

'DEGRADING' PORNOGRAPHY ON ACCUSED'S COMPUTER CAN'T BE USED AGAINST HIM

# Crime record relevant in Claremont trial

ANDREW BURRELL

Evidence of "extreme" and "degrading" pornography discovered by police on a computer owned by alleged Claremont serial killer Bradley Robert Edwards cannot be used against him, a judge has ruled.

But prosecutors in the massive case to be heard in the Supreme Court of Western Australia were successful in heading off an application by the defence for some of the charges against Mr Edwards to

be heard at a separate trial. Judge Stephen Hall also ruled in favour of a prosecution application to allow other "propensity evidence", including Mr Edwards's violent attack on a woman at a Perth hospital and an alleged rape at Karrakatta Cemetery, to be heard at the trial starting in July.

It also emerged in court yesterday that 580 witnesses could be called to give evidence at the judge-alone trial, which is due to run for nine months.

At a pre-trial hearing last month, prosecutors alleged Mr

Edwards had a list of almost 4000 pornographic websites on his computer and wrote stories about abduction and rape that bore a "striking" similarity to the Karrakatta Cemetery assault.

Lead prosecutor Carmel Barbagallo said some of the violent pornography found on Mr Edwards's computer after his arrest in December 2016 was "extreme" and "above and beyond degrading".

Justice Hall said yesterday the pornography evidence was irrelevant to the facts in the case, and its only effect would be to

**'They form part of a series of offences of the same or similar character ... any prejudice arising from a joint trial can be guarded against'**

JUSTICE STEPHEN HALL  
SUPREME COURT OF WA

prejudice a fair trial of the accused. He said it could not be assumed

that the perpetrator of any of the offences was necessarily likely to have an interest in violent pornography.

He also ruled against an application by defence lawyers for some of the counts against Mr Edwards — those known as the Huntingdale offences — to be tried separately.

Justice Hall ruled that evidence relating to the commission of the Huntingdale offences — including an alleged attack by Mr Edwards on a woman in 1998 — was admissible as propensity evidence

for the other charges. He found that evidence about an attack on a woman at Perth's Hollywood Hospital in 1990 — a crime Mr Edwards has previously admitted — was also admissible in respect of the other counts.

Evidence about the so-called Telstra Living Witness Project evidence — which relates to a man picking up women off the streets of Claremont in the mid-1990s — would also be admissible as propensity evidence.

So too would allegations about a violent sexual assault on a

woman at Karrakatta Cemetery. Propensity evidence relates to allegations about the past conduct of an accused person as well as the character or reputation of the accused.

Justice Hall rejected the defence's application for the earlier Huntingdale offences to be tried separately from the remaining charges.

"Counts 1 and 2 (the Huntingdale offences) are properly joined with the other counts in the indictment because they form part of a series of offences of the same or

similar character," the judge said. "Any prejudice to the accused arising from a joint trial can be guarded against and the discretion to order a separate trial should not be exercised."

Mr Edwards has pleaded not guilty to the murders of Sarah Spiers, 18, Ciara Glennon, 27, and Jane Rimmer, 23, who all went missing from the Claremont night-life area in 1996 and 1997.

He has also pleaded not guilty to the Karrakatta rape in 1995. The case will return to court for a directions hearing on April 24.

## It's a blast, but don't try this one at home kids



GETTY IMAGES

Artist Cai Guo-Qiang with his gunpowder-on-silk artwork *Transience II (Peony)* at Williamstown yesterday

TESSA AKERMAN

Contemporary artist Cai Guo-Qiang says his artistic experiments with gunpowder were a rebellion against his father, his own cautious nature and a controlling society in China.

And while his techniques and preferred medium have turned him into a global star of the art world, Cai suggests children inspired by his works should follow some simple advice — don't try this at home.

With a large bang and a lot of smoke, Cai created his latest work yesterday morning at Williamstown, in Melbourne's west, with his 31m gunpowder-on-silk drawing *Transience II (Peony)*.

Through an interpreter, Cai said he gravitated towards gunpowder as a very young child.

"My father was also a painter, actually a traditional Chinese painter," Cai said. "His personality is pretty timid and cautious — like him, I was growing up as a cautious kid."

"But I ... wanted to be rebellious



**'I wanted to find artistic media that can help me lose control'**

CAI GUO-QIANG  
ARTIST

GETTY IMAGES  
Cai lights fuses to create his vibrant 31m-long artwork

towards my own character, I wanted to find artistic media that can help me lose control and artistic media that is itself difficult to control."

While yesterday's work went off without a hitch, apart from a smoke alarm afterwards, Cai said gunpowder in art was full of accidents and uncertainties.

"I was growing up in a society that exerted a lot of control on people and from both my personality and the social condition, I found gunpowder gradually as a very suitable medium for exploration," he said.

Cai conceived the visual effects for the Beijing Olympics' opening and closing ceremonies and said

large-scale outdoor explosion events were like a revolution, whereas a gunpowder painting in his studio was more private and personal.

"I'm always oscillating between if I should sprinkle more gunpowder or less. But if I put too much gunpowder there may be holes throughout the silk. If not

enough, the power and energy would not be shown."

*Transience II* will be shown alongside the *Terracotta Warriors* as part of the National Gallery of Victoria's *Winter Masterpieces*.

NGV director Tony Ellwood said the *Winter Masterpieces* so far had been predominantly western European and it was important that the gallery reflected a different cultural mix.

"So (we have) the historic credibility and depth of the warriors but what is rare for a *Winter Masterpiece* show is that we are giving it that contemporary lens at the same time," he said.

Ellwood said the work fit in well with the *Terracotta Warriors*, and Cai's other works that will be part of the exhibition relate to the region, the dynasty and emperor at the time.

"I think it will attract different types of audiences because we've converged two strong ideas together but (with) the total mass and beauty, I think audiences will cross over," he said.

ARTS P32

## Boom lures chefs back home

JOHN LETHLEAN

Meet the new face of Brisbane dining. Alanna Sapwell left the city three years ago because she wasn't thrilled with Brisbane's professional kitchen culture and wanted to learn more.

She worked in a Florence restaurant speaking little Italian; she worked in a Japanese lodge with no Japanese; she worked in Arnhem Land on a pearl harvesting camp and caught fish to feed 30 workers every night.

And she eventually worked as head chef in one of the hottest restaurants in Australia right now, St Peter, in Sydney's inner-city Paddington.

But she wanted to come home and do things her own way.

"There are lots of people coming back to Brisbane," said the head chef at ARC Dining, one of the brightest stars in the cluster of restaurants at Brisbane's new Howard Smith Wharves precinct. "Arabella Chambers and Travis Crane opened City Winery this week. Sarah and Tim Scott have opened Joy. They've all come back to town."

"There's a really good energy ... a really good mix and everyone brings something different."

Sapwell, 32, was offered her job at ARC while still running the kitchen at St Peter, where she'd been part of the opening team. The timing wasn't right. Three months later, when she felt moving on was right for her and a now-strong restaurant team would cope, the position was still vacant.



JEFF CAMDEN

Alanna Sapwell

"I left Brisbane because there were just too few places to work" — she had worked at nearly every big-name restaurant in town — "and the culture was terrible," said Sapwell. "Three years ago, the culture in Sydney was more progressive, but these are exciting times for Brisbane. I wanted to come back and provide a nurturing environment and a strong culture. And I'd always wanted to come back to Brisbane. It's home to me."

"I like the mix of city and country. It's got a lot of potential and my family is here. Sydney is great but I couldn't get ahead — you work day by day just to survive."

Brisbane has experienced unprecedented growth in the progressive restaurant sector over the past 12 months. The launch of Howard Smith Wharves and its four, soon to be five, restaurant dining cluster runs in parallel with a mini explosion of new hotels across the city with associated restaurants or dining tenants.



The Calie has Hellenika and The Lobby Bar, the W Brisbane has Three Blue Ducks, Persone and Heritij, The Fantauzzo, part of the Art Series group, draws on all the restaurants of the HSW precinct, the new Westin Brisbane has Eden's Table, the new Emporium Southbank has Belle Epoque. And the Ovolo group's Valley hotel is about to announce a new restaurant with a Middle Eastern/Lebanese approach under the eye of a prominent Sydney-based chef.

Then there's the massive Queens Wharf development, slated for 2022, with two major hotels and 50 restaurants, cafes and bars.

Sapwell's mission is to create the kind of kitchen environment she benefited from in her apprenticeship with Noosa restaurateur David Rayner: "I wanted to set it up so everyone is learning the basics. And money doesn't grow on trees. It's a business and no one teaches that any more. — I really wanted to embrace that here."

## Treasurer holds toll company shares

EXCLUSIVE

RACHEL BAXENDALE  
VICTORIAN POLITICAL REPORTER

Victorian Treasurer Tim Pallas holds shares in the transport infrastructure company that stands to make \$37.3 billion in extra tolls from motorists in exchange for investing just \$4bn in the Andrews government's West Gate Tunnel.

The revelation comes after the Coalition failed yesterday in a last-minute bid to revoke a deal between the state government and Transurban, following the release of Parliamentary Budget Office figures on Tuesday which showed drivers who use the City-Link toll road daily between July this year and 2045 will pay an extra \$87,060 in tolls, even if they never use the tunnel.

Mr Pallas's register of members' interests shows he has a "Blue Chip 20 Long Term Equity — Series 3" account with Westpac, made up of shares in the top 20 ASX companies. Transurban is currently No 15 in the ASX top 20.

Mr Pallas told *The Australian* that all his investments had been properly declared in the register of members' interests.

"My investments are in a managed, passive investment fund," he said. "I have no input into its holdings or investments." *The Australian* is not suggest-

ing he has acted inappropriately in owning the shares.

Transurban's shares rose 3c yesterday, capping an extraordinary 19.1 per cent rise in just five months, from a price of \$10.73 on October 12 to \$12.75 yesterday.

The most recent rise came as four members of the 11-seat crossbench in Victoria's upper house sided with Labor over the Coalition's bid to scuttle the tunnel deal, allowing the company to impose tolls on users of the existing City-Link network for an extra decade, with tolls rising 4.25 per cent every year.

The opposition has 11 seats in the 40-member upper house, meaning it requires the support of 10 of 11 crossbenchers for its revocation motion to succeed.

The Coalition's upper-house leader David Davis said he hoped his crossbench colleagues would be swayed by the PBO analysis.

"I don't think anyone could have seen those ... independent figures without being shocked at how generous this deal is for Transurban, what a rolled-gold opportunity it is for Transurban, and what a bad deal it is for Victorian motorists," he said.

Premier Daniel Andrews dismissed the PBO figures as comparing "apples and oranges". Transurban's lobbyist ranks are dominated by former Labor staffers, including Mr Pallas's former chief of staff, Tim Salathiel, who is head of group communications.

## Near-tragic boat blaze ignites urgent safety, training review

EXCLUSIVE

RORY CALLINAN  
DEFENCE WRITER

The fire extinguishers failed, the crew had to call for help on mobile phones because they had no training on the radios and firefighting breathing apparatus could not be recharged due to a power failure.

These were just some of the problems the crew on the HMAS Maryborough faced when the engine room of their Armidale Class boat exploded into flames just before midnight off Vernon Island in the Beagle Gulf in 2017.

While the 31-person crew have been praised for their reactions that night on the stricken vessel about 50km northeast of Darwin, investigative reports obtained by *The Australian* reveal issues relating to training and equipment that could have resulted in a major tragedy.

The boat was heading back to Darwin at about 22 knots when a loose bleed screw in the engine room blew out, spraying more than a hundred litres of diesel onto the exhausts, according to the investigation report obtained through Freedom of Information.

The oily mist caused the engine room to burst into flames, destroying the CCTV camera and handicapping the ability of the crew to monitor the fire.

With the temperature spiking above the maximum 100C, a crew member opened the hatch to the engine room but was forced back



HMAS Maryborough in Sydney Harbour. The fire on the ship in 2017 prompted a major safety investigation and training review

by the heat and thick black smoke, which then spread.

Visibility went down to 30cm and fire extinguishers couldn't be discharged due to inability to see any flame, said the report.

The dense smoke complicated the response to the incident, restricting movement within the vessel and requiring increased use of breathing apparatus. An officer ordered the triggering of the ship's CO2 system in order to starve the blaze of oxygen.

But it failed and the engine room temperatures increased. The crew member pressed the button to try another drench and this time the CO2 system worked and the temperature dropped.

But within 10 minutes it rose again, and a crew member wearing breathing apparatus went into the smoke-affected compartment containing the CO2 cylinders to trigger a manual drench.

The ship anchored and the fire was declared extinguished about two hours after it started.

While the crew succeeded in

extinguishing the fire, various problems were noted, including the fact the crew had to call for help on a mobile phone.

The report said the Maryborough had limited external communications systems working and crews were supposed to use portable HF and UHF radios.

But the Navy did not provide training on the use of these portable radios, said the report. It also noted the system used to recharge the firefighting breathing apparatus failed because it was connected to the main power supply, which was shut down.

The Navy this week said it was satisfied all material, training and procedural issues identified from the investigation had since been resolved.

A spokesman said all the vessel's CO2 system cylinder head hoses had been replaced and all were regularly inspected. He said formal training in use of the Harris radios was now provided for all RAN communications personnel as part of initial entry training.

## Coach faces extra sex abuse charges

ELIAS VISONTAY

A swimming coach and accused rapist charged with sexually assaulting eight young girls he had been teaching at a pool in Sydney's north has been granted bail.

Kyle Daniels, 20, faced 28 additional sex offences, bringing the number of alleged sexual assault victims to eight, and 31 charges in total.

The fresh allegations come

after Mr Daniels was last week charged with two counts of intentionally sexually touching and having sexual intercourse with six- and eight-year-old girls on two separate occasions at a Mosman swimming pool in February.

After Mr Daniels was arrested at his northern Sydney Balgowlah home on Tuesday, an investigation was launched by detectives from the Child Abuse and Sex Crimes Squad, with the further charges laid yesterday morning,

before his court mention, when he was granted bail.

They include eight counts of sexual intercourse with a child under 10 years of age, six counts of intentionally sexually touching a child under 10 years of age, and 14 counts of indecent assault of a person under 16 years of age.

The fresh charges are alleged to have taken place on separate occasions during lessons between June 2018 and this month.

ADDITIONAL REPORTING: AAP

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