

ABC EDITORIAL REVIEW 25

**Exposed: The Ghost Train Fire
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**Rodney Tiffen
Chris Masters**

Background

Soon after 10 pm on 9 June 1979 a fire engulfed the Ghost Train ride at Sydney's Luna Park killing six children and one adult. Haunting allegations that the fire was deliberately lit, and its true cause covered up by corrupt police at the behest of protected organised crime figures persist to this day.

Exposed: The Ghost Train Fire was broadcast over three Tuesday nights in March 2021. Each episode was around one and a half hours long.

Purpose of the Review

We were asked to consider the impartiality and completeness of the program assessing whether it:

- Presented relevant perspectives on the issues discussed and gave those issues due weight
- Reflected the weight of evidence when analysing disputed issues and events
- Demonstrated open-mindedness to alternative interpretations of events and issues
- Demonstrated fairness in its treatment of the key characters

Overview

The program is in most ways an outstanding achievement. It brings to life a major tragedy in Sydney's history. It brings together more than five dozen on-camera interviews and scours through a huge amount of documentary research on official transcripts and reports. This is a depth and breadth of research that very few television series achieve, and the result is much fresh, revealing and important material.

The series has performed an important public service, drawing attention to the lack of authoritative resolution surrounding the tragedy. Since its broadcast, there have been responses by the coroner and by the police, who are now offering a reward for information about the fire, and widespread calls in parliament and elsewhere for a new inquiry.

The production values are very high. Cinematography by Andrew Taylor is world class. Use of archival footage is extensive and exemplary.

The thrust of the first program is to relive the tragedy of the fire – seven lives cut short, the lifelong grieving of their relatives, the trauma of the immediate survivors. It evokes the shock and impact of the dreadful and fatal fire breaking out at a fun park surrounded by people enjoying themselves.

The most important aspect of the second episode is exposing the farcical nature of the police investigation, and so also the unsatisfactory nature of the inquest, and the incomplete nature of some future inquiries.

The third episode widens the lens to focus on organised crime figure Abe Saffron's interest in Luna Park, and the political environment around the fire and the future of Luna Park.

Criticisms

The program attracted much praise and received almost no viewer complaints. It did receive strident criticism from some prominent critics on the grounds that it was unfair to former NSW Premier Neville Wran, including:

- Former Wran Minister, later Premier, Bob Carr said the allegations about Wran were baseless;
- Former Wran Minister, later Premier, Barry Unsworth rejected the claim that Wran was corrupt;
- Ex-Wran staffer, later ABC MD David Hill described the claims as preposterous;
- Ex-Wran Staffer, later *Sydney Morning Herald* editor, Milton Cockburn made formal complaints saying the program was unfair to Wran. (The ABC Audience and Consumer Affairs investigated Cockburn's complaint and found no breach of editorial standards);
- Former Wran business associate, later Prime Minister, Malcolm Turnbull, said how he trusted Wran completely and never had the slightest cause not to.¹

Major Propositions

We evaluate below the major propositions we think the program made. Some were established at length; others made only implicitly or in passing. Some emerge only through claims by interviewees on the program.

1. The fire was the result of arson rather than an accident.
2. That arson was carried out by people acting for Abe Saffron and/or Jack Rooklyn.

The program assembles considerable evidence that makes a strong case that the fire was due to arson: a lot of evidence around the presence and the behaviour of bikies; what a resident of the youth refuge heard them saying; the pervasive smell of kerosene possibly used as an accelerant, and Saffron's use of arson on half a dozen other occasions.

In the final *Exposed* episode an unnamed outlaw motorcyclist alleged crime figure Abe Saffron ordered fellow bikies to burn down Luna Park. While the program makers were able to verify his underworld credentials, his testimony was still essentially hearsay.

Nevertheless, we feel the program did very good work here, and its cumulative effect is sufficient to accept that on the balance of probabilities it was arson.

3. The police investigation was inadequate and had a predetermined outcome – that the fire was the result of an electrical fault.
4. The reason for this police failure was corruption, and the links between the officers involved and organised crime figures.

The program mounts a scathing demolition of the police investigation. Uncovering fresh evidence and with the use of witness testimony, *Exposed* demonstrated there was no

effective forensic investigation of the scene, and in fact it was immediately compromised by police and others.

Pictured at the site were Detective Inspector Doug Knight, Assistant Commissioner Jim Black and Assistant Commissioner Bill Allen – all with reputations for corruption. Knight was in a business arrangement with Rooklyn, a gaming entrepreneur found guilty of corrupting officials. Allen was forced to resign in 1982 because of his improper relationship with criminals.

On the day after the fire, lead investigator, Detective Inspector Doug Knight, told reporters: *'There is very little doubt that the fire has originated from an electrical fault near the roof of the building'*. Knight also told reporters he had four independent statements from people claiming they had seen sparks and flames emanating from the wiring. At the later coronial inquest expert analysis found no electrical failure and no statements claiming otherwise were produced. At the very least Knight went way beyond the available evidence with his theory, and it seems the four supporting statements were simply a fabrication.

5. The inquest into the deaths was given inadequate evidence.

The coroner made an open finding, entertaining the idea that the fire was an accident, its rapid spread accelerated by the lack of proper maintenance at the fun park. He concluded – without any direct evidence to support the claim – that it could have been caused by a discarded cigarette butt or match. He rejected the Doug Knight electrical fault theory.

The program convincingly makes the case that the coroner had to proceed with insufficient evidence.

6. The NSW Government's post-fire decisions on a new lease benefited Saffron.

A 1980s Corporate Affairs Commission did not conclude that there was evidence that Saffron controlled Harbourside. While this may have been true in a strictly legal sense, the program mounts a persuasive case that through personal links he was effectively in charge. Saffron had dozens of companies where there was no public trail back to him. Evidence was presented showing Saffron's cousins and nephew as principals of Harbourside Amusements.

The crucial moment that gave the lease to the company, soon after renamed as Harbourside, was the decision of a bureaucratic committee. These senior public servants then received the endorsement of the relevant Ministers and Cabinet. The program interviewed the only surviving member of the committee, architect Andrew Andersons, who criticised the limits of the committee's investigatory process, and who also elsewhere has affirmed that 'the tender process was totally above board'². He also reported that no-one on the committee knew the criminal links of key Harbourside personnel.

This strongly implies that even though the outcome favoured Saffron, the process may have been superficial but was not corrupt.

7. Wran had a direct personal relationship with Saffron.

8. Morgan Ryan had a close association with Saffron and used his relationships with Lionel Murphy and Neville Wran to advance Saffron's interests, and they went along with this.

The saga surrounding the *Age Tapes* is well-known. A group of NSW police had illegally tapped the phones of various suspects and had been doing so for well over a decade. Although the taps were illegal, overwhelmingly those doing it were well-intentioned police officers dedicated to rooting out corruption and organised crime. One of their targets was Morgan Ryan, partly because of his work for Saffron and also because of his involvement in other corrupt behaviour. The telephone taps uncovered conversations between Ryan and Murphy.

With the first publication in the *Age*, a huge controversy surrounding Justice Murphy erupted, and led to two Senate committees, two trials, and a parliamentary commission of inquiry, which was terminated when it became known Murphy was fatally ill with cancer. All the key documents were then to be kept secret for 30 years, and a large group of them was released in 2017.

Wran's immediate response to the 1984 publication of the *Age Tapes* had been two-fold, one was to threaten the police doing the tapping with imprisonment; the other was to label them phony. His intervention meant that a large amount of information was lost forever. Fearing prosecution, the police officers destroyed the tapes and much of their equipment. Many transcripts were retained, but these also were incomplete.

At the Royal Commission into the *Age Tapes*, Justice Donald Stewart – contradicting Wran – found them to be genuine, but he also found that the transcripts were too unreliable to be admissible as evidence in court.

When the materials were released in 2017, much news attention focused on Allegation 27 that at the behest of Ryan, Murphy intervened with Wran to arrange for a Saffron company to win the lease for Luna Park, and that Murphy told Ryan Wran had agreed to do this.

Nearly all the news coverage at the time was superficial and did not carry the story forward in any substantial way. It is to the credit of *Exposed* that it follows up the allegation by introducing important witnesses and revealing interviews.

Wran himself was not caught in any surviving evidence, and so he figures in the transcripts only as a figure whom others are making claims about. Even if Wran had agreed with Murphy to make representations regarding the Luna Park lease – and this is far from an established fact – it is not clear how he did so. The crucial decision was made by the committee of senior public servants, and there is no evidence of Wran interfering with their decision-making.

In the third episode there are other instances where the program makers point to a direct and/or corrupt relationship with Wran and Saffron. In the judgement of the program makers the reliability of the witnesses speaking to this was thoroughly tested and all were considered credible. The review team from a more remote but disinterested standpoint was not so convinced.

Former police officer Paul Egge was the most explicit: 'Wran was involved bigtime.' The National Crime Authority should have investigated Wran, and if the allegations of his corruption were proven, asked the presenter, 'it would have brought down the Premier.'

The program makers contended to the reviewers that the surviving Age tapes evidence supports the proposition that Neville Wran was allegedly in direct communication with criminals. The reviewers note the 394-page report sighted by them does not mention Luna Park. Nor is there any evidence of Neville Wran's communications being directly intercepted. The *Exposed* team regard references to Wran by characters such as Morgan Ryan as indications of 'criminals/individuals claim(ing) to get a result through (Lionel) Murphy to Wran'. In the judgment of the reviewers this is not a strong argument.

The report also contains references that go to Wran's innocence, ie 'Neville Wran, Premier for NSW. Morgan Ryan often meets Wran at race meetings and is introduced to other close friends of Wran. From telephone discussions with other persons it would not appear that he received and assistance to date from Wran[,] however the contact is still there'.

After the short grab from Egge, another speculation about Wran was offered by former police prosecutor Wayne Evans who was asked why would Wran get involved? 'There had to be something in it for Wran.' It is hard to know what the value of this fleeting claim is.

Then there is the interview with Rosemary Opitz. She says she was 'in Abe Saffron's inner circle for approximately 40 years.' She says that Saffron used to put on Friday night drinks, and 'top of the town people' attended, including Bill Allen: 'I thought what the hell is he doing? He's supposed to be commissioner of police.'

Opitz claims she saw Wran at Friday night drinks, and that Wran and Saffron were 'very pally. Really pally.'

The program makers uncovered police intelligence reports supporting Opitz's accounts of VIP social gatherings. Their up-close evaluation based on multiple meetings and due diligence checks affirmed her credibility. However, no solid evidence was given to corroborate her most serious claims, and no contrary views were presented.

After the program was broadcast her claim was challenged by some former Wran staffers and Labor colleagues, whom the program makers say 'could be argued [to] have a conflict of interest'. It was also challenged by Wran adversary and leading anti-corruption campaigner Gary Sturgess.³ (Following the airing of the *Ghost Train* series Sturgess also called for an inquiry).

Throughout the program a storyboard graphic is used to link key characters. While a useful visual device, the technique overreached the evidence in one crucial respect. The graphic connects Abe Saffron to many of the people included in the series including, notably, Neville Wran. Apart from the Opitz interview, no such direct relationship between Saffron and Wran has been established. This graphic is dramatic but in suggesting such a strong and direct link between Wran and Saffron it is misleading.

The series offers a penetrating and precise account of police corruption, judicial shortcomings and probes behind the façade of commercial interests. In contrast, its references to political corruption remain vague, anonymous, and unhelpful. At various points of episode three, we are told corruption went all the way up the scale to politicians, that senior ministers were corrupt, that transcripts were destroyed because of corruption, and that corruption went all the way to the top. But we never penetrate any further.

The program concludes with the presenter telling the relatives of the victims and the survivor that there 'was a cover-up and a web of criminal endeavour;' that Saffron 'was behind the fire and got away with it'. 'Essentially, the allegation is that the reason why [the investigation] didn't go any further was because of corruption higher up. There were a lot of powerful people in powerful places protecting Abe. So, it went right to the top, we're told.'

In communication with the reviewers the program makers insist that was not their conclusion, but rather they were reporting the shared view of a dozen of their sources.

'The top' is an ambiguous phrase but given the many references to Wran in the preceding several minutes, many viewers would interpret it as referring to the Premier. The cumulative effect of interview commentary, the storyboard graphic, the sequence summarizing findings with family members and absence of rebuttal content left the reviewers with a strong impression the program concluded Wran was complicit.

The program reported the Mr Wran material as an 'allegation', and unproven, and a 'scenario' no less than ten times' in the concluding parts of the program.

The program makers have not succeeded in framing a conclusion that plainly stated their position.

Conclusion

This series was notable for the depth and breadth of the reporting it used to investigate the very important events surrounding the tragedy of the Luna Park ghost train fire. That reporting achievement should be recognized and given due weight.

The program makers uncovered much suspicious evidence around arson being the cause of the fire, exposed the incompetence of the police investigation, reported on the inadequacies of earlier investigations, revealed the way policy making by the NSW government benefited Saffron, and the corrupt circle of influence around Saffron. They mounted a compelling case for a new investigation.

¹ All these except Cockburn can be found in an article in the *Australian* by Troy Bramston 24-4-2021

² Bramston *Australian* 15-5-2021

³ Bramston *Australian* 30-4-2021