, STUART was seen to have, what was for him, an unusually large sum of cash, being about \$3-400, in a roll of \$20 notes. When asked how he came by the money, he told sister in law, Rose STUART that it was a loan (see letter from STUART re McCULKIN- stating McCULKIN could support the fact that he borrowed the money to bring FINCH into Australia, from AHERN and MEADE). Also see HICKS notes re conversation he had with STUART (28/2/73) in which STUART says he is avoiding AHERN as he owes him \$300.

After FINCH arrived in Australia, he stayed with STUART at Dan STUART address and on 2 March 1973 travelled to STUART's mother's place at Burrum Heads near Bundaberg. FINCH was introduced to STUART's family and friends as "Doug JONES". STUART and FINCH returned to Brisbane on 5 March 1973. On 5 March 1973 STUART borrowed some money from Dan and they rented a unit in MILTON under the name TRAUTS which was STUART's usual alias (STUART spelt backwards). STUART had wanted to stay with Doug at the house, but Rose was not happy with that arrangement.

[REDACTED]

#### **Rented flat - 61 Heussler Terrace MILTON**

After STUART's arrest, it was identified that STUART and FINCH had rented Unit 1/61 Heussler Terrace MILTON under the name of TRAUTS. They had paid for the unit between 5 and 13 March 1973. The pair were sighted at the address several times between 5 March 1973 and the morning of 8 March 1973 but were not seen at the address after the morning of 8 March 1973.

#### **Witness David ROONEY**

David ROONEY [ROONEY] [DOB: UK] resided in the unit complex at 61 Heussler Tce MILTON. He returned from night work at approx. 7.30am on 8 March 1973. Shortly after he got home, he observed the two men who were living in unit one, return to their unit in their dark station sedan. He heard them moving around in their flat and then saw the man without the beard (FINCH) walk out into the back yard and sit on the grass for about 20 minutes. At about 8.30am he saw the other man walking towards the nearby shop which has a phone box outside. ROONEY left his flat shortly after and did not see the pair again. ROONEY later positively identified STUART and FINCH as the men who rented the flat. ROONEY gave evidence at trial.

#### **Travel arranged by STUART for FINCH including money transfers etc.**

Investigations subsequent to the arrest, also established that in February 1973 STUART arranged for FINCH to travel to Brisbane from England. STUART commenced paying monies towards this travel on 13 February 1973 and FINCH was initially supposed to leave England on 21 February 1973, but this was delayed due to FINCH not attending the airport on that date. He re-booked a flight on 26 February (London – Singapore – Brisbane) and he but ultimately arrived in Brisbane on 27 February 1973.

The evidence that STUART arranged FINCH's travel to Australia seems indisputable. How STUART obtained the substantial funds required to pay for FINCH to travel to Australia (Appendix J - Travel Arrangements) was not established.

On 13 February 1973 STUART arranged for a \$50 money order in the name of Doug JONES of London. On that date Barry Robert BALDWIN [BALDWIN] [DOB:5/01/48], while employed at GPO Brisbane, accepted a Money Order application from an Arthur MASON for the sum of \$50 payable to a Douglas JONES of Cubitt Town, London. The Money Order procedures at GPO Brisbane were outlined in the statement of Edward Francis HARVEY [DOB:19/07/21] [Deceased]. William Thomas STEWART [DOB:12/4/35] later wrote a letter to A. MASON, 234 Beams Road, Zillmere advising that he had been overcharged on the Money Order sent to D. JONES in England. A. MASON was another alias used by STUART at the time. This letter advising MASON of the overcharging, was the letter STUART attempted to destroy before being searched at the Brisbane Watch House on 10 March 1973.

[REDACTED]  
[REDACTED]  
[REDACTED] On that date Ceciley Margaret LODGE [DOB:UK]- QANTAS employee took a deposit of \$260 from STUART and on 21 February 1973, STUART paid the balance of \$159.70. The monies paid were mostly in twenty-dollar bills. The flights booked, was from London to Singapore with a connecting flight from Singapore to Brisbane.

On 23 February 1973 STUART @ MASON attended QANTAS and arranged for a message to be sent to FINCH in London advising of the flight details etc. A ticket was issued to a Mr FINCH on 25 February 1973. FINCH subsequently arrived in Australia on 27 February 1973. Customs Officer Trevor John COOPER [COOPER] [DOB: 27/02/42] gave evidence that he checked FINCH into Australia on that date. The total fare was \$419.70 plus the \$50 money order sent by STUART (equivalent of 17 weeks rent).

### **Prosecution of STUART and FINCH - Arson-Murder**

Within three days of the offence, James Richard FINCH and John Andrew STUART were arrested for arson of the WAGG nightclub and the murder of the fifteen victims. The committal hearing at Holland Park Magistrates Court commenced on 28 May 1973 before Magistrate HAUPT. At the conclusion of the six-week committal, FINCH and STUART were committed for trial. The trial commenced 10 September 1973 and resulted in the conviction of FINCH and STUART on 23 October 1973. The evidence was largely circumstantial, and admission based.

### **Confession to MURDOCK– Prison informant**

The original FBOE against FINCH included the prison confession statement of Arthur James MURDOCK [MURDOCK] [DOB: 12/04/35]. In his statement, (dated 6/09/73 – taken by ATKINSON) MURDOCK stated he was incarcerated with FINCH and STUART and they spent time in the caged area used for high security prisoners at Boggo Road Goal. MURDOCK who was a "prison scrounger", said he befriended the pair and had regular contact with FINCH and STUART from March 1973. MURDOCK said STUART was often in the lock up, so he spoke to FINCH more often, and they talked about general things like football, fighting and racehorses. FINCH also told MURDOCK of their plans to upset the trial after the jury was selected and asked MURDOCK to assist them to access the pieces of wire, which they later used to self-harm in court delay tactics.

MURDOCK stated that on 1 August 1973 he was in yard near FINCH and he asked FINCH about the WAGG. During the conversation FINCH said "I set the place on fire. I burnt them Arthur"...I poured the petrol". FINCH made a comment about the owners (of WAGG) and how they deserved it...." FINCH also spoke to MURDOCK about a locked door and the people not being able to get out. FINCH said they didn't mean to kill them...but wanted to scare them. MURDOCK said to FINCH "There must have been someone with you...somebody else...why cop the rap?...FINCH said "We wanted to scare them".

That was the only conversation MURDOCK had with FINCH about the case. STUART once made a comment that he had to review paperwork about his case as "They are putting all the blame on me and not worrying about FINCH." MURDOCK later told Prison Officer Superintendent Ronald James BORINETTI (@ "Barron Eddie") [Deceased] [DOB:24/08/26] about the wires he had given FINCH. Note - Refer attached Sunday Sun article dated 28 October 1978 which shows cages/yard referred to in the statement in which conversations were said to have occurred (Appendix K – Relevant Media).

MURDOCK gave this evidence at the trial, however in 1977, during contact with FINCH's solicitor Dayle Kerry SMITH [SMITH] [Deceased] [DOB:23/07/44], MURDOCK is said to have retracted his version. Further, in an addendum statement dated 3/02/88 taken by Insp Graeme Stewart TROST [DOB:7/10/40], MURDOCK refers to a version he gave to FINCH's solicitor SMITH in 1977 as lies. He stated his original statement to ATKINSON and HAYES was correct and his retraction was due to pressure from other prisoners and being "dirty on police and prison officers" for charges put on him in 1977.

#### **Summary of FBOE against STUART and FINCH**

Justice LUCAS summed up the case as follows:

STUART arrived in Brisbane in 1972, and in early 1973, STUART arranged for and paid FINCH's ticket to come to Australia from London. On 27 February 1973 FINCH arrived in Australia after being invited by STUART. FINCH's presence was kept quiet and he was introduced to family as Doug JONES. FINCH and STUART rented a flat at Heussler Tce Milton between 5 and 8 March 1973.

STUART had numerous conversations with nightclub proprietors, journalist Brian BOLTON and DS Basil HICKS about the impending nightclub bombings. STUART told HICKS and BOLTON of instructions from Sydney criminals to him to make approaches to clubs and inform them of threats to burn down a club. STUART arranged to meet BOLTON on the night of 8 March 1973, but BOLTON did not attend. Police allege this was STUART attempting to arrange an alibi for himself. STUART regardless provided an alibi – he was at the Flamingo Nightclub until after the fire.

Between 1.10pm and 10.45pm on 8 March 1973, STUART attended the Brisbane CIB office with Solicitor William John WEIR [WEIR] [DOB: 9/12/45] and was interviewed at length. During the interview he continued to give the account about his being approached by the group of young Sydney criminals. STUART was interviewed by Detectives and subsequently released without charge.

There is evidence of conversations STUART had with WAGG owners, Kenneth LITTLE [Ken][DOB:24/08/45] and Brian LITTLE [Brian] [DOB:24/09/42], WAGG Manager, John BELL and Abraham YASSE [YASSE] [DOB: 4/10/30] (Prop of Flamingo Nightclub) which took place between 27 February 1973 (date of FINCH's arrival in Australia) and 7 March 1973.

The prosecution led evidence of conversations STUART had with QANTAS officials, the money order etc and telegram, evidence of them occupying a flat in Milton and of FINCH using an assumed name, were all used as evidence of acts done in furtherance of common purpose.

It was the prosecution case that STUART counselled FINCH to commit arson at WAGG as part of the extortion racket and murder was a probable consequence of that offence. STUART's behaviour in frightening the nightclub owners by continually warning them of the impending disaster was so they would be more amenable to later demands made by extortionists. The effect of the lighting of the fire when the club was open for business had a similar intention.

On Sunday 11 March 1973 FINCH was interviewed by Police (ATKINSON, MOREY, REDMOND HAYES, GRIFFITHS, ROGERSON). FINCH admitted a plan was established as per an unsigned Record of Interview on 11/03/73. FINCH's defence is that he made no admissions what so ever to police and that their evidence is fabrication.

Judge LUCAS in his summing up made the following comment to the jury.

"No doubt police were like other people – Judges, jurymen, lawyers and members of other callings, there are good ones and bad ones. It always seems to me that the larger the alleged conspiracy becomes, and the more police allegedly involved in the perjury, the less likely is the story of police conspiracy true" (end of LUCAS case summary).

On 23 October 1973 STUART and FINCH were convicted of the murder of Jennifer Denise DAVIE [DAVIE] [DOB:4/11/55] [Deceased]. It was accepted procedure at the time to prosecute and convict on only one victim, but STUART and FINCH had been charged with all fifteen victims on the same set of facts. This is relevant to the 1988 confession by FINCH on ACA Program, during which it was suggested to FINCH that he could still be prosecuted for the remaining fourteen victims (Note Double Jeopardy and Perjury).

During the trial the defendants engaged in behaviours intended to delay court proceedings such as STUART firing his legal team after the trial had commenced and committing acts of self-harm such as swallowing wire bound with rubber bands, designed such that they would cause an obstruction once swallowed. STUART was in hospital for much of the trial, but proceedings continued in his absence and transcripts of the proceedings were delivered daily to him in hospital.

### **Appeals Unsuccessful**

Throughout the prosecution process and numerous subsequent legal appeals FINCH and STUART protested their innocence and denied the admissions they were alleged to have made in the presence of investigating police. All appeals were unsuccessful (Appendix H – Transcripts Court).

### **Ongoing challenges to WAGG Investigative outcome**



STUART and FINCH, with the assistance of media and interest groups, generated significant and ongoing publicity while incarcerated. They continued to commit acts of self-harm as they had during the lead up to and during the trial. They instigated prison riots and after the death of STUART in 1979, the "Friends of FINCH" support group formed, the members of whom maintained media and political pressure in relation to the alleged verballing of FINCH and STUART. The

apparent links between the WAGG arson murders and the then unsolved disappearance of the McCulkin family also ensured the issue remained in the public eye. Between 22 October 1973 and the present, further evidence has come to hand, which while not questioning the culpability of STUART and FINCH, supports the case theory that others were involved in the WAGG arson/murders and evidence that Barbara, Leanne and Vicki McCULKIN were killed to silence Barbara and in order to prevent the exposure of these other parties.

With the benefit of hindsight, the manner in which the early investigation evolved, meant that three days after the fire, the door was effectively closed on the possibility that other parties would be identified and prosecuted for this offence. There exists an uncertainty, persisting it seems from the time of the fire, that other parties were involved in the WAGG planning and execution. It has also been alleged that these parties were effectively protected from prosecution for their role in the arson murders and in the subsequent related murder of Barbara McCULKIN and her two daughters. This protection being in the form of either deliberate decisions to protect these other offenders or as an unintentional result of the investigative approach used to ensure the timely arrest and conviction of FINCH and STUART. While acknowledging the original investigators were under immense pressure to get a result, questions around the effectiveness and credibility of the original investigation remain.

Evidence presented during the McCULKIN murders indicated the motive for the murders was to silence Barbara in order to prevent the exposure of other parties involved the WAGG arson/murders. It is clear that Barbara McCULKIN "talking" would have represented a significant risk to the other parties involved, even after the prosecution of FINCH and STUART was finalised.

### **Criminal Associations**

The criminal associations of STUART, FINCH et al, both in Brisbane and south of the border appear central to this investigation. Investigations indicate that STUART was closely connected to members of the Sydney underworld, as an associate and an adversary from the mid 1960's. FINCH was a long-term criminal "off sider" of STUART and clearly subject to his influence (Appendix B Antecedents STUART).

In various conversations before and after the WAGG arson murder, STUART named McPHERSON, REGAN and others as persons using him as a "front" for a planned protection take over in Brisbane. While he did name REGAN and McPHERSON, he refused to name the specific persons involved, indicating there were lower level players. STUART claimed to want no part of the extortion plans but also stated he was fearful of refusing the persons concerned. There are however several other witnesses who provided information about comments and actions by STUART that indicate he was very much a part of the emerging protection racket. STUART's early and continued references to "Sydney criminals" was dismissed during the original WAGG investigation and prosecution, as STUART's attempt to draw attention away from himself.

A review of the 1973 investigative file confirms there was information available to investigators at the time (via HICKS et al) implicating others as suspects in the WAGG arson murders, as well as significant evidence supporting a noteworthy Sydney criminal presence in Brisbane at that time. However there is little or no reference to the investigation addressing these lines of inquiry other than to obtain statements from these parties who claim no interest in Brisbane clubs or knowledge of or involvement in STUART's extortion claims.

### **Torinos Arson 25 February 1973**

At approx. 9.00pm on Sunday 25 February 1973 the Torinos nightclub was the subject of arson and the building was destroyed. Inquiries established that Police were advised prior to the offence that Torinos would be burnt down on the weekend of 24-25 February 1973. Torinos was one of a number of arsons which occurred in the time frame of STUART's claims about the interstate extortion threat (Appendix L – Torinos & Alice's arsons).

### **Pre-warning Torino Arson**

An informant provided details of the planned arson attack and advised that Antonio "Tony" BELLINO [DOB:1/11/39] had given Billy McCULKIN the job of burning down Torinos on that weekend (Informant Z – details provided to Coroner).

### **Witness PCSC Donald RUSSELL (Statement dated 5/09/20)**

Intelligence Officer, PCSC Donald Alfred RUSSELL [DOB:3/03/38] [RUSSELL] received the information and found it to be credible, preparing a report on 22 February 1973, outlining the details of the information that McCULKIN had been given the job by Tony BELLINO to burn down Torinos. As a result of this report Detectives were tasked to watch the premises however did not do so and the premises was burnt down as predicted.

### **McCULKIN Torinos suspect**

Billy McCULKIN states in a later interview (27/11/88 SMITHERS) that he was interviewed by Detective KAY in relation to the Torino arson but released without charge as he was at home with his family and his sister at the time of the fire.

After the offence it was reported in the Courier Mail (date 27/02/73 p1) that a Bulimba overheard two Italian brothers (surname starting with 'Bell...') sitting in the Spaghetti Bar planning the arson of Torinos. The informant understood Italian and relayed what he heard about the planning the arson (Appendix L).

The Torinos arson was investigated by DS Edward William "Ted" WHITE [DOB: 9/8/26], Det KAY, Jack Reginald HERBERT [DOB:18/12/24] [HERBERT] and Adams (unidentified). It is unknown which officers were tasked to watch Torinos that weekend however they did not do so. Investigations at the time failed to identify the offenders.

During Operation Avow, circumstances around the Torinos arson were confirmed. It was established that the Clock Work Orange Gang [CWO – HAMILTON, DUBOIS, Keith MEREDITH and HALL] committed the arson, on instructions from O'DEMSPEY and McCULKIN. Peter William HALL [DOB:25/8/45] [HALL] provided a detailed account of how they committed the offence, indicating it was their "first and last big job" the group having scared themselves (Note relevance to FINCH confession – the people they had lined up to commit WAGG got cold feet). Keith John MEREDITH [DOB:2/06/47] [KMEREDITH] confirmed the groups involvement in Torinos. Details provided by HALL proved to be credible when compared to known information about the offence (point of entry, scene etc)

Barbara McCULKIN indicated to a friend knowledge of what had occurred in the Torinos arson before WAGG. Billy McCULKIN's later wife Estelle Joyce LONG [REDACTED] (SM - 2015) recalled a conversation with Billy McCULKIN about Torinos in which he stated, "It was a great fire" and smiled. LONG stated it was clear he knew more about the fire than he should have.

### **WAGG Fire**

The WAGG fire occurred some eleven days after the Torinos arson, and investigations quickly focussed on STUART, principally due to his behaviour in the lead up to the fire, however a large number of persons "known to police" were also "rounded up" and questioned during the early investigations (RL). The original file documents confirm that Billy McCULKIN was an early suspect for WAGG, assumedly due to his association with STUART and the intelligence re the Torino arson (SM-Colin McGRATH indicating a photo board of McCULKIN was shown to witnesses).

The WAGG running sheet (Item 45) shows that Billy McCULKIN was interviewed by Det Ferguson "Fred" Shirley ROBERTS [Det ROBERTS] [Deceased] [DOB:18/06/31] after being located at his home address early on 8 March 1973. McCULKIN is recorded as suggesting police should speak to STUART and John HANNAY [HANNAY][Deceased] [DOB:22/12/43]. McCULKIN commented to Police that HANNAY's café "Alice's" was also burnt down. The same entry suggests HANNAY removed and pawned a typewriter from the WAGG prior to the fire. This information also appears from the entry to have come from McCULKIN. A later entry confirms property pawned by HANNAY had belonged to LITTLE (owners of WAGG).

### **'Alice's' Arson**

The arson of a café owned by HANNAY which was burnt down at approx. 3.00am on 17 January 1973 was also of interest. The fire was investigated by Det John Alexander ROCHE and no person was charged in relation to the offence. Subsequent information indicated that arson of Alice's was done on the instruction of HANNAY for the insurance (Appendix L). [REDACTED]

The original investigation records a number of reports of violence and disputes between clubs and persons associated with the clubs around this period.



### **O'DEMPSEY Murder Inquiry 1978-1980**

As at 16 January 1974, Barbara McCULKIN DOB 30/09/39 and her two daughters Vicki Lee 13yrs DOB 9/11/60 and Barbara "Leanne" 11yrs DOB 26/06/62 were residing alone at 6 Dorchester Street Highgate Hill. After 10.00pm on the night of Wednesday 16 January 1974 Mrs McCULKIN and her two daughters disappeared from their home and have not been seen or heard from since. Initial investigations and subsequent 78-80 investigation obtained several statements from friends and associates of Barbara McCULKIN indicating she had a level of knowledge of the Torinos and WAGG arsons and strong links to individuals suspected of involvement in these arsons. O'DEMPSEY and DUBOIS were early suspects for the McCULKIN disappearance/murders and remained the principal suspects during ongoing investigations.

In 1978, the newly appointed head of the Homicide Unit Det Superintendent Anthony "Tony" MURPHY [DOB:2/10/27] [MURPHY] [Deceased] tasked two detectives, Trevor Graham MENARY



[REDACTED] [MENARY][Deceased] and Det Sgt Alan David MARSHALL [Det MARSHALL] [DOB: 7/02/46], to investigate the five disappearances in which criminal Vincent O'DEMPSEY was implicated between 1964 and 1974. During these investigations, O'DEMPSEY and his associates again came to the attention of investigators in relation to their links to the Torinos and WAGG arson/murders. The investigators MARSHALL and MENARY were reportedly supervised closely by MURPHY during this investigation (MENARY confirms in transcript of 1980 Inquest). On 11 February 1980 a Coronial Inquest was commenced in relation to the disappearances of the McCULKIN's, Margaret WARD and Vincent ALLEN.

#### **Murder Inquiry Witnesses – WAGG references**

Investigations in 1978-80 confirmed significant comments and behaviour of Barbara McCULKIN indicative of her apparent knowledge of those involved in the Torinos arson and also the WAGG. Some of these witnesses provided more detailed accounts during Operation Avow and this information has been included in summary below.

#### **Witness Peter NISBETT (Statement dated 31/1/15)**

Peter William James NISBETT [REDACTED] [NESBITT] was a next-door neighbour of Barbara McCULKIN in the early 1970's and often spoke with her over the fence. He was aware of Billy McCULKIN'S violence towards her and kept an eye on her. He recalled in December 1973 he attended Barbara's address at about 2.00am one morning as he heard voices and saw her kitchen light was on. At the time NISBETT believed McCULKIN had come to the house but when he went to check on her, Barbara introduced him to Vince O'DEMPSEY and another male NISBETT believes was DUBOIS. NESBITT often saw O'DEMPSEY's distinctive Orange Charger outside the address and assumed that O'DEMPSEY had more than a passing interest in Barbara McCULKIN.

NISBETT stated he and Barbara had a conversation in late 1973 in which Barbara spoke with him about the WAGG fire. She stated that her husband associated with criminals and that she could put him away for years with what she knew. Barbara told NISBETT that Billy had something to do with the WAGG and that if the Police had asked him the right questions, they would have found out he and others were involved. Barbara stated that STUART and FINCH were not the primary movers behind the WAGG and they were just an "easy get" or collateral damage for the police.

#### **Witness Ellen GILBERT (Statement dated 6/11/15)**

Ellen Mary GILBERT [REDACTED] [GILBERT] was a good friend of Barbara McCULKIN's and they worked together for several years prior to December 1973. GILBERT recalled Barbara McCULKIN's strange behaviour and comments in relation to both the Torinos arson and the WAGG arson. She recalled that just after the Torinos arson, Barbara commented "I'll tell you something funny about that one day.....about the Torinos Nightclub being burnt down". Barbara never mentioned it again.

Shortly after she made this comment, the WAGG arson occurred. GILBERT recalled the Saturday after the WAGG arson (10/03/73), Barbara rang her in a panic and asked if she could come and stay at her place. GILBERT agreed. GILBERT recalled Billy McCULKIN and another man dropped Barbara to her address about 7.00pm that night. Barbara told GILBERT she was very frightened for herself and her family and did not want to stay at home. Barbara spoke of the police and their house being bugged. Barbara told GILBERT that she had split the girls up sending them to friends, one with Carol (confirmed by Carol CAMPBELL).

The following night (Sunday 11/03/73 – by this date both FINCH & STUART had been arrested) Billy McCULKIN rang about 11.00pm and asked to speak to Barbara. GILBERT recalled Barbara was very relieved when she got off the phone and said Billy told her John STUART had been arrested for the WAGG so it was OK for her to go home. Barbara had told GILBERT that John STUART was a friend and had stayed at their house on occasion. Barbara borrowed some money from GILBERT and got a cab home that night.

**Witness Carol CAMPBELL (Statement dated 17/01/19)**

Carol Mary CAMPBELL's [REDACTED] [CAMPBELL] daughter was a friend of Leanne McCULKIN. CAMPBELL recalled attending the McCULKIN address on at least one occasion and STUART was there. Barbara McCULKIN called CAMPBELL distressed the day of the WAGG fire and asked her to take Leanne overnight. Barbara said she was expecting trouble over the back and made reference to Sydney. Renowned criminal Billy PHILLIP's family resided at back of McCULKIN residence. Det HICKS notes refer to contact between STUART, McCULKIN and William Garnett "Billy" PHILLIPS [REDACTED] prior to WAGG arson.

**Billy McCULKIN Evidence (Transcript 13/02/80)**

In the 1980 Coronial Inquest into his family's disappearance Billy McCULKIN is questioned by O'DEMPSEY's legal counsel about an article written by Billy STOKES in his Ports News Journal, referring to a "Witness X".

The line of questioning was clearly intended to publicly nominate McCULKIN as an informer. McCULKIN is accused by O'DEMPSEY's lawyer, in his coronal evidence on 13 February 1980 as being an informant for the WAGG investigation. McCULKIN denied being the person referred to and stated he was never going to be a witness for the prosecution in the WAGG trial and he had told them he had nothing to offer.

Billy McCULKIN stated in his evidence that about six months before his family disappeared, he and O'DEMPSEY had a conversation in a hotel which got around to what happens to people who give information to Police. Note that this conversation occurred in the period after FINCH and STUART had been committed for trial but before the trial commenced in Sept/Oct 73.

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED] Appendix B

O'DEMPSEY Antecedents and Appendix A 1980 Inquest Transcript).

**O'DEMPSEY and DUBOIS Committed for Trial 1980**

On 2 April 1980, Coroner R. BOUGOURE found the circumstances surrounding the disappearance of the McCulkins were identical. He found that the three disappeared on or about 16 January 1974 from their home at 6 Dorchester St Highgate Hill in circumstances which indicate they did not intend to leave of their own free will and have met their deaths due to violence. BOUGOURE found that there

was a body of circumstantial and admissible evidence on which, when taken as a whole, a jury could find O'DEMPSEY and DUBOIS responsible for the murder of the McCulkins. At the conclusion of the inquest, O'DEMPSEY and DUBOIS were committed by the Coroner to stand trial for the murders of the McCulkins.

#### **NETO of Charges Angelo VASTA**

The file was transferred to the Office of the Director of Public Prosecutions. O'DEMPSEY and DUBOIS were indicted on the three murders however a Nolle Prosequi was entered in relation to each charge in 1981 by Acting Chief Crown Prosecutor Angelo VASTA stating insufficient evidence existed to continue the prosecutions. VASTA noted new or fresh evidence may support future charges against both suspects.

Investigations into the McCULKIN disappearance and suspected murders are not further progressed. STUART died in custody on 1 January 1979 (Appendix F – STUART death).



#### **FINCH Confession 1988**

##### **Finch - Released and Deported 1988**

In February 1988, FINCH's lawyer Christopher Stephen John NYST [REDACTED] NYST] wrote to the Attorney General requesting a new inquiry into the WAGG arson/murders and providing documentation in support of his submission. NYST was advised to make application for a pardon. In a Ministerial statement Paul John CLAUSON, Attorney General declared "This Government is determined to bring the long running controversy over the conviction of Finch to a conclusion" (15/03/88).

After years of claiming he had been wrongfully convicted, FINCH was released (not pardoned) and deported to his home country England in February 1988. Of note as FINCH left the country a media report quotes him saying "I'll be back to tell the truth, if I'm allowed to" (Courier Mail 17 February 1988 page 1).

#### **FINCH CONFESSION 1988**

##### **Witness Dennis WATT (Statement dated 5/04/19)**

On 6 October 1988, some eight months after his deportation, FINCH was in a phone conversation with long term advocate and journalist Dennis Michael WATT [WATT] [REDACTED] about a story WATT (Sunday Sun Newspapers) was intending to write on FINCH and his ongoing fight for justice. FINCH asked, "How would you like to write the real story behind the Whiskey Au Go Go?". Note: The notes WATT made of these conversations are detailed and show that while FINCH was initially veiled in his comments, he was agitated and clearly indicated he had something significant to tell WATT.

FINCH stated "I know everything... I'm out of the way and am willing to talk". FINCH stated he would give WATT anything he wanted, stating he would even go on TV. When WATT responded somewhat dismissively, FINCH said "Dennis listen carefully, I'll only say this once. For people to know, they would have to be there". WATT stated he was shocked as he had at that time "believed totally in FINCH's innocence" and was very involved in his plight both personally and professionally.

On 8 October 1988, WATT said he would need to know more if he was to sell the story. FINCH said "I can tell you who drove the car, the two blokes who dropped the gear (the petrol drums)....I was there. I saw what happened and know what happened...I can tell you about the McCULKIN murders...that's very important".

WATT asked about STUART's involvement. FINCH said "John never dropped it" but was involved, he was away building an alibi. FINCH went onto add "The driver was McCULKIN, the drums were dropped by HAMILTON and me. The bloke behind it was Vince O'DEMPSEY, that's why the McCulkins were killed. He (McCULKIN) told her (Barbara McCULKIN) and she was going to spill her guts". FINCH said O'DEMPSEY ordered it (the firebombing of WAGG). He offered STUART \$5000. He was part of the plan to shake them all up, trying to get control. He said O'DEMPSEY came into jail once, but FINCH stated he didn't try to get near me. FINCH said the others involved kept well away from them, "They knew we wouldn't say anything against them. With the whole thing though, there was no intent to do anyone in. It was just a freak accident."

WATT and pictorial editor Peter McNAMARA [DOB: UK] [McNAMARA] left for England on 21 October 1988 to interview FINCH on camera. They first spoke to FINCH on the afternoon of their arrival on 22 October 1988. FINCH stated in several lead up interviews that he, and others Thomas Ian HAMILTON [DOB:30/09/48] [HAMILTON], McCULKIN, O'DEMPSEY and MURPHY were responsible for the arson/murders. He continued however to deny he had previously confessed to the crime (Appendix I – FINCH Interviews).

During and ongoing discussions with FINCH, it was apparent FINCH was still enraged that the others involved in the WAGG arson/murders had not been pursued by Police, and that O'DEMSPEY and DUBOIS had been allowed to get away with the McCulkin murders. FINCH stated he believed they were protected in order to hide the truth behind the WAGG. FINCH indicated he wanted to "tip the bucket" on the system where corrupt police and king criminals used people like him to do their dirty work while themselves escaping prosecution. FINCH protested that O'DEMPSEY and DUBOIS were "right for" the McCulkin murders but that police had not fitted them up as had happened to him and STUART. FINCH also stated the CWOG were responsible for Torinos.

FINCH provided background information to the offence, stating that after he came to Australia on 27 February 1973, STUART put pressure on him to assist him with fire at WAGG. STUART stated he was under pressure from the people who had given him the job. STUART said these people needed a third man to do the fire job, and if he didn't come up with somebody STUART would be in trouble with them. FINCH stated STUART made it clear he would be letting him down if he did not help. (Note SM Margaret Jessy EVANS [REDACTED] Partner of O'DEMSPEY re STUART visiting their home in a panicked state prior to his arrest for WAGG).

FINCH said when he arrived in Australia, STUART told him he had been meeting with a bloke called Bill McCULKIN and that it was intended to use Torinos to extort money from the nightclubs and he needed his help. McCULKIN was arranging it and was getting his instructions from Vince O'DEMPSEY. STUART said he was supposed to fire bomb the Whiskey Au Go Go – and if he didn't do it there would be problems with the people who were arranging it. He was being paid \$5000 by O'DEMPSEY and they needed a third man as someone had got cold feet. FINCH stated he agreed to help out of loyalty to STUART.

That night STUART drove him to a place near Jindalee and stopped in a side street. There was a black car parked there and he was introduced to two blokes, Bill McCULKIN (driver) and HAMILTON. They were dressed completely in black, wearing track suits, gloves and balaclavas. FINCH stated he was given similar clothing to wear.

FINCH states they practised jumping out of the car, getting the drums out of the boot and getting the tops off the drums. After about half an hour they then headed towards town. When they got close, they stopped the car and HAMILTON got out and opened the boot and loosened the drum tops. They also left the boot ajar.

When they arrived, HAMILTON and FINCH jumped out of the car and went to the boot and FINCH got the two drums out. FINCH took them to about a yard inside the doorway and dropped them on their sides. HAMILTON was following him and threw the match. There was no explosion, but he could see the light from the fire. It only took 10 to 12 seconds, from them getting out of the car to getting back to the car after lighting the fire. FINCH stated there was nobody outside when they did it. When they got into the car HAMILTON produced a gun and was saying "lucky we didn't run into anyone". FINCH described HAMILTON as "off his head". FINCH said he was dropped at Milton, not far from the flat he and STUART were had rented. As FINCH got out of the car, he threw the black clothes etc in the car.

STUART was going to see a reporter named Brian Monfred BOLTON [DOB:26/08/35] [BOLTON] at the relevant time and was going to set up an alibi. FINCH said he went to sleep that night with no idea that anyone had been harmed.

FINCH stated he knew a fellow named Vince O'DEMPSEY was the organiser. The day after the fire, STUART was told by McCULKIN that the fire was done on the instruction of Tony MURPHY. STUART was angry because he hated MURPHY because he had arrested his mother in the past for receiving a stolen TV from STUART (1961).

FINCH said the next day STUART told him 47 people had been killed and 119 injured in the WAGG. After finding out that people had been killed, FINCH left the unit at Milton and went into hiding in the bush.

FINCH stated those police officers verballled him and he did not ever confess to the crime at any stage. He stated he always wondered why nothing ever happened to HAMILTON and McCULKIN. FINCH stated he had this code, from the underworld – not to say anything, not to be a dog. FINCH also said John STUART could manipulate him, and that he knew what made him tick. FINCH admired him for many years. FINCH said O'DEMPSEY and MURPHY were getting us to do the WAGG and they (O'DEMPSEY & MURPHY) had also been involved in the setting up the Torinos. They got the CWOG to do that.

FINCH and STUART discussed input from the others involved. STUART said "these people don't care, they are just going to let us rot here and no one else will be charged" or words to that effect. John STUART never spoke of the others being involved because he always feared that his mother would be killed if he did. His mother was the only person STUART cared about. FINCH said MURPHY was at that time a very powerful man in the Queensland Police and also in crime.

FINCH said that O'DEMSPEY and DUBOIS, were planning to kill Mrs McCULKIN, not the children and they went overboard. Mrs McCULKIN knew from her husband Bill what had happened re the WAGG and she was going to the Police. FINCH said he doubted Queensland Police would have listened to her even if she did. O'DEMPSEY and DUBOIS have been allowed to get away with murder in order to hide the real truth about who else was involved in the WAGG.

STUART was very close with a prison officer called "Barron Eddy" (BORINETTI). Barron Eddy was close with police and was involved in a number of verbals over the years. STUART explained to "Barron Eddy" his prison code which said who was really involved.

FINCH wondered if O'DEMPSEY and MURPHY were involved in HAMILTON's disappearance. William "Bill" Anthony STOKES [DOB:15/08/43] [STOKES] had been writing a lot of articles in Port News saying CWOG, STUART and FINCH were involved in the fires. He was right.

Note - There are several detailed conversations including one audio recording that WATT has with FINCH before the video interview is conducted (Appendix I).

On 27 October 1988 WATT and McNAMARA returned to Australia. WATT noted in all the conversations with FINCH various aspects of the story were discussed in different orders etc and there was never any contradiction. WATT stated he did not want to believe it but was convinced it was the truth.

The FINCH confession was first made public on 31 October 1988. The video interview of FINCH confessing was aired on the night of 31 October 1988. Significant media attention resulted, and FINCH was interviewed on A Current Affair the following day (1 November 1988). During the interview FINCH retracted the confession after it was suggested he could be extradited to Australia to be charged with the remaining fourteen murders.

The accounts of the above witness, the version provided by STUART and the 1988 confession of FINCH, along with numerous other factors, including the proximity and timing of the arsons, gives credence to the two fires, and the McCulkin murders, being connected as well as the implication of other parties being involved in these offences.

### **Operation Graveyard 1988-1992**

Despite his hasty retraction when threatened with extradition, the 1988 confession by FINCH to media and the version he provided reignited the allegations surrounding the WAGG investigation and related murders and investigations into the allegations of FINCH were ordered.

FINCH made allegations about Torinos, WAGG and unsolved murders WARD, McCULKIN's, FORD, and VOGEL. Operation Graveyard was commenced in 1989. Its' charter was to investigate the WAGG and any possible related murders as referred to by FINCH.

The report submitted by DI Warren Bourne SMITHERS [REDACTED] [SMITHERS] indicates no evidence was generated from their inquiries but also claimed the inquiry was under resourced. During this investigation MURPHY was approached and denied knowing O'DEMPSEY or having contact with him other than tasking the investigation into murders he was suspected of committing (Appendix M - Graveyard Report). McCULKIN also responded to FINCH's allegations on 2 November

1988, via a letter from his lawyer Bill POTTS (Appendix N – McCULKIN Letter from Solicitor) denying the allegations of FINCH.

