

New South Wales Police

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v2.6

STATEMENT in the matter of:

Place: Surry Hills  
Police Station

Date : 8 November 1996

Name: Marc Leslie William KAY

Address: [REDACTED]

Tel. No.: [REDACTED]

Occupation: Welfare Officer. Missionbeat

STATES:-


1. This statement made by me accurately sets out the evidence which I would be prepared, if necessary, to give in court as a witness. The statement is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything which I know to be false or do not believe to be true.

2. I am 38 years of age.

3. I am employed by Missionbeat as a welfare officer. My duties include driving homeless people to proclaimed places. There are no qualifications required as such to perform these duties but my personal qualifications include training as a psychiatric nurse.

4. At 10.30pm on Tuesday the 5th of November, 1996, I started my shift as a welfare officer/driver with Missionbeat. I was working with a casual co-worker, Emanuelle. That night Emanuelle drove our van and I sat in the front passenger seat. The vehicle was a Mitsubishi van. The van has two seats in the front for the driver and passenger. The back of the van has a small padded bench seat and floor of the van is covered in a single mat. There is a mesh barrier between the drivers compartment and the rear compartment. This mesh is similar to that in security doors. When sitting in the front you can see and hear everything

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thats going on in the back. Access can be gained to the back of the van through the rear door and a sliding door on the passenger side.

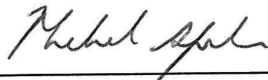
5. Some time into our shift Emanuelle and I received a page and as a result we drove to the Bar Cleveland which is situated at the south western corner of Cleveland street and Bourke street, Surry Hills.

6. When we arrived at the hotel Emanuelle parked our van on the southern side of Cleveland Street, facing west. The van was about 5m from the corner of Bourke Street. The passenger side of the van faced the hotel.

7. Emmanuelle got out of the van and I wrote down some details on our job sheet. I then got out of the van and walked towards the Cleveland street entrance of the hotel. As we walked towards the entrance of the hotel a man walked out of the hotel and approached us. I have not seen this man before. He was caucasian, probably in his late twenties, with black hair and about 5'7" tall ( he told me his name was Gavin) . Gavin told Emanuelle and I something. I waited outside and Emanuelle entered a short distance into the doorway. I was a meter or so from Emanuelle and I could see a man sitting on a chair just inside the entrance to the hotel.

8. I recall that the man sitting on the chair had a sling supporting one of his arms. He also had a black eye. I recall that the man or someone else was holding a wettex to his eye. Emmanuelle crouched down and spoke with the man in the sling. There was another man standing near him, although I can not recall anything about him.

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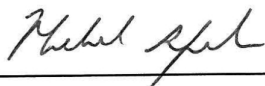
10. Emanuelle and Gavin assisted the man with the sling to his feet. They supported him by both arms and walked him out the door. When they came outside Emanuelle and Gavin seated the man on a low window sill outside the hotel.

11. Emanuelle spoke to the man but I could not hear because I started talking to Gavin. Gavin and I walked about 5 meters away from Emanuelle and the man and continued our conversation. I finished my conversation with Gavin about a minute to a minute and a half later and returned to the man sitting on the window sill. Emanuelle and I assisted the man to his feet by lifting him under the arms. As we did so I said to him, " Will this hurt?" I don't recall what he said but when we picked him up he did not acknowledge any pain. We walked the man over to the van, a distance of three to three and a half meters away.

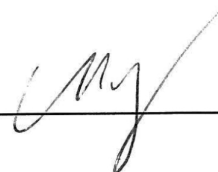
12. As we walked the man I noticed that he was unable to walk without support. He was able to move his legs but not enough to walk unassisted. About one meter away from the side door of the van the man hesitated and we stopped and few seconds. Emanuelle and I then helped the man into the van. As we did so he flinched and it appeared he was in pain from his arm. We turned him around so his back faced the van and slowly eased him down until his backside sat on the mattress on the floor of the van. As we did this the man said, " I want to die." He said this in a very soft voice and did not slur.

13. While the man was in this position Emanuelle touched the man on his shoulders, ribs and head. The only injury I saw on the man was his black eye. Once the man was seated we lifted his legs up off the ground and swung them into the van so they pointed towards the back. He sat in that position with his back

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against a padded backrest. As we put the man in the van I saw his wallet in his back pocket.

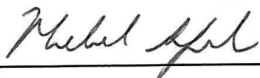
14. As we were sitting the man down Emanuelle said to him, " Do you know where you are now?" I don't recall what the man said but Emanuelle said, " So you do know where you are." Emanuelle then asked the man, " Do you know the date?" The man said, " Wednesday." Emanuelle said, " No, you're wrong, it's tuesday." I said, " No, he's right it is Wednesday." Emanuelle asked the man some more questions and the man answered. I can not recall what was said by either of them.

15. We closed the side door and Emanuelle and I sat in the front. Emanuelle in the drivers seat while I sat in the passenger seat. I can not recall if we turned on the interior light in the rear section but this is normally not done because it interferes with the drivers vision.

16. Emanuelle drove to Campbell House in Denham Street, Surry Hills. When we arrived we drove into the entrance to the proclaimed place of Campbell House in Little Bloomfield Street. We drove through the shutters and parked the van.

17. When we stopped the night welfare officer from Campbell house came out to the van. Emanuelle and I got out of the van and opened up the side door. The man was still sitting in an upright position in exactly the same spot he was seated in. Emanuelle swung the mans legs out of the van so he faced out of the van. Emanuelle indicated the man's black eye to the welfare officer. Emanuelle and the welfare officer walked the man from the van into the proclaimed place. When the man got out of the van I saw a patch of what appeared to be urine on the mat in the

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rear of the van. I sprayed the liquid with disinfectant and wiped the mat still thinking it was urine. At this point I saw a small lump of ice and realised that the liquid was melted ice that was in the wettex the man was holding.

18. Emanuelle came out of the proclaimed place a short time later and we continued our duties.

Witness: \_\_\_\_\_

*Michael Sparkes*  
M. SPARKES  
P.C.S.C.  
9.11.96

Signature: \_\_\_\_\_

