



HIGH COURT OF AUSTRALIA

Public Information Officer

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BRUCE DAVID JENKINS v THE QUEEN

A jury did not require a warning about the potential unreliability of the evidence of an accomplice when that evidence was not contested, the High Court of Australia held today.

Mr Jenkins, 44, a property developer, and his companies obtained loans from the Order of the Sons of Temperance National Division Friendly Society (OST). The loans were arranged on the basis of inflated valuations on various Queensland properties in 1988 and 1989. All were approved by OST investment director Paul Robinson and arranged by mortgage broker Keith Bulfin with a valuation by valuer Tibor Verebes. Although not revealed at Mr Jenkins's trial, the other three men had all pleaded guilty to offences relating to the loans, with Mr Bulfin and Mr Verebes jailed.

Mr Jenkins contracted to buy the inner-Brisbane Glen Crag building for \$2.4 million but, on the basis of Mr Verebes's valuation of \$6.67 million, obtained a loan for \$4.2 million. Mr Jenkins arranged to buy a High Street, Southport, property for \$1.45 million, which Mr Verebes valued at \$6.5 million "as is" or \$8.17 million after refurbishment. Mr Jenkins obtained a \$3.8 million loan, then a further \$2.61 million when Mr Verebes revalued High Street at \$8.186 million or \$9.5 million once upgraded. Mr Jenkins agreed to purchase for \$4 million the Ashmore Commercial Centre, valued at \$7 million. OST lent \$4.5 million. Mr Jenkins negotiated to buy Dreamworld theme park and a group of properties called the Great Adventures Cairns Portfolio for \$150 million. Mr Verebes valued Dreamworld at \$186.5 million and Great Adventures at \$53.6 million, including the Cairns Ferry Terminal at \$12 million, later increased to \$36.5 million. These valuations became the basis of a \$96 million guarantee facility and a \$54 million credit facility.

Mr Jenkins was convicted of five counts of obtaining financial advantage by deception and five counts of dishonestly furnishing false information for the purpose of obtaining a loan. He was jailed for a total of seven years with a three-and-a-half-year non-parole period. The Victorian Court of Appeal quashed the furnishing false information convictions but upheld the other five. Mr Jenkins appealed to the High Court, arguing that the remaining convictions should also have been quashed because the trial judge, Justice John Coldrey, failed to warn the jury in relation to the evidence of Mr Verebes, who was an accomplice. The Crown argued no such warning was necessary.

Mr Jenkins did not testify at his trial but Mr Verebes gave evidence for the prosecution to explain the valuations and the arrangements with Mr Bulfin and OST. The defence did not attack his credibility. Instead the defence case was to challenge inferences the prosecution sought to draw from his evidence by advancing competing inferences. The defence case was that Mr Verebes was an accomplice of Mr Bulfin and Mr Jenkins was an innocent dupe. The defence did not ask Justice Coldrey to warn the jury about accepting Mr Verebes's uncorroborated evidence and the potential for accomplices to minimise their roles and to exaggerate others' roles.

The High Court held that due to the way the trial was conducted Justice Coldrey was not obliged to give an accomplice warning. The primary facts elicited from Mr Verebes by both sides were largely undisputed. Rather, each side sought to draw competing inferences. The defence counsel's failure to seek any warning was consistent with their tactical approach to Mr Verebes's evidence. The Court unanimously dismissed the appeal.

- *This statement is not intended to be a substitute for the reasons of the High Court or to be used in any later consideration of the Court's reasons.*