

Overview

1. On the evening of Wednesday 22/11/1989, John Alan RUSSELL attended the Bondi Hotel for a night of drinking and socialising with a friend, Peter REDMILE. Around 11:00pm REDMILE parted company with RUSSELL and left the Bondi Hotel, RUSSELL remained at the hotel. RUSSELL left the hotel shortly thereafter and went to Mackenzie's Point.
2. About 10:30am on Thursday 23/11/1989 RUSSELL's body was discovered at the base of a cliff below the walkway of Mackenzie's Point between Bondi and Tamarama. The initial Police investigation into RUSSELL's death deemed it 'accidental'.
3. In 2001, Operation TARADALE was established to investigate the suspicious disappearance of Ross Bradley WARREN and the death of John Alan RUSSELL around the location of Mackenzie's Point, Bondi. During this investigation, it was identified that the area of Mackenzie's Point was known to be a 'gay beat', which was frequented by men engaging in anonymous sexual encounters with other men. It was further discovered numerous assaults and robberies occurred and on one instance, in 1990 a murder.
4. On 09/03/2005, during the inquest into RUSSELL's death, the NSW State Coroner made found that RUSSELL was found to be a '**victim of homicide perpetrated by person or persons unknown.**'

Background

Personal details

5. John Alan RUSSELL was a 31-year-old, (DOB: 28/11/1957)¹ homosexual male² who resided with his brother, Peter RUSSELL, (DOB ██████████) and Peter's son, Alan (Born: ██████████) at ██████████ Oakley Road, Bondi. The pair had only recently moved into this residence having previously resided at ██████████ Ocean Street, Bondi.³ Peter described his relationship with his brother as being close. The pair would occasionally work together, socialise regularly and partake in sporting activities together.
6. RUSSELL's family became aware of his sexuality when he was about 18 or 19 years of age. RUSSELL's family attribute this to the places he would frequent and the people he socialised with.⁴ Peter RUSSELL identified Peter REDMILE, DOB: ██████████ as being his brother's best/closest friend.

¹ ST – 36 – Statement of Peter RUSSELL (30/07/2001)

² ST – 1 – Statement of Peter REDMILE (24/11/1989)

³ ST – 3 – Statement of Peter RUSSELL (24/11/1989)

⁴ ST – 36 – Statement of Peter RUSSELL (30/07/2001)

Relationships & Associations

7. Peter RUSSELL did not know of any current relationships his brother may have had.⁵ It is not known how many previous relationships RUSSELL had. Information learnt indicates the one partner, was his then best friend, Peter REDMILE. In REDMILE's statement dated 24/11/1989, he states he had known RUSSELL for approximately thirteen years.⁶ REDMILE states he would have met RUSSELL around 1976.⁷ The pair had a short relationship and maintained a friendship afterwards. REDMILE lived on and off with the RUSSELL brothers over the course of his friendship with John RUSSELL.⁸
8. RUSSELL was a quite open about his sexuality and did not conceal it. RUSSELL played an active role in gay community events like the Mardi gras. RUSSELL was very well known within the gay community, his brother, Peter states RUSSELL was one of the founders of the gay Mardi gras. Peter stated his brother started off the Mardi gras float 'Sisters of Perpetual Indulgence'.⁹ This is contrary to what he stated in a previous statement to Police in 1989 where he said his brother was '*not extremely active in this area.*'¹⁰
9. Peter also identified his brother as being a friend of Robert 'Dolly' DUNN and he and REDMILE would frequent DUNN's property, Woodhill Mountain Duck and Poultry Farm.¹¹ REDMILE was unable to corroborate the information provided to Police by Peter. REDMILE stated RUSSELL had never told him of his involvement with the Mardi gras, but did know him to attend the parade. In relation to RUSSELL's association with DUNN, REDMILE stated the pair had never met DUNN or visited his property.¹²

Employment

10. RUSSELL had a number of jobs as a barman. These were predominately at Gay bars and clubs in Oxford Street. Some of these clubs were 'Patches' and 'Tropicana'¹³. He did however, prior to his death work as a barman at Bronte Bowling Club.¹⁴ It is believed he ceased his employment with the bowling club in the days leading up to his death. During his work as a barman it has been ascertained that RUSSELL was able to defend himself during the course of his shift when removing patrons from bars. As a youth RUSSELL was active in Judo and Boxing.¹⁵ Peter RUSSELL describes how his brother was strong for his size and "*threw a pretty good punch.*"¹⁶

⁵ ST – 3 – Statement of Peter RUSSELL (24/11/1989)

⁶ ST – 1 – Statement of Peter REDMILE (24/11/1989)

⁷ ST – 2 – Statement of Peter REDMILE (31/05/2001)

⁸ ST – 1 – Statement of Peter REDMILE (24/11/1989)

⁹ ST – 36 – Statement of Peter RUSSELL (30/07/2001)

¹⁰ ST – 3 – Statement of Peter RUSSELL (24/11/1989)

¹¹ ST – 36 – Statement of Peter RUSSELL (30/07/2001)

¹² ST – 136 – Statement of Peter REDMILE (26/03/2002)

¹³ ST – 36 – Statement of Peter RUSSELL (30/07/2001)

¹⁴ ST – 3 – Statement of Peter RUSSELL (24/11/1989)

¹⁵ TR – 15 – TARADALE Inquest transcript 01/04/2003

¹⁶ ST – 36 – Statement of Peter RUSSELL (30/07/2001)

11. RUSSELL worked as a general assistant at Double Bay School and occasionally as a yardman for Rose Bay Public School. He would also assist his brother, Peter with coaching football teams. This allowed RUSSELL to maintain a good level of fitness.¹⁷

Social behaviour

12. RUSSELL was described as being a happy and cheerful person who didn't seem to have any worries. RUSSELL was known to be a regular drinker of alcohol and smoker of cigarettes. Although described by Peter as not being a heavy drinker, it is known that RUSSELL would drink quite regularly and on average would consume 3 to 4 schooners, per hour, for a number of hours.¹⁸ RUSSELL would also meet up with REDMILE once or twice a week where the pair would spend between 3 to 4 hours drinking beer at a pub. REDMILE stated to Police in a statement dated 26/03/2002, that he and RUSSELL would drink with RUSSELL's brother Peter at the Rose Bay Hotel once a week.¹⁹
13. Peter RUSSELL stated that on occasions his brother would bring a bottle of scotch home after a being at work drinks and continue drinking at home with him. In relation to his drinking, Peter RUSSELL described his brother in the following manner *"Whilst John used to drink a fair bit on occasion, he never drank until he was sick or passed out or even lost proper control of his reflexes. He never liked being out of control"*.^{20 21} REDMILE stated that RUSSELL's drinks of choice were scotch and coke and on occasions beer.²²
14. With regards to his smoking, RUSSELL's preference of cigarettes was Peter Stuyvesant brand, *"soft pack"*, Benson and Hedges or Dunhill. RUSSELL preferred full strength cigarettes (12 milligrams). RUSSELL was known to occasionally smoke cannabis.²³ This was not a regular occurrence, Peter RUSSELL stated that following the death of his brother a search of his room was made and no cannabis was found.

Finances

15. At the time of his death RUSSELL was due to inherit a sum of money, believed to be \$100,000. This was due to the death of his Grandfather. REDMILE informed Police that RUSSELL was looking forward to building a home on his father's property in Wollombi. REDMILE further stated RUSSELL was to lend him \$10,000 to \$15,000 to aid him in his purchase of a home.²⁴

¹⁷ TR – 15 – TARADALE Inquest transcript 01/04/2003

¹⁸ TR – 15 – TARADALE Inquest transcript 01/04/2003

¹⁹ ST – 136 – Statement of Peter REDMILE (26/03/2002)

²⁰ ST – 36 – Statement of Peter RUSSELL (30/07/2001)

²¹ TR – 15 – TARADALE Inquest transcript 01/04/2003

²² ST – 136 – Statement of Peter REDMILE (26/03/2002)

²³ ST – 36 – Statement of Peter RUSSELL (30/07/2001)

²⁴ ST – 1 – Statement of Peter REDMILE (24/11/1989)

Criminal History

16. RUSSELL has three criminal charges to his name in New South Wales. His last conviction was in 1986. It is worth noting 2 of his 3 charges are alcohol related.

I. H999992031922²⁵ – Charge Date: 21/01/1986

- a) High Range prescribed concentration of alcohol
- b) Unlicensed
- c) Illegal use of motor vehicle

Sentence: \$600 or 12 day's hard labour and Disqualified 2 years

II. H999992031921²⁶ – Charge Date: 18/09/1980

- a) Prescribed concentration of alcohol

Sentence: \$150 or 6 days hard labour and Disqualified 12 months

III. H999992031920²⁷ – Charge Date: 05/01/1977

- a) Stealing (tricycle)

Sentence: Proven and discharged on entering recognizance self \$200, good behaviour years and appear for sentence if called. S.556A recognizance entered My BYRNE

Original Investigation

17. About 6:00pm on Wednesday 22/11/1989, Peter REDMILE arrived at the home of John and Peter RUSSELL.²⁸ This was a prearranged visit, as REDMILE and RUSSELL were planning on going out for some drinks that night to celebrate RUSSELL's recent inheritance.
18. About 6:30pm RUSSELL and REDMILE left home and made their way to the Bondi Hotel.²⁹ On this evening RUSSELL was wearing a pair of faded blue jeans with both knees torn and a red sloppy-Joe with beer motifs on it.³⁰ Sometime between 7:00pm and 7:15pm RUSSELL and REDMILE arrived at the Bondi Hotel. The pair sat at the bar for the next 4 hours, consuming anywhere from between twelve to fifteen alcoholic beverages. The beer of choice was 'Powers' and this was served in 'middies.'³¹
19. About 11:00pm REDMILE decided to end his night and left RUSSELL in the pub. REDMILE caught a bus to his home in Darlinghurst. RUSSELL said to REDMILE *"I can't stay much longer because of the money."*³² REDMILE understood this to be he was running low on money and would leave shortly. REDMILE described RUSSELL as being moderately effected by alcohol but

²⁵ COPS reference: H999992031922

²⁶ COPS reference: H999992031921

²⁷ COPS reference: H999992031920

²⁸ ST – 3 – Statement of Peter RUSSELL (24/11/1989)

²⁹ ST – 3 – Statement of Peter RUSSELL (24/11/1989)

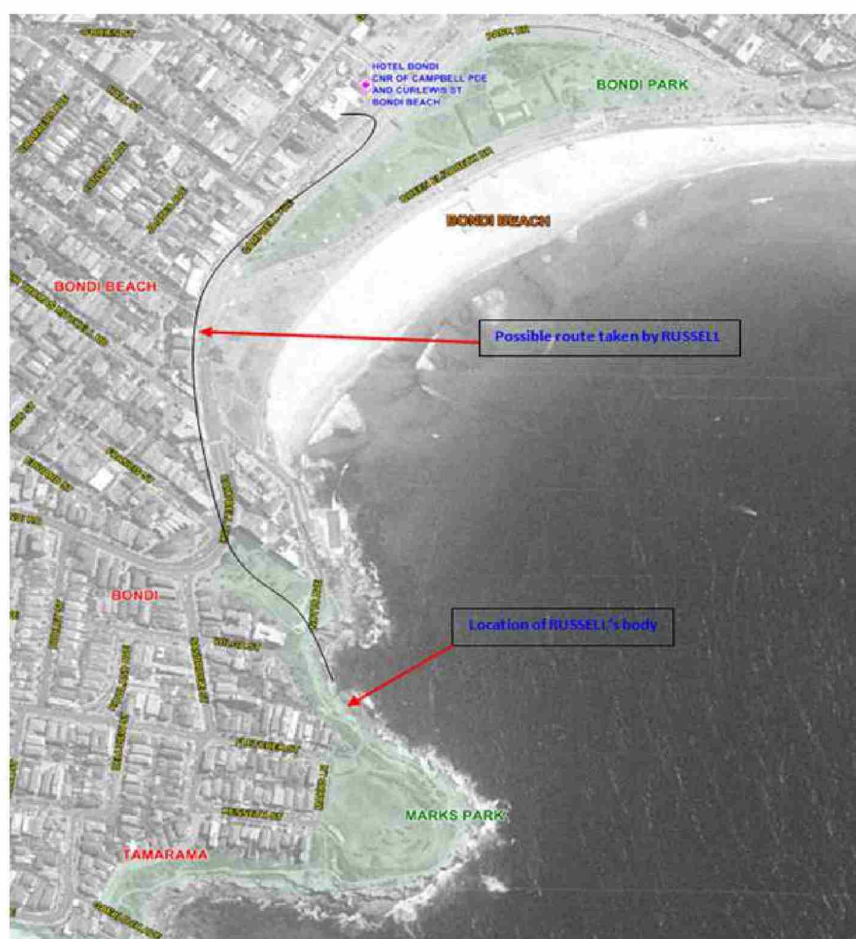
³⁰ ST – 1 – Statement of Peter REDMILE (24/11/1989)

³¹ ST – 1 – Statement of Peter REDMILE (24/11/1989)

³² ST – 2 – Statement of Peter REDMILE (31/05/2001)

not drunk. REDMILE states RUSSELL was in control of his physical actions.³³ When REDMILE left the hotel he last saw RUSSELL speaking with the barmaid.³⁴ Investigators identified Deborah EGAN as the barmaid working on the evening of the 22/11/1989 between 7:00pm and midnight. A statement was obtained from EGAN on the 23/12/1989, but she was unable to provide any information regarding her seeing RUSSELL or identifying him as a patron at the hotel.³⁵ RUSSELL's movements from the Bondi Hotel to Mackenzie's Point are unknown. REDMILE does state that if RUSSELL was walking home then Mackenzie's Point is in the opposite direction of his home.³⁶

20. The below map depicts the area of Bondi and Tamarama, capturing Marks Park, Mackenzie's Point and Bondi Beach in February 1989. This map was obtained from the Mapping Operations Unit. The map marks the Bondi Hotel, corner of Campbell Parade and Curlewis Street, Bondi Beach. This was the last place that RUSSELL was seen alive.³⁷



1989 Map of Bondi/Tamarama - Mackenzie's Point/Marks Park & Bondi Hotel (Obtained in 2017)

³³ ST – 2 – Statement of Peter REDMILE (31/05/2001)

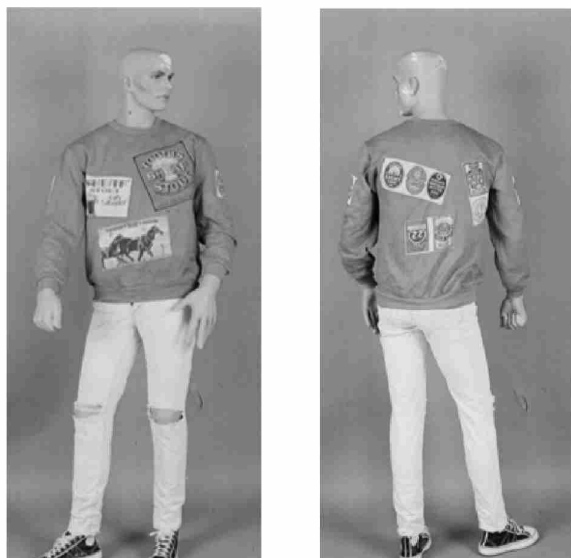
³⁴ ST – 1 – Statement of Peter REDMILE (24/11/1989)

³⁵ ST – 30 – Statement of Deborah EGAN

³⁶ ST – 2 – Statement of Peter REDMILE (31/05/2001)

³⁷ OI – 5 – RUSSELL map of Tamarama - McKenzie's Point-Bondi area 1989

21. About 11:45pm Michael McMAHON, a Bondi local who provided a statement to Police on the 17/01/1990, stated he was walking from Fletcher Street, across Marks Park at South Bondi (Mackenzie's Point). McMAHON states while walking on the path towards Bondi Beach he walked by a male who fitted the description of RUSSELL (*Describing the red coloured sloppy-joe with motifs*). McMAHON states on this night he walked along the path until 12:15am and would have seen 4 to 5 other people in the area.³⁸
22. The below depicted images were taken by Crime Scene officer, Detective Senior Constable Manuel RIVERA on the 30/12/1989. These photographs were shown to McMAHON in an effort for him to confirm the clothing worn by the mannequin was similar to clothing worn by the male who walked by at Mackenzie's Point/Marks Park on the night of the 22/11/1989.³⁹
⁴⁰ McMAHON stated the clothing is similar but he recalls the motifs being smaller.⁴¹



Black and white Photographs – depicting the front and rear view of a mannequin in clothing identical to what RUSSELL was last seen wearing on the night of the 22nd November 1989.

23. About 10:00am on Thursday 23/11/1989, Neville SMITH was walking down a walkway from Notts Avenue, Bondi. SMITH continued along the path before venturing off towards steps that lead to a rock shelf, which was level with the sea.⁴² SMITH stated once he was at sea level on the rock shelf, he could see a male body near a square shaped rock.⁴³ ⁴⁴ SMITH approached the body and observed it to be laying in a pool of blood in an indentation in the rock. SMITH states he noticed money around the body and *“his midriff was bare.”*⁴⁵ ⁴⁶

³⁸ ST – 22 – Statement of Michael McMAHON

³⁹ PH – 44 – B&W Photo – Front view of mannequin in clothing

⁴⁰ PH – 45 – B&W Photo – Rear view of mannequin in clothing

⁴¹ ST – 22 – Statement of Michael McMAHON

⁴² ST – 29 – Statement of Neville SMITH

⁴³ PH – 20 – Photo 8 – South view of cliffs along Marks Park

⁴⁴ ST – 29 – Statement of Neville SMITH

⁴⁵ ST – 29 – Statement of Neville SMITH

⁴⁶ PH – 28 – Photo 16 – South view of deceased near boulder

24. SMITH further stated he looked at the male's ribcage to see if he was breathing but saw there was no movement. SMITH states he ran back up to the path and drew the attention of another male, Rick SAXBY. The pair weren't known to each other at the time.⁴⁷

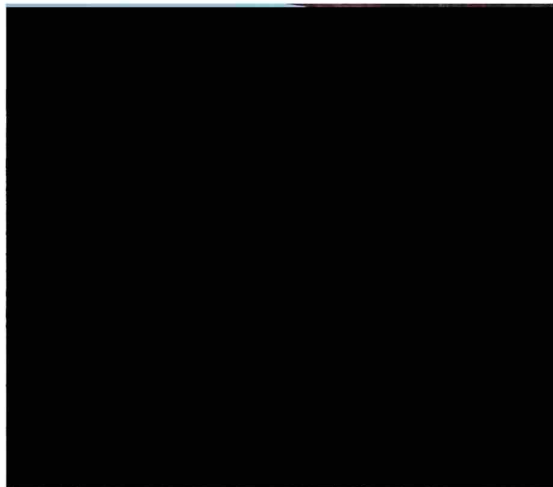


Photo 8 - Sea level view SMITH would have seen approaching the body of RUSSELL – Photographs taken by Detective Senior Constable Manuel RIVERA – Sydney Crime Scene 23/11/1989



Photo 16 - View SMITH would see arriving closer to RUSSELL's body – Photographs taken by Detective Senior Constable Manuel RIVERA – Sydney Crime Scene 23/11/1989

25. Rick SAXBY provided a statement to Police on the 27/08/2001. SAXBY stated on the 24/11/1989 (**NOTE: this is a typing error as it should have read 23/11/1989**) he was working as a foreman at a building site at Tamarama. During his shift, he was alerted by a man, (Neville SMITH), who said words to the effect of "There is a guy down at the bottom of the rocks who has fallen. I think he is dead can you call an ambulance." SAXBY states he used his car phone to call Police.⁴⁸

⁴⁷ ST – 29 – Statement of Neville SMITH

⁴⁸ ST – 56 – Statement of Rick SAXBY

NOTE: In 2001 inquiries were made with the Sydney Communication Centre by Operation Taradale investigators; this inquiry revealed these recordings had been destroyed.⁴⁹

26. The below image depicts an aerial shot of Mackenzie’s Point/Marks Park. This photograph was shown to SAXBY and was labelled ‘A’. SAXBY marked the photograph with two X’s indicating the building site he was working at and the location of RUSSELL’s body.⁵⁰



Image ‘A’ shown to SAXBY on the 27/08/2001.

27. SAXBY further states he remembers checking the pulse of RUSSELL. The below image is a crime scene photo and depicts the body of RUSSELL in situ. It is labelled ‘E’ and was shown to SAXBY during his statement. SAXBY marks the wrist he touched with an ‘X’.⁵¹

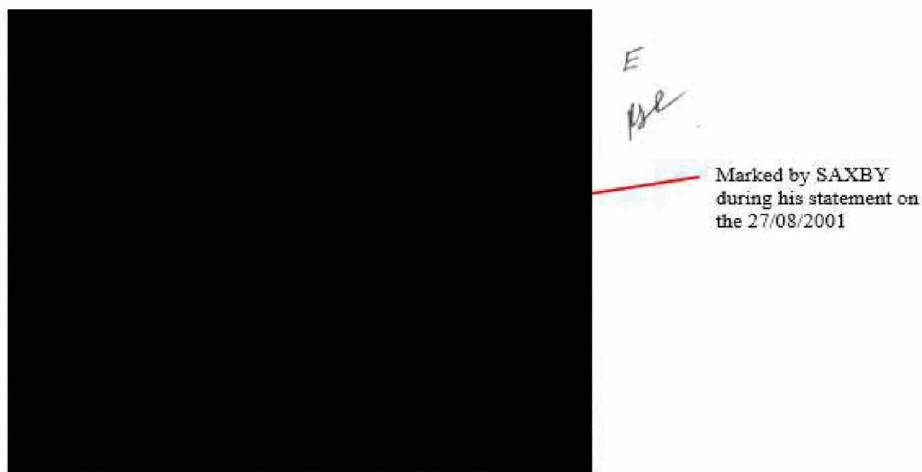


Image ‘E’ shown to SAXBY on the 27/08/2001

⁴⁹ ST – 45 – Statement of Senior Constable Janelle DUIGNAN

⁵⁰ ST – 56 – Statement of Rick SAXBY

⁵¹ ST – 56 – Statement of Rick SAXBY

Investigation into the death of John RUSSELL

23/11/1989

28. About 10:10am Sergeant Adrian INGLEBY, attached to Bondi Police Station attended the scene. He met Rick SAXBY and Neville SMITH at Fletcher Street, Bondi, at the intersection of Marks Lane and Marks Park.⁵²
29. About 10:15am General duties Constable's BARRETT and SCANLON arrived at the scene and were met by Sergeant INGLEBY.^{53 54} Also arriving at this time were attending NSW Ambulance officers, Paramedics Dennis KEEGAN and Lyn RICHARDS. In a statement dated 11/09/2001, Paramedic Dennis KEEGAN stated he and Lyn RICHARDS were called to attend a location below a cliff at Marks Park in relation to a deceased person (John RUSSELL). Paramedics KEEGAN and RICHARDS checked for any signs from the deceased person, RUSSELL, and confirmed that he was in fact deceased.⁵⁵

NOTE: In the statement obtained from Dennis KEEGAN he has incorrectly stated he and RICHARDS attended the scene on the 24/11/1989.

30. Attending Police observed RUSSELL laying in a shallow rock pool, with some water in it. It was further noted RUSSELL's body was lying face down with his head and upper body towards the cliff face. The left arm was under his chest with his arm stretched to the right. Blood was seen in the water and to the right of the body. Police also observed coins scattered around RUSSELL's body, an empty Coca Cola bottle on a nearby boulder, a packet of Peter Stuyvesant cigarettes and a cigarette lighter. The breakup of the money was, 1x \$2.00 coin, 1x \$1.00 coin, 2x 50 cent coins and 3x 20 cent coins. This totalled \$4.60.^{56 57} The following photographs were taken by Detective Senior Constable Manuel RIVERA – Sydney Crime Scene on the 23/11/1989. They have been marked to show where the coins were situated around the body of RUSSELL⁵⁸, the empty Coca Cola bottle, the packet of Peter Stuyvesant cigarettes and cigarette lighter.⁵⁹



PH – 16 – South view of deceased near boulder – marked out is the money scattered around the body – Photographs taken by Detective Senior Constable Manuel RIVERA – Sydney Crime Scene 23/11/1989

⁵² ST – 16 – Statement of Sergeant Adrian INGLEBY

⁵³ OD – 238 – Notebook entry Cst BARRETT re deceased RUSSELL

⁵⁴ ST – 15 – Statement of Constable Michael BARRETT

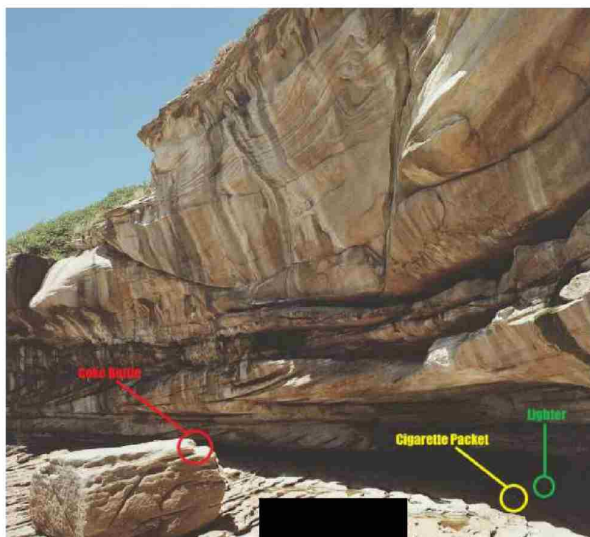
⁵⁵ ST – 67 – Statement of Ambulance officer Dennis KEEGAN

⁵⁶ ST – 16 – Statement of Sergeant Adrian INGLEBY

⁵⁷ ST – 15 – Statement of Constable Michael BARRETT

⁵⁸ PH – 16 – South view of deceased near boulder

⁵⁹ PH – 9 – South view of deceased near boulder



PH – 9 – South view of deceased near boulder. Marked out is cigarette packet, lighter and coke bottle – Photographs taken by Detective Senior Constable Manuel RIVERA – Sydney Crime Scene 23/11/1989

31. About 10:30am Detective Senior Constable Dave OWENS and Plain Clothes Constable Sally DUNBAR attended the scene.⁶⁰ In Plain Clothes Constable DUNBAR's statement she concludes that no evidence suggested RUSSELL committed suicide or any suspicious circumstances existed surrounding his death.
32. Plain Clothes Constable DUNBAR concludes by stating *"It is my opinion that the deceased fell from the cliff top edge to where he was located. Whether this can be attributed to the deceased's level of intoxication will be clear with results of the forensic tests."*⁶¹
33. Sometime between 11:15am and 11:30am Detective Senior Constable Manuel RIVERA and Detective Sergeant Carlton CAMERON, attached to the Crime Scene Unit, Sydney attended the scene.^{62 63}
34. Under the direction of Detective Sergeant CAMERON, Detective Senior Constable RIVERA took a number of photographs of the scene and the body of RUSSELL.

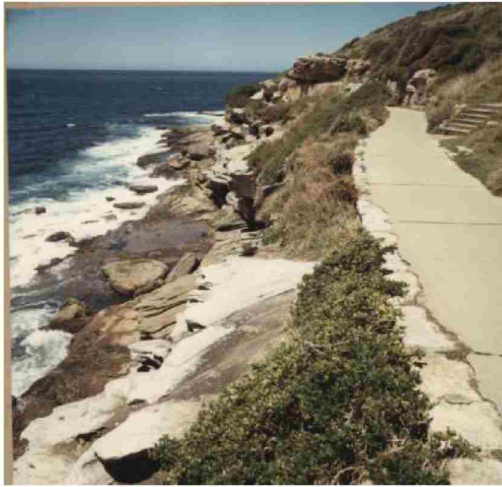
⁶⁰ ST – 9 – Statement of Detective Senior Constable Dave COLLINS

⁶¹ ST – 19 – Statement of Plain Clothes Constable Sally DUNBAR

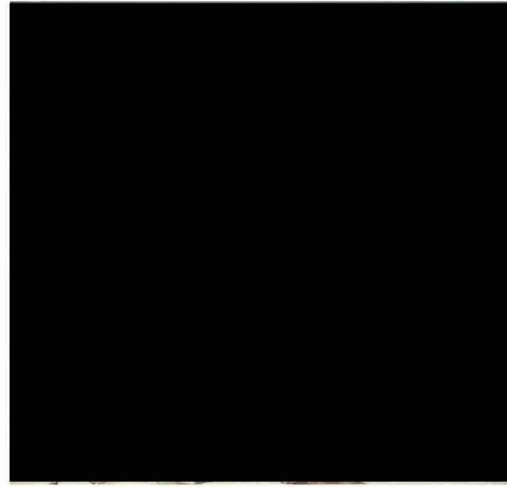
⁶² ST – 39 – Statement of Detective Senior Constable Manuel RIVERA

⁶³ ST – 178 – Statement of Detective Sergeant Carlton CAMERON

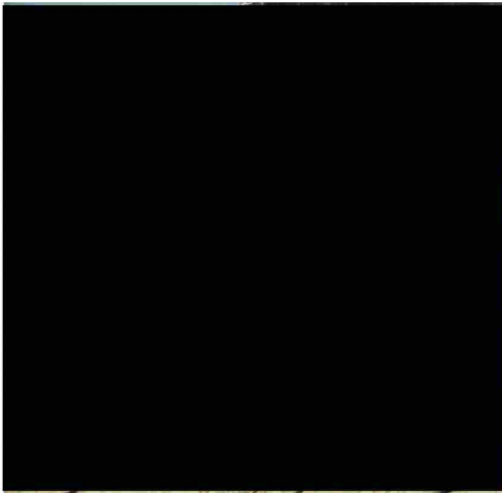
35. The following photographs are some of these taken by Detective RIVERA (4 from 20)^{64 65 66 67}



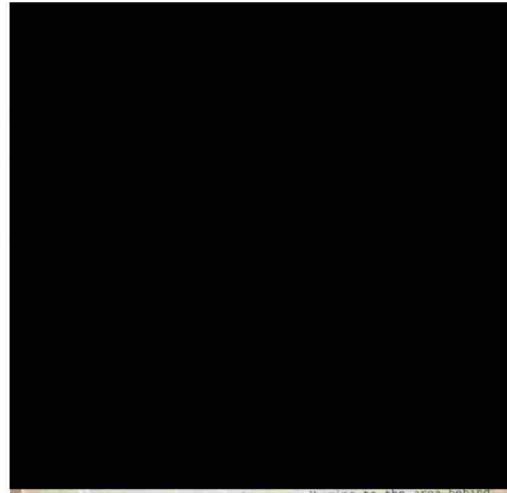
Upper footpath at south end of the First bay south of Notts Ave. The 'steps' (6 of them) to the right lead up to Fletcher Street. The footpath leads to a point, then south to Mackenzie's Bay.



The view looking from water's edge towards cliff face, showing the body lying next to the rock, and the area above from where the deceased was before the fall.



Body in situ – a 50 cent coin can be seen bottom right side of photograph



Body in situ – hair can be seen adhering to the area behind the index knuckle of the left hand

⁶⁴ PH – 13 – South view - south of Notts Ave

⁶⁵ PH – 22 – View from water's edge towards cliff face

⁶⁶ PH – 28 – Body in situ

⁶⁷ PH – 35 – Body in situ – hair can be seen on knuckle

36. Detective Senior Constable RIVERA noted *“on the seaward side of the path were cliffs and rocky outcrops. **There was some damage to the vegetation on the seaward side of the path above the deceased’s location.** There was a 12.1 metre drop from the outcrop above to the deceased view”*.⁶⁸
37. Detective Sergeant CAMERON noted in his opinion *“In the area above where the deceased was found, there were no scratch marks, shoe sole marks or scuff marks on the concrete surface of the walkway or in the exposed rock surfaces of the rock ledge on the northern ocean side or on the in-land or Southern side of the walkway. In one area between the walkway and the cliff edge, where there was vegetation growing, there was a small amount of damage to the vegetation. **In my opinion, this could only have occurred if one person were to walk in that area.** In the area above the deceased’s location the vegetation was 800mm high, then there was 350mm in height of exposed rock which formed the edge and then a direct distance of 11.6m to the rock shelf below, making in a total fall of 12.75m.”*⁶⁹
38. Crime scene officers in attendance noted all exhibits were collected and that after leaving the scene they had no further involvement in the matter. As a result, the current whereabouts of the hair as located on RUSSELL’s left hand is unknown. The disturbed area of vegetation both crime scene officers refer to are depicted in the following crime scene photographs taken by Detective Senior Constable RIVERA -^{70 71 72 73}



View, generally north, of the path and vegetation above the deceased's location



View of the vegetation above the deceased's location

⁶⁸ ST – 39 – Statement of Detective Senior Constable Manual RIVERA

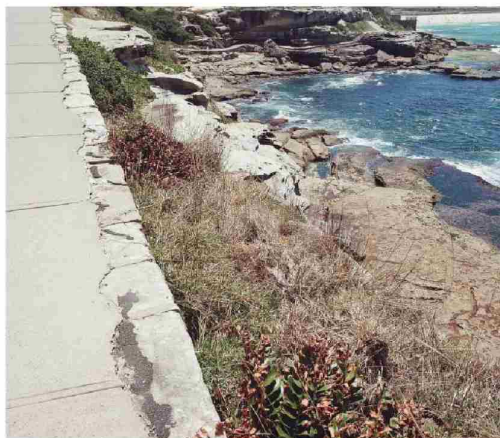
⁶⁹ ST – 178 – Statement of Detective Sergeant Carlton CAMERON

⁷⁰ PH – 17 - View of the vegetation above the deceased's location

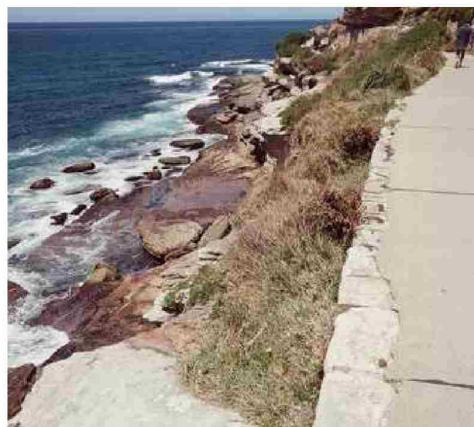
⁷¹ PH – 16 - View, generally north, of the path and vegetation above the deceased's location

⁷² PH – 15 - View, generally south, of the vegetation above the deceased's location

⁷³ Ph – 14 – South view of Marks Park, Tamarama

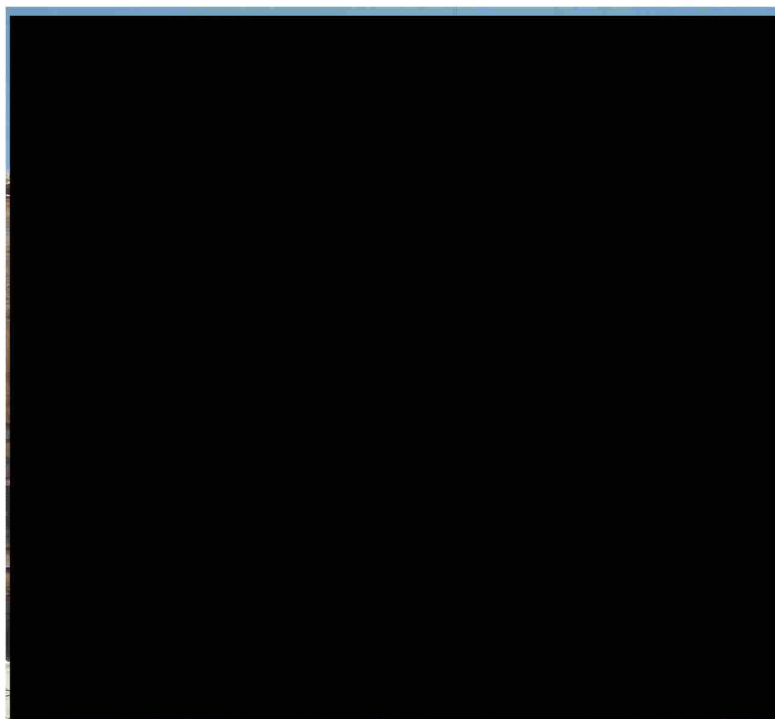


View, generally south, of the vegetation above the deceased's location



View, generally south, of the vegetation and path above the deceased's location in Marks Park, Tamarama

39. The following image⁷⁴ taken by Detective Senior Constable RIVERA on the 23/11/1989 shows a general westerly direction of RUSSELL's body, near the large boulder and location of the cliff top. It has been marked to show the location of RUSSELL's body and indicate the height from the cliff top.



om cliff top to

Crime scene imaging edited to indicate the height of the cliff and where RUSSELL's body lay

⁷⁴ PH – 22 - Photo 10 - West view of deceased near boulder

40. The original investigation into John RUSSELL's death was conducted by Plain Clothes Constable Sally DUNBAR⁷⁵ and Sergeant Adrian INGLEBY⁷⁶ from Bondi Police Station. RUSSELL's death was not treated as a homicide.
41. On the 29/11/1989 Dr Sylvia HOLLINGER performed an autopsy on RUSSELL's body⁷⁷. Dr HOLLINGER documented the numerous injuries observed upon the body of RUSSELL and determined the cause of death to be from 'Multiple Injuries.'⁷⁸ While performing the autopsy on RUSSELL Dr HOLLINGER obtained a sample of blood for the purposes of the estimation of alcohol in RUSSELL's system.⁷⁹
42. On the 5/01/1990 Analyst Keith LEWIS issued a certificate detailing the results of a drugs and alcohol screening of the blood sample taken from the body of RUSSELL. The sample tested negative for any illicit drugs, however the blood alcohol content was found to be 0.255g per 100ml of blood.⁸⁰
43. Sergeant INGLEBY outlines in his statement dated, 26/02/1990 other crimes committed around the Mackenzie's Point. These crimes consisted of offences committed against gay men around Mackenzie's Point on or around the date of RUSSELL's death. The offences were mainly assaults^{81 82} and one robbery committed against David McMAHON at Mackenzie's Point on the 21/12/1989.^{83 84} It was identified that there was a reluctance from gay men to report crimes committed against them to Police due to a lack of pro-activity by Police to investigate them.
44. As a result of the inquiries made by Sergeant INGLEBY a number of persons of interest⁸⁵ were identified as possibly being involved in these offences. The persons of interest were believed to be part of local youth gangs that loitered around the Bondi area. Marks Park was a known area for brutal attacks on homosexual males. Investigating police in that period of time deemed the deaths of WARREN and RUSSELL to be by 'misadventure'. DUNBAR concluded RUSSELL fell from the cliff at Mackenzie's Point into the position he was found with the contributing factor, his high level of intoxication.⁸⁶
45. An inquest was conducted on 2/07/1990 before NSW State Coroner Mr Derek HAND. Coroner HAND found that the cause and manner of death was due to "*the effects of multiple injuries sustained then and there when he fell from a cliff to the rocks below, but whether he fell accidentally or otherwise, the evidence does not enable me to say.*"⁸⁷ Unfortunately no transcripts of those proceeding are available.

⁷⁵ ST – 19 – Statement of Plain Clothes Constable Sally DUNBAR

⁷⁶ ST – 16 – Statement of Sergeant Adrian INGLEBY

⁷⁷ OD – 40 – Post Mortem Report - RUSSELL

⁷⁸ OD – 40 – Post Mortem Report - RUSSELL

⁷⁹ OD – 40 – Post Mortem Report - RUSSELL

⁸⁰ AC – 2 – Blood analysis result of John RUSSELL

⁸¹ ST – 20 – Statement of Rodney STINSON (26/12/1989)

⁸² ST – 138 – Statement of Rodney STINSON (14/09/2001)

⁸³ ST – 40 – Statement of David McMAHON (03/01/1990)

⁸⁴ ST – 41 – Statement of David McMAHON (01/08/1990)

⁸⁵ OD – 242 – Investigation summary: youth gang theory

⁸⁶ ST – 19 – Statement of Plain Clothes Constable Sally DUNBAR

⁸⁷ OD – 259 – Inquest - Opening Summary document by Mr LAKATOS (Counsel Assisting)

Homicide Squad – South Investigation

46. The Investigation summary into the death of John RUSSELL cannot be complete without highlighting the spate of assaults/robberies/murders committed against gay men in the Eastern Suburbs of Sydney around the period of RUSSELL's death. The following sub topics provide the reader with a synopsis into the deaths or assaults identified by Homicide Squad South investigators that occurred in the 1990's.

Murder of Kritchikorn RATTANAJURATHAPORN

47. On 21/07/1990, Thai national Kritchikorn RATTANAJURATHAPORN, a homosexual male, was in the company of another homosexual male, Jeffrey SULLIVAN on the pathway at Mackenzie's Point, Bondi.⁸⁸ At this time, they were set upon by 3 offenders who proceeded to viciously assault them. At some point during the assault, SULLIVAN managed to escape and survive, RATTANAJURATHAPORN's body ended up at the base of the cliff where it was discovered at dawn the following morning.
48. 3 youths were arrested, charged and convicted of RATTANAJURATHAPORN's murder - ^{89 90 91}
- | | | | |
|------|------|------|------------|
| I. | NP22 | DOB: | [REDACTED] |
| II. | NP23 | DOB: | [REDACTED] |
| III. | NP24 | DOB: | [REDACTED] |
49. The murder of RATTANAJURATHAPORN was investigated by Former Detective Sergeant Steve McCANN of the Homicide Squad - South. Initial inquiries into RATTANAJURATHAPORN's murder revealed 2 other incidents of a highly suspicious nature that occurred at Mackenzie's Point.⁹² These being the disappearance of Ross Bradley WARREN on the 21/07/1989 and the death of John Alan RUSSELL on the 22/11/1989.⁹³

Murder of Richard Norman JOHNSON

50. On 24/01/1990 Richard Norman JOHNSON, 34 years old (DOB: 23/08/1956) homosexual male was bashed and kicked to death by 8 youths outside a toilet block at Alexandria Park, Alexandria. 8 youths involved were arrested, charged and convicted after pleading guilty to manslaughter and murder, receiving varying sentences for their involvement in this crime.⁹⁴
51. The offenders were: -
- | | | | |
|-----|------|------|------------|
| i. | NP21 | DOB: | [REDACTED] |
| ii. | NP15 | DOB: | [REDACTED] |

⁸⁸ ST – 201 – Statement of Jeffrey SULLIVAN

⁸⁹ OD – 41 – Report by Det Sgt McCANN of linked gay murders/assaults 1991

⁹⁰ OD – 129 – SMH – 08/08/1992 sentence for RATTANAJURATHAPORN murder

⁹¹ OD – 130 – DT 08/08/1992 sentence for RATTANAJURATHAPORN murder

⁹² ST – 219 – Induced Statement of [REDACTED]

⁹³ OD – 41 – Report by Det Sgt McCANN of linked gay murders/assaults 1991

⁹⁴ OD – 185 – Crime Information Report: murder of Richard JOHNSON

- iii. NP16 DOB: [REDACTED]
- iv. NP41 DOB: [REDACTED]
- v. NP17 DOB: [REDACTED]
- vi. NP18 DOB: [REDACTED]
- vii. NP19 DOB: [REDACTED] - Died [REDACTED]
- viii. NP20 DOB: [REDACTED]

52. NP21 provided Police with a statement and assisted further by taking part in covert operations wearing a listening device to record conversations with other associates he believed were involved in crimes committed upon gay men. One such crime was the murder of William ALLEN, which was committed two years prior.⁹⁵
53. Homicide Squad investigators considered the suspects involved in the RATTANAJURATHAPORN murder and the suspects involved in the murder of another gay male, Richard Norman JOHNSON on the 24/01/1990 at Alexandria Park as possible suspects in the death of RUSSELL and the disappearance of WARREN. This was detailed by Former Detective Sergeant McCANN in his report titled '*Overview of homosexual murders and incidents within the inner-city area - INNER CITY GAY MURDERS*', completed on the 10/08/1991.⁹⁶ In this report, other crimes were also identified and assessed for any link to the RATTANAJURATHAPORN and JOHNSON murders.

Murder of William ALLEN

54. About 12:30pm on 29/12/1988 William ALLEN a 50-year-old (DOB: 14/08/1938) pensioner was found deceased in the bathroom of his home slumped over the bath tub with a number of injuries to his face.⁹⁷ His death was believed to be as a result of an assault from the night before. NP21 [statement 11/04/1991], indicated that the following persons implicated themselves in ALLEN's murder:⁹⁸

- i. NP44 DOB: [REDACTED]
- ii. NP42 DOB: [REDACTED]
- iii. NP45 DOB: [REDACTED]
- iv. NP19 DOB: [REDACTED] - Died [REDACTED]
- v. NP18 DOB: [REDACTED]

55. NP21 stated a screw driver was used to stab ALLEN, which is consistent with a wound to the deceased's hand. It was this detail that gave credibility to NP21's account. Despite legally recorded listening device conversations between the nominated parties no admissions or evidence of involvement into the murder of ALLEN were captured. No charges have been laid in relation to the murder of ALLEN.

⁹⁵ OD - 41 - Report by Det Sgt McCANN of linked gay murders/assaults 1991

⁹⁶ OD - 41 - Report by Det Sgt McCANN of linked gay murders/assaults 1991

⁹⁷ OD - 182 - Crime Information Report murder of William ALLEN

⁹⁸ ST - 218 - Statement of NP21

Note: *Inquiries into the ALLEN's murder revealed he was closely associated with Robert "Dolly" DUNN. DUNN and ALLEN were known child sex offenders, preying on juvenile males/boys. RUSSELL was nominated by his brother, Peter as being associated with DUNN through his friendship with REDMILE, this association was denied by REDMILE when providing a statement to Police. DUNN himself was interviewed by Police and denied knowing RUSSELL.*⁹⁹

Disappearance of Ross Bradley WARREN

56. About 2:30am on Saturday 22/07/1989 Ross Bradley WARREN, a homosexual male and a television news presenter with WIN4, was last sighted driving east on Oxford Street, Paddington towards the Bondi area. WARREN's vehicle NZC783, a brown coloured Nissan Pulsar, was located in Kenneth Street, North Tamarama (MacKenzie's Point). WARREN's keys were recovered from a rock ledge below the path near the water level. WARREN has not been located since that date.¹⁰⁰
57. Detective Sergeant McCANN considered a number of scenarios as to the circumstances surrounding the disappearance of WARREN. All scenarios were investigated where the use of covert and overt methods were implemented against a number of persons of interest and witnesses, this was all to no avail.¹⁰¹

Other crimes against Gay men

58. The following extract is from the report completed by Former Detective Sergeant McCANN on the 10/08/1991 titled 'Overview of homosexual murders and incidents within the inner-city area - INNER CITY GAY MURDERS', –

*'It was noted that another homosexual David John McMAHON, a Bondi resident, was attacked on the same pathway about 11:15pm on 21/12/1989. During the course of this attack one of his assailants said 'I'm gonna throw you over the side' and commenced to drag him to the cliff edge but McMAHON escaped. McMAHON initially identified [NP43] [NP43] a seventeen-year-old local assailant, as being the leader of this group but has since shown a complete unwillingness to pursue or assist Police with this matter.'*¹⁰²

Wayne (Rick) TONKS was found deceased in his Artarmon apartment on 19/05/1990. He had been bashed and a bag placed over his head and taped causing him to suffocate. No arrests have been affected.

TONKS at the time of his death was a school teacher at Cleveland Street Boys High School. He also was in the habit of using his alias and placing his

⁹⁹ ER – 21 – ERISP transcript: Robert DUNN (19/03/2002)

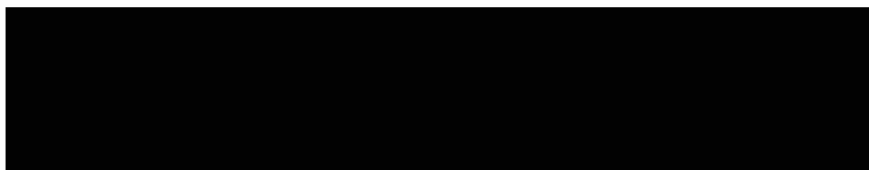
¹⁰⁰ IN – 221 – Ross WARREN Investigation summary

¹⁰¹ OD – 41 – Report by Det Sgt McCANN of linked gay murders/assaults 1991

¹⁰² ST – 40 – Statement of David McMAHON (03/01/1990)

home telephone number on toilet walls in the northern suburbs area, inviting homosexual liaisons.^{103 104}

This same practice led to Richard JOHNSON's demise having left his telephone number on the Alexandria Park toilet block wall. JOHNSON was subsequently lured to the toilet block on the pretext of a homosexual liaison and attacked.



Covert Phase targeting youth gang members

59. In April 1991, Detective Sergeant McCANN conducted covert operation whereby [I86] [I86] (DOB: [redacted], [redacted] NP16 [redacted] [I86] [redacted] NP16 [redacted] No admissions were made by [NP16] in relation to specific crimes. He did however make general comments about himself and [NP15] frequently bashing gay men in Bondi, Moore Park and Centennial Park areas.¹⁰⁵
60. In June 1991, [NP16] was interviewed at Keelong Detention Centre by Detective Sergeant Gary PHILLIPS and Detective Sergeant Brian SAUNDERS in relation to robbery offences on gay males. [NP16] declined to comment and denied any involvement in these matters being investigated.¹⁰⁶
61. In July 1991, a covert operation was conducted at the at Minda Correctional facility involving [NP21] and [NP16], a co-offender in the murder of Richard JOHNSON.¹⁰⁷
62. The operation resulted in [NP16] implicating himself in approximately 70-100 gang assaults and robberies on gay men in the Alexandria and Bondi areas, in particular the coastal walk at Tamarama. [NP16] did not implicate himself in any murders. He discussed a specific incident in Bondi around the coastal path where he and [redacted] possibly [NP51], [redacted] and [redacted] attacked a gay man and assaulted him with a skateboard. [NP16] searched the man's car finding about \$3 then tossed his keys into the sea. [NP16] stated the group 'bolted' from the scene then caught a bus home.¹⁰⁸
63. Further covert operations were conducted targeting other offenders convicted of the murder of Richard JOHNSON ([NP19] and [NP18]). During these recorded

¹⁰³ OD – 187 – Crime Information Report – [I90] robbery

¹⁰⁴ ST – 198 – Statement of [I90]

¹⁰⁵ LD – 3 – Various excerpts LD [NP21] [I86] [NP42] [NP16] [NP19]

¹⁰⁶ ST – 50 – Statement of Detective Sergeant Gary PHILLIPS

¹⁰⁷ LD – 2 – Transcript of [NP21] and [NP16]

¹⁰⁸ LD – 4 – Transcript of [NP21] and [NP16]

conversations [NP19] made no admission of his involvement in any murders and denied being involved in gay bashings apart from the JOHNSON murder. There are also denials of any knowledge or involvement into the disappearance of WARREN.

Homicide Investigation suspended

64. The evidence collated through the covert inquiries conducted (Listening devices/body wire) along with other material obtained (record of interviews, statements etc) through the investigation seeking a legal advising. The advice from Prosecutors was that any offer of indemnity to offenders involved to provide evidence about these deaths would unlikely be supported by the Attorney Generals Department. Further to this was that *'any conspiracy charge against the nominated suspects is not available for consideration.'*¹⁰⁹
65. In relation to the death of RUSSELL, Detective Sergeant McCANN commented that *"the circumstances surround his demise are disturbing to say the least. It is also noted that the other serious assaults were committed in the same area about the same time."* Detective Sergeant McCANN concludes *"Nothing has come forward through the investigation to directly link this death to any criminal activity."*¹¹⁰

Operation Taradale

66. Between the 15/07/1998 and the 26/04/2000, Mrs Kay WARREN, the adoptive mother of missing person, Ross WARREN, wrote 6 letters to the NSW Police in relation to the investigation into her son's disappearance on the 22nd July 1989.
67. In the letters sent to the NSW Police, Mrs WARREN urges for her son's disappearance to be the subject of a coronial inquest, as she believed, due to the passage of time her son should be officially declared deceased.¹¹¹ The catalyst for this case being reopened was as a result of her relentless letter writing. Her request was supported and the case reopened. It should be noted that if not for Mrs WARREN's letter writing to the NSW Police the case may not have been reopened. Ultimately the case was forwarded to the Detectives office at Paddington Police Station.

The Re-investigation

68. In May 2000 former Detective Sergeant Stephen PAGE, established Operation TARADALE, the Strike Force was established to re-investigate the disappearance of Ross WARREN.¹¹² Operation Taradale focused on 3 cases, these being i) the disappearance of Ross WARREN, ii) the death of John RUSSELL and iii) the serious assault on David McMAHON (*'listed then as an attempted murder'*). Later on, as the investigation was nearing inquest the disappearance of Gilles MATTAINI in 1985 was added to the investigation. Operation Taradale followed the

¹⁰⁹ OD – 41 – Report by Det Sgt McCANN of linked gay murders/assaults 1991

¹¹⁰ OD – 41 – Report by Det Sgt McCANN of linked gay murders/assaults 1991

¹¹¹ OD – 173 – Correspondence (x6) Kay WARREN to NSW Police

¹¹² ST – 214 – Statement of Det/Sgt PAGE (11/07/2002)

pre-existing hypothesis outlined in the report completed by Detective Sergeant McCANN on the 10/08/1991.¹¹³ Operation Taradale's investigation concurred that other than the disappearance of Ross WARREN, the Mackenzie's Point area was a hub for violent crimes, including deaths committed against members of the gay community visiting the area for a sexual rendezvous. The evidence gathered by Operation Taradale investigators relies on the witness account of David McMAHON, who was seriously assaulted on the 21/12/1989 at Mackenzie's Point by a group of youths. McMAHON was viewed as a 'survivor' of a possible murder rather than a victim of a robbery/serious assault. As such a strong reliance was given to McMAHON's version of events. Investigators formed the hypothesis that Ross WARREN and John RUSSELL were subject to the same 'Gay Hate gang attack'.

69. In March 2001, the investigation shifted slightly due to a study conducted and written by Jenny Mouzos and then serving Police Officer Sue THOMPSON. The study was named "Comparison between Gay Hate-Related Homicides of Men and Other Male Homicides in New South Wales 1989-1999". The study outlines the factors which are likely to be present in a gay hate related homicide compared to other male homicides. THOMPSON provided a statement to Operation TARADALE investigators and states some findings were that 22% of gay hate homicides between 1989 and 1999 occurred in 'beat' locations, and that often offenders involved in gay hate related homicides have admitted (often informally) they had a long history of violent attacks against gay men. THOMPSON indicates that Marks Park at Tamarama was known to be a night time 'beat' and was very busy and popular during this period. THOMPSON discusses reasons why, in her opinion, gay men attend 'beat' areas and the reasons why a high volume of crimes committed against these men are not reported. Her opinion gave Operation Taradale investigators weight to their theory that WARREN and RUSSELL had been attacked by a gang of 'gay bashers' looking for their victims in a known 'beat' area.¹¹⁴
70. During the 3-year investigation, Operation Taradale investigators obtained fresh statements from a number of witnesses; some of these witnesses were previously identified. In relation to Ross WARREN's disappearance the content of these statements was to establish WARREN was not suicidal and that he was a homosexual. In relation to statements taken regarding John RUSSELL's death, multiple statements were obtained from his brother Peter. Peter provided an in depth look into his brother's life, from his social habits and activities to where he would work. *These avenues were not further investigated.*

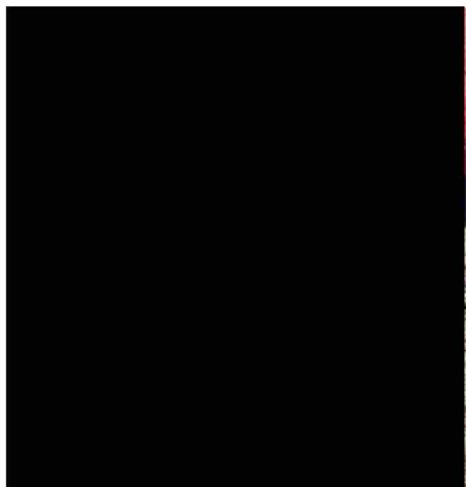
Exhibits

71. Over the course of the reinvestigation, Operation Taradale investigators carried out substantial inquiries into the whereabouts of the missing hairs seen on top of RUSSELL's hand.

¹¹³ OD – 41 – Report by Det Sgt McCANN of linked gay murders/assaults 1991

¹¹⁴ OD – 69 – Comparison between Gay hate and other male homicides

72. The following image is a zoomed in and cropped crime scene photograph. It depicts a clear view of the hair on top of RUSSELL's hand.¹¹⁵ (See image below).



Close up of crime scene photograph 23 - Circled is the lost hair

73. The inquiries conducted to locate the hairs found on RUSSELL's hand, returned a negative result. Operation Taradale investigators approached East Sydney crime scene unit, the Department of Analytical Laboratories and the Atomic Facility at Lucas Heights for this exhibit being received. All these departments stated they had never received nor, had this exhibit at their facility.¹¹⁶
74. On the 14/06/2001 Detective Senior Constable Matthew DENNIS attended the Wollombi area and met with Peter RUSSELL, John's brother. There he collected a sealed cardboard box containing the clothing worn and money belonging to John RUSSELL on the night of his death. The items in the cardboard box were exhibits. These items were a pair of Lyrebird brand gym shoes, bone coloured Levi jeans, red sloppy-joe and \$4.60 in coins. The property was conveyed back to Paddington Police Station and secured as exhibit 19/C507290.¹¹⁷
75. On the 18/06/2001 Detective Senior Constable Samantha HARRISON attended the Department of Analytical Laboratories to have these exhibits analysed. Receiving the exhibits at the Department of Analytical Laboratories was analyst, Ms BROWN.¹¹⁸
76. The items were examined by Biologist, Vivien BEILBY and the following results obtained: *"A preliminary or 'screening' test for blood was positive on the shoes (item 1), jeans (item 2) and sloppy-joe (item 3). DNA testing conducted on staining from these items was unsuccessful. Item 4, being the coins was not examined."*¹¹⁹

¹¹⁵ PH – 35 – Photo 23 - View of deceased's left hand

¹¹⁶ OD – 142 – Emails from Detective Sergeant PAGE

¹¹⁷ ST – 13 – Statement of Detective Matthew DENNIS

¹¹⁸ ST – 14 – Statement of Detective Samantha HARRISON

¹¹⁹ ST – 235 – Expert Statement of Vivian BEILBY

Investigation Targets

77. It was clear early on in the investigation that Operation Taradale's basis was to target members of the marauding youth gangs that frequented the Bondi/Tamarama area. This was also documented by Former Detective Sergeant Steven McCANN in his report when finalising his inquiries into the incidents occurring around Mackenzie's Point. The individuals targeted by Operation Taradale investigators are listed in their respective groups –

Alexandria 8

78. The group known as the 'Alexandria 8' were those convicted of the gay hate related murder and or manslaughter of Richard JOHNSON in Alexandria Park, Alexandria on 24/01/1990.

- | | | | |
|------|--|-------|------------------------|
| I. | NP19 (DOB: [REDACTED])
(now deceased) | V. | NP21 (DOB: [REDACTED]) |
| II. | NP18 (DOB: [REDACTED]) | VI. | NP20 (DOB: [REDACTED]) |
| III. | NP16 (DOB: [REDACTED]) | VII. | NP17 (DOB: [REDACTED]) |
| IV. | NP41 (DOB: [REDACTED]) | VIII. | NP15 (DOB: [REDACTED]) |

Associates of Alexandria 8 members

- | | |
|------|------------------------|
| I. | NP51 (DOB: [REDACTED]) |
| II. | NP44 (DOB: [REDACTED]) |
| III. | NP42 (DOB: [REDACTED]) |
| IV. | NP75 (DOB: [REDACTED]) |
| V. | NP76 (DOB: [REDACTED]) |
| VI. | NP77 (DOB: [REDACTED]) |
| VII. | NP78 (DOB: [REDACTED]) |

'PSK' Park Side Killers

79. The group 'PSK' was a group that were known for graffiti offences and loitered around the Maroubra and Randwick areas. Some of the members of this group were associates of the 'Alexandria 8'.

- | | |
|-------|------------------------|
| I. | NP79 (DOB: [REDACTED]) |
| II. | NP80 (DOB: [REDACTED]) |
| III. | NP81 (DOB: [REDACTED]) |
| IV. | NP82 (DOB: [REDACTED]) |
| V. | NP83 (DOB: [REDACTED]) |
| VI. | NP84 (DOB: [REDACTED]) |
| VII. | NP85 (DOB: [REDACTED]) |
| VIII. | NP86 (DOB: [REDACTED]) |

Tamarama 3

80. The 'Tamarama 3' consisted of males convicted of the murder/manslaughter of Thai national Kritchikorn RATTANAJURATHAPORN and the assault and robbery of Jeffrey SULLIVAN on the coastal walkway at Mackenzies Point Tamarama on the 21/07/1990.

- | | | |
|------|------|-------------------|
| I. | NP23 | (DOB: [REDACTED]) |
| II. | NP22 | (DOB: [REDACTED]) |
| III. | NP24 | (DOB: [REDACTED]) |

'PTK' Prime Time Kings – Bondi Boys

81. 'PTK' or the 'Bondi Boys' were a group responsible for much of the antisocial behaviour and crime committed around the beach front area in 1989/1990. Although the group was large in number it had two sub groups within it, these being, the younger members of the group more known as 'PTK', as this was a graffiti tag they used when defacing walls. The older members of the group were referred to as the 'Bondi Boys'.

- | | | | |
|--------|--------------------------------|----------|-------------------------|
| I. | Sean CUSHMAN (DOB: [REDACTED]) | XXI. | NP101 (DOB: [REDACTED]) |
| II. | NP53 (DOB: [REDACTED]) | XXII. | NP135 (DOB: [REDACTED]) |
| III. | NP54 (DOB: [REDACTED]) | XXIII. | NP102 (DOB: [REDACTED]) |
| IV. | NP87 (DOB: [REDACTED]) | XXIV. | NP103 (DOB: [REDACTED]) |
| V. | NP88 (DOB: [REDACTED]) | XXV. | NP104 (DOB: [REDACTED]) |
| VI. | NP56 (DOB: [REDACTED]) | XXVI. | NP75 (DOB: [REDACTED]) |
| VII. | NP89 (DOB: [REDACTED]) | XXVII. | NP105 (DOB: [REDACTED]) |
| VIII. | NP55 (DOB: [REDACTED]) | XXVIII. | NP106 (DOB: [REDACTED]) |
| IX. | NP90 (DOB: [REDACTED]) | XXIX. | NP107 (DOB: [REDACTED]) |
| X. | NP91 (DOB: [REDACTED]) | XXX. | NP108 (DOB: [REDACTED]) |
| XI. | NP92 (DOB: [REDACTED]) | XXXI. | NP109 (DOB: [REDACTED]) |
| XII. | NP93 (DOB: [REDACTED]) | XXXII. | NP110 (DOB: [REDACTED]) |
| XIII. | NP94 (DOB: [REDACTED]) | XXXIII. | Female members |
| XIV. | NP95 (DOB: [REDACTED]) | XXXIV. | NP111 (DOB: [REDACTED]) |
| XV. | NP96 (DOB: [REDACTED]) | XXXV. | NP112 (DOB: [REDACTED]) |
| XVI. | NP97 (DOB: [REDACTED]) | XXXVI. | NP113 (DOB: [REDACTED]) |
| XVII. | NP98 (DOB: [REDACTED]) | XXXVII. | NP114 (DOB: [REDACTED]) |
| XVIII. | NP99 (DOB: [REDACTED]) | XXXVIII. | NP115 (DOB: [REDACTED]) |
| XIX. | NP100 (DOB: [REDACTED]) | XXXIX. | NP116 (DOB: [REDACTED]) |
| XX. | NP48 (DOB: [REDACTED]) | | NP117 (DOB: [REDACTED]) |

NOTE: NP57 is not associated with or a known member of the above groups, though in her interview with Police, NP57 states she did know certain members of the "PTK" group. Information suggests NP57 used to hang around a group made up of males of Pacific Islander appearance from the Kings Cross area. This group is possibly the following group "B.H.S.", however this is unconfirmed.

NP57

82. NP57 is not associated with or known member above groups, though in her interview with Police, NP57 states she did know certain members of the "PTK" group. Information suggests NP57 used to hang around a group made up of males of Pacific Islander appearance from the Kings Cross area. This group is possibly the following group "B.H.S.", however this is unconfirmed.

B.H.S – Blacks Have Style

83. This group were mostly from the Hornsby area but were known to loiter around the El Alamein fountain in Kings Cross. This group were alleged to have committed robberies and assaults upon gay men.

- I. NP122 (leader)
- II. NP123
- III. NP118
- IV. NP119
- V. NP120
- VI. NP121

Covert Phase Telephone intercepts – Operation Wellington

84. Operation Taradale's main investigation strategy was to utilise covert methods by way of telephone intercepts. Investigators identified the telephone services of core members linked to a number of local youth gangs from around the Bondi area. These persons of interest (identified by their association with gangs and gay bashing activities in the Bondi and Alexandria areas) were then interviewed regarding the Ross WARREN disappearance and John RUSSELL death.¹²⁰
85. The covert phase of Operation Taradale was carried out with the assistance of the NSW Crime Commission (NSWCC). The NSWCC operation was titled as 'Wellington', the terms of reference for Operation Wellington were to assist Operation TARADALE with the investigation into the disappearance of Ross WARREN and the death of John RUSSELL.¹²¹
86. In 2001 the covert phase of the investigation commenced. During this period, Operation WELLINGTON intercepted and monitored twenty (20) lines of persons of interests identified during Operation Taradale's inquiries. From this, approximately 17,022 telephone calls were lawfully intercepted.¹²² During the review of the intercepted calls only fourteen (14) were deemed to have conversation relevant to Operation Taradale inquiries. Thus later released to NSW Police for consideration.¹²³

¹²⁰ OD – 242 – Investigation Summary: Youth Gang theory, Completed by Detective Senior Constable Katherine TIERNEY

¹²¹ OD – 226 – NSWCC – Operation WELLINGTON Transcript list for TI

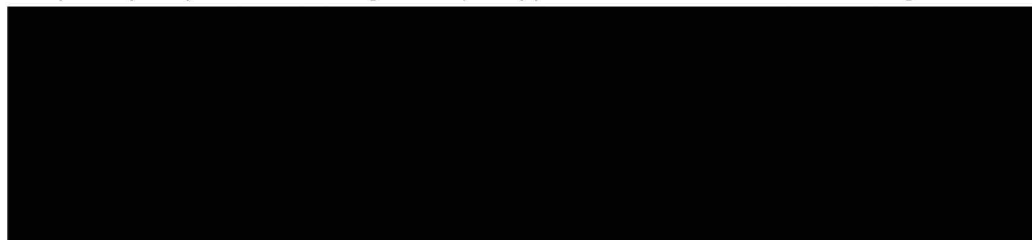
¹²² OD – 226 – NSWCC – Operation WELLINGTON Transcript list for TI

¹²³ OD – 228 – NSWCC – Release of restricted records 17/12/2001 – 28/12/2001

87. It would appear the threshold of classifying a phone call as being relevant; it relied upon the conversations containing reference to the homicide investigation. The dates of the relevant phone calls coincided with the persons of interests being interviewed or spoken to by Police as a means to generate conversation. From the telephone calls intercepted only a number of these contained conversation with content regarding 'gay bashings'. It is fair to say the persons of interests targeted in this operation were involved in assaults committed upon gay men but no admissions or references was made in relation to the death of RUSSELL. Of significance, the persons of interest either indicated they did not attend the lookout area of Mackenzie's Point or knew where the location of Marks Park was. Most of the intercepted conversations were exculpatory in nature.
88. Further to the covert inquiries conducted on the former youth gang members, Operation Taradale carried out a covert operation on two of the three offenders convicted of the murder of Kritchikorn RATTANAJURATHAPORN.

Listening Device Operation

89. On the 11/12/2001 [REDACTED] NP23 and NP22 (still serving a custodial sentence for the murder of RATTANAJURATHAPORN), were transported to a cell at the Sydney Police Centre (SPC) for the purposes of being interviewed by former Detective Sergeant PAGE regarding the disappearance of Ross WARREN and death of John RUSSELL.¹²⁴
90. From the transcript (only 50% of the recording was able to be transcribed, this was due to the poor quality of the listening device) it appears that Former Detective Sergeant PAGE



NOTE: No DNA evidence exists that links the MCAULLIFE's or any other person to the death of John RUSSELL. [REDACTED]

91. In addition, to generate media interest and conversation between persons of interest, investigators conducted a number of media releases involving a re-enactment of John RUSSELL's fall. This was done by of using a mannequin and having it thrown over the cliffs at Mackenzie's Point. As the mannequin used did not have a similar weight to RUSSELL the experiment did not yield any evidentiary value. It appears this experiment was merely conducted in order to 'rattle cages' of persons of interest being targeted by covert methods (telephone intercepts).

¹²⁴ LD - 1 - Transcript of LD in [REDACTED] NP22 and NP23 cell SPC 11/12/2001

¹²⁵ LD - 1 - Transcript of LD in [REDACTED] NP22 and NP23 cell SPC 11/12/2001



Police Rescue Squad officer with mannequin during the re-enactment of John RUSSELL's death.

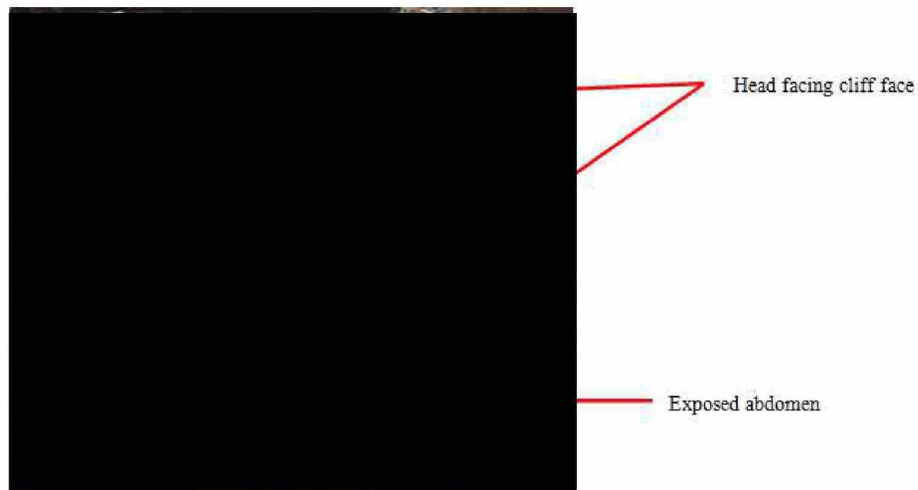
Medical Experts

92. Operation Taradale sought the advice of a Forensic Pathologist to '*expertly*' provide a cause of death and the manner in which it occurred with regard to RUSSELL's demise. In an effort to do so Doctor Allan CALA, Staff Forensic Pathologist attached to NSW Institute of Forensic Medicine was sought out to provide this opinion. To assist the Doctor in completing this report the following material was provided to him -
- ∞ 30 colour photographs of John RUSSELL in-situ ¹²⁶
 - ∞ 7-page letter from Detective Sergeant NICHOLAS¹²⁷
 - ∞ 4-page post mortem report – this report stated that injuries to left side of the body might indicate the deceased's primary impact was on his left side, a bruise below the right eye may have been old. Injuries to the left eyebrow, nose and lower lip might have arisen due to the fall. Bodies may bounce after a fall, but from 11 metres, the distance a body bounces may vary between zero to several feet.
93. On 14/08/2001, Dr CALA completed a statement and indicated a number of aspects that raised suspicions surrounding RUSSELL's death. It was in the opinion of Dr CALA, the position of RUSSELL's body is unusual. Dr CALA focuses on the fact RUSSELL's body is facing towards the base of the cliff and comments that this is '*unusual*'. Dr CALA elaborates that the body would have to twist 180 degrees in a relatively short fall to land in this position. Dr CALA also states the red jumper exposing the lower abdomen of RUSSELL suggests that it was pulled up prior to the fall. He continues by stating the hairs on the left hand are suggestive that RUSSELL might have pulled them from the head of another person, raising the possibility of foul play. Dr CALA concludes that the cause of the fall remains unexplained but RUSSELL has died as a result of multiple injuries consistent with a fall from a height. ¹²⁸

¹²⁶ Crime scene photographs taken by Detective Senior Constable RIVERA on 23/11/1989

¹²⁷ OD – 89 – Report to Dr CALA requesting medical opinion 2001

¹²⁸ ST – 62 – Statement of Allan CALA (14/08/2001)



Crime Scene photograph depicting RUSSELL's positioning compared to the cliff face and his exposed abdomen as highlighted by Dr CALA

94. Dr CALA notes that the toxicology was not supplied and could not report if it was relevant and the injuries to the hands of RUSSELL are relatively non-specific and not obviously assault related but some injuries to the face and hands which are suggestive of an assault.¹²⁹
95. On 19/09/2001, Dr CALA provides a further statement regarding the death of RUSSELL. Dr CALA states he agrees with the opinion of a colleague, Dr Paull BOTTERIL in relation to a body immersed in large bodies of water. (Dr BOTTERIL's report which is referred to in Dr CALA's statement has not been located during the review of Operation Taradale's material). Dr CALA comments that a deceased body immersed in a large body of water will initially sink, subsequently the result depends on tides, currents, local environment, and temperature of water and presence of marine mammals. Dr CALA further states that after sinking, the body may rise due to the buoyancy effects caused by gases created during the decomposition process. It was also noted that clothing which was on the body may be stripped by forceful wave action/currents.¹³⁰
96. It should be noted that RUSSELL's body was only partially submerged in a shallow rock pool, so the effects of tides and currents would not be a factor. Furthermore the mention of decomposition is a hypothetical one as RUSSELL was found within 8 to 12 hours following his death, where bloating would not be occurring.

BOM

97. On the 14/09/2001, Julie EVANS, Officer-in-charge, Climate and Consultancy Section, NSW Regional Office, Sydney, Commonwealth Bureau of Meteorology provided Operation Taradale investigators with a statement and records referencing the rainfall levels around

¹²⁹ ST – 62 – Statement of Allan CALA (14/08/2001)

¹³⁰ ST – 72 – Statement of Allan CALA (19/09/2001)

Mackenzie's Point/marks Park. The records are rainfall observations from the closest area around the Bondi/Tamarama area.¹³¹

98. The closest weather stations to the Bondi/Tamarama area are the Sydney Airport and Sydney Observatory Hill. The attached records outline the weather conditions every three hours. These records are of synoptic observations for the following¹³²:

- a) Nil rainfall recorded at Sydney Airport from 12.00am 21/11/1989 to 12.00am 23/11/1989;
- b) Sydney Observatory Hill recorded some cloud activity from 12.00am 21/11/1989 to 12.00am 23/08/1989

No charges not laid

99. Operation Taradale investigators did thoroughly exhaust all avenues of investigating the hypothesis that WARREN and/or RUSSELL died because of a gay hate related attack, namely the persons of interest listed in sub topic – 'Investigation Targets'. Therefore, no charges were made in relation to these deaths.

Coronial Inquest

100. On the 31/03/2003 the inquest into the disappearances of Ross WARREN and Gilles MATTAINI and the death of John RUSSELL commenced at the Coroners Court, Glebe before Deputy State Coroner Her Honour Ms Justice MILLEDGE. In relation to RUSSELL's death the inquest heard evidence from family members, friends, investigating Police, forensic pathologists and potential persons of interest.

101. On the 9/03/2005, the inquest in relation to the disappearances of Ross WARREN and Gilles MATTIANI and death of John RUSSELL concluded at the NSW Coroners Court, Glebe by Deputy State Coroner MILLEDGE. During the inquest, Her Honour criticised the lack of purposeful investigation by some of the original police investigator/s involved in the RUSSELL matter. She gave a glowing assessment of the investigations conducted by Operation TARADALE and its officer in charge, Former Detective Sergeant Stephen PAGE.

102. In relation to the death of RUSSELL, Her Honour Ms. MILLEDGE found as follows; *"That John Alan RUSSELL died at Marks Park, Bondi between the 22 or 23 November 1989. The cause of death is multiple injuries sustained when he was thrown from the cliff onto rocks, be a persons or persons unknown."*¹³³

103. Her Honour also made various recommendations in relation to how police should investigate missing person's cases and other related police procedures.¹³⁴

¹³¹ ST – 241 – Statement of J.EVANS re weather BOM

¹³² ST – 241 – Statement of J.EVANS re weather BOM

¹³³ OD – 11 – 2005 Coronial findings: RUSSELL, WARREN and MATTAINI

¹³⁴ OD – 11 – 2005 Coronial findings: RUSSELL, WARREN and MATTAINI

Strike Force Neiwand

The Re-investigation

104. In May 2016 Strike Force Neiwand was established to re-investigate the suspicious disappearance and death of Giles MATTAINI from Bondi on 15/09/1985; the suspicious disappearance and death of Ross Bradley WARREN from Bondi on 22/07/1989 and; the suspected murder of John Alan RUSSELL at Bondi on 23/11/1989.
105. With all reinvestigations into historical cases it is imperative to review all the evidence previously obtained over the course of the original investigation. In this particular case as there had been a reinvestigation (Operation Taradale) investigators decided to conduct the review in 2 phases, this being conducting a review of the material obtained from the original investigation and homicide investigation in 1989/1990 and then the evidence collated during Operation Taradale and the subsequent inquest.
106. SF Neiwand avoided a focus on any particular person or group, this was to ensure no limitations were placed onto the investigations and allowing the evidence gathered to be the guide towards any person/s of interest of hypothesis into the cause of death of these individuals.
107. Each case was looked at individually. It was identified early on in the review phase that Operation Taradale approached the investigation with a great deal of *'tunnel vision'*. There was a narrow focus on members of the previously mentioned youth gangs, in that it was believed that they were responsible for the deaths of all 3 men. No other hypothesis was considered or explained.
108. Following an extensive review of the material gathered during the original investigation and Operation Taradale, SF Neiwand investigators identified a number of flaws in the previously conducted investigations. It should be noted that the investigation into RUSSELL's death conducted by Plain Clothes Constable DUNBAR in 1989 was not focused on any particular outcome. Her investigation considered a number of factors that seemed to be dismissed by Operation Taradale investigators. Plain Clothes Constable DUNBAR addressed the fact that a number of factors would support a theory of misadventure without ever being able to rule out that a homicide had occurred.

Revisiting the crime scene

109. On the 10/05/2016 SF Neiwand investigators attended Mackenzie's Point, particularly the scene of where RUSSELL's body was located on the 23/11/1989. Investigators walked the path around Mackenzie's Point, noting that barriers have since been installed around certain points of the walk way. Of interest, the area directly above where RUSSELL's body was located has a barrier erected on top of the cliffs edge.

110. The following photographs taken on this day show that the terrain is still the same as it was in 1989. As stated the additional difference was the added barrier on the cliff top.



Photographs of the rock shelf around Mackenzie's Point taken on the 10th May 2016

Marks Park/Mackenzie's Point - 'The beat'

111. During the investigation into the disappearance of Ross WARREN a number of his associates were identified. Some of which were not spoken to by the original investigating Police or Operation Taradale investigators.
112. One such associate was a male named [REDACTED] [REDACTED] [REDACTED] was part of a social group that consisted of gay men. WARREN associated with this group on a week to week basis. This would occur during WARREN's visits to Sydney on weekends.
113. On the 2/05/2017 a statement was obtained from [REDACTED]. The statement primarily covered [REDACTED]'s association with WARREN and his relationship with other members of their social group. Of interest, [REDACTED] states he was a regular visitor to Mackenzie's Point between the years of 1988 to 1990. [REDACTED] stated he frequented Marks Park/Mackenzie's Point three to four times per week for the purposes of engaging in anonymous sex with men; he described this activity as somewhat of an 'addiction'. [REDACTED] explained to investigators how 'the beat' would work and the encounters he had with the unknown men. [REDACTED] stated during his two years of attending this area, he did not experience or hear about crimes committed against gay men. Although he did know of assaults being carried out against gay men during this period of time he did not experience such acts himself.¹³⁵
114. On the 5/05/2017 SF Neiwand investigators conducted a walkthrough with [REDACTED] at Mackenzie's Point. [REDACTED] explained he would attend the beat of a night time, because that's when it was most active. [REDACTED] further stated it would be during the warmer months and that he wouldn't usually come out to Marks Park/Mackenzie's Point if it was raining or cold. During this walkthrough [REDACTED] pointed out to investigators certain crevices and blind spots

¹³⁵ ST – 247 – Statement of [REDACTED] friend of Ross WARREN

which existed at the gay beat, he also explained how the men attending would conduct themselves. This being that little conversation is had and it is generally eye contact that is made to gauge interest before the pair proceeds to a concealed area.¹³⁶

115. This walkthrough not only gave SF Neiwand investigators an insight and understanding of the people that would attend the beat for the purposes of engaging in anonymous sex, but also that bashings were not as prominent or frequent as portrayed by Operation Taradale. Again this is not to state that these attacks did not occur, as it has been conceded that members of the gay community or men who engaged in beats would be reluctant in reporting such matters to Police.

116. It should be noted that generally men that visited gay beats weren't necessarily men who came out as being homosexual. From a number of witnesses spoken to it was common knowledge that the reason for this encounter remaining anonymous was due to one or both of the parties being in a heterosexual relationship.

Re-analysis of exhibits

117. On 13/05/2016 SF Neiwand investigators liaised with Forensic Analytical Science Services (FASS) in relation to exhibits from the RUSSELL investigation. FASS records indicated the exhibits were "Sent out" and returned on 27/03/2007. Following further inquiries these exhibits were located. They had been booked up with other exhibits under Operation Taradale in the long-term Exhibit book on the 2/08/2011 as D685416, items 1, 2 and 3. These exhibits had been at the Metropolitan Exhibits & Property Centre (MEPC), Potts Hill.

118. On 15/05/2016 the following exhibits were photographed and resealed under job number J01475691.¹³⁷ These exhibits were sent for further analysis (*tape lifts, blood examination and DNA examination*)–

- i. 1 pair of bone coloured Levis Jeans worn by John RUSSELL at the time of his death. X0000639117.
- ii. 1 pair red sloppy-Joe worn by John RUSSELL at the time of his death. X0000639118
- iii. 1 pair of Lyrebird brand gym shoes worn by John RUSSELL at the time of his death. X0000639119

119. On 4/08/2016 request AJ00506989 was submitted for the purposes of having these exhibits reanalysed. These exhibits were conveyed to Sydney Crime Scene office to carry out this process.¹³⁸

120. On 23/08/2016, Senior Sergeant Matthew SCHIBECCI examined the items and sub exhibits. A total of fifteen samples were forwarded to FASS for analysis.¹³⁹

¹³⁶ REC – 8 – Walkthrough, 198, 05/05/2017 at Marks Park

¹³⁷ IN – 41 – Enquiries to locate John RUSSELL clothing

¹³⁸ IN – 114 – Exhibits conveyed to Sydney Crime Scene

¹³⁹ IN – 118 – Exhibits examined and forward to FASS

121. On the 16/11/2016 Strike Neiwand investigators were informed that there were no sufficient DNA profiles found during the examination of the clothing. All results were either "Mixed DNA profile, weak/complex" or "DNA testing unsuccessful". These profiles are unsuitable for comparison.¹⁴⁰

Hair Sample

122. On the 19/05/2014, Elizabeth BROOKS, Senior Forensic Scientist with the Australian Federal Police (AFP), provided a statement regarding the hairs located on RUSSELL's hand. *It is unknown who and why this request was sent to BROOKS.* BROOKS was a Forensic Hair Examiner and was provided with two crime scene photographs depicting the hairs. BROOKS examined the original photographs and highlighted the fact that the old photographs made it difficult to conduct a detailed examination.¹⁴¹

123. BROOKS provides her expert opinion in relation to these hairs, stating *"the material located on the hand of the deceased, RUSSELL, is most likely to be a clump of visually brown coloured hairs."*¹⁴² BROOKS further stated that based off the photographs she observed the hair of RUSSELL and the clump of hair on his hand are brown coloured, she commented -

"...these hairs are unremarkable in that they could have come from the deceased's own scalp."

"As to the possibility that these hairs could have remained in situ on the deceased' hand during the interval between his death and his discovery some 10 hours later, research indicates that this kind of persistence is possible."

"It is not possible from the two [2] photographs to determine the time or the method by which the hairs were transferred to RUSSELL's hand. However, once transferred to the skin on the hand research indicates persistence is possible. Krauss Wand Hildebrand U, (1996) found that fibres persisted on skin for up to 11 days under open-air conditions where wind velocity and precipitation were recorded as low."

"Thus by obtaining weather records of wind speed and precipitation for the time period between death and discovery of John Alan RUSSELL may provide an indication of the probability of the hairs remaining in situ. The inference here is necessarily speculative, however it remains possible that under low wind and rain conditions there is some support for the hairs located on the deceased's hand to have remained in situ post the fall and impact."¹⁴³

124. On 12/05/2016, the negatives of Crime scene photographs were provided to Australian Federal Police (AFP) imaging experts. This was so better-quality photographs could be

¹⁴⁰ IN – 136 – Re-examination of RUSSELL's clothing unsuccessful

¹⁴¹ IN – 84 – Elizabeth BROOKS – Hair Expert

¹⁴² ST – 270 – Statement of Elizabeth BROOKS

¹⁴³ ST – 270 – Statement of Elizabeth BROOKS

developed and would assist hair experts to review the images.¹⁴⁴ On the 18/10/2016 Adine BOHEME, AFP Forensic Biologist informed NSW Police that after consultation with the AFP imaging experts, and viewing the CD and Negatives, it is their opinion the images cannot be enhanced to a level that will enable her to make any further meaningful comparisons.¹⁴⁵

125. On the 30/11/2016 Strike Force Neiwand investigators met with BOHEME at the AFP office, Majura. During this time BOHEME stated she conducted a review of a number of cases from around Australia and found a number of examples where the victim of a homicide (*where they sustained injuries to their head*) had a bundle of their own displaced hair on or around their body.

126. BOHEME further stated that generally in homicides if an offender's hair is left in the crime scene it would generally be a single strand of hair rather than a bundle. BOHEME also stated it's highly probable as RUSSELL had a 7.5cm laceration to the back of his head that the hair from around the wound would be displaced. BOHEME did concede that a Forensic Pathologist would be in a better position than her to offer opinion on the possibilities of displaced hair being from a deceased within a crime scene.¹⁴⁶

Review of Operation Wellington telephone intercepts

127. Strike force Neiwand investigators conducted a review of the relevant intercepted phone calls and the transcripts obtained.¹⁴⁷ From the telephone calls intercepted, fourteen were deemed as being relevant phone calls. No admissions or any potential *inculpatory* evidence to directly incriminate the targeted persons of interest, nor did it warrant any further investigation into these persons of interest.

128. To the contrary, the relevant phone calls intercepted captured *exculpatory* evidence. The monitored persons of interest staunchly denied any involvement or knowledge into the whereabouts of Ross WARREN or the circumstances surrounding RUSSELL's death. The persons of interest concede that as youths they did break the law (break and entering, loitering and malicious damage), but the accusation of being involved in a murder was one they vehemently denied. Intercepted phone calls of a number of female persons of interest were heard to be quite emotional about the fact they were being accused of being involved in a murder.

129. As previously stated, during the conversations intercepted the persons of interests indicated they did not attend the lookout area of Mackenzie's Point and would loiter around the pavilion and the Bondi beach huts.

130. Of interest during the investigation into the disappearance of Ross WARREN a notebook entry was located which corroborated the above-mentioned information provided by these persons of interest. The notebook of Constable BISHOP from Bondi Police Station had an entry at '1:08am on 21/7/1989', this was around the time of or just prior to WARREN's disappearance. The entry relates to Police stopping [redacted NP98] who was with four other

¹⁴⁴ IN - 119 - Negatives and CD delivered to AFP hair expert

¹⁴⁵ IN - 125 - AFP hair expert unable to assist with new images

¹⁴⁶ IN - 152 - Consultation with AFP Biologist Adine BOHEME

¹⁴⁷ TI 1 to TI 30 - NSWCC - TI transcripts.....

unknown males at Bondi Park. The incident is recorded as [NP98] urinating in a public place. The relevance of this entry shows that a known member of the youth gang (PTK) suspected of being involved in the bashing of gay men (WARREN, RUSSELL and McMAHON) loitering in group around Bondi Park area. This is approximately 1km from Mackenzie's Point.¹⁴⁸ (See image)¹⁴⁹

131. The persons of interest all indicated the fact that they would only loiter around two prominent locations within the Bondi area, these being the Bondi pavilion and the beach huts along Bondi beach. The following map shows the Bondi Pavillion, the beach huts and Mackenzie's Point circled.



Aerial map from Google maps – Circled are Marks Park/McKenzie's Point, Bondi Pavilion & the beach huts

¹⁴⁸ OD – 229 – Notebook entry of Constable BISHOP re: [NP98]

¹⁴⁹ Aerial image from Google maps

Inquest material destroyed

132. Inquiries were made with the Coroners Court, Glebe in an effort to locate the original or a copy of the documents from the inquest into RUSSELL's death in 1990. The NSW Coroner's Court were unable to locate tapes from the Inquest. It was also advised that extensive searches were conducted at the Government Records Repository and Penrith Transcription Centre, who both confirmed the tapes cannot be located at either location. The opinion of the Coroner's Court is that the tapes have been destroyed, as this was contemporary practice at the time.¹⁵⁰

Forensic Pathologist

133. On 1/12/2016 SF Neiwand investigators requested a forensic pathologist to review the crime scene and post mortem material relating to RUSSELL's death. The basis for this request was to corroborate or refute the opinion of Dr CALA, as the second inquest into RUSSELL's death relied on and was heavily influenced by the evidence of Dr Allan CALA.¹⁵¹ Dr CALA interpreted that the position of RUSSELL's body at the base of the cliff (i.e. face down and facing towards the cliff) was a result of being thrown from the cliff above.¹⁵²

134. On 13/06/2017 Associate Professor A. MOYNHAM provides a report which relates mainly to the detrimental effect of alcohol on RUSSELL prior to his death. Prof. MOYNHAM states "The post mortem blood alcohol concentration of 0.255 grams of alcohol in 100 millilitres of blood was most likely his blood alcohol concentration at the time of death." This indicates RUSSELL would have been heavily intoxicated at the time of his death and subject to a list physical and cognitive impairment as indicated by Professor MOYNHAM.¹⁵³

135. Professor MOYNHAM further states -

"At a time, following death, the process of putrefaction will begin. During putrefaction micro-organisms can digest glucose in the body and produce alcohol. While putrefaction can occur following death, it is unlikely that it would have been extensive in this situation. There is no putrefaction noted in the post mortem report however this does not exclude the possibility that some alcohol production could occur within the deceased following death. While this possibility of post-mortem alcohol production within the body of the deceased cannot be discounted it is probable that it was very limited or not present."

"It is stated that blood was collected for toxicological analysis during the post-mortem examination. It is not stated from where the blood was taken. If the blood sample was taken from a peripheral blood vessel it would be expected to reflect the blood alcohol concentration at the time of death. If it was taken from the heart or one of the major blood vessels in the chest it is possible that the blood alcohol

¹⁵⁰ OD – 178 – Reply from Coroner's Court – RUSSELL inquest enquiry

¹⁵¹ TR – 16 – TARADALE inquest transcript 02/04/2003

¹⁵² ST – 62 – Statement of Allan CALA (14/08/2001)

¹⁵³ OD – 273 – Prof. MOYNHAM report 26/05/2017

concentration could have been erroneous due to alcohol diffusion into those areas during the time between death and when the post mortem was carried out.”

“The drinking history of Mr. RUSSELL is not recorded however if he consumed the same number of middies (12 to 15) of Powers Beer as Mr. REDMILE between about 7.00pm and 11.00pm on 22 November 1989 than it would be expected that he would be quite intoxicated at the time that the two male persons parted company.”

“Based upon the stated weight of Mr. RUSSELL (55 kilograms), the estimated number of middies (285 milliliters) of beer consumed (between twelve [12] to fifteen [15]), the type of beer (Powers Beer - 4.8% alcohol v/v) and the time during which the alcohol was consumed (7.00pm to 11.00pm) at 11.00pm the blood alcohol concentration of Mr. RUSSELL would lie within a range the lower limit of which would be not less than 0.244 grams of alcohol in 100 milliliters of blood and the upper limit of which would not exceed 0.385 grams of alcohol in 100 milliliters of blood. His most likely blood alcohol concentration would be close to 0.315 grams of alcohol in 100 milliliters of blood.”

“If the above amount of alcohol was consumed by Mr. RUSSELL it would be expected that at 11:00pm he would have been heavily intoxicated. It is not known if Mr. RUSSELL ceased consuming alcohol at that time or went on to consume more alcohol.”

“Alcohol is eliminated from the body at a rate of between 0.010 grams of alcohol in 100 milliliters of blood and 0.025 grams of alcohol in 100 milliliters of blood each hour. The average rate of elimination is 0.015 grams of alcohol in 100 milliliters of blood per hour.”

“I have no details of the activities of Mr. RUSSELL following the departure of Mr. REDMILE from the hotel bar at about 11.00pm on 22 November 1989.”

“It is not known if he consumed further alcohol or ceased consumption from about 11.00pm.”

“His death occurred at some time between 11.00pm when Mr. REDMILE left him in the bar and when he was found the following morning at about 10:00am on Bondi Beach South.”

“The post mortem blood alcohol concentration of 0.255 grams of alcohol in 100 milliliters of blood was most likely his blood alcohol concentration at the time of death.”

“It would be expected that at a blood alcohol concentration within the ranges stated above (0.244 grams of alcohol in 100 millilitres of blood to 0.385 grams of alcohol in 100 millilitres of blood) all persons would possess impairment of their perceptive skills and reaction time. Skills such as vision would be impaired. The brain would also be slow to process the content of any perceived activities and would also be slow to respond to them. It would also be impaired in its capacity to respond appropriately to such a stimulus. Critical thinking would be impaired.”

“It would be expected that the vast majority of persons, who had a blood alcohol concentration within the above stated range, would display signs of marked intoxication.”

“It is expected that this person would be displaying a gregarious personality not normally present when he was sober. His conversations may have been unusual because of mood and personality changes. It is possible that mood and personality changes could have made him more aggressive, more convivial, increasingly morose or a combination of many different moods during the time that he was intoxicated.”

“It would be expected that he would also appear to be unsteady when standing or walking as well as displaying some difficulty in being able to see things clearly especially in a darkened environment. Balance, coordination and spatial orientation would be impaired within the above range of blood alcohol concentrations.”

“The consequences of alcohol ingestion can include loss of restraint and a decrease in finer discrimination. It can also cause the impairment of memory, concentration, judgment and insight. Initially complex thinking is impaired. With increasing alcohol levels simple behaviour is impaired. There may also be some impairment of critical thinking. Vision may also be impaired as the blood alcohol concentration rises. There may also be amnesia.”

“A high blood alcohol level would not only increase the amount of time needed to respond to a stimulus but also increases the frequency of inappropriate error responses.”

“As the blood alcohol concentration increases it is possible that this may cause a person who is walking to be unaware of a difficult challenge in his path, such as obstacles, which might cause him to trip or fall. It is also possible that, as a consequence of alcohol in the body, a person could be partly or completely unaware of the nature of the surroundings to the extent that a decision to appreciate them could not be made critically. His capacity to respond to a unexpected incident such as a trip or loss of balance would be impaired. He is then at a greater risk of suffering the consequences, such as a traumatic injury, from a trip or loss of balance.”

“Within the range of the blood alcohol levels stated above there is deterioration of postural and body movement control. At the above-stated blood alcohol ranges it is probable that this may result in an inability to respond to an emergency situation as may arise when losing balance in a situation where a quick reaction is required to avoid a fall. “

136. Professor MOYNHAM concludes with his opinion, stating -

“My opinion has not altered since I prepared a statement in this matter on 20 July, 2001. Based upon the additional information available to me in the preparation of this report I would regard the possibility of putrefaction to be less likely to have occurred.”

“At the time of his death the blood alcohol concentration of Mr. RUSSELL was 0.255 grams of alcohol in 100 millilitres of blood. At that blood alcohol

concentration it would be expected that Mr. RUSSELL would have marked impairment of his capacity to function due the effects of alcohol as have been outlined above.”

“This level of intoxication would make a person more prone to trauma as a consequence of physical impairment. It would also make a person more vulnerable to predatory behaviour by other persons. His capacity to protect or defend himself would be impaired. It must be noted that he also had a relatively small body weight of 55 kilograms.”

“There was probable marked intoxication at the time of death. It is not possible to determine if he was the victim of an accident or if he was the victim of foul play. Both are possible.”

137.A further opinion was sought from Clinical Professor Johan Duflou, Consulting forensic pathologist, Forensic Medicine Associates. This was in an effort to obtain a second opinion to that of Dr CALA.

138.On the 16/08/2017 Professor DuFlou provided a report relating to RUSSELL's manner of death. Prof DuFlou states *"the pattern and distribution of the injuries in my opinion, do not allow one to differentiate between an accidental fall, an intentional fall on the part of the deceased or a fall assisted in some way by one or more other persons."* Prof Duflou further states the position of the body is somewhat unusual for an accidental or suicidal fall, in that the deceased likely faced towards the walkway when he commenced his fall.¹⁵⁴

139.Prof Duflou commented on the injuries to the back-left side of RUSSELL's head. Prof DuFlou states it's possible for the laceration to be the result of fractured skull edges to penetrate the scalp from the inside outwards causing laceration of the scalp on the back of the head. Thus, this could be an impact injury even though it is not on the front of the body. Prof DuFlou surmises that it is relatively unlikely the hair located on RUSSELL's hand originated from the head of the deceased although this cannot be absolutely excluded given there is a laceration of the back of the scalp.¹⁵⁵

Summary

140.The purposes of this re-investigation was to identify any new lines of inquiries and to ensure the case was previously investigated thoroughly. It was not a case of being critical of the previous investigation but more so to cast fresh eyes over the work previously done. In saying this the re-investigation encountered great difficulties as a result of crucial errors or oversights made by 'Operation Taradale'. The identified errors/oversights committed during the 2001 re-investigation are as follows – a premature approach towards persons of interests being made, tunnel vision, a lack of identifying witnesses and a lack of physical evidence being present and.

¹⁵⁴ ST – 269 – Expert certificate of Professor Johan Duflou

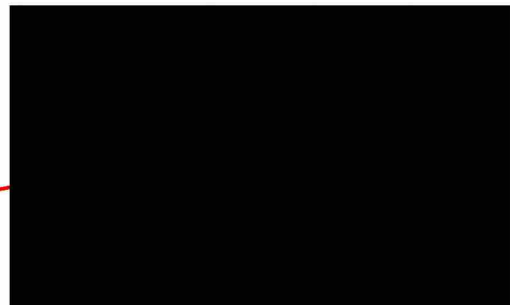
¹⁵⁵ ST – 269 – Expert certificate of Professor Johan Duflou

141. The 1989 investigation was hampered by a number of factors. A major factor was the period of time of this incident occurring and the location. Homosexuality was decriminalized in 1984, thus, in 1989 being a gay male was still a taboo and attracted negative judgements within the wider community. This resulted in men not acknowledging their sexuality to investigating Police, despite it being the reason for them having a crime committed against them. Combine this with the fact a male being attacked at Mackenzie's Point of a night time would result these men to being identified as a homosexual. *One example is the statement of David McMAHON, where he states to Police he was at Marks Park for the purposes of going for a leisure run around the walk path, despite it being 10pm of an evening and the location having poor lighting.*
142. As previously stated the men frequenting gay beats were not men that normally identify themselves as being homosexual and would conceal this detail. This led to a lack of cooperation between the Police investigating such cases and these men coming forward to report these matters or provide detailed information.
143. A key flaw identified in Operation Taradale's investigations was that there was a closed minded focus on the persons of interest identified. This 'tunnel vision' approach laid a foundation to the investigation that restricted investigators from considering other possibilities in the cases being investigated, particularly RUSSELL. This is not to say that the persons of interest targeted were not involved in these crimes, but eliminating other persons of interest and other considering other possibilities was not considered highly enough during this investigation as it was decided early on in the piece that the victims fell prey to a gay hate crime. It appears the reason for the investigation following this direction could be attributed to two major factors - that Former Detective Sergeant Stephen PAGE viewed McMAHON as a 'survivor' and attempted to utilise his witness account as the basis of all the other crimes said to have been committed around the Mackenzie's Point area and following the possible hypothesis presented by Former Detective Sergeant Steve McCANN, that youth gangs were responsible.
144. It would appear Operation Taradale formed a pre-conceived agenda of solely focusing on youth gangs before proceeding with it as there only culprits for these random attacks. A fault that appears ever present in this investigation is that rather than investigators reviewing the original investigation and its respective holdings before revisiting previously identified leads, lines of inquiries and following core principles of a homicide investigation (i.e Victimology), before focusing on particular persons of interest, it would appear Operation Taradale choose the line of inquiry that they found suit and persisted with it.
145. The evidence submitted before the coroner by Former Detective Sergeant PAGE could be suggested as leaning heavily towards youth gangs committing these crimes. It appeared any evidence of misadventure was discounted with no corroborating evidence being submitted. The only hypothesis that can be said to have been covered in confidence was that RUSSELL was not or did commit suicide, this being said, one can still not rule out this as being a cause of death.
146. The utilising of covert methods such as telephone intercepts was done with no succinct strategy. The persons of interest subjected through the use of these covert methods were not linked to RUSSELL's death, other than being known to loiter around the suburb of Bondi and boasting of assaulting 'gay men'. Investigators openly advised the targets that they were being covertly monitored in an effort to generate conversation, further to this the identified

persons of interest became aware of police methodology and the covert methods implemented throughout Operation Taradale. These targets became aware of the fact investigators had in place the use of telephone intercepts, listening devices and in the case of Sean CUSHMAN implementing an undercover operative. This information became public knowledge during the inquest into RUSSELL's death.

147. Significance was given to Dr CALA's evidence with the suggestion RUSSELL was thrown from the cliffs off Mackenzie's Point by his attackers; this is based on RUSSELL's jumper being lifted with his torso exposed, his head facing the cliff face and the suggested modus operandi of the youth gang members throwing their victims off the cliffs edge.
148. All these incidents were said to have occurred in the vicinity of Mackenzie's Point, between Tamarama and Bondi beaches in 1989 (July, November and December). The nexus between the cases was the fact all three men were homosexuals and circumstances led for them to be at Mackenzie's Point. It appeared the investigation conducted was unable to gather enough evidence to proceed with any charges being laid. This was as a result of a lack of evidence obtained. The evidence that was being gathered by Operation Taradale was based on the ability to establish a nexus between these persons of interest and the circumstances surrounding RUSSELL's death.
149. Despite all this there is still a possibility of RUSSELL's death being a result of a homicide; unfortunately, a lack of corroborating evidence, physical evidence and witness accounts prevents this investigation being considered as a homicide from proceeding any further. Consideration needs to be given to the fact RUSSELL may have died as a result of misadventure, which can be supported with corroborating evidence. This evidence is RUSSELL's level of intoxication and the impairment the amount of alcohol in his system would have on his mental and physical ability, the terrain of the walk way (slight incline/decline), with no barrier and a steep drop off from the cliffs edge.
150. It is the opinion of SF Neiwand investigators that more significance needs to be given to the Crime Scene photographs and the statements of the crime scene officers in attendance. If we accept that evidence of the shrubbery on the cliff top being disturbed, then consideration needs to be given to the fact that RUSSELL had strands of grass near and underneath his body on the rock shelf. This would refute the theory of him being thrown over the edge of the cliff. The mere fact his sloppy-joe was pulled up exposing his torso may have been caused by RUSSELL walking off the path and slipping down towards the shrubbery on the cliff face. Considering the decline, RUSSELL's sloppy-joe may have been pulled up as a result of his momentum whilst slipping/tripping/falling down the cliff. Further to this, the weight of his body would have disturbed the shrubbery and in doing so the grassy strands would have detached and clung to RUSSELL as he fell to the rock shelf below.

151. The below images have been marked to show the disturbed area and the strands of grass around RUSSELL's body. The disturbed area was highlighted in the statement of Sergeant ¹⁵⁶



Key Findings

152. On the 09/03/2005 Magistrate Jacqueline Milledge [Senior Deputy State Coroner] delivered her findings following an Inquest into the death of RUSSELL, which was premised on the 'gay hate' line of inquiry. TARADALE focused on 'gay hate' and relied on investigation confirmation bias which was a major factor that ultimately limited the validity of the Coroner's findings. Confirmation bias *'is the tendency to bolster a hypothesis by seeking consistent evidence while disregarding inconsistent evidence. In criminal investigations,*

¹⁵⁶ ST – 178 – Statement of Detective Sergeant Carlton CAMERON

preference for hypothesis-consistent information could contribute to false convictions by leading investigators to disregard evidence that challenges their theory of a case.'

153. The 1989 RUSSELL investigation differed from the previous 2 in that a crime scene was established and processed and a time line of the victim's movements established. The Operation Taradale investigation focussed on the "gay hate" line of inquiry, which was supplemented by the opinion of pathologist Doctor CALA. The Coroner in her 2005 findings placed considerable weight on Doctor CALA's opinion. That opinion was based on a review of crime scene photographs. One of the photographs depicted loose hairs on the rear of RUSSELL's hand, which Doctor CALA claimed were not his. Doctor CALA also stated that the position of RUSSELL's body at the base of the cliff was consistent with him being '*deliberately thrown off the cliff perhaps*'.
154. In 2017, Forensic Pathologist Professor DUFLOU, stated he was unable to provide an opinion on whether RUSSELL died due to an accident, suicide or homicide, based on the location of the body and injuries, which contrasts with that provided by Doctor CALA. Dr Adine BOEHME, Biology & Forensics was unable to provide an opinion in relation to the origins of the hairs depicted in the crime scene photographs. RUSSELL's level of intoxication and related impairment may have also led to him falling from the cliff. The walk way around Mackenzie's Point (slight incline/decline) had no barriers and there was a steep drop from the cliffs edge. The available facts could support death by misadventure and/or homicide. There are no identified suspect/s and/or witnesses and no forensic evidence. The manner of RUSSELL's death should be reclassified as '**undetermined**' despite the 2005 '*homicide*' findings of the Coroner. It is recommended that this investigation be listed as inactive and only reactivated if new and compelling evidence becomes available.

Detective Senior Constable Michael Chebl
Unsolved Homicide Team - Homicide Squad
Officer in Charge of Strike Force Neiwand