

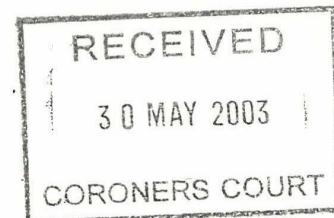
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W1894 116/03 YG-A

NEW SOUTH WALES STATE CORONER'S COURT

SENIOR DEPUTY STATE CORONER: J MILLEDGE



5 MONDAY 31 MARCH 2003

**INQUEST TOUCHING THE DEATHS OF ROSS BRADLEY WARREN, GILLES
JACQUES MATTAINI AND JOHN ALLAN RUSSELL**

10 **NON-PUBLICATION ORDERS MADE**

15 Mr P Lakatos Assisting the Coroner
Mr P Saidi for Commissioner of Police
Mr T Russell (Father of John Russell)
Mr P Russell (Brother of John Russell)

20 CORONER: Mr Ted Russell and Mr Peter Russell, are you
happy sitting where you are? Are you comfortable where
you are?

25 RUSSELLS: Yes.

30 CORONER: Because you understand - you're not legally
represented this morning and nor do you need to be because
Mr Lakatos is going to be assisting me in this inquiry.
If there was anything that you wanted asked of the
witnesses - I'm sure Mr Lakatos has already spoken to you
about this - please feel free to let him know or
Miss Aitken if he's on his feet at the time, but I want
you to feel that you're very much a part of this. Do you
understand? You've waited a long time for something to be
35 done and I'm not sure how far we will go in unearthing the
truth of all the circumstances surrounding your son and
your brother's death, but we're going to do our very, very
best for him. Do you understand that? And for the other
40 two men, so please don't go thinking that you're simply
there on the sidelines, you're very important in this
process as well. If there's anything you need during the
course of the next few days, you let the court officer
know that and she'll make sure that you're looked after.
45 If you need water or you need a break or whatever, you
just let us know, okay? All right, thankyou.

LAKATOS: Your Worship, there are a number of persons of
interest in connection with this inquiry.

50 CORONER: There certainly is.

LAKATOS: Two are in custody, NP22 and NP23.
I wonder if they might be brought before the Court.

55 CORONER: Of course they can be. We've just lost our
court officer. I think she's gone to arrange for just
that. Won't be a moment.

W1894 116/03 YG-A

LAKATOS: Is it possible to have both?

5 CORONER: Yes, by both can be - Mr Ted Russell and Mr Peter Russell, two of the people of interest are going to be sitting in those two seats down here at the back of these grey chairs at the table. Now are you comfortable with that arrangement? For security it's best that they be placed there.

10 LAKATOS: Perhaps whilst that's being done, I should point out that there are other persons of interest present in the Court. For the present purposes, they don't need to be identified at the moment. They know who they are.

15 CORONER: No, of course they don't. Good Mr Lakatos, thankyou. They all know their position. They've been sent letters. There's nothing more that we need to do at this stage.

20 LAKATOS: I think that's right your Worship, yes.

CORONER: Mr Saidi, there are no housekeeping matters that you needed attended to while we're just waiting?

25 SAIDI: No your Worship, no.

CORONER: Come in if you would, both - and just stand in front of those cream chairs there, if you would please. Just remain standing for the moment. Mr Lakatos, do you know **NP22** from **NP23** or shall I just ask them directly?

30 LAKATOS: Your Worship, **NP23** so indicates to me he's on your Worship's left. I therefore presume **NP22** is on your Worship's right.

35 CORONER: Gentlemen, you know why you're here. You know that this inquest into the death of Mr Warren and the suspected deaths of Mr Mattaini and - sorry, the death of Mr Russell and Mr Warren. You understand that, don't you?

40 **NP22**: Yeap.

45 CORONER: And you've received letters to say that you are persons of interest in relation to the death and the disappearance of the other two men? Yes you received those letters?

NP22: Yes.

50 CORONER: You are here today to hear the overview of Detective Page. He is the detective who conducted the investigation into the death of Mr Russell and the suspected deaths of the other two men. If you wish to remain in court for the entire hearing, it's going to take something like 10 days, if not two weeks, you would have to make an application at the end of the day if you wish to return to the Court. I don't know whether that's something that you've thought about. Have you thought

W1894 116/03 YG-A

about it?

NP22: Not really, I--

5 CORONER: What is your feeling now? Would you be happy just to be here to hear from the detective to see what direction the investigation is taking or are your thoughts that you would want to be here every day?

10 **NP22**: I don't know, probably just to see where it's headed.

CORONER: That's what we thought actually. I know it's very difficult for you to travel because you've got to move around. They've got to make arrangements for your transportation and it's very, very difficult. See how you go as the day progresses. We'll ask you - we'll re-visit that, see whether you've got any application to make. You're not represented. Neither one of you is legally represented.

NP22: No.

25 CORONER: I understand you couldn't get legal aid because of the nature of these proceedings, is that right?

NP22: Yes.

30 CORONER: What I'll do, at the end of the detectives' - at the end of every witness that we deal with today - it may very well be that we just deal with Detective Page - I'll call on you to ask whether either one of you has any questions of the witnesses. Do you understand that?

35 **NP22**: Yes.

CORONER: Do you have any questions about these proceedings now before we start?

40 **NP22**: No.

CORONER: No? Both of you - all right then. Are you happy to sit together or do you want to be separated?

45 **NP22**: ..(not transcribable)..

CORONER: You understand that this isn't a custody court as it is, so we have to have you handcuffed, all right? Okay, thankyou. Just take a seat, if you would please.

50 LAKATOS: Your Worship, for the benefit of the unrepresented persons, **NP22 & NP23**, I should say this; their names have arisen in the course of the extensive police enquiry into the death of Mr Russell and the disappearances of Mr Warren and Mr Mattaini in the context that they have been convicted of an offence with similarities to these three events. Therefore, they are here because of that similarity primarily. The second

W1894 116/03 YG-A

matter is that contained in the brief are either listening device or telephone intercept materials which, if I might put it broadly, disclose discussions they had - very general discussions, I should fairly say - about these
 5 general matters. It would be, subject to what
 NP22 & NP23 choose to do, probably an adequate situation so far as their appearance is concerned if they hear the general allegations which I'll summarise in my opening and those which Detective Sergeant Page will
 10 allude to and then at the very end of the case, we would seek to have them returned with a view to asking questions of them about that which they know and of course, I should say through your Worship that in the context of the giving of evidence, I recommend that both seek some legal advice
 15 as to what they would choose to do in that regard. It is clear that they do not have to give evidence subject to certain considerations and through your Worship, I simply say to them that once they've heard the opening, they should then consider their position because they will be
 20 recalled and I will attempt to ask them questions if they allow those questions to be asked, subject to the legal considerations. I think as a matter of fairness, I should put that on the record so that they have at least a little understanding of their participation in this lengthy
 25 inquiry.

CORONER: Do you understand? Quite simply, Mr Lakatos is saying during the course of the hearing, you will be called on to give some evidence. Your position may be
 30 that you don't want to say anything and given the material that we have that has put you in the position that you are with regards to being persons of interest, it may very well be that the Court will agree with you and say that it is your right to remain silent, but that's an application
 35 that you've got to make to the Court. Do you understand? Do you understand what I'm saying to you?

NP22: Sort of.

CORONER: What Mr Lakatos was saying, that you are persons of interest because of the very matter that you're in gaol over now, because of the similarities in that and the matters that we are looking at, we're very interested in you as to whether you have been involved in these deaths.
 45 Do you understand? Yes. Now because of that, everyone has the right to remain silent if what they're going to say is going to incriminate them of an offence. Do you understand that?

50 NP22: Yes.

CORONER: In America I think they say they're going to take the Fifth, but here, we just say that you have the right to remain silent. Now that may be your application.
 55 What I'm saying to you is, after today you will go back and whether you want to come back or not, I will call you back at some stage and I will call on you to see if there's anything that you want to say about these matters.

W1894 116/03 YG-A

Your application to the Court may be that you don't want to say anything and quite possibly, the Court might agree with that and allow you to come and go without giving any evidence at all. You understand that part of it?

5

NP22: Yes.

10 CORONER: So, after today, if you don't want to come back tomorrow, it may be perhaps early next week that you're recalled and that I'll give consideration then as to whether we hear from you in the witness box, all right? Now does that make sense to both of you, what I've said?

15

NP22: Yes.

20 CORONER: Mr Lakatos said also that it might be appropriate for you to get some legal advice for you to consider your position, what position you want to take in all of this. It may be that either one of you want to get in that witness box and say something. It may be that you may want to speak to police, I don't know. I don't know what's in your mind and I don't know what your feelings are with regards to the investigation that we're undertaking here now, but do you understand that? That you will need to come back and you will be called on to give some evidence, but in the meantime, if you feel that you've got anything to contribute, you may want to talk to Detective Page, but you need to get some legal advice on what position you should take with regards to these

25 proceedings.

30

NP22: Can I say something?

CORONER: Yes of course you can.

35

NP22: We are not able to gain legal advice. I have tried a few times last week to get some.

CORONER: Through Legal Aid?

40

NP22: Through Legal Aid and nobody wants anything to do with it. I'll just say it for the record, so that's a little bit of a problem at the moment.

45

CORONER: Okay, but that's because - and I don't know what you asked specifically with regards to legal advice, but I'm sure if you said that you were being involved in an inquest, that Legal Aid would not extend to that. Is that right Mr Lakatos?

50

LAKATOS: I think that's so your Worship.

55 CORONER: If you have - if you're thinking about this matter and you think "Look, we know something here that might assist this investigation and we want to talk to police about it", that's a very different position about the inquest. You could get some legal advice on that. Do you understand?

W1894 116/03 YG-A

NP22: Yes I do.

5 CORONER: But being represented at an inquest, they won't do it because they just don't have the funds available and they have to limit their resources.

NP22: Yes.

10 CORONER: Well through the prison authorities, we'll see what we can do if you want to speak to a lawyer.

NP22: Yeah, I just wanted some - I just wanted--

15 CORONER: But at least that's on the record.

LAKATOS: And I think, just to underline what your Worship said, I think it may be possible to have a legal adviser give **NP22 & NP23** advice as to whether they would exercise their right to give evidence or not. That's the critical question.

20

CORONER: Absolutely, but--

25 LAKATOS: I appreciate what **NP22** said about the fact that they were not represented here and your Worship's quite right about that, but it may be that we may attempt to make some contact with a Legal Aid lawyer and say "Can you go out and at least give them advice about giving evidence or not?". If **NP22 & NP23** are prepared to accept that advice, if we can arrange it, well and good, otherwise we'll have to deal with the matter when they're recalled.

30

35 CORONER: Absolutely, but it may be Mr Lakatos - and I don't want to spend much more time on this - but it may be that they choose to speak directly to Detective Page and not to this investigation.

40 LAKATOS: Quite so.

CORONER: And if they wish to do that, well it's important that they get some legal advice, but I agree with what you say.

45

LAKATOS: Your Worship, I propose to open at some little length about these various enquiries, if that is now convenient to do so.

50 CORONER: Okay, yes, of course. I think that's most appropriate, thank you.

LAKATOS: Your Worship, these are three joint inquests into the death or the suspected deaths of three persons; Ross Bradley Warren, John Allan Russell and Gilles Jacques Mattaini who's commonly referred to as Gill. I will refer to these gentlemen by their surname, not out of disrespect for them, but because the proceedings will be so long that

55

W1894 116/03 YG-A

I'll attempt to shortcircuit it, as I will with other witnesses, so--

CORONER: No, that's appropriate, thankyou.

5
LAKATOS: No offence should be taken by that reference. Gilles Jacques Mattaini disappeared in September of 1985. He's not been seen alive since that time. Ross Bradley Warren disappeared on 22 July 1989 and he's not been seen
10 alive since that time. John Allan Russell went missing on the evening of 22 November 1989 and his body was found at the base of a cliff at Marks Point (as said) between Bondi and Bronte. In fact, more specifically, between Bondi and Tamarama.

15 Your Worship, the cases of these three men are linked by the following common features; each of them was a gay man and at the relevant time, was aged between his mid
20 twenties and his early thirties. Each of them had no immediate history of attempted suicide and each was generally in good spirits when last seen alive. Russell met his death around Marks Point, South Bondi. Warren and Mattaini were apparently in that area in the time leading up to their respective disappearances.

25 The initial police investigations or enquiries were not as thorough as they might have been and in at least one case, that of Mr Russell, it resulted in the loss of a
30 significant physical evidence and finally, in the late 1980's and the early 1990's, perhaps to the present day, Marks Park was a known gay beat. That is to say, an area where gay males would meet for the purpose of casual sexual relationships and other contact.

35 Your Worship, the early investigations, such as they were, failed to cast light upon how each man came to disappear or came to his death. No evidence was uncovered which
40 directly linked any person with the death or disappearance of the three persons. The cases were allowed to lie unresolved for many years. As a result of the representations of Mrs Kay Warren - that is, the mother of Ross Warren - a fresh investigation was commenced into the death of her son, as well as Mattaini and Russell.
45 Mrs Warren sent a number of letters to the New South Wales Police Missing Persons Unit in the years 1998 through to the year 2000 seeking the finalisation of any police investigation and Coronial proceedings following upon her son's disappearance. She indicated that she was told by
50 the investigating police - investigating officer - some three months after her son's disappearance that "There was nothing much more to be done and the case was put on file".

55 Your Worship, in either late April 2001 or early May 2001, a police operation called Operation Taradale commenced, its terms of reference being to investigate the disappearance of Warren, the assault of one DM at the Bondi/Tamarama walk on 21 December 1989 and the

W1894 116/03 YG-A

5 death of Russell at South Bondi on 24 November 1989. The investigation was under the control of Detective Sergeant Stephen John Page and resulted in the brief before this Court, a brief which comprises in excess of 2,500 pages and with respect, represents a very complete, although unfortunately belated, investigation of these old incidents and deaths.

10 The brief is comprised your Worship of a statement of that detective, Detective Page dated 25 July 2002 comprising 258 pages and a second statement dated 28 August 2002 comprising seven pages, the latter involving investigations into the disappearance of Mattaini in 1985. There are your Worship, in all count, some 276 annexures and they comprise six lever arch folders of the kind before me and I'll tender that brief ultimately.

20 In or around the same time that these events occurred - that is to say, 1989/1990 - a number of gay men were attacked and in some cases, killed, in the inner and eastern suburbs of Sydney including Marks Point. Those similar offences were as follows; on 24 January 1990 at Alexandria Park, one Richard Norman Johnson was murdered. Eight persons were convicted in respect of that offence, five of manslaughter and three of murder. Those that were convicted of murder were **NP21**, **NP19** and **NP41** and those convicted of the manslaughter of Mr Johnson were **NP15**, **NP16**, **NP17**, **NP18** and **NP20**. The second like incident was the incident involving **NP22 & NP23** your Worship and that's the murder of a Thai national, Crichacorn Ratana Jarutahorn who was murdered on either the 20 or 21 July 1990 at MacKenzies Point, South Bondi ..(not transcribable).. to say that MacKenzies Point is the point off Marks Park. Your Worship, three persons were convicted of that offence - **NP24** and **NP22** and **NP23** who are, as your Worship knows, before the Court. The third comparable incident or like incident was the assault of one **190** at South Bondi on 18 December 1989 and identified in connection with that offence were one **NP43** who is before the Court and is a person of interest, **NP23** and another. The fourth incident was the assault of **DM** at South Bondi on 21 December 1989. **NP43** was once again identified in connection with that offence, as were nine other persons. The fifth incident your Worship was the murder of William Allen at Alexandria Park on 28 December 1988 - that is the preceding year. The next incident was the murder of Wayne Rick Tonks at Artarmon on 19 May 1990. It was initially thought in the investigation your Worship that there may have been a link between that person's murder, Mr Tonks and these incidents. As it transpired, two persons were charged in relation to that; **NP27** and **NP26** and so far as police are able to ascertain, there are no links in fact between any persons suspected in connection with these matters and that crime. Finally, [REDACTED], [REDACTED].

W1894 116/03 YG-A

5 Once again, the common links between all of these offences your Worship were that each was a gay person and each had been assaulted and/or killed. It appears, if the facts are to be accepted, without provocation and they were vicious, nasty assaults and/or murders.

10 Your Worship in 1991, it should be, the Homicide Unit, Major Crime Squad South was in the course of investigating the first of the events I've mentioned, the murder of Richard Johnson. Subsequent to that investigation, the unit made enquiries in relation to similar offences which occurred in the eastern suburbs in Alexandria. To that end, listening device warrants were obtained with a view to recording conversations with those persons linked to the Johnson murder. Those conversations - and I simply say this by way of very brief summary - made general references to attacks on gay men which occurred about that time, some of which I interpolate to say have identified various facts involved in the disappearance of Mr Warren, for example, and the death of Mr Russell. They are generalised comments and not specific, I hasten to add.

25 Accordingly your Worship, the present investigation also focused attention upon persons both proved and suspected to have been involved in the five or six offences I've elaborated. Some telephone intercept warrants were obtained by or on behalf of Detective Page for a period of some 90 days between September 2001 and December 2001 and in all, a total of some seventeen odd thousand calls were intercepted. In addition, listening devices were used in an attempt to obtain further evidence relating to the death and disappearances the subject of the present enquiries.

35 As a result of those enquiries, there were some investigative leads discovered. For example, there was statements attributed to one **NP57** who was said to be involved in, or at least part of the gangs which were involved in these events in the late eighties, early 40 nineties and those admissions will be referred to later. There is also the admission by **NP16** who was one of the eight persons convicted of the Johnson murder concerning his activities in or around that time.

45 The evidence your Worship gathered showed that in the late eighties and the early nineties, a number of groups or gangs of youths systematically engaged in the assault and the robbery of gay men in the Marks Park and other areas. The reason that such persons were targeted, so it appears, 50 appeared to be simply because they were gay men and also because it was known that gay male victims of such attacks often did not report such events to police. They were, to put no finer point on it, easy targets which or who it was thought by the attackers would not report it and 55 therefore, there was a degree of anonymity or protectiveness in these people. They thought they were safe, in effect.

W1894 116/03 YG-A

In the event your Worship the investigations have not provided evidence of the person or persons responsible for the disappearance of Gilles Mattaini and Ross Warren or for the death of John Russell.

5

Dealing with each of the persons separately your Worship - and this is a thumbnail sketch - Gilles Mattaini was aged approximately 27 years when he disappeared. He was born in France on 25 October 1958. Either in 1983 or 1984, being 17 March, he and his friend, Jacques Musy who will give evidence in these proceedings moved to Australia from France. On 16 August 1985 - I'm sorry, I should say that those persons lived together in a flat in Bondi. On 16 August 1985, Musy returned to France. Whilst he was there, he was contacted by a friend of both he and Mattaini, a Vincent Ottoviani and told that Mattaini had disappeared.

Your Worship, another friend who was then resident in France and who will be giving evidence, Antony Wyzynski, was telephoned in France on 15 September 1985. He was spoken to by Mattaini concerning Wyzynski's plan to come and visit in Australia. It appears that that is the last known contact by Mr Mattaini to anybody prior to his disappearance. Also on that day, 15 September 1985, Mattaini was seen by a neighbour walking at Bondi. The neighbour commented that Mattaini looked aloof. That appears to have been the last sighting of Mr Mattaini.

On 19 September 1985, Wyzynski was phoned by Ottoviani that Mattaini had not shown up at work, so that is some four days after the telephone call. On 24 September 1985, Mr Musy returned to Australia and on 28 September or early October, Wyzynski arrived in Australia and he and Ottoviani searched for Mr Mattaini. It appears their searches were fruitless your Worship. Unfortunately, Mr Vincent Ottoviani [REDACTED] either in 1992 or 1995. It was believed by either Mr Musy or Mr Wyzynski that the disappearance of Mattaini was reported to police officers approximate to the time he disappeared. That is to say, in September of 1985. Detective Page's enquiries have revealed no record of such a report and in fact, the first official record of Mr Mattaini's disappearance in police records was on 3 August 2002 and that was by virtue of a record created by Detective Sergeant Page.

Your Worship, Mr Mattaini's background is as follows; in his late teens, he attempted suicide at home by taking tablets and cutting his wrists, but he was discovered in time by his mother and of course, survived that incident. In the late 1970's or early 1980's, he was conscripted into the French army. Apparently, that was an unhappy time for him, leading to a further suicide attempt for which he was hospitalised. That attempt consisted of taking an overdose of pills. As I've indicated your Worship, Mr Mattaini and Mr Musy moved to Australia in 1983 and resided at Bondi. Mattaini overstayed his visa and this, it was said, caused him some distress. At the

W1894 116/03 YG-A

5 time of his disappearance, he was employed as a casual barman at the Menzies Hotel. It was his habit your Worship to take long walks near the Bondi/Bronte walking path which passes by Marks Park. He also owned a pair of stereo headphones which he usually wore when he took such walks. Mattaini was gay, but according to his friends, would not attend Marks Park for sexual purposes.

10 Upon his return to France, Mr Musy - return from France, I'm sorry - Mr Musy observed no signs of false entry into the flat that they shared and saw no disturbances. He, however, noticed the disappearance of the headphones, some keys and a bright yellow spray jacket which was missing. Those that knew him said that in the time leading up to
15 his death, Mr Mattaini appeared to be in good spirits and was looking forward to the visit by his friend, Mr Wyzynski. He was in good health and in the time that Mr Musy was in France, it appeared that he purchased bedding, carpets, picture frames in France all, so it
20 seemed, to welcome his friend, Mr Wyzynski, who was to stay with him for a while. It was said that Mr Mattaini was timid and shy and not promiscuous.

25 Mr Wyzynski has told police that he believed that Mr Ottoviani had reported Mattaini missing at the Paddington police station, but as I've earlier said, no record of such report was found on the COPS system or in the missing persons data base when searches were conducted on 3 August 2002. As I've said, Mr Ottoviani has since
30 died. So far as Mr Mattaini's family is concerned, it appears that his father didn't want to have anything to do with him. His mother expressed no surprise about his disappearance and she believed that he had committed suicide. In July 2002, Mr Wyzynski contacted police after
35 seeing an article in the Star Observer about murders and hate crimes in the area.

40 Moving to the second person who disappeared, Ross Bradley Warren was aged 25 years at the time of his disappearance. He was born your Worship on 26 October 1964. He was a presenter with WIN 4 Television in Wollongong. On 21 July 1989, he left WIN Television at Wollongong to go to Sydney. At about 11pm on 21 July 1989, he was last seen
45 by Craig Ellis, his friend who he was visiting in Sydney, outside Mr Ellis' residence at [REDACTED] Albert Street, Redfern. At the time, Mr Warren was driving his Nissan Pulsar registration number NZC 783. He didn't say to Mr Ellis where he was going.

50 Between 11pm and 2am on the evening of the twenty first and the morning of the 22 July 1989, Mr Warren spent time drinking with a work mate, Phillip Rossini, in a number of bars in Oxford Street. At 2am, Mr Rossini parted company with Mr Warren and that is the last sighting of Mr Warren,
55 so it seems, alive that has been made or reported.

At about 8.15pm on 23 July, Mr Warren was reported missing to the Paddington police - that is to say, Constable

W1894 116/03 YG-A

Robinson - by his friend, Ellis and another friend, Paul Sausiss - if that is the incorrect pronunciation, I apologize to that gentleman. Those two gentlemen went looking at places where they thought Mr Warren might be and later located his vehicle at the intersection - I'm
 5 sorry, in Kenneth Street, Bondi which is very proximate to Marks Park, the area where these events occurred. On 24 July, Mr Ellis and Mr Sausiss went looking again in the general area and found Mr Warren's keys on a ledge near
 10 the water's edge below the cliff at Marks Park.

Your Worship, Mr Warren's mother, Mrs Kay Warren, last spoke to her son prior to his disappearance on the night of 16 July 1989 and according to her, she told police
 15 there was nothing out of the ordinary in that conversation. It was Warren's practice to ring his parents every Sunday night. Warren left his work at WIN TV in the afternoon of Friday 21 July 1989, as I've said, at about 7 to 8pm. He arrived at a friend's house in
 20 Redfern, Mr Craig Ellis. He was noted as being normal in behaviour and in good spirits. Warren indicated that he was going out for a few drinks with a work friend, Phillip. He also discussed going to a movie on Saturday with Ellis and Paul Sausiss.

25 He left the Ellis residence at about 11pm and drove his Nissan Pulsar to the Oxford Hotel. He there met up with his workmate, Phillip Rossini. At about 11.45pm according to Mr Rossini, the pair attended at the Gilligans Cocktail
 30 Bar in Taylor Square. They then went to the Vault in Oxford Street and then to the Midnight Shift nightclub. They left the nightclub at about 2am and Rossini parted company with Warren, Warren saying that he was heading back to his friend's place at Redfern. They had a
 35 tentative arrangement your Worship about going out the following night. Warren, at the time he left Rossini, was in good spirits and apparently not affected by liquor.

40 Early on Saturday evening - that is, the following night - Mr Ellis and Mr Sausiss became concerned that Warren had not returned and one or other telephoned the Paddington police. The next day, one of them called WIN Television and was informed that Warren did not attend work. They
 45 then attended the Paddington police station where they reported the matter to Constable Robinson. Ellis and Sausiss thought about where Warren might have gone and the suggestion of Marks Park, Tamarama arose. Ellis had first met Warren there and he knew that Warren had gone to that
 50 location on about three previous occasions to meet gay men for casual sex. As I've said your Worship, it was a known meeting place of gay men for this purpose.

Ellis and Sausiss went to Marks Park on Sunday evening. They there located Mr Warren's car parked at corner of
 55 Kenneth Street and Marks Lane on the ocean side of that street. Warren's wallet and a quantity of McDonalds rubbish were observed in the front seat of that vehicle. Ellis and Sausiss reported this find to the Paddington

W1894 116/03 YG-A

5 police. The next morning, 24 July 1989, those gentlemen
returned to Marks Park. They did a door knock of the
houses in that area. Ellis walked via an access route to
the rock shelf below Marks Park. At the bottom on a
nearby ledge, he saw a set of keys which he recognized as
10 belonging to Warren "placed on the ledge and were in a
pocket which had been formed in the rock". Warren's
friends and associates believe he did not commit suicide,
based upon his personality and on his outlook on life. It
15 appears from what his associates have said and from an
examination of his financial papers that Warren attended
to his financial obligations in the time preceding his
disappearance, this being an indication, according to
Detective Page, that it was unlikely he was contemplating
taking his life.

20 Warren's disappearance was reported to Constable Daniel
Robinson at the Paddington police station on 23 July.
Robinson completed a crime information report and directed
the dissemination of a document known as AMSM which I
think your Worship is a kind of an all points bulletin to
other police officers the following morning, 24 July.
Robinson recorded the enquiries he made in a statement.
25 The matter was investigated by a number of officers, the
head of the investigation at that time being Detective
Sergeant Bowditch and Officers Sharrock, Ryan and
Glascok. Those investigations were recorded in an
occurrence pad entry apparently written by Detective
Sergeant Bowditch on 28 July 1989.

30 The enquiries your Worship that the police undertook at
about that time were as follows; the police, Ellis and
Sausiss carried out a residential canvass of houses; the
water police and the police air wing were called upon to
35 assist and did so on 24, but not on 25 July, due to the
fact that on the second day, there were heavy seas and
poor visibility; statements were taken from Mr Ellis and
Mr Sausiss, Mr Warren's parents were briefed; a search of
Warren's Wollongong flat was conducted by local Wollongong
40 detectives; a number of associates of the missing persons
were interviewed, those associates being mainly work
colleagues at WIN Television. Mr Terry Moore, the news
director of that organization, was also interviewed.

45 It was said your Worship that the police air wing carried
out regular patrols along the eastern coastline. In the
statement given by Detective Sergeant Bowditch, who is now
a retired police officer, it was his opinion at that time
that it would not be difficult in envisaging somebody
50 slipping, so it appeared his preference as a likely
suggestion was that Mr Warren may well have slipped on the
rocks and fallen and disappeared. The police searched
Warren's vehicle at Kenneth Street and took possession of
a wallet and a key ring with eight keys. That property
55 was eventually returned to Warren's parents on 26 July
1989. I hasten to add your Worship that by reason of the
fact that these apparently valuable articles such as
wallets were found tends to at least suggest that robbery

W1894 116/03 YG-A

was not a prime motive of Mr Warren.

CORONER: Yes, that's so.

5 LAKATOS: It was then Sergeant Bowditch's opinion that
this was not a murder investigation and he forwarded the
brief of evidence to the Coroner's Court in early 1990. I
say your Worship, based on enquiries made by Detective
10 Page, that there is no record of such a brief having been
received by the Coroner's Unit, if I can put it that way.
In the course of the investigation, police received
information which suggested that Warren was in fact alive
and also which offered a number of explanations for his
disappearance. None of that information resulted in any
15 definite conclusions about the disappearance and in fact,
much of it has been discredited since that time.

Your Worship, some of the theories which were reported to
police and which I have to say were investigated
20 thoroughly and generally speaking, found to be disproved
were as follows; in about May 1989, Christine Jones who
was a make-up artist at WIN Television indicated that
Warren spoke to her about a relationship he had with a
person named Ken, a Maori who worked in a gym. The
25 complicating factor in that relationship was said to have
been that Ken, at the time, had a partner. Both Ken who
is a person by the name of Kingy Marsh, and his partner
who is a person by the name of Michael Mathison have since
been interviewed and that is a lead which has led nowhere
30 concerning Mr Warren's disappearance.

On 21 September 1989, a receptionist at the SBS Television
station, Elizabeth Fitzpatrick, received a call from a
35 person who represented himself to be Warren. Mr Warren
allegedly said that he was alive and that he disappeared
for various reasons which he couldn't explain and in
effect, newspaper reports about his disappearance were
rubbish. Once again, such investigations as could be done
with that information indicated no conclusive material
40 supporting any further enquiries.

Information was further received from one [188] who
was a South Australian resident to the effect that Warren
was in fact not dead. A message was received by another
45 person indicating [188] had information - and this was
about 21 July 1990 - that Warren had staged his
disappearance due to some drug debts. [188] was in
fact interviewed by South Australian police at the behest
of New South Wales investigating officers on 3 October
50 1990 and it was the view of the South Australian police
who conducted that extensive interview that [188] was
unreliable so far as the material he gave.

Another work colleague, Peter Andrea, made a statement in
55 November 2001 in which he indicated Warren had said to him
prior to his disappearance that he, Warren, had been
caught out having a sexual relationship with a lady at
Liverpool. Once again, none of the enquiries led to any

W1894 116/03 YG-A

further elaboration of that particular assertion.

A police officer, Inspector Murdoch, received information in May of 1994 from a [redacted] 198 regarding the alleged
 5 break-up of a relationship Warren had with a Qantas flight service director by the name of Greg Ferguson, the underlying allegation perhaps being that Ferguson had ill will towards Warren. Further enquiries showed that
 10 Ferguson was overseas between 20 and 24 July 1989 and therefore, he was discounted as a person who may have had anything to do with Mr Warren's disappearance.

And a final matter which was brought to police attention was that there was an alleged sighting of Mr Warren at a
 15 Bondi Junction homosexual strip joint allegedly in March of 1991. That sighting was by a person by the name of Pillan. Pillan I think has subsequently died. Statements were taken from his wife, Margaret Pillan and also police did some enquiries as to whether or not there was any such
 20 homosexual strip joint known to them. It transpires that there's no such establishment in existence about that time. The wife, Margaret Pillan, cast some doubt on the fact that he could have seen this, bearing in mind that they were joint partners in a payroll business and she
 25 accompanied him everywhere and she has no recall of this particular sighting.

The end result of all of those are that they are dead-ends and have led nowhere and indeed, it would be fair to say
 30 that there was no constructive further avenues the police could follow based upon those reports.

Your Worship, John Allan Russell whose brother and father are here, was aged 31 years at the time that he died. He
 35 was born on 28 November 1957. The last time that he was seen alive was 11pm on 22 November 1989. At 10am on 24 November 1989, his body was discovered at the foot of a cliff which, according to police measurements measures about 11.6 metres at Marks Park, MacKenzies Point by one
 40 Neville Smith.

Some four days after that discovery, a post-mortem was done by Dr Sylvia Hollinger and the cause of death was
 45 noted to be multiple injuries, including fractures to the head, legs, broken ribs, a transected aorta, amongst other things. There were massive injuries to that gentleman and they were the cause of his death. The toxicological report of his blood indicated that the blood alcohol content that he had apparently at the time of his death
 50 was some .255 grams per 100 millilitres of alcohol. I should say this your Worship; that evidence to be given by, I think, Dr Moynan will indicate that that reading may not be a firm basis on which to make any conclusions. If the body had in fact had a putrefication (as said) factor,
 55 then there could have been alcohol produced in that particular process. If in fact he had that amount of alcohol, then he would have been quite affected by alcohol, but no certain conclusions can be drawn.

W1894 116/03 YG-A

CORONER: There's no certainty, that's so.

5 LAKATOS: Your Worship, on 2 July, an inquest was held by
your predecessor, or one of them, Mr Derek Hand, who found
that Mr Russell had died - this was the official finding -
of 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
10 does not enable me to say. I should point out your
Worship that one of the perhaps more controversial aspects
of the earlier police investigation was this - and
Detective Page will elaborate upon this; the photographs
taken of Mr Russell's body clearly indicate - and the
15 police officers also state that this was the case - that
in or on one of the hands of Mr Russell were human hairs.
Those hairs were photographed, as I've indicated. Police
officers will give evidence that those hairs were bagged,
but it appears that very soon after that was done, they
20 disappeared and have not since been found. I am told -
and I will check this - that at the time that Mr Hand had
his inquest on 2 July 1990, those hairs were, at that
early stage, lost, so at least one of the matters that at
least were the focus of attention in the present enquiry -
25 and of course, that was 10, 12 years ago I hasten to add -
is whether or not the procedures which were then adopted
since have been approved to assure that physical evidence
taken in serious violent crimes such as this should be
stored and kept safely and kept tabbed on.

30 Your Worship, Section 23A of the Coroner's Act provides
that a fresh inquest must be held into the death of a
person which has been the subject of an inquest where
there's an application for a fresh inquest made by a
35 police officer and the State Coroner is of the opinion
that the discovery of new evidence or facts makes it
necessary or desirable in the interests of justice to hold
a fresh inquest. Those conditions your Worship apply in
the present case so far as the inquest into the death of
40 Mr Russell is concerned.

At the time of his death, Russell worked as a barman at
the Bronte Bowling Club and he also worked at the Double
Bay primary school. He resided at Bondi with his brother,
45 Peter. When he left his brother on the evening of
22 November, he was noted to be in good spirits and not
depressed. According to his brother, Russell was able to
look after himself quite well, he having been active in
Judo and boxing when he was younger. It was initially
50 thought that Mr Russell was well connected with the gay
community in the instigation of the gay mardis gras and
other matters. I'm told there is some doubt as to whether
that's accurate or not.

55 On 22 November 1989, that being a Wednesday, Peter Smith,
a long-standing friend of Russell's, met Russell at the
latter's brother's house. Between 7 and 7.15, they
together went to the Bondi Hotel. Russell told Smith of

W1894 116/03 YG-A

his plans to build a house on his father's farm at Wollombi near Cessnock. That was to be funded from a one hundred thousand dollar inheritance that he expected to receive as a result of his grandfather's death. He also
 5 planned to travel around Australia. He was then noted to be in very good spirits. When Smith left Russell at about 11pm, Russell was moderately affected by alcohol. It appears that Mr Russell had arranged to attend a send-off dinner with friends, including Mr Smith, the following
 10 evening, but he failed to attend. This didn't concern Smith, as Russell was known to be unreliable.

In the morning of 23 November 1989, Officers Dunbar and Owens who arrive at 10.30am, Sergeant Ingleby and
 15 Constable Barrett arrived at South Bondi and undertook a number of investigations. They examined the scene of the crime, they took a statement on 24 November 1989 from Mr Smith, they took a statement that same day from Mr Peter Russell, John Russell's brother. They arranged
 20 for articles to be placed in the local newspaper on 28 December calling for the assistance of the public. They spoke to Mr Martin Goddard, the editor of the Star Observer, on 3 January 1990. They took a statement from Mr Michael McMahon on 17 January 1990, Mr McMahon being a
 25 person who thought he saw a person of similar description to Mr Russell on or before his death. Constable Dunbar expressed the opinion that there was no evidence to suggest suicide or suspicious circumstances. She was of the view that Russell fell, possibly due to intoxication.

30 Officers Barrett and Scanlon also attended the scene. They arrived in fact at 10.15am, according to their statements. They spoke, on the morning of 24 November, to Mr Russell. They had Mr Russell identify his brother's
 35 body at the Glebe morgue and they arranged to have the death reported to the coroner. Your Worship, Sergeant Ingleby, as I've indicated, attended and he noted "some hair adhering to the left hand of the body behind the left index finger". Your Worship will have photographs showing
 40 that. He took a statement from Mr Neville Smith who was the person who discovered Mr Russell's body at about 10am on 24 November. He took a statement from one Debra Egan who was a barmaid at a Bondi hotel where Mr Russell had
 45 been drinking. He received a call from one Rodney Stinson at about 9.40pm on 24 December in which Mr Stinson told of a bashing which had been reported to him in or around the time Mr Russell disappeared.

Sergeant Ingleby attended at the Marks Park area on a
 50 number of occasions with Mr Stinson in an attempt to find the person who reported the asserted bashing to Mr Stinson. A statement was taken from Mr Stinson on 26 December 1989. On 3 January 1990, Sergeant Ingleby interviewed [DM] regarding an assault on that
 55 gentleman. Sergeant Ingleby concluded his statement by saying "From the information received from [DM] and from my knowledge as a police officer, I am aware that assaults and assault/robberies on homosexuals is a popular

W1894 116/03 YG-A

past time with the juvenile and hoodlum element".

5 It appears your Worship that Sergeant Ingleby was one of
only a few police officers at that stage who gave a view
to the possibility that these were more than just
disappearances or more than accidents, by considering at
least that it might have been a violent assault on these
persons. I think Officer Scanlon also did from memory, so
they were the two officers that at least gave--

10

CORONER: Had some insight, yes.

15 LAKATOS: That's right, prepared to consider different
alternatives and your Worship at about 11.23am, then
Detective Sergeant Cameron and Officer Riviera from the
Crime Scene Unit, Physical Evidence Section of the CIB
arrived. They took photos and searched the body of
Mr Russell and examined his injuries. They will say your
Worship in their statements that they photographed the
20 hair and bagged it, but unfortunately any further
enquiries by Detective Sergeant Page have failed to
indicate any further accounting for that bag of hair.

25 CORONER: Mr Lakatos, these photos, these were post-mortem
photos, is that so?

LAKATOS: They were photos of Mr Russell's body at Marks
Point.

30 CORONER: Yes, no I'm sorry, I thought you were going
further to say that they photographed his body at the
morgue.

35 LAKATOS: No. So far as I'm aware your Worship, I don't
have such photographs if they exist.

CORONER: I don't either and that's why I made that
enquiry. Thankyou.

40 LAKATOS: Your Worship, as I've indicated - I'm sorry, at
about 12.15pm that day, Mr Russell's body was removed by
government contractors. Unfortunately, so far as further
tests are concerned, Mr Russell was cremated on
45 30 November 1989 and his personal effects were returned to
his family and ultimately retrieved from them in June of
2001 with a view to carrying out further tests and
investigations.

50 The only other report or information relating to
Mr Russell's death appears from Mr Stinson which I've
adverted to and that was a report by a person named "Red"
who's since not been found, to the effect that in or
around early December - and of course, this was late
November when Mr Russell disappeared - that person, "Red",
55 heard a lot of shouting which he thought was probably a
gay bashing at around Marks Point.

I've referred earlier to information gathered concerning

W1894 116/03 YG-A

persons suspected of attacking gay men about that period. The police have gathered some general admissions from persons of that description - **NP16** who was one of those convicted of the Johnson murder. It was reported that he told persons at the Keelong Detention Centre in March of 1991 that he was involved in "the pushing of a poofter over a cliff". Another admission was given by a person called **[REDACTED]** in about July of 2002 to the effect "We were the Bondi killers, PTK". Your Worship will hear "PTK" are initials said to denote a group of youths who say that those letters were either "part-time killers" or "Parkside killers", PSK and PTK. "We were mucking around" said **[REDACTED]** "We pushed him back and he just fell off the cliff. He was some newsreader from Wollongong". Finally your Worship, there is material from a Senior Constable Bishop who said that he heard a person called **NP46** say, in January of 1990 "The Bondi boys" - another name of a group - "threw a poofter off the cliff at South Bondi".

I should say at this point that none of the material intercepted or any reports gained have specifically identified admissible evidence, if I can put it that highly, of persons directly linked either with the disappearances of Mr Mattaini and Mr Warren or the death of Mr Russell. The most that can be said of these admissions, if I can term them loosely that way, were that those that spoke, spoke about a culture where young mainly men, but sometimes women, in groups preyed upon gay men in and around that area.

It's the primary function, as your Worship knows, of coronial proceedings to determine the identity of the deceased and the time and place of his death and the manner and cause of his death. It's well known the inquiry should examine the manner of death or suspected death and all the circumstances ..(not transcribable).. death. Your Worship, the present law and its precursors recognize the important place the coronial process has in our legal system. That, in turn, is based upon a recognition of the value and sanctity of human life and the significant public interest in a thorough examination of the circumstances surrounding suspicious, violent or unusual deaths.

An important additional function of the coronial process is the making of appropriate recommendations which serve to proffer improvements to remedy problems identified by an inquiry. The issues - and these are by no means all of them - listed hereafter are amongst those which may arise for consideration; firstly, the adequacy of the initial police responses, they being relevant to two matters; the first is the efficient investigation of the incidents and the collection of evidence which provides the best opportunity to solve the "crime" and the resolution of the mystery surrounding the disappearance or death for the sake of family and friends. The second issue is the adequacy of retention of exhibits and briefs of evidence,

W1894 116/03 YG-A

particularly in relation to unsolved offences and the third is the adequacy of procedures surrounding the collection and retention of physical evidence. In this regard your Worship, bearing in mind that these events occurred respectively in 1985 and in late 1989, it's accepted that there have been many improvements which have occurred in police procedures since that time, in the ensuing decade and that the focus of such an exercise is to enable constructive recommendations to be made to fine tune applicable procedures.

Your Worship, some 24 witnesses in all told are hoped to be called. The longest will be Detective Sergeant Page who I propose to call as the next witness at the appropriate time. Unless there's something further I can assist, that traces where we go with this inquiry.

CORONER: That was a very good opening and I thank you for that. Mr Saidi, is there anything that you want to say by way of opening before we hear from Detective Page? You don't have to, but I just didn't know whether there was anything--

SAIDI: Your Worship, perhaps I should just reiterate something that was mentioned by Mr Lakatos and it's this; that whatever systems were in operation back in 1989, there have been significant improvements since then in terms of the way the New South Wales police force, as it's now called, deals with exhibits and deals with investigations generally and I'm at least pleased to be able to say this your Worship; that whatever defects there may have existed in those days no longer exist.

CORONER: That's good. I look forward to hearing all about it Mr Saidi as the matter progresses and thank you for that. Are you going to be tendering all the material through Mr Page or?

LAKATOS: I think so, if that's the appropriate course. That may be the way to go your Worship.

CORONER: Before we start, you did say, during the course of your opening, that Mr Cushman was at court.

LAKATOS: He was. I think Mr Cushman is sitting at the back of the Court, I believe.

CORONER: Mr Cushman, is that you? Yes, come forward if you would please. Just come down to the microphone, thank you. Mr Cushman, you received a letter from the office saying that you were a person of interest and that you should seek some legal advice regarding the matters. Do you understand?

CUSHMAN: Yeah.

CORONER: That's your position, you understand that, don't you?

W1894 116/03 YG-A

CUSHMAN: Yes.

5 CORONER: Did you seek any legal advice?

CUSHMAN: I have a solicitor, yes.

CORONER: Sorry?

10 CUSHMAN: I do have a solicitor.

CORONER: That's what I wanted to ask you. You'll have to keep your voice up so I can hear you. Is your solicitor intended to be here today?

15 CUSHMAN: No.

20 CORONER: How is that going to work then? Are you simply going to seek advice from the solicitor as the matter progresses?

CUSHMAN: Yes.

25 CORONER: All right then, so you're happy not to be legally represented today?

CUSHMAN: Yeah.

30 CORONER: All right, thankyou. Now, are there any other persons of interest that might be here today that we need to--

35 LAKATOS: Not so far as I've been informed by Detective Page your Worship. Those are the only three.

CORONER: Okay, thankyou.

SHORT ADJOURNMENT

40 LAKATOS: Your Worship, might I begin by tendering in this form seven volumes which constitute the brief of evidence prepared by Detective Sergeant Page with assistance from other police officers?

45 CORONER: Seven volumes you said?

LAKATOS: Seven. There are only six lever arch, but there's seven of those.

50 CORONER: Seven of those, thankyou.

LAKATOS: Yes. The lever arch are identical I'm told.

55 EXHIBIT #1 POLICE BRIEF OF EVIDENCE TENDERED, ADMITTED WITHOUT OBJECTION

CORONER: Is there anything in that brief that can't be seen? Now that it's an exhibit, if the press want access

W1894 116/03 YG-A

to the documents, is there anything that we need to shield?

5 LAKATOS: Your Worship, I'm instructed that there's nothing there which cannot be released, if required to be released.

10 CORONER: Very good. Well the brief's here. If you need access to it, you can have that. Do you have the formal documents with you?

LAKATOS: I don't your Worship, I'm sorry.

15 CORONER: Did you retrieve from the archive the original papers? We had them at one stage.

20 LAKATOS: Detective Sergeant Page retrieved the original papers from the coronial proceedings and they are annexures somewhere to a statement I now don't have, but--

SPEAKER: I've got copies. I believe the originals are in the office--

25 CORONER: We might retrieve the originals from the office and we might then formally tender - there's no transcripts, are there, because they lost the tapes, did they not?

30 LAKATOS: Yes.

CORONER: Or something happened and they couldn't transcribe the original inquest, but what we might do Mr Lakatos, as a formality, is simply tender the material from the first inquest into this one.

35 <STEPHEN JOHN PAGE (12.05PM)
SWORN AND EXAMINED

40 CORONER: Q. Do you have everything there that you need?
A. I believe so, other than my statement.

LAKATOS: Q. Do you have your statement in front of you?
A. No I don't.

45 Q. I hand you a copy because that's going to be the template for your evidence in chief. Firstly, is your full name Stephen John Page?
A. Yes.

50 Q. Are you a detective sergeant of police attached to the Rose Bay Local Area Command?
A. That's right.

55 Q. How long have you been a police officer?
A. Seventeen years.

Q. You prepared, I think, two statements, or it's one with a continuation - one is dated by hand 25 July 2002