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Joh Bjelke-Petersen's dirty political game in Whitlam dismissal

HEDLEY THOMAS THE AUSTRALIAN 12:00AM November 11, 2015

David Byrne was a young, bearded, former Augustinian monk with the briefest experience of the rough and tumble of Queensland politics, police corruption and Special Branch skulduggery when he stood up in the state's parliament on Wednesday, August 27, 1975.

At 2.34pm as Byrne, then 23, read from highly confidential leaked police documents, the Liberal Party's member for the seat of Belmont, east of Brisbane, dropped a bombshell which would ultimately cause the [collapse of Gough Whitlam's government on November 11, 40 years ago](#) today.

Byrne looks back on this event without regret. "The thing that really interests me is how what seem to be totally irrelevant things can change the entire course of political history," he tells *The Australian* from his home in Cape York, on the northern tip of Queensland, where he lives and works on education, housing and work opportunities for indigenous people.

Byrne exited politics soon after his sensational contribution, losing his seat in late 1977 amid a Labor-led backlash over using parliamentary privilege to expose a damning police file about a Labor politician, Mal Colston, who was suspected of being an arsonist.

A tiny school at which the disgruntled Colston was the sole teacher, in a small town called Carters Ridge near Gympie, north of the Sunshine Coast, had been torched in deeply suspicious circumstances in 1962.

Despite strong circumstantial evidence pointing to Colston as the culprit, no charges were levelled. He was then 24. The investigations throughout 1962 by frustrated local police into Colston — who would go on to achieve a doctorate in philosophy and psychology, work as a research officer for the police commissioner, an army reservist rising to the rank of major, and win unqualified support of the Labor Party as its choice for Queensland senator in Canberra in 1975 after the death of Bert Milliner — had remained secret.

On August 27, 1975, Labor's then opposition leader in Queensland, Tom Burns, to whom fell the duty of nominating Milliner's replacement, told the parliament: "My reasons for nominating Dr Colston are, briefly, that he has an untarnished character and untarnished reputation, and no fair-thinking person can question his contribution to either the Public Service of this state or the defence forces of this nation. Dr Colston is a young Queenslanders of great achievement. I challenge any member in this chamber to declare a single valid reason why he should not be elected without dissension to this vacancy."

It was the convention for Senate vacancies to be filled by the nominee of the same political party. As Burns was putting up Colston to replace Milliner, Labor asked the Joh Bjelke-Petersen-led Queensland government to rubber-stamp the decision and send the man to Canberra, where Whitlam needed all the support he could get.

Bjelke-Petersen despised Whitlam. And Colston's hitherto-undisclosed connection to the Carters Ridge State School blaze — he was subsequently nicknamed "Matches" by Labor friends and foes — was about to be lit up by the youngest parliamentarian in the state, Byrne, who had discovered on his desk a dossier of internal police documents.

Byrne, who became known as "the evil friar" for his disclosures, said yesterday: "The Whitlam government fell for a whole variety of reasons and one was because a bipolar young man at a one-teacher school tried to burn it down, twice, because he wanted to get a transfer back to Nambour — and it led to me receiving a document, a letter, that I now know came from (former police Special Branch detective and then politician) Don Lane.

"It was a letter from a police officer in 1972 who wanted to know why Colston was employed in the police commissioner's office and why he hadn't been charged over the fires. I raised these matters (in parliament) and the place was in uproar. I was naive in believing in politics that you should tell the truth. So I did."

Byrne told state parliament that afternoon in August 1975 that he had "left the seminary because I thought I might endeavour to achieve some justice and truth in this society", and, accordingly, he believed it his responsibility "to expose this situation".

He revealed that he held a copy of a letter, written on May 24, 1971, by a police officer to an inspector in the force, in which the case against Colston as prime suspect in the 1962 arson case was comprehensively made out. The letter was based on a police report by the Cooroy Police Station and the author of the letter was “socially concerned within the community at the appointment of Dr Colston as officer in charge of the new Research and Planning Section in the Police Commissioner’s Office”.

Byrne told the chamber: “I quote from the letter: ‘Inquiries showed he was most unhappy here at the school and had tried to obtain a transfer without success. The theory about being obsessed with a political career was right, as he ran recently as the ALP no. 3 on the federal Senate ticket.

“The letter continues: ‘The woman with whom he boarded at Carters Ridge advised me that whilst there, Colston would be up at all hours of the night pacing backwards and forwards in his room. This was just prior to the fires.’”

The investigator described fires on two occasions in a locked sports room to which Colston, when questioned by police, said he held the only key — it was always in his possession with nobody else having access to it. The police officer had shown Colston the lock on the door, and the teacher agreed no force had been used on the lock or surrounding area.

The police officer states that after the first fire: ‘I informed him that in my opinion whoever had entered the room had done so by apparently unlocking the lock. He stated that he did not know how this could be done as he was the only person with a key.’

Three weeks later, Colston rang the same police officer about the second fire — in the same storeroom with the lock still locked and no sign of forced entry. A witness put Colston at the school until he left at 9.15pm on the night of the second fire, which started “a short time later” on May 20, 1962.

A second police officer involved in the investigation said it was obvious the fires were deliberate: “charred paper was still in a rolled condition on the inspection of the police the next day; the teacher was the only person in possession of the key the next day; from inquiries it would seem that the teacher, Colston, was not happy at Carters Ridge School and although there is nothing to definitely connect him with the starting of the fires he is the suspect in this instance”.

As Labor parliamentarians recoiled and retaliated, Byrne was accused of a “most reprehensible, dastardly, low, filthy attack — entirely without foundation”.

Bjelke-Petersen, who would scotch the nomination of Colston when it came time for the vote and then pour scorn on those making the charges against Byrne, said: “How hypocritical can anyone get? The allegations of arson are common knowledge and Dr Colston would certainly have had to face up to them at some time or other if he had gone to Canberra.”

But the opinion leaders in the media were almost as offended as the Labor Party at the smearing of Colston, with *The Courier-Mail* slamming the “immoral and absurd position — its dishonourable, astonishing stand”; the *Toowoomba Chronicle* lashing the “unscrupulously political” motives of the government; the *Queensland Times* calling it a “shabby affair”; and the *Townsville Bulletin* opining on Joh’s “sheer cussedness”.

Over the ensuing days, Joh challenged Burns to put up three candidates from which one would be chosen. In a game of brinkmanship, Burns stubbornly refused and insisted on Colston, who appeared stunned at his new notoriety.

Joh had the last word by nominating Albert Patrick Field, a French furniture polisher from Brisbane, Labor stalwart and president of the Federated Furnishing Trades Union — but, most importantly, a man who, like Joh, disliked Whitlam.

With Field in Canberra, Whitlam could not be guaranteed his vote to ensure supply, and Joh believed his arch-enemy’s goose would be cooked.

Kev Hooper, the tough-as-teak parliamentarian who took on Joh and a corrupt police force at every opportunity, was appalled at the turn of events.

In a particularly scathing speech in which he likened the tactics of Bjelke-Petersen’s crew to McCarthyism and Hitler’s Germany — “the ghosts of Goering, Goebbels and Himmler must have nodded approval” — he described

the so-called Minister for Everything Russ Hinze as the Gold Coast mafia's representative. Hinze demanded an immediate apology "otherwise I will go over and knock his bloody head off".

It fell to a skilled lawyer and politician, John Greenwood, to dissect the police evidence against Colston: his hatred of the tiny remote country school and determination to go somewhere with more promise "the sooner the better", his closeness to both deliberately lit blazes, his changing and unlikely story about where he was in an apparent bid to distance himself from the arson, his control of the lock and the storeroom, an empty turpentine tin, charred rolled-up paper, and the testimony of a boy of 14, Alan Gilliland.

Greenwood made a powerful case against Colston while imploring members "to decide whether to send this man to Canberra to one of the most important offices in the country". Shortly after 6pm on September 3, 1975, Field was elected to the Senate vacancy.

With Field in the Senate and unsupportive of Whitlam, Malcolm Fraser's federal opposition could block supply, leading in turn to the constitutional crisis which saw governor-general John Kerr dismiss the Whitlam government. If Colston had become the senator, Whitlam would have preserved the balance of power.

As Barry Cohen, Whitlam's former colleague and author of *Life With Gough*, put it, Bjelke-Petersen's choice of Field "ensured the Coalition could block the budget. Then came Kerr's dismissal of the Whitlam government and the election debacle for Labor that followed".

Byrne says now: "That man, Colston, was a totally unacceptable choice. I have no doubt that he lit those fires. He did it twice in three weeks. There was nobody else there. He did it to get back to Nambour.

"But if Labor had put someone else up to give us a choice other than Colston, the dismissal of Gough would have been avoided. How stupid were Labor, in Queensland and federally, for refusing to do this?"

Mike Ahern, the former National Party premier who was in parliament at the time, told *The Australian* yesterday: "That was Joh's intent — to bring down Whitlam — and in many respects that's what people adored about him.

"I can remember thinking 'My God, this is madness'. It was all about trying to find a way to shipwreck Gough Whitlam, and Joh was happy with all the intrigue and chicanery that went into that effort."

There have been 40 years of intrigue about the leaking of the document Byrne read into parliament's official record, Hansard, that afternoon.

For many years, Des Sturgess QC, a top criminal defence lawyer who would become Queensland's director of prosecutions, believed the leaking was masterminded by Terry Lewis, as it could explain why Joh would promote the corrupt detective to be police chief. But Sturgess says he later discovered Lewis was not responsible.

According to Ahern, who knew the former Special Branch officer Lane well and served with him in cabinet, "Lane was behind all of it. He was peddling it, a former member of the Special Branch, and he was the link to Byrne. There was nobody else with that capability there, but where he originally got that information, I don't know.

"Colston didn't want to teach at the school. Did he burn it or get someone else to burn it? I don't know. Lane convinced everyone that it was right. The major agenda was to trip up Whitlam. I remember Joh said to me 'the governor-general has sacked him, he's gone', and Joh obviously felt some ownership of it because the whole agenda had worked."

Former Liberal leader and deputy premier Llew Edwards, who was also there at the time, said yesterday: "Joh absolutely hated Gough. He found Gough terribly overbearing — in height and in manner — and could never understand Gough's way of doing things. He disliked Gough intensely."

Barry Krosch, who served in the Special Branch, said that after being elected to parliament Lane "was still very close to his mates in Special Branch", which he had joined in 1967.

"I suspect it would have been pretty easy for Don Lane to get those or any police documents," Krosch said yesterday. "There were many occasions where the 'Branch' was used for blatant party political purposes."

Sturgess believes the police detective he asked to investigate the leak, John Huey, is closest to the truth with his view in a new disclosure, released yesterday, that the documents were taken from the safe in then Queensland police chief Ray Whitrod's office by someone on an errand for Lane, and used to produce a result that changed Australian history.

Forget conspiracies about the CIA's role in the fall of Whitlam. The more credible alternative, says Sturgess, is that someone with access to Whitrod's safe believed the documents needed to be aired to expose an arsonist.

Matthew Condon, author of *All Fall Down*, the last in a trilogy of books on Queensland's era of police corruption, said yesterday Whitrod had "a tight and seemingly honest crew around him during those years when he was under siege from the so-called Rat Pack of corrupt police and their allies, and only a few hand-picked men had access to the commissioner's safe.

"It is probable, however, that the report was ultimately leaked to the former policeman and Special Branch officer, and Liberal member for Merthyr, Don 'Shady' Lane. The leaking bears all the hallmarks of a classic Special Branch operation from that era."





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