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Office of **Fair Trading**
Department of Equity and Fair Trading

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Your Ref:
Our Ref:

30 January 2001

RELEASED

Mr J Tilbrook
Write Way Research Services
PO Box 100
TUROSS HEADS NSW 2437

Dear Mr Tilbrook

Re: Security Providers Act 1993

I refer to the above and an investigation conducted by the Investigations Branch, Office of Fair Trading, Brisbane in response to a complaint that you were acting as an unlicensed private investigator in Queensland, as defined in section 6 of the *Security Providers Act 1993*.

As you are aware, this matter was originally investigated by Acting Investigations Officer Richard Danen. In short, Mr Danen's investigation found that there was insufficient evidence to conclude that you may have breached the Act. On 15 September 1999 you were notified in writing by Mr Danen of the requirement to hold a license should you engage in any of the activities outlined within section 6 of the Act.

Due to the complainant's refusal to accept the findings of the original investigation, this matter has in turn been reviewed by the Office of the Parliamentary Commissioner for Administrative Investigations (Ombudsman). The Ombudsman referred the matter back to the Office of Fair Trading and has expressed the view that the conclusions of the original investigation – ie that there was insufficient evidence to conclude that you might be in breach of the Act – may not have been sound.

The Office of Fair Trading subsequently obtained a legal opinion so as to clarify the issues raised by the Ombudsman. In short, that legal opinion reinforces the Ombudsman's view of this matter.

Given this situation, I am obliged to inform you that the Office of Fair Trading now considers that you may have breached the provisions of the Act. Specifically, the activities of concern are as follows:

- Your research is not restricted to giving information about another person from existing records in your possession or the possession of your employer. It is

apparent that you have not only investigated Australian War Memorial Archives, including relevant war and unit diaries, but also conducted related correspondence with the Central Army Records Office in relation to a claim of an "unauthorised discharge";

- You appear to have obtained statements and contact details from potential witnesses;
- In an investigative sense, you appear to have directed your client to undertake further correspondence with the Department of Veteran's Affairs seeking copies of specific and relevant reports;
- In a facsimile dated 26 March 1999 to your client, you also appear to have given feedback about making successful contact with relevant witnesses, providing relevant contact details to your client. As part of that process, you also appear to have relayed relevant information that you had obtained from a witness during the course of an interview.


I must point out that engaging in one or more of the above acts in Queensland, regardless of whether you conduct them from a place outside Queensland, renders you liable to prosecution action under the Act. Furthermore, should the Office of Fair Trading become aware that you are in fact engaging in these activities in Queensland, such prosecution action may be pursued without further warning to you.

Your client, Suncorp Metway, has also been advised of their potential exposure to prosecution under the Act in relation to engaging the services of unlicensed private investigators.

Should you therefore be engaging in these types of activities, I strongly urge you to make the necessary arrangements to obtain the relevant license. Further information on licensing can be obtained by contacting the Senior Licensing Officer (Security Providers), Office of Fair Trading on (07) 3239 0920.

In the meantime, I would like to thank you for the level of cooperation you have extended to the Office of Fair Trading in connection with this investigation. Should you wish to discuss this matter further, please do not hesitate to contact me.

Yours sincerely


Joe Camilleri
Manager Investigations

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