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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

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and runs to 258 pages?

A. Yes.

5 Q. Following on from that, a second statement dated - is that 28 August?

A. It is.

10 Q. And that runs to seven pages?

A. It does.

10 Q. Just so that we're clear, the contents of those statements are true and correct?

A. Yes.

15 Q. And reflect, in a summary form, the sum extent of your review of previous evidence and proceedings and the evidence you've collected and the investigations you've done?

A. Yes.

20 Q. May we go through this very slowly. You originally became involved in the - I'll term it the enquiries - on 9 May 2000, did you not?

A. Yes.

25 Q. When you received a file relating to the disappearance of Ross Bradley Warren and you noted certain correspondence from his mother?

A. Yes.

30 Q. You examined those documents and you sought allocation of resources to further investigate that disappearance?

A. Yes.

35 Q. You then reviewed the correspondence from Mrs Warren starting, I suppose, from December 1999 through to - I'm sorry, 1998, July 1998 to December 1999 in which Mrs Warren called for some kind of resolution from the police service about the death of her son?

40 A. That's right.

Q. You reviewed further correspondence from various police officers to Mrs Warren to the effect that the matters were being attended to?

45 A. Yes.

Q. You then looked at the Missing Persons Unit file - namely, a report by Senior Constable Hill which sought the allocation of resources to deal with a further investigation of the matter?

50 A. Yes.

Q. You then reviewed an AMSM4. Can you just tell us what that is? I'm looking at paragraph 7 of your--

55 A. An AMSM is a telex message that's broadcast between stations to make police aware of incidents that have been occurring.

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Q. That was a notification by Constable Robinson who you will recall was the first officer to whom the report of Warren's disappearance was made circulating the fact that he had disappeared and asking for information, I suppose, and help from other areas?

A. Yes.

Q. You also reviewed a police incident report prepared by that officer, Constable Robinson. Thereafter, I think you looked at police occurrence pad entry dated 28 July 1989 created by Detective Sergeant Kenneth Bowditch?

A. That's right.

Q. You note that that's a four page occurrence pad entry which is annexure 8, I think, or seven, rather, to your statement?

A. That's right.

Q. Which reviews what the police did up to that time and contains this opinion, if you look at the second last page of it; "Investigating police are of the opinion that the missing person has fallen into the ocean in some manner and it is anticipated that in the near future, his body will surface and be recovered. I am not able to offer any explanation as to how he would have fallen into the water, only that the area near where the keys were located is a treacherous rock formation which at present time is secreting a lot of water and moisture from recent rains. There is extensive moss and slippery sections from where experience would not be difficult to envisage somebody slipping onto the rocks, particularly after 2am on the morning of 22 July"?

A. That's right, it contains that opinion.

Q. I think, as you refer later on in your statement, you spoke to Detective Sergeant Bowditch who was then retired concerning the investigations he did?

A. That's right.

Q. You then reviewed some further reports - and perhaps if I might just list them because the detail is not so important; a report from Constable Robinson concerning the [188] information, the assertion that Warren was still alive and had fled due to drug debts?

A. That's right.

Q. You then reviewed an occurrence pad entry concerning the same assertion - that is, the [188] material?

A. Yes.

Q. You looked at a report by Senior Constable Rees concerning the assertions by Arthur Pillan - namely, the allegation that Warren was seen at some homosexual strip joint near Bondi in mid 1990?

A. Yes.

Q. Thereafter, you reviewed the running sheets created by Detective Senior Constable Martin concerning the material

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supplied by [198]. That is to say, the relationship between Mr Ferguson and Mr Warren and its break-up?
A. Yes.

5 Q. Some further running sheets in which enquiries were made and it was found, as we've noted, that Mr Ferguson had in fact been overseas at the relevant time of the disappearance?
A. Yes.

10 Q. At paragraph 15 you say that it was apparent the original investigation was conducted by Bowditch, assisted by Detective Senior Constable Sharrock and you'd ascertain that Bowditch in fact left the New South Wales police service on 30 August 1996?
A. Yes.

20 Q. You made contact with Sharrock, asking him for his memory of the investigations he conducted and he indicated that he didn't investigate the matter and the only material that he was aware of is what Bowditch had told him?
A. That's right.

25 Q. You then returned the file to the Rose Bay Local Area Command for attention. Can I just stop there for a moment and ask you this; back in about 1989/1990, what was the police procedure if an offence occurs in the area of the local area command? How would an investigation normally have been undertaken? By that, I mean where would the personnel come from to undertake it, where would the exhibits be kept and the like?
A. Ordinarily, if something happened in a particular area, it'd be police from that station that would deal with it. The exhibits would be retained at that station and any briefs of evidence or statements they obtained would also be filed at that local station.

40 Q. What is the nearest local station to Marks Park?
A. The nearest station--

Q. What was at that time, I'm sorry, I should have specifically said?
A. The nearest station was Bondi. However, the station responsible was Waverley.

45 CORONER: Q. So that was the head station, Waverley?
A. Yes.

50 LAKATOS: After you've - I put it colloquially - you struck out with Detective or former Detective Sharrock, you then contacted former Constable Robinson who is now a senior police officer in a different police area to ask him as to what he now recalled of the investigation, is that so?
A. That's right.

Q. What he basically said was that after making the

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initial missing persons report, he referred the matter on and because he was now in a non-operational situation, he wasn't capable of assisting you further with his(as said) enquiries?

5 A. That's right.

Q. You then contacted Mrs Kay Warren and she told you that the investigations were initially conducted by Bowditch and also later by a Detective Sergeant McCann of the Homicide Squad?

10 A. That's right.

Q. In fact, Detective Sergeant McCann was the officer who was in charge of the enquiry into Richard Johnson, was it not?

15 A. And also Ratana Jarutahorn.

Q. And as a sort of a spin off of that enquiry, they looked at, did they, certain elements relating to the Russell incident?

20 A. Russell and Warren incidents, yes.

Q. You indicate that subsequent enquiries revealed that there were other deaths in that area which included, of course, John Russell and Mr Ratana Jarutahorn. On 5 July you submitted a report which outlined the investigation you were undertaking and you've submitted further so-called sit-reps or situation reports concerning the milestones of your enquiries at about that time?

25 A. Yes.

Q. On 18 April, you conferred with superintendents of the Rose Bay and the Eastern Suburbs Local Area Command and also of the City region with a view to trying to put together a task force to complete or further investigate these matters?

30 A. That's right.

Q. On 22 April, you applied for an operation name and that was given to you, Operation Taradale? You then made, in April as well, application for further specialist consultancy advice from crime agencies?

35 A. Yes.

Q. And finally on 12 June, the official document being the terms of reference for Operation Taradale were co-signed by the superintendents for the Rose Bay and the Eastern Suburbs Command?

40 A. That's right.

Q. The terms of reference were the investigation of the death of Mr Russell?

45 A. Yes.

Q. The attack on DM?

50 A. Yes.

Q. And the disappearance of Mr Warren?

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A. Yes.

Q. The enquiry into Mr Mattaini arose after Mr Wyzynski contacted you some time in 2001 or 2002, after this inquiry had commenced, is that correct?

5 A. That's right.

Q. You formulate an investigation plan which you annexed, you then spoke to Mr O'Connor, being the assistant director of the New South Wales Crimes Commission with a view to enlisting their support and they required certain procedural matters that the New South Wales police would supply relevant resources for investigation. You arranged for that to occur and thereafter, there was a joint operation for a period of time, is that correct?

10 15 A. That's right.

Q. Going to paragraph 35, you say "Marks Park at Tamarama is situated on a headland between Bondi Beach and Tamarama beach. The park is predominantly open space with a walkway on its eastern side travelling adjacent to the ocean front. The park is bordered by Marks Lane to the west and the area is residential with a mix of detached dwellings and unit blocks. The park itself is somewhat elevated. However, there are several locations where steps have been created for easy access to the coastal walkway"?

20 25 A. That's right.

Q. In fact, Marks Park - the point is formally called MacKenzies Point, is it not?

30 A. That's right.

Q. And then on the southern side is MacKenzies Bay?

35 A. Yes.

Q. Going north from there is the Bondi baths?

A. Yes.

Q. And then Bondi beach and Ben Buckler and the rest of it?

40 A. That's right.

Q. And there is a walkway pretty much all the way down that way, is there not?

45 A. There is.

Q. You spoke, in the course of your investigations, to one Susan Thompson who was, at that time, but now is no longer, the gay and lesbian projects officer with the New South Wales police service?

50 A. That's right.

Q. She gave you a statement dated 31 July?

55 A. Yes.

Q. She's done, or had done at that stage, extensive research into crimes against gay persons - gay men

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particularly?

A. Yes she had.

Q. So-called the gay hate crimes?

5 A. Yes.

Q. And she, in summary which you've recorded here, gave a potted summary of her extensive experience - we'll hear from her - and that's recorded at paragraph 36?

10 A. Yes it is.

Q. Did she tell you, in effect - and I'll do this fairly quickly - that according to her researches, 22 percent of gay hate homicides between 1989 and 1999 occurred at beats?

15 A. Yes.

Q. Beats being areas where gay people congregated to meet each other, sometimes for sexual purposes, sometimes for other purposes?

20 A. That's right.

Q. But homosexuals in that area were more likely to not report crimes of violence against them?

25 A. Yes.

Q. That there was a disproportionate level of gay hate homicides perpetrated by teenagers with their predominant characteristics being white Caucasian, single and unemployed. The most common cause of death was beating?

30 A. Yes.

Q. That the involvement of strangers as offenders in gay hate crimes was significantly higher when compared to other male homicides?

35 A. Yes.

Q. Does that, in effect, mean that there is a large percentage of connection - that is to say, that the victims and the perpetrators of many other homicides are persons known to each other?

40 A. That's right.

Q. Therefore, there's some discernible motive or history between them you can look to to explain the offence, whereas in gay hate crimes, that element was not present?

45 A. That's correct.

Q. The offenders involved in gay hate crimes often admit to a long prior history of violent attacks against gay men?

50 A. Yes.

Q. That gay men are more likely to be the victims of violence than other male members of the community, that the motives established through debriefs - by that, may we take it debriefs from persons convicted or have admitted to these offences?

55

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A. Yes.

Q. For these offences include prejudice and homophobia, that it was a group initiation for persons who frequented these groups, that it was a way of proving one's masculinity, that it was also a way of proving that they themselves were not gay, that it was a form of entertainment, that robbery was a motive, that there's a reference to alpha male syndrome. Now I should know what that is. Do you know what that is?

10 A. It's basically a leadership type syndrome where people are trying to show that they're more superior to their peers.

15 Q. The eighth one was a belief that gay men are soft targets who will not fight back or complain to authorities?

A. Yes.

20 Q. And finally, that it was gay - those engaged in this activity increased standing by attacking those viewed as less legitimate(?)?

A. Yes.

25 Q. Miss Thompson also indicated that gay men, as well as men who have sex with men, frequent beats because they are seeking quick, anonymous, free sex?

A. Yes.

30 Q. And she suggests that there were different types of beats which suit the different wants and needs of the persons who frequented them?

A. Yeah, that's right.

35 Q. Finally, she said that Marks Park at Tamarama was known to be a night time beat. May we take it that means that the activity would occur in the evening hours?

A. Yes.

40 Q. And was very busy and popular. She states that in Marks Park there are certain vegetation points known for sexual activity and may we take it these are bushes behind which activities take place, is that how I read that?

A. Yes.

45 Q. And gay men will seek out each other by cruising the footpath, the coastal walkway. They attract attention by some form of signal which includes movement of the eye, some sort of eye contact I presume, also the rattling of keys or coins?

50 A. Yes.

Q. And then once they've made contact, they move to a more secluded place?

55 A. Yes.

Q. In addition, Miss Thompson has supplied - which I won't go into in any depth - an article which she co-

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authored with a Jenny Musos relating to a comparison between gay hate related homicides of men and other male homicides, a paper which was written, I think, some time after 1999?

5 A. Yes.

10 Q. You obtained, I think, a further statement from Miss Thompson in August of 2001 in which she recounted a study group, I suppose, of youths at the Cleveland Street high school in which discussion was had about gays and the reaction of persons such as these young people to gay people, is that correct?

A. That's right.

15 Q. In the course of that study group or seminar, as I put it, there's--

CORONER: I think they might be workshops I think.

20 LAKATOS: Presentation I suppose. I should read it very carefully, yes.

CORONER: Q. Because they workshopped with the kids at the school, did they not?

25 A. That's right.

LAKATOS: Q. Some photographs were taken during that workshop or presentation?

A. Yes.

30 Q. Which showed the drawings done by some of these students and also the fact that some of them attached the tag "PSK" on the drawings?

A. Yes.

35 Q. What do you understand "PSK" to stand for?

A. "PSK" was a group that existed in the eastern suburbs back in that era and it stood for "Parkside Killers".

40 Q. Were they thought to be or proved to be persons who engaged in the activity of attacking gay males?

A. Most certainly.

45 Q. As a result of those photographs, did you subsequently examine some further leads related to those young persons which you talk about later in your statement?

A. Yes.

50 Q. You then reviewed the original Warren investigation, you reviewed the statement of Constable Robinson which was made on 16 July and in effect, Robinson said - and if I can do this very quickly - that Ellis, Mr Craig Ellis who referred to, handed him a set of keys. Robinson says he contacted the Bondi police, the police air wing and the water police, for a search to be conducted. He says that
55 Warren's vehicle was related(as said) outside what is mistakenly said as █████ Fenwick - it's actually █████ Kenneth Street, Bondi near Fletcher Street. He then further

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relates to the finding of a number of keys on a key ring. He attended at Marks Park with Mr Ellis to be shown exactly where the keys were found and he also searched Mr Warren's vehicle, is that so?

5 A. That's right.

Q. All of that's recorded in the statement which you've annexed?

10 A. Yes it is.

Q. Thereafter, you then reviewed the statement of Phillip Rossini who was Mr Warren's work mate at WIN Television?

A. That's right.

15 Q. And Mr Rossini, in short compass, made a statement of 26 July 1989 in which he said that he met Mr Warren at the Gilligans Bar at about 11.45pm, that they drank mineral water together, that they spoke to a barman, that they went to the Vault which is a bar in the Exchange Hotel, stayed for half an hour, that they - Mr Warren introduced 20 him to a number of other men, they stayed there for a while and went to the Midnight Shift night club and thereafter, they left at about 2am, both of them walking to Mr Rossini's car because Mr Warren wanted to have a 25 look at it. Mr Warren said, do you agree, that he saw - sorry, Mr Rossini then said he saw Mr Warren drive east along Oxford Street at Taylor Square and when they went their separate ways, he thought that Mr Warren was not affected by liquor and was in good spirits?

30 A. That's right.

Q. He recounts Mr Rossini a conversation had with Mr Warren some two weeks prior to his disappearance in which Mr Warren said to him "I'm feeling a bit depressed. I could slash my wrists". He, Warren, then laughed. 35 Rossini also states that whilst at the Gilligans Bar, Warren said "I hope I don't run into Ken" and that was the person with whom it was said he thought they had a relationship with Ken Manari, Jim Manich, if I can put it 40 that way?

A. Yes, that's right.

Q. You also reviewed the statement of Miss Christine Jones, the make-up artist at WIN 4 in which - and I'll 45 read this - Warren said to her "You know about me". Jones said - took this to mean a reference to him, Warren, being gay and she replied "Yes". Warren said "I got together with a guy that I've been wanting to get together with for a while. The only problem is that this guy has a partner 50 and I can only see him on Saturdays because the partner works Saturdays". Jones said "How long has he been with him for?" to which Warren replied "He's been living with him for about three to four months". Warren later informed Jones the male's name was Ken, so once again, a 55 confirmation of what was told to Mr Rossini?

A. That's right.

Q. You then tracked down, at the Information Intelligence

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Centre, a copy of the miscellaneous property reference which listed those items found in Mr Warren's car?

A. Yes.

5 Q. Basically, it's a wallet full of credit cards - library cards and some bills of recency?

A. Yes.

10 Q. You then spoke to a Detective Senior Constable Bouris who attended at the scene and he says that he recalls speaking to some people at the scene, examining it. He also recalls being shown a set of eight keys on a rock platform. He says he later took possession of a vehicle and keys and entered those property items into the
15 miscellaneous property book and he's listed them as a leather wallet, a Keycard, Wollongong library card, receipts, driver's licence, etcetera?

A. That's right.

20 Q. I think that you indicated that based on your investigations and material that you'd read, you thought that the persons that Constable Bouris may well have spoken to are likely to have been Craig Ellis and Paul Sausiss?

25 A. That's right.

Q. How does Mr Sausiss pronounce his name, just out of curiosity?

A. As you pronounced that - Sausiss.

30

Q. You then review a report by Constable Ellenburger who says that he returned the property to Mrs Warren on 26 July 1989. Following upon that, you review the statement by Elizabeth Fitzpatrick on 5 October. She was
35 the SBS receptionist who stated that a person rang and said words to this effect - and I'll read it "Hi, this is Ross Warren. I just want to let you know that I'm alive and to say 'Hello' to all my friends at WIN TV". Fitzpatrick asked "Why are you calling here?". He said
40 "To let you know that everything that was printed about me was rubbish". Fitzpatrick asked "Where are you calling from?". He said "Central Australia". Thereafter, he ended the call?

A. That's right.

45

Q. You fairly constantly kept in contact with Mrs Warren concerning any progress that you appeared to make in this inquiry?

A. Yes.

50

Q. You made some subsequent enquiries which revealed that there were attacks and deaths involving other members of the gay community at Marks Park - that of John Russell, that of DM and that of the Thai national, Ratana Jarutahorn?
55

A. Yes.

Q. You collected some further documents from the crime

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intelligence area which were submitted by Mr Robinson or Constable Robinson on 23 July?

A. Yes.

5 Q. Having reviewed this material, you decided to finalise
the investigations surrounding the suspected death of
Mr Warren with a view to forming an opinion as to whether
that death was caused by accident, suicide or homicide.
10 You considered then that the way to proceed was to examine
incidents which occurred in the vicinity of Marks Park
around that time. As a result of that analysis, you
reviewed the deaths of Mr Russell, Mr Ratana Jarutahorn to
establish what links, if any, there were between those
events and also with that of [DM]?

15 A. Yes.

Q. The original investigation relating to the death of
Mr [DM] - Mr Russell, I'm sorry, Mr John Russell - you
20 commenced that review by looking at the archive briefs at
the Glebe Coroner's Court?

A. Yes.

Q. And you tell us that you were able to obtain a copy of
that brief and you then commenced to review the materials
25 in there?

A. Yes.

Q. The first was a statement from a Constable Dunbar. If
I can stop there, it appears that Constable Dunbar was the
30 officer in charge of this inquiry, is that so?

A. Yes.

Q. Based on the other officers that were also involved,
she appears to have been, if not the most junior, but at
35 least one of the most junior officers who appeared to have
had anything to do with this inquiry?

A. Yes, she was extremely junior at that stage.

Q. Were you able to discern why it was that out of a
40 number of both senior and junior people, the task of at
least correlating this inquiry in 1989 fell to what
appeared to be the most junior person?

45 A. I can't say why it fell upon her, but I can't
understand any rationale why someone so junior would be
given responsibility for investigating a suspicious death.

CORONER: Absolutely.

50 LAKATOS: Q. Mr Russell, of course - and we'll get to
this - was the one upon whose left hand was found certain
hairs?

A. Yes.

55 Q. Then Constable Dunbar, being the officer in charge,
can you tell us, based on your knowledge of procedure in
1989/90, whose responsibility should it have been to
ensure that physical exhibits particularly were properly
kept and accounted for?

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5 A. Whoever had possession of the exhibit had responsibility for it. If it was the case that the Crime Scene Unit weren't called to the job and the investigators took possession of it, they were responsible for it. If it was the case that crime scene examiners took those exhibits away, they were responsible for continuity, storage and any subsequent examination of that exhibit.

10 Q. If, as we know, there were two crime scene officers, then Detective Sergeant Carlton and also his offsider, I think Senior Constable Riviera attended. Your assessment of the statements they gave and subsequent enquiries is wholly non-conclusive as to who took responsibility and how. Would that be fair?

15 A. I - from the evidence of those witnesses, I know that they - that Sergeant Cameron took possession of the hairs, but I haven't been able to establish what happened to the hairs after they left that scene.

20 Q. We'll no doubt speak to Sergeant Cameron, but my reading of his statement seems to indicate that the most that he says about them is that he caused them to be photographed and bagged. There is not a specific statement that I can read - and I stand to be corrected - that as a result of - or subsequent to the bagging, that he also took possession of it. If that's right, is your belief that he did take possession based upon what should have happened in that circumstance?

25 A. Yes and also, I believe, the evidence of Constable Riviera was that those hairs were taken away by them.

30 Q. All right, well I stand to be corrected and I rely upon your greater intimate knowledge of the 2,500 odd pages, but we'll get to that, thank you. Now, Constable Dunbar said at about 10.30am on twenty third, she, with Constable Owens, went to the area near South Bondi near the rocks. She says at that location, she spoke to other officers, Sergeant Ingleby and Constable Barrett. She saw Mr Russell's body and gives a description of that. She also states that there was a sum of money located near the deceased with a fifty cent and a dollar coin to the right side of the body and a further fifty cent coin a short distance from the top of the body. She arranged for articles to be published in - perhaps if I might stop there. You do have the original photographs, do you not, which were subsequently taken, I think, by Constable Riviera?

35 A. Yes I do.

40 Q. Would you look at these photographs? I haven't counted them. You had the chance--

45 A. I - I'm not sure of the numbers.

50 Q. Well let me do that first.

55 CORONER: Q. While those photos are being counted, just for abundant clarity, it wasn't just one or two little hairs, was it? It was--

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A. It was several hairs.

Q. It was very noticeably in his hand, weren't they?

A. Yes.

5

LAKATOS: Q. Before I show these to you, there are thirty, but what I'll try and do is isolate is the top photograph, a photograph of Mr Russell's hand which appears to have the subject hairs on it, the best one that I can find.

10

A. From recollection, there's only one photograph that accurately depicts those hairs.

Q. May I show you 30 photographs with the top photograph which I hope is the one you'll ultimately take us to.

15

A. The photograph that I'm seeing here is the photograph depicting the - several hairs adhering to the - almost the index finger of the left hand of Russell.

Q. Those were the photographs, as you understand it, that were taken by either Constable Riviera and Sergeant Cameron or on their behalf by somebody?

20

A. Yes.

EXHIBIT #2 THIRTY PHOTOGRAPHS OF MR RUSSELL'S BODY TENDERED, ADMITTED WITHOUT OBJECTION

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EXHIBIT #3 FORMAL PAPERS RELATING TO PREVIOUS INQUEST INTO DEATH OF MR RUSSELL TENDERED, ADMITTED WITHOUT OBJECTION

30

Q. Constable Dunbar says that she arranged for articles to be published in the local newspaper. That's with a view to getting public assistance in relation to Mr Russell's death?

35

A. Yes.

Q. And she obtained some typewritten statements from two witnesses, Mr Michael McMahon - and he was a person said to have seen, one thought, a person matching Mr Russell's description--

40

A. Yes.

Q. --that preceding evening? And also, Mr Peter Smith who will be giving evidence in these proceedings?

45

A. Yes.

Q. She indicates that her enquiries led her to believe that Mr Russell was in good spirits and may have been intoxicated when he left the Bondi Hotel. She concluded in her statement that there was no evidence to suggest the deceased committed suicide or there were any suspicious circumstances surrounding his death. There were no signs of violence on the body and personal property was located on this person. She concluded that Mr Russell fell from the cliff top edge?

50

55

A. That's right.

Q. You also reviewed a statement made in December 1989 by

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Constable Barrett, did you not?

A. Yes.

5 Q. And he and Constable Scanlon also attended at the scene. They also made observations about Mr Russell's body, the sighting of the coins, a packet of cigarettes and an empty Coke bottle proximate to the body?

A. Yes.

10 Q. He indicates that thereafter, some forensic investigators, Detective Sergeant Cameron and Constable Riviera, attended. They estimated that the fall was about 11.6 metres and he also said subsequently Mr Russell's body was removed?

15 A. Yes.

Q. He indicated that he made some enquiries and had a conversation with Peter Russell who, of course, is here and will give evidence about the last known movements of his brother?

20 A. That's right.

Q. Constable Barrett did say - he was one of the other officers that considered this - that the area between Bondi baths and MacKenzies Bay is frequented by homosexuals. He states "There is no evidence to indicate one way or another whether the deceased slipped from the edge or was pushed"?

25 A. That's right.

30 Q. Constable Barrett also took part in the identification of Mr Russell's body, or at least facilitating that process?

35 A. That's right.

Q. Sergeant Ingleby also made a statement in February of 1990. He basically indicated that he arrived at the scene at about 10.10am and met up with the other police officers. He specifically stated that he viewed the body of Mr Russell, noticed the coins and also noticed the hair adhering to the left hand?

40 A. That's right.

Q. He made reference to the cigarette packet and a Coca Cola bottle. He further states that he obtained a statement from Mr Rodney Stinson and later goes with Mr Stinson to Marks Park on a number of occasions to locate the male that Stinson referred to in his statement as "Red". Ingleby states he received information that gay men would rattle coins in the hand as a method of non-verbal body language. Did you yourself form any view about the location of the coins around Mr Russell's body and that particular observation of what gay males might do or not? If you don't know--

55 A. I'm not really able to comment there. From the clothing that Mr Russell was wearing, I - they appeared to be tight jeans. I'd form the opinion it was unlikely that the coins would have fallen out during the fall. I

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believe that more likely than not, they were probably in his hand.

5 Q. So there exists a possibility and that's as high as one can put it, that he may have had coins in his hand possibly for the purpose of attracting attention, but one can never know?

A. Possibly.

10 Q. Sergeant Ingleby also obtained a statement from one DM who will be a witness in these proceedings in which Mr DM gave information about a violent assault upon him on 21 December 1989?

A. Yes.

15 Q. Ingleby also stated that from his experience, most crimes against members of the gay community went unreported and that he believed the level of assaults and associated offences on the homosexual element in Marks Park and elsewhere would be extremely high?

20 A. Yes.

25 Q. In fact, it seems, does it not, on your assessment that Sergeant Ingleby was the only officer that gave real consideration to a gay hate crime as being an explanation at least for Mr Russell's predicament?

A. Yeah, that's right.

30 Q. Mr Peter Russell, Mr Russell's brother, gave a statement on 24 November 1989 and without reviewing because he'll give this evidence, he indicated that his brother was in good spirits, looking forward to his life in the future and it was unlikely from his perspective that suicide was a real consideration in Mr John Russell's

35 mind at the time he died?

A. That's right.

40 Q. A statement was also made by Mr Smith who was a very close friend of Mr Russell's and in essence, Mr Smith says that they were drinking together. They would have had about three beers an hour - that is, a total of between twelve and fifteen beers at that drinking session, although Mr Smith indicated that he didn't think

45 Mr Russell was excessively affected by alcohol, if I could put it that way?

A. Yeah, that's right.

50 Q. You reviewed a statement of Mr Neville Smith who found Mr Russell's body at 10am on 23 November. You also spoke to - or I'm sorry, reviewed a statement by Deborah Egan who was a barmaid at the Emerald Way bar of the Bondi Hotel who says that she has a memory, to put it, that Mr Russell's photograph was semi-familiar, but she couldn't be more specific than that?

55 A. Yeah, that's right.

Q. Mr Stinson, you recall, gave evidence on - made a statement on 26 December and he stated, did he not, that

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for the last two years, he had gone to the area south of Notts Avenue? Now that's slightly north of Fletcher Street, Kenneth Street and Marks Lane, is it not? It's the next street up?

5 A. Yeah, that's right. It ends beside the Bondi Iceburg swimming club.

Q. Which is a continuation of the north walk?

A. That's right, yes.

10

Q. And he had gone there to train and mix with other gay people. He stated in the statement that approximately three weeks ago, he saw a male person he knew who stated "There was a lot of shouting going on a few days ago, probably a bashing, I don't know". He stated that in an earlier conversation about two months previously with that same man. That man said "A middle aged man who was crazy or loony had tried to push him" - that is, "Red" - "off the path and over the cliff near the Fletcher Street stairs. The guy apparently wouldn't take 'No' for an answer and got violent"?

15

20

A. That's right.

Q. Also contained in the papers that you reviewed was a copy of a death certificate for a person "Unknown Jason", is that so?

25

A. Yes, that's right.

Q. And the report of a death to the Coroner?

30

A. Yes.

Q. You reviewed the statement of Mr Michael McMahon given in January 1990 who states about 11.45pm on the night of Mr Russell's disappearance, he was walking - he, Mr McMahon - was walking near Marks Point, saw a male shorter than himself, about five foot seven in the old money(as said), slim build wearing similar clothing to that found on Mr Russell. He, Mr McMahon, said he didn't notice any disturbance or anything which would cause him concern?

35

40

A. Yes, that's right.

Q. If indeed that was a sighting of Mr Russell, that would have been the last sighting of him alive, would it not?

45

A. Yes.

Q. You then talk about your opinion based on the fact that coins were scattered, of the possibility that he may have had the coins in his hand with a view to attracting attention to himself?

50

A. Yes.

Q. In the papers, is the post-mortem report of Dr Sylvia Hollinger who did the post-mortem on Mr Russell on 29 November 1989, is that so?

55

A. Yes.

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Q. She noted numerous bruises, lacerations and fractures and stated, as we've indicated, the direct cause of Mr Russell's death being as multiple injuries?

A. Yes.

5

Q. Also contained in the coronial papers was a toxicological report conducted by Mr Keith Lewis, the date of which does not appear to be in your statement at the moment, is that correct?

10 A. That's right.

Q. The blood alcohol concentration of Mr Russell's blood was .255 grams per 100 mils?

A. Yes.

15

Q. You then reviewed a statement submitted with the coronial brief of a statement by Mr [DM] on 3 January 1990?

A. Yes.

20

Q. In that document, [DM] said that about 10.30 on 21 December - so we're now talking about a date probably about three weeks after Mr Russell's death--

A. That's right.

25

Q. --he went for a run along the Bondi beach promenade to North Bondi, ran back to Notts Avenue. He then continued on the walkway around a bay to a set of steps. As he got to the top of the steps, he was met by ten to twelve young persons. The group consisted of male number 1 who was said to be in description, Caucasian, 15 to 18 years old, 168 to 172 centimetres tall, of slim build and short, cropped, blonde hair. The remainder of the group was a mixture of Caucasian and Pacific Islanders with several females in the group. [DM] was asked by male number 1 who is the man with the short, cropped, blonde hair "What are you doing here?" to which he replied "I'm going for a run" and subsequently, male number 2 asked for a cigarette or two dollars?

40

Q. [DM] stated he kept going around to MacKenzie Bay and returned to the observation platform near MacKenzie Point. [DM] cut across Marks Park, ran through suburban streets and re-entered the Bondi/Bronte walkway through Hunter Park. As he was approaching Notts Avenue, he was thrown onto a grassed verge and saw the persons previously described as male 1 and male 2.

45

[DM] heard a person saying "Poofter" while male number 1 repeatedly said "You're gay". Male number 2 punched [DM] repeatedly about five or six times and he closed his eyes. During this time, he was punched to the stomach about two or three - about three or four occasions. During this assault, male number 1 said "Don't let him look at us. He knows me". [DM] called for assistance. He was continued to be punched and kicked to the ribcage and face. He then had his shoes taken from him and demands were made for money. [DM] was grabbed

50

55

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by male number 1 and dragged towards some steps and the male kept saying "I'm going to throw you over the side". He was manhandled along the walkway, broke free, ran away and made good his escape. During the offence, he called out "Help" and a nearby resident has yelled back and said "I'm not going to help, you poofter" and his statement is attached?

A. That's right.

10 Q. In fact, enquiries were made by police of residents who lived in the block of flats or the flats around that area, is that correct?

A. We made those enquiries subsequently.

15 Q. And a person by the name of Mr Lesley was identified as being the person who then inhabited that particular flat, is that so?

A. Yes.

20 Q. He was an older gentleman?

A. Yes.

Q. And he said that he knew nothing about what had occurred and he certainly didn't say that?

25 A. Yeah, that's right, yes.

Q. You then record that age, race and sex of the group members of those who attacked **DM** is identical to the group which assaulted another person, **I91**, which you discuss that particular incident later on. You say the descriptions of male 1 and 2 is consistent with those of a person of interest here, **NP43** and his associate, **NP92**?

30 A. Yes, that's right.

35 Q. So I suppose to summarise it, the evidence of **DM** suggests - and it can be put no higher - that two of his attackers were **NP43** and **NP92**?

A. Yes.

40 Q. You then refer to the initial investigation of the Major Crime Squad South and you indicate you spoke to Detective Sergeant McCann and attempted to obtain a statement from him?

45 A. That's right.

Q. He was still a member of the police service, but on long term sick report?

A. Yes.

50 Q. And he declined to give a statement, as he indicated that that might affect his recovery or his physical health?

A. Yes.

55 Q. McCann told you that he had carriage of two investigations previously which led him to investigate the Warren matter and that was the investigations of

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Mr Johnson and you refer to those who were charged and convicted with that offence and you've turned then the Alexandria Eight?

5 A. Yeah, for ease, I've referred to them as the Alexandria Eight.

10 Q. And also, the murder of Mr Ratana Jarutahorn and that offence, of course, was the offence for which the two [REDACTED] who are present here and [NP24] were convicted?

A. Yes.

15 Q. Shortly before 1995 at some point?

A. Yes.

20 Q. You obtained a statement by an officer who was involved in the Major Crime Squad South Homicide Unit, a Susan Emert, concerning certain enquiries she made while she was in the task force?

A. Yes.

25 Q. And she in fact swore a number of listening device affidavits and telephone intercept affidavits concerning her knowledge of the events which surrounded, I suppose, the incidents involving Mr Johnson and Mr Ratana Jarutahorn and others?

A. That's correct, but it was only, at that stage, listening device affidavits.

30 Q. Thankyou, I'm corrected. Without going into the detail of those applications, would it be fair to say that Ms Emert, basically in April of 1991, swore a number of affidavits for listening devices in which she recounted - and I won't repeat them - the facts surrounding the death

35 of Mr Richard Johnson, Mr William Allen, Mr Ratana Jarutahorn, [I90], [DM] and Mr Warren?

A. Yes.

40 Q. Those devices were designed to tape the conversations of persons who were associated, in one respect or another, with some or all of those incidents?

A. Yes.

45 Q. Including Mr [NP16] who was then in detention?

A. Yes.

50 Q. And also with others - namely, Mr [NP19] and [NP15] and others?

A. Yes.

55 Q. You also obtained a statement from a Senior Constable Bignold who swore similar affidavits?

A. Yes he did.

Q. In fact, Bignold told you that the investigation was suspended due to the absence of admissible evidence to support any prosecution?

A. Yes.

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Q. You then contacted the archives officer at Crime Agencies trying to get relevant documentation. Nothing of relevance arose from that enquiry?

5 A. Yes, that's right.

Q. You then contacted the librarian at the Information and Intelligence Centre with a view to retrieving archived documents relating to the Johnson and Ratana Jarutahorn enquiries?

10 A. Yes.

Q. In that material, you located two overviews prepared by Detective Sergeant McCann?

15 A. Yes, that's right.

Q. Respectively entitled "Overview of Reported Crime and its Possible Connection Involving Victims of the Homosexual Community, Primarily in the Alexandria/South Bondi Areas" and that was dated 15 April 1991?

20 A. Yes.

Q. And a further overview, not quite the same, titled very similar, dated 10 August 1991?

25 A. Yes.

Q. In addition, you retrieved statements of Mr Rossini, Mr Robinson, Miss Fitzpatrick which you referred to and further statements which we'll elaborate on later?

30 A. Yes.

Q. The brief summary of the overview prepared by Detective Sergeant McCann in April of 1991 is as follows: It gave material relevant to the Johnson murder and the Ratana Jarutahorn murder. It also stated that **NP24**

35 **NP24** stated that the [REDACTED] were involved in weekend attacks on gays in the Bondi/Centennial Park and Kings Cross areas?

40 A. Yes.

Q. It also stated that **NP23**, when arrested, had in his possession a pawn slip in the name of **NP18** **NP18** and it was alleged that **NP18** was one of the Alexandria Eight showing an association or link between the groups?

45 A. Yes, that's right.

Q. In fact, further enquiries tended to cast doubt upon that particular link, is that so?

50 A. Yeah, that's right.

Q. It also dealt with the disappearance of Mr Warren?

A. Yes.

55 Q. It dealt with the suspicious death of Mr Russell. It also dealt with the assault of Mr **190** at South Bondi on 18 December by, it was suggested, **NP23**

, **143** and another male?

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A. Yes.

Q. It dealt with the assault on [DM] at South Bondi on 21 December by [NP43] and others where an intention to throw [DM] off a nearby cliff was stated

A. Yes.

Q. It dealt with the death of William Allen as a result of an assault at Alexandria Park on 28 December 1988?

A. Yes.

Q. It also dealt with the fact of [NP16] - that's [NP16] [NP16] - admitted throwing a homosexual off the Bondi cliffs and throwing his keys into the ocean?

A. Yes.

Q. It also dealt with the death of Wayne Tonks at Artarmon on 19 May 1990 with Mr Tonks being a school teacher to the majority of the Alexandria Eight at the Cleveland Street high school?

A. Yes.

Q. You indicated that in relation to this report, you conducted further enquiries and prison visits to [NP23] and [NP22] - I'm sorry, further enquiries vis a vis, in relation to Mr [NP23] and [NP22] which in fact show that they had been visited by Mr [NP18]. However, not the [NP18] of the Alexandria Eight?

A. Yes, that's right.

Q. And therefore, you doubt the nexus which Detective Sergeant McCann alluded to in his overview?

A. Yeah, it puts some doubt on that.

Q. You also ascertained that the Tonks murder was perpetrated by two dissociated persons, [NP27] and [NP28]?

A. Yes.

Q. In the second overview, Detective Sergeant McCann once again referred to - I won't read them again - a number of common matters, but additionally he indicated that the suspicious death of Russell and that an open finding had been delivered at the inquest "It is stated that the hair found on the hand of Mr Russell had not been located"?

A. Yes.

Q. So far as you're able to ascertain, talking about that exhibit once more, when was the first time, so far as you can discern, that it became known by police that the exhibit had gone missing?

A. The only information I've got in relation to it is that the re-enquiry by members of the Homicide Unit, Major Crime Squad South, at the time of their enquiries, the hair was missing then. They were unable to locate it and they were recalling conversations with Mr Peter Russell that his recollection was at the first inquest, he was

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informed that the hair was missing then.

Q. The first inquest we know was about July of 1990 and the investigation by the Major Crime Squad was 1990/1991, so within a couple of years it had got lost?

A. Yes.

Q. Further, the overview spoke of the **DM** assault and also it referred to [REDACTED]

10

A. Yes.

Q. It referred to the lawful recording of private conversations between a number of persons - **NP21**, **NP19**, **NP18**, **NP15**, **I116**, **NP42** and **NP16**?

15

A. Yes.

Q. The recordings in relation to Mr **NP16** - we can have those played at the appropriate time - included statements about the pushing of a gay male off a cliff at South Bondi, searching his nearby brown motor vehicle and throwing the keys into the ocean?

20

A. Yes.

25

Q. You indicate that certain circumstances, or I think Mr McCann perhaps, of this statement are in conflict with the known information regarding Warren Russell and will be canvassed later in the statement?

30

A. Yes, that's right.

Q. That's your comment, is it, rather than McCann's?

A. That's my comment.

35

Q. In fact, one of the differences, I think, is it not, is that the observations concerning the location of Mr Warren's keys led you to conclude that they had been placed there rather than thrown?

40

A. Ultimately where they've ended up, I believe they've been placed, as opposed to this incident where keys were actually thrown into the ocean.

Q. So that unless - if **NP16** had had something to do with it, there would have had to have been an intervention of a third party to make it consistent with how the physical evidence appeared when, I suppose, Mr Ellis and Mr Sausiss discovered the keys?

45

A. Yeah and there's other inconsistencies there also.

Q. Further, Mr McCann referred to the fact that **NP16** admitted to involvement in about 100 gang assaults on gay men with Mr **NP21** admitting involvement in about fifteen?

50

A. Yes, that's right.

Q. He made reference, Sergeant McCann, to admissions made by **NP57** to two witnesses that she was involved, or at least was told about, the killing of Ross Warren?

55

A. Yes.

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Q. [REDACTED]

5

A. Yes.

10 LUNCHEON ADJOURNMENT

LAKATOS: Your Worship, before lunch, we were going through the fairly tedious process of reviewing what had been done and Detective Sergeant Page had been giving evidence of the materials in the initial Metropolitan Crime Squad South investigation which we were looking at the overview of Detective Sergeant McCann, the last point of reference being [REDACTED] and that - for those who are following in the transcript or in the statements - at page 65 paragraph 104.

20

Q. [REDACTED]

25

A. Yes, that's right.

30 Q. You then reviewed a further statement from Mrs Kay Warren relating to some of the personal effects which were found. You reviewed a number of reports and investigation summaries by Mr McCann which I pass over for the moment. At paragraph 108, does Mr McCann record that at that point, [REDACTED] DM is showing "an unwillingness to pursue the matter"?

35

A. Yes.

40 Q. And that [REDACTED] NP43 had been identified from a series of photographs by [REDACTED] DM?

A. Yes.

45 Q. You refer to a document prepared by Sergeant McCann of 15 April 1991 - this is para 109 - relating to the robbery of [REDACTED] 190 and the identification by that gentleman of [REDACTED] NP23 and [REDACTED] NP43 as being persons associated with that event?

A. Yes.

50 Q. Did [REDACTED] 190 complain that during that offence, some of his keys were thrown over a cliff?

A. Yes.

55 Q. You reviewed further documents relating to the Johnson and the Ratana Jarutahorn murders and also that of the murder of Mr William Allen in 1988?

A. Yes.

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Q. There was also, in the initial investigation, a statement from, I think it's [Miss X]?

A. Yes, that's right.

5 Q. In which [Miss X] overhears conversations allegedly - I'm sorry, overhears words allegedly said by [NP57] to the effect that [NP57] said "You know the guy that reads the news and weather on TV, there was a group of about eight of us, a Lebanese gang from the Cross, we got him and threw him off the rocks. We go poofter bashing all the time. We bash and kill them"?

10 A. Yes.

15 Q. There was a further statement from [Miss X]'s daughter, [Miss M], which gave some support for the fact that that statement was made by [NP57]?

A. Yes.

20 Q. There was further statements on the initial investigation brief from an [I87] who was a detention officer at Keelong Detention Centre, was there not, concerning what was allegedly said by [NP16], one of the Alexandria Eight?

25 A. That's right.

Q. And it appears that [I87] has communicated to police that she heard [NP16] say words to this effect "I pushed a poof off a cliff at Bondi. I hate poofsters". The person he was with, a [I86], said "What, into the water?". [NP16] said "Nah, onto the fucking rocks". [I87] then asked "Why do you hate poofs? It's not as if they have sex in front of you" to which [NP16] replied "They do. They do it in the park, at school and in the Cross"?

30 A. That's correct.

35

Q. Was there a further statement from [I87] in June of 1991 elaborating on what she had heard?

40 A. That's right.

Q. A statement as well was obtained by another participant in that conversation, a [I86], was it not, on 2 April 1990?

45 A. Yes.

Q. I'm looking at para 117 if you're following it with me?

A. Yes.

50 Q. Also in which Mr [I86] records [NP16] as saying "I threw a fag off the cliff at Bondi. I jumped on the bloke's head. You wouldn't believe, we were always going out bashing fags"?

A. Yes, that's right.

55 Q. You reviewed some further statements by [DM] in which that gentleman attempted to identify persons he said were involved in the assault upon him?

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A. Yes.

Q. And a document compiled by Sergeant McCann contained -
August 1991 - contained a statement to the effect that
5 [DM] initially identified [NP43], a 17 year old
local assailant, as being the leader of this group, but
has since shown a complete unwillingness to pursue or
assist police with this matter"?

A. Yes, that's right.

10

Q. You saw a statement by Detective Gilroy, once again
relating to Mr [DM] being shown a number of photographs
and attempting to identify those involved with his
assault?

15

A. Yes.

Q. And it is noted that at that time, which was about
30 July 1990, [DM] would not sign a photograph or
commit it to a statement, is that correct?

20

A. Yes, that's right.

Q. You reviewed some further police running sheets
relating to the [188] complaint - namely, that Warren was
still alive and somewhere in South Australia and we pass
25 over those. You make reference of material contained in
that investigation brief of some listening device both
warrants and product?

25

A. Yes.

Q. Concerning conversations which were taped on I think
30 on or about 10 April 1991 between [NP19] and [NP21]
[NP21]. Do you see that at para 128?

30

A. Yes.

Q. Just so you can remind us, those two persons were part
35 of the Alexandria Eight who were convicted for the murder
of Richard Johnson?

35

A. They were.

Q. And you have extracted in your statement, as it were,
40 edited highlights of what is contained on that listening
device product at para 129 and following?

40

A. Yes, that's right.

Q. Would you be good enough please to read the following
45 two paragraphs of what is contained?

45

LAKATOS: Your Worship, they can be played, but we've some
50 little difficulty finding where they are, so this may be
the quicker way.

50

CORONER: I see.

LAKATOS: I'll ultimately have them played when Mr [NP19]
55 comes, if he comes and gives evidence about it, but I
think at the moment it may take longer to do it than the
way I propose.

55

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CORONER: All right, yes, thankyou.

LAKATOS: Q. Would you kindly read 129, 130 please?

5 A. **NP19**, at page 15, says "You know MacKenzie's Point,
that walkway? We used to do training there. I made the
training squad, but they showed you that cliff where he
fell and that, with all the condom packets and that. They
10 used to get in the bushes. Fuckin' I've caught heaps of
them in there banging one another, walk along the cliff
top, like in front of - dickhead **NP41** and all them used to
make me start it all the time. **NP51** and **NP51** and
that, we were walking, jump up and look in the bushes,
just see them going for it - oh, you dirty man"--

15 Q. Just stopping there for a moment, the person **NP41**, do
you know who that person is?

A. Yeah, I believe that to be **NP41**.

Q. He was also one of the Alexandria Eight?

20 A. Yes.

Q. There's a nickname, if I can put it that, **NP51**.
From your enquiries, do you understand to whom that
refers?

25 A. Yeah, I believe that is **NP51**. That was a
nickname he was known by at that time.

Q. Was he one of the Alexandria Eight or not?

30 A. He wasn't one of that group, but he was an associate
of that group.

Q. And **NP51**, who do you understand that was a reference
to?

35 A. At this point in time, I'm not sure.

Q. Going to para 129, do you say **NP19** said some further
things?

40 A. **NP19** continues "And they would just keep going. I
went 'Ooh', screamed at them. They've just been that
involved in it, they blocked out all the noise. The waves
were heaps big and it was freezing. I had me new 'Boks'
from America on that day too. I had blood all over them.
Went up and I go 'Ooh'. **NP51** and **NP20** came out, come up
and grabbed a handful of hair and went 'Dirty fuckin'
45 magot'. He should have went off the cliff that night, but
he didn't. Only about fuckin' that high were - where we
and he just went 'Ooh'. We went down and put a cigarette
butt out on his head".

50 Q. Do you say that you don't know to whom - assuming that
there was truth in what was said, you have not been able
to identify a victim?

A. Yeah, that's right.

55 Q. You then make reference to some further listening
device recordings between **NP16** and **186**
which were captured on or about 12 April 1991?

A. Yes.

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Q. Have you recorded extracts of what was said by those two persons between paragraphs 1 at 35 and 141 of your statement?

5 A. Yes I have.

Q. Would you be good enough to read those out for us please?

10 A. **186** at page 9 says "You can't go down to fuckin' Bondi". **NP16** replies "Can't go no cliff jumping". **186** subsequently states "Why be a fag basher for?". **NP16** replies "Something to do mate. Mate, I made fuckin' one guy - I made one, one guy I bashed I got fuckin' thirteen hundred. He was doing a bank run - bank run, taking money to the bank. Stopped him, smashed him, fuckin' jumped on his head, went out to his car, looked at his briefcase. Do it for the fuckin' money mate. It's not fun, it's a sport in Redfern. Oh it's a fuckin' hobby mate. What are you doing tonight boys?". "Oh just going fag bashing" and in relation to that, I'm not able to identify the victim in that matter.

Q. Thankyou, would you continue please?

25 A. **NP16** continues at page 11, tells of an incident, a fag bashing, stating "The first time I went mate - no, it wasn't the first time, the second time - it was in a fuckin' toilet block. There was a window, okay? And the toilet's just inside the window and my mate, the same guys that I was with this time, they were inside punching the cunt out when he was standing on the toilet bowl, standing up and the window was smashed and I was leaning in through the window. It was heaps fun, you know. You know how it started? There was fuckin' one in each, chucked a golf ball in there, went ding, ding, ding and you heard 'Ooh, ah' then he come outside and goes 'Who done that? Some fuckin' boong, crunch'" and I'm not able to identify the victim in this matter. **NP16** continues at page 12, discusses another incident, stating "In the fuckin' football grandstand, heaps sick mate. Them cunts copped a bad hiding, two of them did anyway. We were jumping off the roof of his car onto his head mate. His head was on the gutter" and again I'm not able to identify the victim in this matter. **NP16** at page 16 continues with another incident saying "Man, I've belted heaps. I've belted one cunt three times mate, three different times. I swear to God mate, he had a wig. The last time I belted him mate, I took his wig off and I chucked it in a tree heaps way up high, chucked it in there and before I took his wig off, I pissed on his wig. I picked it up with a stick and put it on his head. He was down on his knees 'Don't hit me any more'. Took off his wig and pissed in it, done heaps of fuckin' sick things mate - done heaps of sick things man, heaps bad. I'm not doing nothing sick mate. It's a sport. It's fuckin' funny" and again, I'm not able to identify the victim in this matter. **NP16** continues at page 18 discussing another incident, saying "Tied a cunt up one night with fuckin' Telecom wire and we come back about three quarters of an hour later, he was still there,

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5 so we belted him again. We said 'You move cunt, we'll find you'. Never fuckin' moved mate. We said 'You should have fuckin' gone, you dickhead. How could we find you?', heaps bad. There was a write up in one of the papers, there was up the Cross. We nearly killed a bloke mate. We walked across the lights and when we got to the other side, he blew a kiss at me. Nearly got hit by a car. I chased him fuckin' up a street and I ankle tapped him and he landed and he just fuckin' hit the, you know, the light pole. We just jumped on his head and just fuckin' chucked him on the road on his head" and the victim discussed is not known. **NP16**, at page 21, discusses a further incident, saying "This cunt, we got him okay. We didn't hit him. We got him on the ground and we said 'Who are you?' and first he said he was a copper. We said 'Show us your badge, cunt' and he goes 'Oh I haven't got it. It's at home'. I went fuckin' whack. 'What are you, cunt?'. Said 'An ambulance driver', so I fuckin' cracked him again and I said 'What are you, cunt, what are you?' and he goes 'I'm a taxi driver'. I said 'Fuckin' bang, bang, bang. 'You lied to me three times, cunt. What are you?' and he goes 'I'm a homosexual'. Fuck, boot. Oh heaps bad mate. Stresses me out how they lie to me all the time. Can't handle it". I believe the person mentioned in this matter may be the victim Giles. **NP16** continues at page 26, discusses another incident. "I bashed fuckin' six guys one night. One, two, three, four places in around my area, five minutes from my area and there's Bondi. Centennial Park, you go in there mate and you up this fuckin' - they got a hockey field up the top and you go around there mate and you'll see fuckin' hundreds of fags man. We used to go in there at night, heaps spooky man. Bats fly over you, fuckin' everything. You can't see fuckin' two feet in front of you, but you go for a fuckin' walk mate and they come up to you. We all walk by ourselves, about 15, 20 minutes apart, and they go 'Hi' and you just go. The little boys used to go. Heaps fun mate".

40 Q. Was there also then reference to some further listening device material which recorded the conversations of **NP21**, **NP19**, **NP15** and **NP18** on or about 15 April 1991?

45 A. Yes, that's right.

Q. Once again, further listening device material recording private conversations of **NP21** and **NP16** on 3 July 1991. I'm looking at paragraph 140(a) of your statement?

50 A. Yes.

Q. And another listening device transcript para 151 of your statement which records the conversations of **NP16** and **NP21** on 5 July 1991?

55 A. Yes.

Q. Are there extracts in para 152 of that, if you'd kindly read that please?

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A. Right. **NP16** at page 27, says "I reckon there's a few of those, few other ones that we got a hide to man. I reckon, well, at Bondi, smashed a guy mate. There was me, **NP51**, someone, police--" - that's as best we could sound it - "--brought someone in with his skateboard. Tossed him off a cliff. Only small, about five, five or six foot. Tossed him off. Oh mate, took his car keys, tossed right off the point. Tossed his keys, tossed them out into the ocean. Oh man, we left".

10 Q. Was there further conversations intercepted by listening device on 7 July between **NP16** and **NP21** once again?

A. Yes.

15 Q. Do you record the extracts of that at paragraphs 154 and following?

A. **NP16** at page 3, says "We've been out there heaps of times. We went to Centennial, eh. You were there when we got the guy with the wig. There was **NP75**, me, **NP51**, **NP15**. We were just going to walk by him and **NP51** goes 'I know that poofter, man. I've seen him before. I've belted him before'. They'd belted him at Moore Park when they was up the Cross before and took his wig. **NP75** pissed in it and they chucked it in a hollow tree. Just knocking him around, man. Slapped on a - that was one of the funniest days, man".

30 Q. You say you can't identify that victim?
A. That's right.

Q. You indicate that you have some idea of who **NP75** was?

A. Yes, I believe him to be **NP75**.

35 Q. And **NP51** was who?
A. **NP51**.

40 Q. And he was, I think, one of the Alexandria Eight, was he not?
A. One of their associates.

45 Q. My apologies, right, one of the associates - and who was **NP15** to whom reference was made, so far as you can ascertain?

A. **NP15** who was one of the Alexandria Eight.

Q. Would you continue on at para 155?
A. **NP16** at page 5, continues "Bondi man, that was like Moore Park. You know the walkway that goes around? That goes - when you go from Bondi to Tamarama. There's all fuckin' tunnels, mate and it lead up in the bushes. There's all poofthers up in there, heaps of them. I don't know who was there, man, but they hit him with their skateboard, cracked him. He just fuckin' screamed like they all do 'Oh, let me go'. Just kept crackin' him. Someone pushed him over a thing about like three or four foot drop, something like that". **NP21** interjects and

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says "Who pushed him - you?". **NP16** replies "No, not me. I was going over to pick up his skateboard. I was going to hit him again - 'Ah, help, help' - heaps funny. Used to love how they scream".

5

Q. Go on please?

A. **NP21** asks "What did you say when you first see him?". **NP16** replies "Oh well, I wasn't - I wasn't there when they said something to him first off. I was coming down from the top, from where the lookout is. One of the boys said 'You're a poof, eh?' and I've come running down the stairs and I just looked around, mate, they were punching into him". **NP21** asks "Who was that?". **NP16** replies "**NP51**, **NP20**, **NP17**". Who else was there? I think little **NP17** was down too, **NP17**. Beat him, fuckin' grabbed his keys, ran back up to the car, searched his car. I think it was a Camry. Three keys - front door key and two car keys. Just went down there, couldn't find nothing in the car. Found about three dollars. 'See these, cunt?'. Just tossed them in the sea. We've done a bolt, left him, went around to Tamma, caught the bus home".

10

15

20

Q. And you say you can't identify that victim?

25

A. No.

Q. You do not think it was Mr Warren because Mr Warren's keys were not thrown in the ocean, they were on a rock shelf, is that so?

30

A. Yes, that's right.

Q. You also say that it's unlikely to have been Warren because whoever it was suffered the fall and survived, as evidence by their protests?

35

A. Yes.

Q. Mr Warren, of course, had not been seen since that time?

40

A. Yes.

Q. Warren's vehicle, of course, it showed no signs of being searched, unlike what's contained in this particular statement?

45

A. Yes.

Q. In addition, Warren's key ring had eight keys on it, as opposed to a lesser number involved in this?

A. Yes, that's right.

50

Q. You indicate that **NP75** you believe to be the same **NP75** referred to before, **NP51** to be **NP51**, **NP51** and **NP17** to be the cousin of **NP51**, **NP17** is **NP17**?

55

A. That's right.

Q. And **NP20**, as the case may be?

A. Yes, that's right.

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Q. Would you go on at para 158 please?

A. **NP16**, at page 8, continues "I remember we got one out there. **NP50** was out there telling him to drop his pants and gave him a cigarette and said 'Burn your dick'".

5 **NP21** asks "What? Where was that?". **NP16** replies "Bondi. 'Burn your dick' man". **NP21** asks "Did he?".

NP16 states "Yes, fair dinkum. Sick cunts, man".

NP21 asks "Who done that?". **NP16** replies "**NP50**, [REDACTED]"

10 - and **NP50** is known as an associate of the group I know as the Alexandria Eight. **NP16**, at page 9, discussing Bondi, says "Only went out there about three times".

NP21 says "Did you shit when you pushed him off the cliff?" and **NP16** replied "It was only small, probably about this high. Just dropped. Someone pushed him. Just

15 got up and started screaming". **NP16** goes on to describe him as a pretty big lad. I believe Warren, at the time of his disappearance, to be slight to medium stature.

Q. Were there further listening device materials in the nature of conversations recorded between **NP16** and **NP21** on 15 July 1991?

A. Yes there were.

Q. Once again, have you extracted, at para 161 and following, parts of that conversation?

A. Yes, that's right.

Q. Would you kindly read those?

A. **NP21**, at page 4, asks "Did you go all the time to Bondi?" and **NP16** replies "No, I've only been there a couple of times, about three or four times". **NP21**

30 later, at page 6, says "I was talking about the one at Bondi, when you got that cunt and you got all the - and you got that car with the keys and that". **NP16** replies

35 "Yeah, oh well, Bondi Junction - Bondi beach where it's got the pool. Just up the top there, that road comes in. It's a dead end". **NP16**, at page 7, when questioned, says it was unlocked and **NP21** asks "Did you search it by yourself?" to which **NP16** replies "Yes". **NP21** says

40 "You should have took that car. Fuck, it would have been mad. Should have come around and picked us up in it, racked it". **NP16** says "Can't drive. Never driven before in me life, mate. **NP51** could, but I wouldn't get in the car with him, you know, he's fucked". **NP16** then

45 says "It was dry. I wouldn't go out there if it was raining. Don't go anywhere if it rains, in case". **NP21** asks "Was it night time or--" and **NP16** replies "Yeah, at night. About 11, 11.30".

Q. You indicate that you don't know from this material who the victim was?

A. Yes.

Q. And there are a number of other factors which tend to suggest that whatever it was Mr **NP16** was talking about was not related to Warren?

A. Yes, that's right.

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Q. Going on to para 164?

A. NP21, at page 9, says "Did you hear about that fag
 and that got and hit him across the head with
 a sledge hammer in the mouth? They went up to him and go
 5 'What are you gay for?' and the bloke went to say
 something and says 'Don't talk because you're dead'.
 Hit him across the mouth with the sledge hammer. It's
 only a little one". NP21 then says "I suppose done
 10 done heaps of them. He used to go every day". NP16
 replied "Yeah, him and NP77, mate, they used to go
 every day".

Q. And the NP19 is NP19, is it?

A. Yes.

15

Q. One of the Alexandria Eight, so far as you're aware?

A. Yes.

Q. You then reviewed some further material which was in
 20 the nature of an affidavit pursuant to a Listening Devices
 Act being prepared by Sergeant McCann on 3 July?

A. Yes.

Q. In which Sergeant McCann recorded that on 12 June
 25 1991, NP16 was interviewed by Sergeant Saunders and
 Phillips of the Redfern police about his possible
 involvement in homosexual bashings and he has denied his
 involvement in them, is that correct?

A. That's right.

30

Q. Sergeant Phillips was subsequently spoken to and to
 the best of his recollection, he records that NP16 was
 not asked about the deaths of Warren and Russell at the
 time of the earlier interview?

35

A. Yes, that's right.

Q. Also in that earlier major crime investigation
 material, you uncovered, did you not, a report submitted
 by Constable Mark Winterfield concerning his investigation
 40 of the statements attributable to NP57?

A. Yes.

Q. At para 169 you deal with your review of the Warren
 45 investigation and you note that on 23 August, you
 submitted a report to the coroner concerning the suspected
 death of Mr Warren?

A. That's right.

Q. You had Constable Robinson provide a statement on
 50 24 June about his contact with that investigation?

A. 24 July, that's right.

Q. 2000, I'm sorry, that's quite right. I read that
 55 wrongly - and he, in essence, records that he spoke to
 Mr Ellis and Mr Saussis on a number of occasions over the
 days when they pointed out the car and the keys and that
 on 24 August 1989, he arranged for the publication of a
 photograph of Mr Warren with the consent of Mrs Kay

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Warren, his mother and looking at para 172, do you see that?

A. Yes, that's right.

5 Q. You obtained a further statement from Constable Robinson on 14 August 2001 once again which elaborates on certain aspects of the statement previously given?

A. Yes, that's right.

10 Q. On 25 September, you went back and re-interviewed Mr Craig Ellis, did you not?

A. Yes.

15 Q. That is, September 2000. Mr Ellis stated that he was gay and met Warren at Marks Point about April 1988 and after a brief relationship, maintained a friendship with him?

A. Yes.

20 Q. He said that July 1989, he was living in Albert Street, Redfern and Warren was in a unit in Wollongong by himself?

A. That's right.

25 Q. Warren, he said, was a kind, well spoken, considerate person and fairly reserved?

A. That's right.

30 Q. And although Warren did have mood swings, he was - sorry, I withdraw that. Although Warren did not have mood swings or depression, he wasn't a totally happy person?

A. Wasn't totally happy living in the Wollongong area, that's right.

35 Q. Mr Ellis gave some further background about Mr Warren, his job at WIN 4 and how he was trying to get a start in Sydney television scene, is that correct?

A. Yes.

40 Q. Perhaps in somewhat greater detail, reviewed the earlier evidence that Mr Warren arrived about 7, 8pm. He told the persons who were present, he told of the fact that Warren didn't return and that caused him and his friend to start to look. They went to a number of places
45 that Warren might be, including Marks Park at Tamarama, that they located Mr Warren's vehicle nearby and then they reported it to the Paddington police, that the following morning, he and Saussis went to Marks Park and it was that time that he found the keys at the base of the rock face
50 on a shelf--

A. Yes, that's right.

Q. In a section of a honeycomb sandstone?

A. (No verbal reply)

55 CORONER: Mr Lakatos, can I just stop you there? We're only at page 61 and there's 280 pages or something all up with the second statement. The [REDACTED] were

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given copies of this statement, were they?

LAKATOS: I think - I can check with them, but my understanding is that--

5
CORONER: I'm just wondering if there's any need to go through the way we're going for all those pages, otherwise Mr Page is going to be in that witness box all week and we're not going to get to any other witnesses, but I am
10 concerned. Mr Ted Russell and Mr Peter Russell, I'd be happy if they had a copy of this too, but I just think it's very slow, the way that we're doing it.

LAKATOS: There's no doubt, that's right your Worship.

15
CORONER: I mean, we're only not even a quarter of the way through. What do you think?

LAKATOS: I'm not sure of - unless we can take it as read
20 because it is a very, very thorough and comprehensive statement.

CORONER: Absolutely. It is, but--

25
LAKATOS: What's been troubling me your Worship, I suppose at the very outset, is what is a convenient way of reviewing material in a way which is accessible by those members of the public who are here without taking the
30 time? And I must say, I haven't come--

CORONER: No, I'm happy for you to continue. I mean, I've
35 read this excellent statement and it is, it's a wonderful investigation and I'm happy for everyone to know the detail and the extent to which Mr Page went to try and I think resolve a lot of the issues that have been raised by
40 Mrs Warren and others who are concerned about the state of gay-related deaths and assaults, but it's just a very slow way of doing it, that's all - and there's a wealth of other material that we want to get from other witnesses, but it's up to you. It's just going slowly.

LAKATOS: I wonder if your Worship would just take a short
45 adjournment because it might be if we come to some other way of doing it - at the moment, as I say, I've wracked my brain as to how to convey it in a way which is understood by those who are here and ..(not transcribable).. without going through the long and tedious procedure.

CORONER: But the document is now part of the exhibit and
50 if anyone wanted to look at it, they can. I'm concerned that the Russell family have a copy of it and the [REDACTED] have a copy of it, but I notice Mr Cushman is not here. Did he come to some arrangements with you to
55 leave?

LAKATOS: No, the answer is no arrangement concerning his presence or absence.

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CORONER: Well if that's the case, he's here in answer to a summons, is he not?

LAKATOS: Yes.

5

CORONER: If he's not here and he's made no arrangements with anyone - we might check with Miss Aitken before he comes back.

10 Q. Mr Page, did he make any arrangements with you not to be here?

A. No he didn't, no.

15 CORONER: All right, I want to ensure his continued involvement in this matter, whether he presents himself every day, as long as he's going to be available when he's called on--

20 LAKATOS: He seems to have indicated to us privately because I asked who his solicitor was and what the--

25 CORONER: Yes he did. Even to the Court he did, but I know he's not here now and whether that's because of lack of interest or because he just feels that he doesn't need to be here today and he's coming back tomorrow, but I just was curious to know what arrangement there was. Look, I'm happy to continue the way that we're going, except that we might as well excuse all the witnesses for a few days because we really are going to be here for a long time, going through it the way that we have, but I'll stand down now - without formality please. Officers, do you want to take the [REDACTED] back or do you want them to - is it better for you to sit here with them? It's not going to be a long adjournment. What do you want to do?

35

SPEAKER: Whatever the Court pleases ma'am.

40 CORONER: Well if it suits you and you feel safe with them here, I'm happy for them to remain, but I'll just step down now for a few moments and the court officer can come and get me when you're ready, without formality thankyou.

<WITNESS STOOD DOWN

45

SHORT ADJOURNMENT

CORONER: I think that was time well spent Mr Lakatos, do you not?

50

LAKATOS: Yes thankyou your Worship.

<STEPHEN JOHN PAGE
EXAMINATION CONTINUED

55

LAKATOS: Q. In general summary, would it be fair to say that you went back and interviewed all of the witnesses who were interviewed in the earlier investigations and in most cases, obtained fresh statements from them?

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A. Yes, that's right.

Q. In addition, you took steps to check out where possibly the physical exhibit relating to Mr Russell's hair might have ended up--

A. Yes.

Q. --including the analytical laboratories and other places?

10 A. Yes.

Q. You also obtained scientific statements from various doctors concerning tidal waves or tidal movement in terms of where bodies might wash and also medical opinion which is going to be given to the Court as to the effect of whether a body would sink or swim, as it were, in the water?

A. Yes, that's right.

20 Q. You then, I think, by reason of the intelligence that the police retained, investigated those people who were thought to be part of the group or groups involved and their associates?

A. Yes.

25 Q. And in most cases, attempted to interview those persons where they co-operated?

A. Yes.

30 Q. You have identified seven persons of interest in this inquiry, those being **NP43**, **NP23**, **NP22**, **NP22**, **NP24**, **NP19**, **NP16** and **NP51**?

A. Yes and **NP57**.

35 Q. I beg your pardon?

A. And **NP57**.

40 Q. Yes, I stand corrected. In relation to those persons, firstly Mr **NP43**; doing the best you can - and if you need to refer to your statement please or any other primary particulars, let us know - what material are you able to point to or identify ..(not transcribable).. statement and annexures which suggests that there may be a connection between Mr **NP43** and his activities in 45 1989/90 and the disappearances and/or death of Mr Russell and Mr Mattaini and Mr Warren in 1989?

A. The thing that takes me most to **NP43** is looking back at the documents prepared by Detective Sergeant McCann and Detective Sergeant - or Detective Superintendent Gilroy, in that **DM**, back then, identified **NP43** from photographs. I took into account that during that offence there were similarities between **DM** and Russell in that they were both gay men at that 55 gay beat at Tamarama. We had the proximity of time in that the **DM** incident was only three weeks or so after the death of John Russell. The evidence of **DM** is that during the offence, one offender made reference to

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the fact "We'll throw him off where the other went off" and I believe that may have been a reference to the death of John Russell. In a video run-around that we conducted with [DM], he indicated to us where he was initially assaulted by those offenders who struck him and where he made good his escape, where they were endeavouring to throw him off a cliff and drawing a vertical line from where the body of John Russell landed, it would have been not more than 15 metres from that location, so [DM] was manhandled approximately 500 metres to almost the point above where John Russell's body lay, so I took that information into account. [DM] described the group who assaulted him as being a mix of Caucasian and Pacific Islander males with some females in the group. He described the principal offender in that matter as being between 15 and 17 years old, short, cropped, blonde hair, of medium build, Caucasian background and that description was consistent with [NP43] at that time. That's the main basis on which I look at [NP43] as a suspect for the matter before the Court.

Q. Moving on to the second of the named persons of interest, [NP23], can you point us please - and once again by reference to any material if you need it - to the matters which, in your mind, implicate him possibly in any of these three events concerning the men involved?
A. All right, the reasons - and probably in this instance I should also cover [NP23] and [NP22] because--

Q. By all means, if that's convenient?
A. --the circumstances for one are the circumstances for both. I'm looking at offences that occurred at Marks Park at Bondi where the victims are male and certainly in the case of Russell, he's met his death as a result of a cliff fall and I believe more likely than not, so has Warren. In July of 1990, we have the death of Crichacorn Ratana Jarutahorn and [NP23] and [NP22], together with [NP24], were charged and convicted of their role in his death. There's similarities there in that we have another gay man at that gay beat who dies as a result of a robbery and his method of - the manner in which he died, as a result of a fall from a cliff. Taking into account that and the documents prepared by Detective Sergeant McCann that state that back in that era, [NP24] was interviewed and he nominated [NP23] and [NP22] as committing other gay hate crimes in that area prior to their arrest for the Ratana Jarutahorn murder.

Q. Moving then to the fourth of the persons of interest, [NP24], may we take it that the comments you've made would include him as well?

A. Yes.

Q. And there are no other matters so far as he's concerned?

A. No, no other matters.

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Q. Moving then to **NP19** who was one of the Alexandria Eight, what material persuades you that he is justifiably a person of interest in the present situation?

5 A. **NP19** is involved in the January 1990 murder of Richard Johnson. I go back and I rely on the subsequent investigations conducted by Major Crime Squad south and the listening device product that I had transcribed from their investigation and there's comments by **NP19** that he was involved in gay bashings at Marks Park back in that era and in fact, one piece of listening device product that disturbs me is the comment by **NP19** discussing one offence, talking about a gay man in general terms "He should have gone off the cliff that night". That I believe to be perhaps a similar cause of death to Warren and certainly Russell. In furtherance of that, there's the evidence of **NP16** when I interview him. **NP16** tells me that **NP19**, **NP77** and **NP50** would - or did in that era - commit numerous offences against members of the gay community, including at Marks Park. That's the basis on which I look at **NP19** as a suspect for this matter.

Q. Moving then to **NP16**, what is the material you point to in regard of him being connected with these matters?

25 A. With **NP16**, the matter s that I rely on is - obviously there's some similarities in relation - and this includes Johnson - some similarities in relation to the class of victim with Johnson and comparing that to Warren and Russell. **NP16** falls on his own sword in some respects, that he talks of incidents that were captured on the listening device products that I mentioned earlier and there's similarities in those incidents, in that he talks of bashing gays, searching their cars, getting their car keys, throwing their car keys off cliffs and the like and although there's enough dissimilarities to make me believe that he's not referring to Warren, there's enough similarities there that it certainly gives me some concern and that's why I brought him in as a person of interest.

40 Q. The second last person named is Mr **NP51**. Is he known by some nickname?

CORONER: Yes.

45 WITNESS: He's known by the nickname of "**NP51**" and with the listening device product that I've discussed previously, the name "**NP51**" comes up quite regularly and in fact, **NP16**, when I interview him, he nominates **NP51** - he nominates **NP51** as being "**NP51**" and that he in fact did numerous robberies - gay hate crimes - back in that era and in fact, when I interviewed **NP51**, he readily agrees that he's known as "**NP51**".

55 CORONER: Q. And it was **NP51** who was nominated as doing the gay hate robberies?

A. Yes.

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LAKATOS: Q. And [NP57] - there will be witnesses, will there not, of [Miss X], [Miss M] and so on and Miss [REDACTED], the former police officer who we'll say of her that she made statements which we've alluded to earlier about being in company with a group of Lebanese males who did certain things to--
 5 A. That's right. The evidence of [NP57] is admissions to witnesses that we've got in this matter, of [Miss X], [Miss M] and [REDACTED] and she states different variations, but she informs those people that she was either present or involved in the death of Warren.

15 Q. There are two perhaps final matters I'd ask you to turn your attention to and ..(not transcribable).. I indicated earlier on - and we discussed this in your evidence - about the processes for the retention of physical exhibits. Now, they seem to have been fairly non-existent or at least not consistently existing in 20 1989. You've collected a statement, I think, from Senior Sergeant Forbes of the Physical Evidence Section which outlines in some great detail what the processes are now. Can you now tell us what the processes are which operate 25 today so far as the retention of physical exhibits, the retention of briefs and so on where the matter has not been able to be closed? That is, by the nomination of an offender?

30 A. In relation to exhibits, it's the case now, if it's a serious offence and the Crime Scene Unit are called, they'll record the exhibit insitu, they'll make notes on a logue at the scene in relation to the details of the exhibit, they'll prepare sketch plans, those exhibits will then go back to the - generally the nearest police station 35 or the police station responsible for the incident. They'll be entered into an exhibit book at that police station in detail, they'll then be signed out by the crime scene officer. He'll take them away and again re-enter them into an exhibit book which is maintained by the Crime 40 Scene Units. At the conclusion of their examination, the exhibits will be returned to the station that has control of the investigation and the exhibits will then follow its natural course - either returned to the owner, destroyed or what have you, but certainly now, with the use of those 45 exhibit books, it ensures the security and continuity of those exhibits.

50 Q. What about a counterpart situation to what we have here where years pass by and members of the police force leave - that have had dealings with the investigation of it - leave the police force? Under whose control will these outstanding exhibits and briefs be left when that situation occurs?

55 A. In relation to serious offences, the offence ultimately would lie with the local area commander that's got responsibility for that station and if he was looking for some direction as to whether the exhibit would be required, he would seek guidance from, you know, a senior

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member of the police service at that station. I--

5 Q. So far as you're aware, is there a possibility that matters going astray like happened with the hair sample for Mr Russell, is that a situation which may recur in modern circumstances?

10 A. I think being a realist, anything could happen because we've always got the element of human error, but I think there's now systems in place that would certainly minimise, you know, the loss of exhibits.

15 Q. Just finally - and I won't go through these - at the very end of your statement, the first large one, you made a number of comments about the inadequacies, as you saw it, of the preceding investigation?

A. Yes.

20 Q. Investigations - 796, 797?

A. Yes.

25 Q. As I say, I won't go through those, but one thing I would ask is that in 796G, one of the comments you made about the flaw in the Warren investigation was that the primary response was controlled by Constable Robinson - sorry, other than the primary response being controlled by that officer, investigative follow-up was negligible?

A. Yes.

30 Q. What did you have in mind as what should have occurred?

35 A. What should have occurred in that instance is that, as I've outlined, it could have been pushed a lot harder. There's no evidence I found about a detailed canvass being conducted of witnesses - of residents in that area. There appeared to be no reconstruction of the disappearance, such as the following week, putting out a dummy dressed in similar clothing at Marks Park and canvassing people that are going through. Witnesses such as Paul Saussis and
40 Craig Ellis, when I'm taking statements from them in the year 2000 and they're seeing the process that the statements take, tell me that no statements had been taken from them previously. Such things as preparing or reporting the death to the coroner, there was no evidence of that occurring. There was no brief of evidence
45 prepared in relation to that death. I think what should have happened is that from the word "go", a brief of evidence should have been started to be created and then the matter put before the Courts.

50 Q. One final matter regarding the Warren investigation; you make the comment that the investigation was retained by a command not responsible for the incident scene. Can you explain what you mean by that as being a flaw?

55 A. All right, what I see as a problem there is that as police, we've got to follow crime trends and it's pretty hard to monitor crime trends that are occurring in your area if it's another command who's taking responsibility for what's happening in your patch and it may well have

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5 been the case that if Warren was passed to the Bondi police station for investigation, they may have, at a much earlier stage with the death of John Russell, been able to put their finger on the pulse and realize that there was a problem. There was no evidence of communication between those two stations and I believe that in that the effect of the Warren disappearance was felt at the Bondi patrol, they should have retained carriage of it.

10 Q. As opposed to Paddington?

A. Yes.

15 CORONER: Q. You say with regard to Miss Sue Thompson's statement, you make mention of the "PSK" drawings or photos, I think you called them. Now I don't have them in my copy of the brief. Are they in the original brief?

A. Yes they would be, but it may just take me a short time to--

20 Q. No, that's okay. They're there and I can find them this afternoon?

A. Certainly available.

25 Q. That's all right too. And do you consider - it's a very thorough investigation that you've conducted and you're to be commended for the interest that you've shown. I know that Mrs Warren was concerned about the lack of investigation into the disappearance of her own son and I also know that as a result of that, you started to delve into these other matters and you've managed to bring them all together and I thank you for your commitment because that's what's needed to be done. Do you consider that this is now the end of your investigation or are you hoping that there may be other witnesses? There might be others out there that could actually--

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35 A. I believe that there are people out there that certainly could assist. This is an incident that's occurred coming up to 14 years ago now and whatever people were doing back then, they may have moved on. They may have turned the corner, become more established with life and they don't want something like this hanging over their head and--

40
45 Q. So you're talking about those that may be involved in-
A. Yes, I believe that any witnesses that would have witnessed this, because of the amount of media interest we've had through various media releases, more likely than not would have come forward, but I would like to think that, you know, there are people out there that have some knowledge of these matters and they certainly could assist.

50
55 Q. What about victims themselves?
A. I think if - I think the response that we had from the gay community was poor in relation to the amount of people we had coming forward. I believe that the offences against the gay communities would have been extremely high, but there is a reluctance to, you know, for members

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5 of the gay community to associate themselves with beats - perhaps a little bit of an embarrassment factor - that would perhaps stop them from coming forward, but if we had victims coming forward and outlining the full extent of what was happening at that park in that area, it would certainly assist us.

10 SAIDI: Q. This inquest will probably come to an end in the next fortnight or so, but in terms of the investigations, on the assumption that an open finding of some kind will be made - that is, the person or persons responsible are not identified - I just want to get the information out in the public arena, if I may. The investigations aren't closed and there's no closed book, is there?

15 A. Certainly not.

20 Q. What happens is that the information, the intelligence which has been gathered, goes into the police system? I think it may be known as Eagle Eye, is that correct?

A. Yes, that's right.

25 Q. Going into the police system, what that means is that the information will remain there so that if any further information comes forward which would necessitate the investigation being looked at again, that certainly would happen?

30 A. Yeah, most certainly. The question was touched on before, but I don't think I answered it, but the use of the system, Eagle Eye, has been a big advancement to what we had in the late 1980's, in that back then, it would be possible to lose briefs of evidence and lose statements. These days, everything we get is scanned, put onto a computer system and retained forever, so the--

35 CORONER: Q. So it's case management?

A. Case management system ..(not transcribable)..

40 SAIDI: Q. I ask these questions because there obviously has been a great deal of media interest and I think it's probably advisable that some of this information does in fact get out. If indeed there is someone out there who's got some information that they may be able to offer, whether it be in the next week or whether it be in the next six months, the fact is that the investigation will be treated as an ongoing investigation and that information will be received and investigated, am I correct?

45 A. Exactly, in exactly the same manner in which I've re-opened these old ones, it'll start off yet again.

50 Q. In other words, to put it another way and with all due respect to her Worship, whatever findings she may make, assuming that they're open findings, there is always the opportunity, should it arrive, that anyone with information can come forward, that anyone with information can come forward, that anyone with information of the police service and the matter will indeed be looked at again?

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A. Yes.

5 Q. Again in terms of the receipt of information by the police, we know, based on the statistics which have been given, that many gay-related or gay hate-related crimes go unreported?

A. Yes.

10 Q. And there may be any number of reasons for that, but there is an opportunity, is there not, whereby if a person wants to provide information on a confidential basis to a member of the police service such as yourself, that information can be received confidentially?

A. Yes.

15

Q. And the person providing information can be protected in terms of the provision of that information, is that so?

A. Yes, most certainly.

20

Q. So if there be anyone out there who is in a position to offer information and they're concerned about their own anonymity, to a large extent, if not entirely, that anonymity can be protected if the information is forthcoming, am I correct?

25

A. That's right.

Q. And even if a person may be embarrassed about perhaps being identified as a gay or a lesbian or however, even if they're concerned about that, that information is something which can be kept confidential?

30

A. Yeah and I think we've come a long way, in that people may have been more embarrassed back in the late 1980's/1990's, identify themselves, you know, as gay, but I think society is probably a lot more accepting of the gay community and I don't think it would be embarrassing in today's climate.

35

Q. And now more specifically in relation to the New South Wales police force, as it now is called, there most certainly appear to be days in the past - and many of us here would remember those days - where the police force itself or individual members of the police force may have been less than sympathetic towards persons who could be described as gays?

40

A. Yes.

45

Q. That's changed quite dramatically, has it not, in the last few years?

A. Most certainly.

50

Q. I think the evidence given or to be given in this inquest by Susan Thompson, a, if I could use a brief term for her, a gay liaison officer with the community or as she was then and the police force. I think in the mid nineties, the New South Wales police force was in fact commended for the way in which it approached its relations with the gay community, is that correct?

55

A. Yes it was.

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Q. Are you, from your own experience, able to confirm that in fact that turn-around in attitude has occurred?

5 A. I wasn't there, but I - from speaking to members of the gay community who were certainly present at the first mardi gras, I think it was the case that police broke it up - charged it and broke it up, but these days, police
10 march in it and there's been - and we've got a lot of gay liaison officers at, you know, stations where there's, you know, a high percentage of the gay community residing there. We've come a long way.

Q. We touched on this very slightly earlier; for whatever reason, there were many gay members of the
15 community who were in fact the subject of physical abuse, assaults, ill treatment in the community and they didn't report it?

A. Mmm.

20 Q. These days, would you be in a position to say that gay persons who were subject to assaults, any reports made by them would be received in a sensitive fashion by the police force?

A. Most certainly.

25 Q. Would you encourage any information out there held by any gay person who is assaulted to come forward and give that information?

30 A. Most certainly and if for personal reasons they're not comfortable with approaching any police officer, they've certainly got those gay liaison officers that are, you know, sympathetic with the gay community and they can approach the service through that manner.

35 Q. And there really is a need for individuals who are caught up in assaults to come forward, insofar as it allows police and the police force to maintain intelligence in relation to what is in fact going on?

40 A. We really need people to report it because if we don't know about it, we can't do anything about it.

Q. In that sense, would it be fair to say that an appeal to members of the gay community who are indeed assaulted or have been assaulted in particular areas or in
45 particular circumstances is warranted insofar as trying to get these people to come forward?

A. I believe so, yes.

50 Q. Again I'm being repetitive to this extent, but I'm trying to get the message out there perhaps through the media that unless individual gay persons who are assaulted come forward, the police force is inhibited or held back from trying to get the intelligence together so that it could look at the problem and deal with it in a
55 comprehensive manner?

A. Yeah, well that's right. As I said before, if we're not aware that there's a problem, we can't do anything to resolve it.

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Q. Let me deal specifically with this case, if there be
any person out there who was indeed assaulted in the area
between Bondi and Tamarama or the Marks Park area -
indeed, in that area generally - who hasn't come forward,
would you appeal for those persons to come forward?

5
A. Most certainly, yes. As you pointed out, the case is
still open and we're receptive to any information that
members of the public have got.

10
Q. And even if those persons may feel that the
information which they've got to offer may be of a limited
nature, when it's all taken together by an investigator
and put together, it in fact can be quite valuable?

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A. It paints a better picture for us in relation to what
was happening back there in that era.

CORONER: Q. Anything else that hasn't been drawn from
you that you would want to say at this stage?

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A. No.

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