

NSW POLICE FORCE

STRIKE FORCE

PARRABELL

Bias Crimes Indicators Review Form

Investigation No:	64
Victim/Deceased:	Barry WEBSTER
Date of death:	26 November, 1993
Investigation Status:	Solved
Offender/s:	Phillip CHAPMAN
Investigative Unit:	Kempsey Police Station
Description:	Barry WEBSTER was a 41 year old homosexual male who had been jailed for sexually assaulting a 17 year old male. He was on welfare benefits and worked for St Vincent's De Paul two days a week. He was murdered at ■ Little Rudder Street, Kempsey by Phillip CHAPMAN. CHAPMAN was a 25 year old heterosexual male. WEBSTER and CHAPMAN were known to each other. WEBSTER was found months later buried under the verandah of a neighbours unit. He had extensive injuries to his head that were caused by being hit over the head repeatedly by a brick. CHAPMAN was charged with murder, pleaded guilty to manslaughter and received 8 years imprisonment with a non parole period of 5 years. The homosexual advance defence was used.

1. Differences

Prompts	Comment
<ul style="list-style-type: none"> <i>Immutable characteristic differences between victim and POI's sexual orientation</i> 	<p>Barry WEBSTER lived in a block of flats at ■ Little Rudder Street in Kempsey. A number of his neighbours and WEBSTER'S ex-wife, [109] provided statements during the investigation into WEBSTER'S disappearance/murder. WEBSTER'S flat mate, [110] stated, "I am aware Barry [WEBSTER] had homosexual tendencies, and was a peaceful person until such times as someone would upset him, he was a concerning father and regularly visited his children." [110] explained his knowledge of WEBSTER'S relationship with Phillip CHAPMAN who was later charged with WEBSTER'S murder. [110] stated, "I am aware that CHAPMAN became friendly with Barry WEBSTER on numerous occasions. Barry and CHAPMAN would sit together on the lounge on the veranda and drink beer and talk" (ST-266). [111] who lived in unit 2 described WEBSTER as a "drunk" stating, "I never myself had a drink with Yowie [WEBSTER], in particular because I learned that he was a bi-sexual so I wanted nothing to do with him" (ST-258). WEBSTER'S ex-wife [109] provided a statement during which she stated her and WEBSTER had one child together. [109] and WEBSTER were married for less than a month. [109] stated, "I am aware that Barry [WEBSTER] is a homosexual." [109] described a violent interaction the night of their wedding, on 18 February 1982. As a result she stayed with her parents that night. [109] stated, "The next morning I went back to Park Avenue (their home at the time) and I let myself in and walked to the bedroom and I found him in bed with a 16 year old boy." [109] also went on to state that she was "...aware that since that time he has had a number of affairs with men and boys. He also went to gaol after sexually assaulting [112] at the time [112] was 17 years old" (ST-271). Phillip CHAPMAN, upon his arrest participated in an electronically recorded interview. During this interview CHAPMAN spoke about his knowledge of WEBSTER'S sexuality and made comment on him being straight stating, "Well I got told actually that Barry was a homosexual and - and [sic] I made it distinctly clear, you know, that, 'Hey, gays are tolerable but as long as they stay on their side of the fence and I stay</p>

	<p>on mine'. So, in other words, I'm straight and he's gay, and that's what it was, you know" "Well when Barry was drunk, he - yeah, he brought up - actually brought it up in front of a few people that he was a homosexual and it didn't go down well... It was made clear in - when I first met him, that I was straight and he was a homosexual..." (ER-33).</p>
<ul style="list-style-type: none"> • <i>Victim is a member of a group which is outnumbered by members of another group in the area where the incident occurred</i> 	<p>WEBSTER lived at and was murdered in Kempsey, an area not predominantly known for its abundance of homosexual males. WEBSTER was charged and convicted in 1985 with the sexual assault of [REDACTED] I112 who was 17 years old at the time of the incident. WEBSTER'S ex-wife [REDACTED] I109 was aware of WEBSTER'S history in regards to the charge and his fondness for both men and boys (ST-271).</p>
<ul style="list-style-type: none"> • <i>Victim was engaged in activities promoting his/her group</i> 	<p>During interview CHAPMAN alleged his actions were as a result of being dragged by WEBSTER to his bedroom whilst he was heavily intoxicated and under the influence of drugs. As a result of this CHAPMAN picked up a house brick and critically assaulted WEBSTER. CHAPMAN also stated WEBSTER was making comments about a twelve year old boy who was staring in the movie they were watching, "Mr WEBSTER was saying things about the boy on the video that he'd like to take him to bed for sex and things like that and that didn't go down well with me." It is evident WEBSTER'S comments and actions promoting his sexuality and desire to engage in sexual acts with minors may have lead to his demise.</p>
<ul style="list-style-type: none"> • <i>Incident coincided with a holiday or date of particular significance to the victim or POI's group</i> 	<p>There is no evidence to suggest the date of WEBSTER'S murder had any significance to either him or CHAPMAN.</p>
<ul style="list-style-type: none"> • <i>Victim, although not a member of the targeted group is a member a member of an advocacy group that supports the victim, or the victim was in company of a member of the targeted group</i> 	<p>It appears CHAPMAN did not set out with the specific intentions of murdering WEBSTER. CHAPMAN'S actions were as a result of comments made by WEBSTER and an alleged unwanted sexual advance in the form of being dragged to WEBSTER'S bedroom. WEBSTER was only in the company of CHAPMAN at the time of his murder with no evidence suggesting he was a member of an advocacy group.</p>
<ul style="list-style-type: none"> • <i>Historical animosity exists between the victim's group and the POI's group</i> 	<p>There is no known historical animosity between CHAPMAN and WEBSTER. During interview CHAPMAN was asked if he had ever had any conversations with WEBSTER in relation to his sexuality. CHAPMAN replied, "Well when Barry was drunk, he - yeah, he brought up - actually brought it up in front of a few people that he was a homosexual and it didn't go down well... It was made clear in - when I first met him, that I was straight and he was a</p>

	homosexual..." CHAPMAN and WEBSTER often drank together with evidence suggesting that despite CHAPMAN being aware of WEBSTER'S sexuality, he did not have issue with this stating, "...gays are tolerable but as long as they stay on their side of the fence and I stay on mine" (ER-33).
Indicators	(y/n)
Bias Crime – sufficient evidence/information exists to prove beyond a reasonable doubt that the incident was either wholly or partially motivated by bias towards one of the protected categories and constitutes a criminal offence.	No
Suspected Bias Crime – evidence/information exists that the incident may have been motivated by bias but the incident cannot be proven beyond a reasonable doubt that it was either wholly or partially motivated by bias and constitutes a criminal offence.	Yes
Not Bias Crime – the incident has been determined as either not being motivated by bias towards a protected group or although bias motivation is in evidence it does not relate to a protected group.	No
Insufficient Information – insufficient information has been recorded to make a determination in regards to bias motivation. This may be due to a lack of detail recorded by police or a lack of information supplied by victim's and/or witnesses.	No
GENERAL COMMENT	
<p>At the time of his murder, WEBSTER appeared to be known by his neighbours and associates as a homosexual male. WEBSTER had been married in the past to [1109] to whom he had a child with, [1109] stated, "I am aware that Barry [WEBSTER] is a homosexual. [1109] described a violent interaction the night of their wedding, on 18 February 1982. As a result she stayed with her parents that night. [1109] stated, "The next morning I went back to Park Avenue (their home at the time) and I let myself in and walked to the bedroom and I found him in bed with a 16 year old boy." [1109] also went on to say that she was "...aware that since that time he has had a number of affairs with men and boys. He also went to gaol after sexually assaulting [1112] [1112], who was at the time [1112] was 17 years old." Phillip CHAPMAN, upon his arrest participated in an electronically recorded interview. During this interview CHAPMAN spoke about his knowledge of WEBSTER'S sexuality and made comment on him being straight stating, "Well I got told actually that Barry was a homosexual and - and [sic] I made it distinctly clear, you know, that, 'Hey, gays are tolerable but as long as they stay on their side of the fence and I stay on mine'. So, in other words, I'm straight and he's gay, and that's what it was, you know." There is no known historical animosity between CHAPMAN and WEBSTER. During interview CHAPMAN was asked if he had ever had any conversations with WEBSTER in relation to his sexuality. CHAPMAN replied, "Well when Barry was drunk, he - yeah, he brought up - actually brought it up in front of a few people that he was a homosexual and it didn't go down well... It was made clear in - when I first met him, that I was straight and he was a homosexual, so in roundabout terms, I'd say, yeah, yeah" CHAPMAN and WEBSTER often drank together with evidence suggesting that despite CHAPMAN being aware of WEBSTER'S sexuality, he did not have issue with this.</p>	

2. Comments, Written Statements, Gestures	
Prompts	Comment
<ul style="list-style-type: none"> <i>Bias related comments, written statements or gestures were made by the POI</i> 	<p>There were no direct witnesses to the murder of WEBSTER. The only available information in regards to the events surrounding the murder is gleaned from the record of interview completed by CHAPMAN following his arrest. CHAPMAN claims that conversation was had between the two in respect to WEBSTER expressing his desire to engage in sexual activity with a child star on the movie they were watching. There is no evidence suggesting CHAPMAN responded to these comments stating that it "...didn't go down well with me." CHAPMAN described being grabbed by WEBSTER and dragged to the bedroom. As a result of this CHAPMAN picked up a brick that was being used as a door stop and "...smashed him [WEBSTER] on the head with it to stop him touching me [CHAPMAN] (ER-34). There is no evidence suggesting CHAPMAN made any bias related comments, written statements or gestures to WEBSTER.</p>
<ul style="list-style-type: none"> <i>Comments and gestures can occur before, during and after the incident</i> 	<p>The main conversation between CHAPMAN and WEBSTER appeared to have occurred prior to the murder. This conversation was not necessarily bias related. During interview CHAPMAN stated that as WEBSTER dragged him in to the bedroom, WEBSTER was saying, "I want to take you in to the bedroom. I want to take you now" (ER-37) There is no evidence to suggest any bias related comments were made during or after the murder of WEBSTER.</p>
<ul style="list-style-type: none"> <i>Victims may not be aware of the significance of gestures made</i> 	<p>There is no evidence to suggest any bias related gestures were made by CHAPMAN, towards WEBSTER, at any time during his murder. The first physical gesture made by CHAPMAN was the picking up of the house brick which he used to bash WEBSTER to death with.</p>
Indicators	(y/n)
<p>Bias Crime – sufficient evidence/information exists to prove beyond a reasonable doubt that the incident was either wholly or partially motivated by bias towards one of the protected categories and constitutes a criminal offence.</p>	No
<p>Suspected Bias Crime – evidence/information exists that the incident may have been motivated by bias but the incident cannot be proven beyond a reasonable doubt that it was either wholly or partially motivated by bias and constitutes a criminal offence.</p>	Yes

Not Bias Crime – the incident has been determined as either not being motivated by bias towards a protected group or although bias motivation is in evidence it does not relate to a protected group.	No
Insufficient Information – insufficient information has been recorded to make a determination in regards to bias motivation. This may be due to a lack of detail recorded by police or a lack of information supplied by victim's and/or witnesses.	No
GENERAL COMMENT	
The only available information in regards to the events surrounding the murder of WEBSTER is gleaned from the record of interview completed by CHAPMAN following his arrest. CHAPMAN claims that conversation was had between the two in respect to WEBSTER expressing his desire to engage in sexual activity with a child star on the movie they were watching. There is no evidence suggesting CHAPMAN responded adversely to these comments. There is no evidence suggesting CHAPMAN made any bias related comments, written statements or gestures to WEBSTER during the murder.	
3. Drawings, Markings, Symbols, Tattoos, Graffiti	
Prompts	Comment
<ul style="list-style-type: none"> <i>Bias related drawings, markings, symbols or graffiti were left at the scene or were seen on the POI</i> 	A review of 17 photographs of the crime scene failed to depict any bias related drawings, markings, symbols or graffiti (PH-37). A further 24 photographs of the scene and also the skeletal remains of WEBSTER located in situ underneath the building as well as photographs of the post-mortem examination all failed to depict or describe any bias related drawings, markings, symbols or graffiti (PH-38). No photographs of CHAPMAN were observed during the review.
<ul style="list-style-type: none"> <i>Before discounting symbols, ensure that you understand the meaning of the symbol</i> 	No drawings, markings, symbols or graffiti were present at the scene or on the deceased body.
Indicators	(y/n)
Bias Crime – sufficient evidence/information exists to prove beyond a reasonable doubt that the incident was either wholly or partially motivated by bias towards one of the protected categories and constitutes a criminal offence.	No
Suspected Bias Crime – evidence/information exists that the incident may have been motivated by bias but the incident cannot be proven beyond a reasonable doubt that it was either wholly or partially motivated by bias and constitutes a criminal offence.	No

Not Bias Crime – the incident has been determined as either not being motivated by bias towards a protected group or although bias motivation is in evidence it does not relate to a protected group.	Yes
Insufficient Information – insufficient information has been recorded to make a determination in regards to bias motivation. This may be due to a lack of detail recorded by police or a lack of information supplied by victim's and/or witnesses.	No
GENERAL COMMENT	
41 photographs of the scene and also the skeletal remains of WEBSTER located in situ underneath the building as well as photographs of the post-mortem examination all failed to depict or describe any bias related drawings, markings, symbols or graffiti. No photographs of CHAPMAN were observed during the review.	
4. Organised Hate Groups (OHG)	
Prompts	Comment
<ul style="list-style-type: none"> <i>Objects or items that represent the work of an OHG were left at the scene, e.g. business cards, flyers, burning cross</i> 	<p>Upon murdering WEBSTER with a house brick, CHAPMAN placed WEBSTER in his bed and left the premises. CHAPMAN returned three days later, removed the body and secreted it at the location (underneath the unit complex) where it was eventually found (OD-144). Approximately four months after WEBSTER'S murder, Police attended WEBSTER'S residence to conduct an examination of the scene. In a statement from DSC Robert WELLINGS he states, "I saw a sandstock solid brick standing on its end in the fireplace. I examined the brick and saw that it contained a yellow stain in a splatter effect. I also noticed strands of dark coloured hair adhering to it" (ST-265). CHAPMAN did not bring with him the brick, utilising the objects that were around him at the time. Evidence suggests the brick was being used as a doorstep in WEBSTER'S unit. There were no other items left at the scene following the murder. The brick, whilst the weapon used to inflict the injuries to WEBSTER, does not represent the work of an OHG.</p>
<ul style="list-style-type: none"> <i>An OHG claimed responsibility</i> 	<p>WEBSTER was reported missing on the 10 December 1993 with suggestion he was last seen alive on the 25 November</p>

	1993. On the 18 March 1994 WEBSTER'S badly decomposed remains were found buried in soil under the verandah of ■ Little Rudder Street, Kempsey. On the same day CHAPMAN was interviewed during which he made admissions to assaulting WEBSTER before placing him in his bed and leaving the premises (■ Little Rudder Street, Kempsey). CHAPMAN returned three days later, removed the body and secreted it at the location where it was eventually found. (OD-144). No other persons claimed responsibility for the murder of WEBSTER. There is no evidence to suggest CHAPMAN was affiliated with an OHG.
<ul style="list-style-type: none"> • <i>There are indications that an OHG was involved or active in the area</i> 	There are no indications that an OHG was involved or active in the area.
<ul style="list-style-type: none"> • <i>MO is similar to known MO of an OHG</i> 	CHAPMAN, after consuming an amount of alcohol and Cannabis became aware that he was being dragged by WEBSTER to his bedroom. CHAPMAN picked up a house brick and struck WEBSTER on the head a number of times. He fell to the floor and CHAPMAN placed him in his bed and left the premises. CHAPMAN returned three days later, removed the body and secreted it at the location where it was eventually found. There is no indication that this MO is similar to any known OHG'S.
Indicators	(y/n)
Bias Crime – sufficient evidence/information exists to prove beyond a reasonable doubt that the incident was either wholly or partially motivated by bias towards one of the protected categories and constitutes a criminal offence.	No
Suspected Bias Crime – evidence/information exists that the incident may have been motivated by bias but the incident cannot be proven beyond a reasonable doubt that it was either wholly or partially motivated by bias and constitutes a criminal offence.	No
Not Bias Crime – the incident has been determined as either not being motivated by bias towards a protected group or although bias motivation is in evidence it does not relate to a protected group.	Yes
Insufficient Information – insufficient information has been recorded to make a determination in regards to bias motivation. This may be due to a lack of detail recorded by police or a lack of information supplied by victim's and/or witnesses.	No

GENERAL COMMENT

There were no other items left at the scene following the murder. The brick, whilst the weapon used to inflict the injuries to WEBSTER, does not represent the work of an OHG. CHAPMAN was arrested approximately four months after WEBSTER'S disappearance following the discovery of WEBSTER'S remains. CHAPMAN was interviewed during which he made admissions to assaulting WEBSTER before placing him in his bed and leaving the premises (█ Little Rudder Street, Kempsey). CHAPMAN returned three days later, removed the body and secreted it at the location where it was eventually found. No other persons claimed responsibility for the murder of WEBSTER. There is no evidence to suggest CHAPMAN was affiliated with an OHG or that the MO was that of an OHG.

5. Previous existence of Bias Crime Incidents

Prompts	Comment
<ul style="list-style-type: none"> • <i>Victim was visiting a location where previous bias crimes had been committed against members of the victim's group</i> 	<p>WEBSTER was murdered at his unit in his Little Rudder Street, Kempsey unit. There are no recorded incidents of bias crime having occurred at this location.</p>
<ul style="list-style-type: none"> • <i>Several incidents occurred in the same area and the victims were members of the same group</i> 	<p>No previous incidents of bias related crime or homicide are recorded against the location. There is no evidence to suggest WEBSTER actively associated with other homosexuals in the area.</p>
<ul style="list-style-type: none"> • <i>Victim has received previous harassing mail, email, social media posts or phone calls or has been the victim of verbal abuse (anti-gay) based on his/her affiliation with a targeted group</i> 	<p>Evidence suggests a recurring theme amongst WEBSTER'S neighbours in respect to them not wanting much to do with WEBSTER because of his sexuality and speculation surrounding him being involved with children. Neighbour [111] stated, "I never myself had a drink with Yowie [WEBSTER], in particular because I learned that he was a bi-sexual so I wanted nothing to do with him." [111] described an incident, prior to the murder, where he heard WEBSTER being assaulted by an unknown Aboriginal male. He was in the company of Phillip CHAMPMAN, "He was being hit hard and was really screaming out... I was going to go and see how he was but Phillip and █ said not to worry about him. I wasn't too concerned because I heard he was a 'rockspider" [111] stated, "Yowie was the sort of bloke whose reputation followed him about and people just didn't want to have much to do with him" It is not known what was the motivator behind the argument with the aboriginal male however it is likely that WEBSTER'S sexuality and the perception that he was involved with underage boys may have been cause for him to be victim of verbal and physical abuse. During interview, CHAPMAN explained that "...there was a certain number of occasions when I [CHAPMAN] was in the next door flat which – where [111] lives,</p>

	number 2, and heard quite a few bashings going on in there, and mostly it was subjected towards Barry Webster" (ER-33). There is no evidence or previous reported incidents that suggest WEBSTER had been receiving harassing mail, email or phone calls.
<ul style="list-style-type: none"> Recent bias incidents or crimes may have sparked retaliatory bias crime 	It is not known what was the motivator behind the argument with the aboriginal male was. It is likely that WEBSTER'S sexuality and the perception that he was involved with underage boys may have been cause for him to be victim to verbal and physical abuse prior to being murdered by CHAPMAN. CHAPMAN is not known to have been involved in any bias related crimes or incidents. There is no evidence to suggest CHAPMAN murdered WEBSTER because of a knowledge or perception surrounding WEBSTER'S sexuality or involvement with underage boys. CHAPMAN does however admit that in the past WEBSTER made sexual overtures towards him. "It wasn't very often. But sometimes, you know, like his hands would wander when he was drunk or he'd say something really filthy to me, you know, and I just put it down just you know, just being drunk, what-not, you know. Some of the times he did get out of hand and I just said, "Look, you know, if you don't stop touching me, you know, I'm going to smash you" (ER-37).
Indicators	(y/n)
Bias Crime – sufficient evidence/information exists to prove beyond a reasonable doubt that the incident was either wholly or partially motivated by bias towards one of the protected categories and constitutes a criminal offence.	No
Suspected Bias Crime – evidence/information exists that the incident may have been motivated by bias but the incident cannot be proven beyond a reasonable doubt that it was either wholly or partially motivated by bias and constitutes a criminal offence.	Yes
Not Bias Crime – the incident has been determined as either not being motivated by bias towards a protected group or although bias motivation is in evidence it does not relate to a protected group.	No
Insufficient Information – insufficient information has been recorded to make a determination in regards to bias motivation. This may be due to a lack of detail recorded by police or a lack of information supplied by victim's and/or witnesses.	No

GENERAL COMMENT

Evidence suggests a recurring theme amongst WEBSTER'S neighbours in respect to them not wanting much to do with WEBSTER because of his sexuality and speculation surrounding him being involved with children. Neighbour [111] stated, "I never myself had a drink with Yowie [WEBSTER], in particular because I learned that he was a bi-sexual so I wanted nothing to do with him." [111] described an incident, prior to the murder, where he heard WEBSTER being assaulted by an unknown Aboriginal male. He was in the company of Phillip CHAMPMAN; "He was being hit hard and was really screaming out... I was going to go and see how he was but Phillip and [REDACTED] said not to worry about him. I wasn't too concerned because I heard he was a 'rockspider'" It is not known what was the motivator behind the argument with the aboriginal male however it is likely that WEBSTER'S sexuality and the perception that he was involved with underage boys may have been cause for him to be victim of verbal and physical abuse. There is no evidence to suggest CHAPMAN murdered WEBSTER because of a knowledge or perception surrounding WEBSTER'S sexuality or involvement with underage boys.

6. Victim/Witness Perception

Prompts	Comment
<ul style="list-style-type: none"> <i>Witnesses (actual) perceive that the incident was motivated by bias</i> 	There were no actual witnesses to the murder of WEBSTER. Although a number of the witnesses spoken to were aware WEBSTER had been incarcerated for a sex offence involving a child, there is no information available that suggests a perception that WEBSTER'S disappearance and murder to have been motivated by bias.
Indicators	(y/n)
Bias Crime – sufficient evidence/information exists to prove beyond a reasonable doubt that the incident was either wholly or partially motivated by bias towards one of the protected categories and constitutes a criminal offence.	No
Suspected Bias Crime – evidence/information exists that the incident may have been motivated by bias but the incident cannot be proven beyond a reasonable doubt that it was either wholly or partially motivated by bias and constitutes a criminal offence.	No
Not Bias Crime – the incident has been determined as either not being motivated by bias towards a protected group or although bias motivation is in evidence it does not relate to a protected group.	Yes
Insufficient Information – insufficient information has been recorded to make a determination in regards to bias motivation. This may be due to a lack of detail recorded by police or a lack of information supplied by victim's and/or witnesses.	No

GENERAL COMMENT

There were no actual witnesses to the murder of WEBSTER. Although a number of the witnesses spoken to were aware WEBSTER had been incarcerated for a sex offence involving a child. There is no information available that suggests a perception that WEBSTER'S disappearance and murder to have been motivated by bias.

7. Motive of Offender/s

Prompts	Comment
<ul style="list-style-type: none"> <i>POI was previously involved in similar incident or is a member/associates with members of an OHG</i> 	Prior to the murder of WEBSTER, CHAPMAN had no recorded incidents involving high levels of violence. There is no evidence to suggest CHAPMAN was a member of or associated with an OHG.
<ul style="list-style-type: none"> <i>The victim was in company of a member of the targeted group</i> 	During interview CHAPMAN "...admitted to being with WEBSTER, in his flat, on or about the 26 November 1993. After consuming an amount of alcohol and cannabis CHAPMAN became aware that he was being dragged by WEBSTER to his bedroom. CHAPMAN picked up a house brick and struck WEBSTER on the head a number of times. He fell to the floor and CHAPMAN placed him in his bed and left the premises" (OD-144). There is no evidence that suggests any other persons other than WEBSTER and CHAPMAN was present at the time of the WEBSTER'S murder.
<ul style="list-style-type: none"> <i>The victim was perceived to be breaking from traditional conventions or working non-traditional employment</i> 	WEBSTER was described by [1109] as someone who "...would spend most of his dole money on drink" and marijuana. Barry worked at St Vincent DePaul on "...Mondays and Tuesdays doing community work" (ST-271). WEBSTER was known for his fondness of younger boys with him being sent to gaol after sexually assaulting a 17 year old boy.
<ul style="list-style-type: none"> <i>The POI has a history of previous crimes with similar MO and involving other victims of the same group</i> 	Prior to being charged with the murder of WEBSTER, CHAPMAN had no recorded incidents involving a similar MO or involving victims of a similar inclination to CHAPMANN.
Indicators	(y/n)
Bias Crime – sufficient evidence/information exists to prove beyond a reasonable doubt that the incident was either wholly or partially motivated by bias towards one of the protected categories and constitutes a criminal offence.	No
Suspected Bias Crime – evidence/information exists that the incident may have been motivated by bias but the incident cannot be proven beyond a reasonable doubt that it was either wholly or partially motivated by bias and constitutes a criminal offence.	No

Not Bias Crime – the incident has been determined as either not being motivated by bias towards a protected group or although bias motivation is in evidence it does not relate to a protected group.	Yes
Insufficient Information – insufficient information has been recorded to make a determination in regards to bias motivation. This may be due to a lack of detail recorded by police or a lack of information supplied by victim's and/or witnesses.	No

GENERAL COMMENT

Prior to the murder of WEBSTER, CHAPMAN had no recorded incidents involving high levels of violence. There is no evidence to suggest CHAPMAN was a member of or associated with an OHG. During interview CHAPMAN "...admitted to being with WEBSTER, in his flat, on or about the 26 November 1993. After consuming an amount of alcohol and cannabis CHAPMAN became aware that he was being dragged by WEBSTER to his bedroom. CHAPMAN picked up a house brick and struck WEBSTER about the head a number of times. He fell to the floor and CHAPMAN placed him in his bed and left the premises. CHAPMAN returned 3 days later, removed the body and secreted it at the location where it was eventually found. Evidence suggests a recurring theme amongst WEBSTER'S neighbours in respect to them not wanting much to do with WEBSTER because of his sexuality and speculation surrounding him being involved with children. There is no evidence to suggest CHAPMAN murdered WEBSTER because of a knowledge or perception surrounding WEBSTER'S sexuality or involvement with underage boys. CHAPMAN justified his actions purely as a result of an unwanted homosexual advance. CHAPMAN during interview recalled WEBSTER "... grabbing me and then we was near the bedroom, I just picked up a brick that was a door stopper and I smashed him on the head with it to stop him touching me because he definitely was taking me in the room for sex and I didn't want no part of that because I'm not a homosexual" CHAPMAN was allegedly saying "I want to take you in to bedroom. I want to take you now" "That's when I [CHAPMAN] sort of snapped out, realised that he was in the raw (nude) and he had me by the arm pretty hard and I was pretty pissed and the only - the only method of escape away from that was me hitting him with a brick. Just to stop him doing that because I didn't want him to do it."

8. Location of Incident

Prompts	Comment
<ul style="list-style-type: none"> <i>The victim was in or near an area or place commonly associated with or frequented by members of a particular group e.g. beat</i> 	WEBSTER was murdered in his unit at ■■■ Little Rudder Street, Kempsey. This location was not commonly associated with or known to be frequented by other homosexual males however given it was WEBSTER'S residence; it is possible he had sexual encounters with men/boys at the location.
<ul style="list-style-type: none"> <i>The location of an incident has specific significance to the victim or POI group e.g. cemetery, religious building, historical landmark, etc</i> 	There is no evidence to suggest the location of the incident had any specific significance to either WEBSTER or CHAPMAN other than being WEBSTER'S residence.
Indicators	(y/n)
Bias Crime – sufficient evidence/information exists to prove beyond a reasonable doubt that the incident was either wholly or partially motivated by bias towards one of the protected categories and constitutes a criminal offence.	No

Suspected Bias Crime – evidence/information exists that the incident may have been motivated by bias but the incident cannot be proven beyond a reasonable doubt that it was either wholly or partially motivated by bias and constitutes a criminal offence.	No
Not Bias Crime – the incident has been determined as either not being motivated by bias towards a protected group or although bias motivation is in evidence it does not relate to a protected group.	Yes
Insufficient Information – insufficient information has been recorded to make a determination in regards to bias motivation. This may be due to a lack of detail recorded by police or a lack of information supplied by victim's and/or witnesses.	No

GENERAL COMMENT

WEBSTER was murdered in his unit at [REDACTED] Little Rudder Street, Kempsey. This location was not commonly associated with or known to be frequented by other homosexual males. There is no evidence to suggest the location of the incident had any specific significance to either WEBSTER or CHAPMAN other than being WEBSTER'S residence.

9. Lack of Motive

Prompts	Comment
<ul style="list-style-type: none"> <i>No clear economic or other motive for the incident exists</i> 	<p>CHAPMAN justified his actions as a result of an unwanted homosexual advance. CHAPMAN during interview recalled WEBSTER "... grabbing me and then we was near the bedroom, I just picked up a brick that was a door stopper and I smashed him on the head with it to stop him touching me because he definitely was taking me in the room for sex and I didn't want no part of that because I'm not a homosexual" CHAPMAN was allegedly saying "I want to take you in to bedroom. I want to take you now" "That's when I [CHAPMAN] sort of snapped out, realised that he was in the raw (nude) and he had me by the arm pretty hard and I was pretty pissed and the only - the only method of escape away from that was me hitting him with a brick. Just to stop him doing that because I didn't want him to do it" CHAPMAN decides to make "it look like a robbery" by removing a number of personal belonging's owned by the flat mate [REDACTED] CHAMPMAN describes secreting the body under the house, beneath the veranda;"... so I just easily prised them up (floor boards) and just put his body in and then got in and dug a hole, well, just threw dirt and his</p>

	blanket over him" (ER-37). Whilst property was taken from WEBSTER'S unit, robbery does not appear to be a motive with it being an afterthought in an effort to conceal the murder.
Indicators	(y/n)
Bias Crime – sufficient evidence/information exists to prove beyond a reasonable doubt that the incident was either wholly or partially motivated by bias towards one of the protected categories and constitutes a criminal offence.	No
Suspected Bias Crime – evidence/information exists that the incident may have been motivated by bias but the incident cannot be proven beyond a reasonable doubt that it was either wholly or partially motivated by bias and constitutes a criminal offence.	No
Not Bias Crime – the incident has been determined as either not being motivated by bias towards a protected group or although bias motivation is in evidence it does not relate to a protected group.	No
Insufficient Information – insufficient information has been recorded to make a determination in regards to bias motivation. This may be due to a lack of detail recorded by police or a lack of information supplied by victim's and/or witnesses.	Yes
GENERAL COMMENT	
<p>CHAPMAN provided a clear motive for the murder of WEBSTER during interview justifying his actions purely as a result of an unwanted homosexual advance. CHAPMAN told investigators during interview, I can remember him [WEBSTER] grabbing me and then we was near the bedroom, I just picked up a brick that was a door stopper and I smashed him on the head with it to stop him touching me because he definitely was taking me in the room for sex and I didn't want no part of that because I'm not a homosexual" "That's when I [CHAPMAN] sort of snapped out, realised that he was in the raw (nude) and he had me by the arm pretty hard and I was pretty pissed and the only - the only method of escape away from that was me hitting him with a brick. Just to stop him doing that because I didn't want him to do it." CHAPMAN decided to make "it look like a robbery" by removing a number of personal belonging's owned by the flat mate [REDACTED]; CHAMPMAN describes secreting the body under the house, beneath the veranda;"... so I just easily prised them up (floor boards) and just put his body in and then got in and dug a hole, well, just threw dirt and his blanket over him" Whilst property was taken from WEBSTER'S unit, robbery does not appear to be a motive with it being an afterthought in an effort to conceal the murder. There is no evidence to suggest any economic other motive.</p>	
10. Level of Violence	
Prompts	Comment
<ul style="list-style-type: none"> The level of violence and injuries sustained by the victim/s is greater than would be expected for a crime of that type 	<p>After consuming an amount of alcohol and cannabis CHAPMAN became aware that he was being dragged by WEBSTER to his bedroom. CHAPMAN picked up a house brick and struck WEBSTER about the head a number of times. He fell to the floor and CHAPMAN</p>

	<p>placed him in his bed and left the premises. CHAPMAN returned 3 days later, removed the body and secreted it at the location where it was eventually found (OD-144). As a result of the post-mortem, Doctor CALA said, "A large triangular depressed fracture of the right fronto-parietal region of the skull was present." In relation to soft tissues, Doctor CALA said, "The cranial and thoracic cavities were completely void of soft tissues with no organs remaining. No abdominal organs were present for examination". "The direct cause of death was (a) Blunt force injuries to the head" (OD-153). Given the circumstances, as described by CHAPMAN, the level of violence displayed in inflicting such injuries as a result of an unwanted sexual advance is greater than what would be expected.</p>
<ul style="list-style-type: none"> <i>Weapons of opportunity are used in the incident</i> 	<p>CHAPMAN used a house brick that was being used as a door stop inside WEBSTER'S unit to inflict the injuries to WEBSTER'S head which resulted in his death. There is no evidence suggesting CHAPMAN took with him anything to WEBSTER'S unit with it likely that he has taken hold of the house brick because it was in arms reach.</p>
<ul style="list-style-type: none"> <i>The number of POI's is greater than the number of victims and all POI's take an active role in the assault</i> 	<p>CHAPMAN acted alone in the murder of WEBSTER. There is nothing suggestive of any other persons being involved or aware of CHAPMAN'S actions.</p>
Indicators	(y/n)
Bias Crime – sufficient evidence/information exists to prove beyond a reasonable doubt that the incident was either wholly or partially motivated by bias towards one of the protected categories and constitutes a criminal offence.	No
Suspected Bias Crime – evidence/information exists that the incident may have been motivated by bias but the incident cannot be proven beyond a reasonable doubt that it was either wholly or partially motivated by bias and constitutes a criminal offence.	No
Not Bias Crime – the incident has been determined as either not being motivated by bias towards a protected group or although bias motivation is in evidence it does not relate to a protected group.	Yes
Insufficient Information – insufficient information has been recorded to make a determination in regards to bias motivation. This may be due to a lack of detail recorded by police or a lack of information supplied by victim's and/or witnesses.	No

GENERAL COMMENT

After consuming an amount of alcohol and Cannabis CHAPMAN became aware that he was being dragged by WEBSTER to his bedroom. CHAPMAN picked up a house brick and struck WEBSTER about the head a number of times. He fell to the floor and CHAPMAN placed him in his bed and left the premises. CHAPMAN returned 3 days later, removed the body and secreted it at the location where it was eventually found. The direct cause of death was (a) Blunt force injuries to the head. Given the circumstances, as described by CHAPMAN, the level of violence displayed in inflicting such injuries as a result of an unwanted sexual advance is greater than what would generally be expected.

SUMMARY OF FINDINGS

Indicator: Suspected Bias Crime (SBC)

Comment: At the time of his murder, Barry WEBSTER appeared to be known by his neighbours and associates as a homosexual male. It was established that over the years, WEBSTER had been involved with younger boys and was sent to gaol after sexually assaulting a 17 year old boy by the name of [112]. [112] Phillip CHAPMAN, upon his arrest participated in an interview during which CHAPMAN spoke about his knowledge of WEBSTER'S sexuality and made comment on him being straight stating, "Well I got told actually that Barry was a homosexual and - and [sic] I made it distinctly clear, you know, that, 'Hey, gays are tolerable but as long as they stay on their side of the fence and I stay on mine'. So, in other words, I'm straight and he's gay, and that's what it was, you know." There was no known historical animosity between CHAPMAN and WEBSTER. The only available information in regards to the events surrounding the murder was gleaned from the record of interview completed by CHAPMAN following his arrest. CHAPMAN told investigators during interview, I can remember him [WEBSTER] grabbing me and then we was near the bedroom, I just picked up a brick that was a door stopper and I smashed him on the head with it to stop him touching me because he definitely was taking me in the room for sex and I didn't want no part of that because I'm not a homosexual" "That's when I [CHAPMAN] sort of snapped out, realised that he was in the raw (nude) and he had me by the arm pretty hard and I was pretty pissed and the only - the only method of escape away from that was me hitting him with a brick. Just to stop him doing that because I didn't want him to do it" He fell to the floor and CHAPMAN placed him in his bed and left the premises. CHAPMAN returned three days later, removed the body and secreted it at the location where it was eventually found. CHAPMAN decides to make "it look like a robbery" by removing a number of personal belonging's owned by the flat mate [110]. Evidence suggests a recurring theme amongst WEBSTER'S neighbours in respect to them not wanting much to do with WEBSTER because of his sexuality and speculation surrounding him being involved with children. Neighbour [111] stated, "I never myself had a drink with Yowie [WEBSTER], in particular because I learned that he was a bi-sexual so I wanted nothing to do with him." [111] described an incident, prior to the murder, where he heard WEBSTER being assaulted by an unknown Aboriginal male. He was in the company of CHAPMAN; "He was being hit hard and was really screaming out... I was going to go and see how he was but Phillip and [REDACTED] said not to worry about him. I wasn't too concerned because I heard he was a 'rockspider'" It is not known what was the motivator behind the argument with the aboriginal male however it is likely that WEBSTER'S sexuality and the perception that he was involved with underage boys may have been cause for him to be victim of verbal and physical abuse. There is no evidence to suggest CHAPMAN murdered WEBSTER because of a knowledge or perception surrounding WEBSTER'S sexuality or involvement with underage boys. Prior to the murder of WEBSTER, CHAPMAN had no recorded incidents involving high levels of violence. There is no evidence to suggest CHAPMAN was a member of or associated with an OHG. CHAPMAN justified his actions purely as a result of an unwanted homosexual advance. The direct cause of death was (a) Blunt force injuries to the head. Given the circumstances, as described by CHAPMAN, the level of violence displayed in inflicting such injuries as a result of an unwanted sexual advance is greater than what would generally be expected.