



Government of South Australia  
Director of Public Prosecutions

## Director of Public Prosecutions

### Memorandum

To: REDACTED

From: REDACTED

Date: 16 September 2005

Subject: R v Ellis

Dear RED,

This matter will be very familiar to you as you proofed Graeme Rundle in NSW and have left behind some very helpful notes on the file.

As you probably know, a second victim provided a statement (REDACTED) and we have also charged Ellis with counts relating to him.

After speaking to Graeme Rundle on the phone last May, I was told of a potential third victim, Mr. BMK, who resides in Perth. Graeme and BMK were best friends whilst at the home, and have had intermittent contact with one another over the last 40 years. Graeme received a call from BMK after BMK received from the Salvation Army lawyers a letter asking whether he was a victim of abuse in the 1960's. BMK obtained a civil lawyer in Perth, and then called Graeme in Sydney. (I have warned them each about limiting their contact to avoid risk of contamination and any inference of concoction)

REDACTED of the Paedophile Task Force visited BMK in Perth in June this year and obtained a statement from him. BMK has provided a 26 page statement (herewith) in which he describes vaguely being sexually assaulted by the accused from about the age of 10, however he is unable to state the particulars of those assaults. On page 17 of his statement, BMK does relate one particular incident of anal intercourse with sufficient detail to warrant a charge of buggary.

I have spoken to defence counsel, Bob Harrap, about filing an ex officio information which would charge this further count. Bob agrees this is the preferred course.

I note there will be difficulties with BMK as a witness - he is an extremely damaged man who has been in the care of a psychiatrist for 20 years. I will speak to his psychiatrist, and proof BMK at some stage, to determine whether BMK is up to the task of giving evidence in court.

You will note also that BMK relates acts of sexual assault by another employee of the Eden Park Boys Home, namely "Mr. Lorenz". You might recall that Lorenz was a handy-man or something of the like who resided in the attic of the home. Lorenz provided a statement to police as a part of the Ellis (Rundle/REDACTED) investigation and is on the file. I noted that Lorenz did not fully corroborate Rundle's account of a severe beating that he had received

- 2 -

( which would have been problematic for the prosecution. I consider that, whether or not charges are brought against Lorenz at some stage, the Crown may now have reason to consider Lorenz to be an unreliable or untruthful witness.

In any event I attach herewith a draft ex officio information for your consideration. If it is acceptable would you please send it up to the typist on level 7 to put on blue paper.

Thanks.

REDACTED

Solicitor