

NSW POLICE FORCE

STRIKE FORCE PARRABELL

Bias Crimes Indicators Review Form

Investigation No:	1
Victim/Deceased:	Mark STEWART (SPANSWICK)
Date of death:	11 May, 1976
Investigation Status:	Unsolved
Offender/s:	N/A
Investigative Unit:	Manly Police
Description:	<p>Mark STEWART (SPANSWICK) at 16 years of age joined the Royal New Zealand Navy however abandoned the Navy at 17 years of age. STEWART contacted his family nearly one year later and he went to stay with his parents for a couple of days in New Zealand. After this STEWART said he was heading to Brisbane for an appointment. After arriving in Brisbane he sent his parents one card stating he had found a job and his parents never heard from him again. The information on hand does not determine what STEWART'S sexuality was. STEWART was last seen alive at the Sydney Hilton Hotel by Patricia CUPITT at 9:30pm on 9 May 1976 where he rented a hotel room. About 10am on 11 May 1976, Colin MCGUIRE discovered the body of STEWART about 250m south of the Fairy Bower Headland when he was walking along the rocks below the cliff. During the inquest Coroner GOLDRICK stated that STEWART died on 11 May 1976 at Manly. "The deceased died of multiple injuries sustained then and there as the result of falling from the cliff top of Fairy Bower headland but whether such fall was accidental or otherwise the evidence adduced does not enable me to say."</p>

1. Differences

Prompts	Comment
<ul style="list-style-type: none"> • <i>Immutable characteristic differences between victim and POI's sexual orientation</i> 	<p>Mark STEWART was born in Port Moresby on 18 July 1957 before moving to Australia, England and then to Fiji in 1962. STEWART attended school in Fiji until he was about 13-14 years old before he was sent by his father to New Zealand to complete his schooling (ST-628). Whilst at school in New Zealand, STEWART, who was sixteen at the time, received permission from his mother and father to join the Royal New Zealand Navy as a cadet in Devonport, New Zealand. Mr SPANSWICK, STEWART'S father, stated "During this time we received regular correspondence from him and at the latter stages, his letters indicated that he had become disenchanted with the life. He sought permission from me to resign from the navy but I asked that he wait until he arrived home on leave and we would discuss it then. However, in August 1974 a communication from the Navy was received by me at Fiji and this revealed that Mark had apparently deserted, and was absent without leave" (ST-628). Mr SPANSWICK moved to New Zealand and made extensive inquiries to locate STEWART. STEWART made contact with his family sometime around the middle of 1975, where he then stayed with them for a couple of days. "At this time he looked very well, clean, neat and tidy" (ST-628). STEWART told his family that he could only stay for a couple of days as he "had an appointment in Brisbane." "He did not tell us what the appointment was about, nor were we able to find out where he had been working or what he had been doing" (ST-628). STEWART only sent his family one card whilst he was in Brisbane within a few days of him arriving, stating he had arrived safely, got a job and everything was ok. This was the last time STEWART was heard from by his family (ST-628). Mr SPANSWICK was not aware that STEWART had changed his name from SPANSWICK to STEWART via deed poll. However, he believed the reason was to avoid detection by the New Zealand Navy (ST-628). STEWART spent a significant amount of time away from his family therefore his father was unable to provide any insight into STEWART'S sexual orientation, knowledge about any friends that he had or where he was living. There is no</p>

	person of interest for this matter. There were no witnesses who saw STEWART or anyone else on the Fairy Bower Cliff prior to his death.
<ul style="list-style-type: none"> • <i>Victim is a member of a group which is outnumbered by members of another group in the area where the incident occurred</i> 	There is no information to suggest that STEWART was a member of any particular group that was outnumbered by members of another group. It is not known what STEWART did for work whilst he was in Australia, where he lived or any knowledge of any people that he knew or spent time with. After STEWART was located it was discovered that he had stayed at the Hilton Hotel the night before his death. STEWART'S room was searched and his belongings were seized however there was nothing in his property to suggest that he was a member of a particular group.
<ul style="list-style-type: none"> • <i>Victim was engaged in activities promoting his/her group</i> 	There is no information to suggest that STEWART was engaged in activities that were promoting anything in relation to a particular group that he belonged to. It is not known what STEWART did for work whilst he was in Australia, where he lived or any knowledge of any people that he knew or spent time with.
<ul style="list-style-type: none"> • <i>Incident coincided with a holiday or date of particular significance to the victim or POI's group</i> 	There is no information to suggest that STEWART was a member of a particular group or that his death coincided with a holiday or date of particular significance.
<ul style="list-style-type: none"> • <i>Victim, although not a member of the targeted group is a member of an advocacy group that supports the victim, or the victim was in company of a member of the targeted group</i> 	There is no information to suggest that STEWART was a member of an advocacy group. There were no witnesses at the time of his death; it is believed that STEWART was alone at the time of his death.
<ul style="list-style-type: none"> • <i>Historical animosity exists between the victim's group and the POI's group</i> 	There were no witnesses at the time of STEWART'S death and it is believed that STEWART was alone at the time of his death. No persons have been identified in relation to being responsible for STEWART'S death. An inquest was held on 16 July 1976 where coroner John GODRICK stated that STEWART "died of multiple injuries sustained then and there as the result of falling from the cliff top of Fairy Bower Headland but whether such fall was accidental or otherwise the evidence adduced does not enable me to say" (OD-375).
Indicators	(y/n)
Evidence of Bias Crime – sufficient evidence/information exists to prove beyond a reasonable doubt that the incident was either wholly or partially motivated by bias towards one of the protected categories and constitutes a criminal offence.	No

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

GENERAL COMMENT

Mark STEWART was born Mark SPANSWICK in Port Moresby on 18 July 1957. STEWART attended school in Fiji until he was about 13-14 years old before he was sent by his father to New Zealand to complete his schooling. At 16 years of age STEWART joined the Royal New Zealand Navy however abandoned the Navy at 17 years of age. STEWART contacted his family nearly one year later and he went to stay with his parents for a couple of days in New Zealand. After this STEWART said he was heading to Brisbane for an appointment. After arriving in Brisbane he sent his parents one card stating he had found a job and his parents never heard from him again. There is a limited amount of information in relation to this matter. The information on hand does not determine what STEWART'S sexuality was or define if he belonged to any particular group. STEWART appeared to be a "loner," absent from his family at such a young age to attend school in another country and then joined the Navy. STEWART'S father was unable to provide any information in relation to STEWART'S sexuality or the state of his mental health at the time of his death. There is no person of interest for this matter. There were no witnesses who saw STEWART or anyone else on the Fairy Bower Cliff prior to his death. There is no information to suggest that STEWART was a member of any particular group that was outnumbered by members of another group. It is not known what STEWART did for work whilst he was in Australia, where he lived or any knowledge of any people that he knew or spent time with. STEWART booked a single room at the Hilton Hotel in Sydney where he stayed for two nights before his death. STEWART'S belongings were located in his hotel room. This consisted mainly of clothes and toiletries; there was nothing to suggest that he was a member of any particular group.

2. Comments, Written Statements, Gestures

Prompts	Comment
<ul style="list-style-type: none"> <i>Bias related comments, written statements or gestures were made by the POI</i> 	<p>No persons have ever been identified in relation to this matter and there is no evidence to suggest that anyone was in fact responsible for the death of STEWART. There were no witnesses to STEWART'S death therefore there is no information to suggest that any persons made bias related comments, written statements or gestures towards STEWART at the time of his death. When STEWART was located on the rocks at the bottom of the cliff, Police observed that "near the body was a piece of Banksia tree similar to trees</p>

	growing at cliff top 150 feet above. It was apparent that the body had fallen from the cliff top" (ST-623). "On searching the body the only property found was a small piece of note paper with the telephone number of the Chevron Hotel, Sydney on it one corner and written in biro was '7.20 11.5.76" (ST-623). The Chevron Hotel is in fact the Hilton Hotel, the place that STEWART had stayed at for two nights before his death. It is unknown what the note was written in relation to. There is no evidence indicating that STEWART had written the note or if he intended on meeting someone at that time. STEWART was located at the bottom of the Fairy Bower Cliff about 10am on 11 May 1976.
<ul style="list-style-type: none"> • <i>Comments and gestures can occur before, during and after the incident</i> 	There is no evidence to suggest that any comments or gestures occurred before, during or after the incident. There were no witnesses to STEWART'S death and no persons have been identified as being responsible for STEWART'S death. About 10am on 11 May 1976, Colin MCGUIRE discovered the body of STEWART about 250m south of the Fairy Bower Headland when he was walking along the rocks below the cliff (ST-622). MCGUIRE did not see anyone else near STEWART, nor did he hear any comments or see any gestures being made by someone after discovering STEWART'S body.
<ul style="list-style-type: none"> • <i>Victims may not be aware of the significance of gestures made</i> 	There is no evidence to suggest that any comments or gestures occurred before, during or after the incident by either STEWART or another person. There were no witnesses to STEWART'S death and no persons have been identified as being responsible for STEWART'S death.
Indicators	(y/n)
Evidence of Bias Crime – sufficient evidence/information exists to prove beyond a reasonable doubt that the incident was either wholly or partially motivated by bias towards one of the protected categories and constitutes a criminal offence.	No
Suspected Bias Crime – evidence/information exists that the incident may have been motivated by bias but the incident cannot be proven beyond a reasonable doubt that it was either wholly or partially motivated by bias and constitutes a criminal offence.	No
No Evidence of Bias Crime – the incident has been determined as either not being motivated by bias towards a protected group or although bias motivation is in evidence it does not relate to a protected group.	No

<p>Insufficient Information – insufficient information has been recorded to make a determination in regards to bias motivation. This may be due to a lack of detail recorded by police or a lack of information supplied by victim's and/or witnesses.</p>	<p>Yes</p>
<h2>GENERAL COMMENT</h2>	
<p>No persons have ever been identified as being responsible for the death of STEWART and there is no evidence to suggest that there was in fact anyone else involved in the death. Overall there were no witnesses to STEWART'S death therefore there is no information to suggest that any person's made any bias related comments, written statements or gestures towards STEWART around the time of his death. When STEWART was located on the rocks at the bottom of the cliff Police observed that "near the body was a piece of Banksia tree similar to trees growing at cliff top 150 feet above. It was apparent that the body had fallen from the cliff top." It is apparent that STEWART did in fact fall from the top of the Fairy Bower Cliff to where he was found on the rocks below. "On searching the body the only property found was a small piece of note paper with the telephone number of the Chevron Hotel, Sydney on it one corner and written in biro was 7.20 11.5.76." The Chevron Hotel is in fact the Hilton Hotel, the place that STEWART had stayed at for two nights before his death. It is unknown who wrote the note or what it was written in relation to. STEWART was located at the bottom of the Fairy Bower Cliff about 10am on 11 May 1976.</p>	
<h2>3. Drawings, Markings, Symbols, Tattoos, Graffiti</h2>	
<h3>Prompts</h3>	<h3>Comment</h3>
<ul style="list-style-type: none"> <i>Bias related drawings, markings, symbols or graffiti were left at the scene or were seen on the POI</i> 	<p>There is no evidence to suggest that any bias related drawings, markings, symbols or graffiti were left at the scene. When STEWART was located on the rocks at the bottom of the cliff Police observed that "near the body was a piece of Banksia tree similar to trees growing at cliff top 150 feet above. It was apparent that the body had fallen from the cliff top" (ST-623). It is unknown if the Banksia tree was already on the rocks at the time of STEWART'S death however it is apparent that STEWART did in fact fall from the top of the Fairy Bower Cliff to where he was found on the rocks below. Police searched STEWART'S body when he was located. "On searching the body the only property found was a small piece of note paper with the telephone number of the Chevron Hotel, Sydney on it one corner and written in biro was 7.20 11.5.76" (ST-623). The Chevron Hotel is in fact the Hilton Hotel, the place that STEWART had stayed at the night before his death. It is unknown who wrote the note or what it was written in relation to. STEWART was located at the bottom of the Fairy Bower Cliff about 10am on 11 May 1976. David Ford, a security guard at the Hilton Hotel/Chevron Hotel, 259 Pitt St Sydney, where STEWART was staying, states that he searched STEWART'S hotel room, number 3117, about 6:45pm</p>

	<p>on 13 May 1976 at the request of Police. STEWART had registered the room in his name and address of [REDACTED] Upper Edward Street, Brisbane Queensland 4000. "Date of occupation was listed on hotel documents as 9th May 1976 and the contracted date of departure agreed to by STEWART was listed as 11th May 1976" (ST-620). A list of all items left in STEWART'S hotel room show that he mainly had clothes and toiletries in his possession as well as a British passport in his name (OD-381). There were no bias related drawings, markings, symbols or graffiti identified in the hotel room where STEWART was staying.</p>
<ul style="list-style-type: none"> • <i>Before discounting symbols, ensure that you understand the meaning of the symbol</i> 	<p>There were no reports to suggest that any bias related drawings, markings, symbols or graffiti were left at the crime scene or in STEWART'S hotel room. There were no crime scene photographs of the cliff base, STEWART'S hotel room or of STEWART'S body to examine.</p>
Indicators	(y/n)
Evidence of Bias Crime – sufficient evidence/information exists to prove beyond a reasonable doubt that the incident was either wholly or partially motivated by bias towards one of the protected categories and constitutes a criminal offence.	No
Suspected Bias Crime – evidence/information exists that the incident may have been motivated by bias but the incident cannot be proven beyond a reasonable doubt that it was either wholly or partially motivated by bias and constitutes a criminal offence.	No
No Evidence of Bias Crime – the incident has been determined as either not being motivated by bias towards a protected group or although bias motivation is in evidence it does not relate to a protected group.	No
Insufficient Information – insufficient information has been recorded to make a determination in regards to bias motivation. This may be due to a lack of detail recorded by police or a lack of information supplied by victim's and/or witnesses.	Yes
GENERAL COMMENT	
<p>There was no evidence to suggest that any bias related drawings, markings, symbols or graffiti were left at the crime scene or in STEWART'S hotel room. There were no crime scene photographs of the cliff base, STEWART'S hotel room or of STEWART'S body to examine.</p>	

4. Organised Hate Groups (OHG)	
Prompts	Comment
<ul style="list-style-type: none"> • <i>Objects or items that represent the work of an OHG were left at the scene, e.g. business cards, flyers, burning cross</i> 	There is no evidence to suggest that objects or items that represent the work of an OHG were left at the scene.
<ul style="list-style-type: none"> • <i>An OHG claimed responsibility</i> 	There is no evidence to suggest that an OHG claimed responsibility for the death of STEWART.
<ul style="list-style-type: none"> • <i>There are indications that an OHG was involved or active in the area</i> 	There is no evidence to suggest that an OHG was involved or active in the area at the time of STEWART'S death. There are no records on Police holdings that show that other deaths like this were occurring at the time of STEWART'S death, however due to the death occurring in 1976 these incidents may not be in current Police records. The only other known death around that time was that of Paul RATH who was found deceased at the bottom of Fairy Bower Cliffs on 15 June 1977. This death was determined by the coroner to be a suicide.
<ul style="list-style-type: none"> • <i>MO is similar to known MO of an OHG</i> 	STEWART fell from the top of the Fairy Bower Cliff however it is unable to be determined whether the fall was accidental or not. An inquest was held on 16 July 1976 where coroner John GODRICK stated that STEWART "died of multiple injuries sustained then and there as the result of falling from the cliff top of Fairy Bower Headland but whether such fall was accidental or otherwise the evidence adduced does not enable me to say" (OD-375).
Indicators	(y/n)
Evidence of Bias Crime – sufficient evidence/information exists to prove beyond a reasonable doubt that the incident was either wholly or partially motivated by bias towards one of the protected categories and constitutes a criminal offence.	No
Suspected Bias Crime – evidence/information exists that the incident may have been motivated by bias but the incident cannot be proven beyond a reasonable doubt that it was either wholly or partially motivated by bias and constitutes a criminal offence.	No
No Evidence of Bias Crime – the incident has been determined as either not being motivated by bias towards a protected group or although bias motivation is in evidence it does not relate to a protected group.	No

<p>Insufficient Information – insufficient information has been recorded to make a determination in regards to bias motivation. This may be due to a lack of detail recorded by police or a lack of information supplied by victim's and/or witnesses.</p>	<p>Yes</p>
<h2>GENERAL COMMENT</h2>	
<p>There is no evidence to suggest that objects or items that represent the work of an OHG were left at the scene. There is also no evidence to suggest that an OHG was involved or active in the area at the time of STEWART'S death. STEWART fell from the top of the Fairy Bower Cliff however it is unable to be determined whether the fall was accidental or not. An inquest was held on 16 July 1976 where coroner John GODRICK stated that STEWART "died of multiple injuries sustained then and there as the result of falling from the clifftop of Fairy Bower Headland but whether such fall was accidental or otherwise the evidence adduced does not enable me to say."</p>	
<h2>5. Previous existence of Bias Crime Incidents</h2>	
<h3>Prompts</h3>	<h3>Comment</h3>
<ul style="list-style-type: none"> • <i>Victim was visiting a location where previous bias crimes had been committed against members of the victim's group</i> 	<p>STEWART was located on the rocks below Fairy Bower Cliff at Manly's North Head. At the time of STEWART'S death there was no evidence to support that the location was one where bias crimes had previously been committed and there is no evidence to suggest that STEWART was a member of a group that bias crimes were committed against. However, there is current information today that suggests that the area near where STEWART was located is a known beat location, and that there is a possibility that at the time of STEWART'S death it was also a known beat location. There are other reported deaths throughout the 1970s-2000s where deceased persons have been located on the rocks at the bottom of the cliff around the same location in North Head, Manly. The majority of these deaths have been ruled as suicide; however there are some deaths where the cause of death has been unable to be determined.</p>
<ul style="list-style-type: none"> • <i>Several incidents occurred in the same area and the victims were members of the same group</i> 	<p>Research of Police and media holdings has shown that from about the 1990s to present day, there have been a number of reports of deceased persons being located at the bottom of the cliffs at North Head and the surrounding area. However there is no evidence to suggest that these deceased persons were all members of the same group. The majority of these deaths have been confirmed as suicide.</p>
<ul style="list-style-type: none"> • <i>Victim has received previous harassing mail, email, social media posts or phone calls or has been the victim of verbal abuse (anti-gay) based on his/her affiliation with a targeted group</i> 	<p>There is no evidence to suggest that STEWART was receiving harassing mail or phone calls prior to his death. There is no evidence to suggest that STEWART had an affiliation with a targeted group.</p>

<ul style="list-style-type: none"> Recent bias incidents or crimes may have sparked retaliatory bias crime 	There were no reports of bias incidents or crimes that may have sparked a retaliatory bias crime.
Indicators	(y/n)
Evidence of Bias Crime – sufficient evidence/information exists to prove beyond a reasonable doubt that the incident was either wholly or partially motivated by bias towards one of the protected categories and constitutes a criminal offence.	No
Suspected Bias Crime – evidence/information exists that the incident may have been motivated by bias but the incident cannot be proven beyond a reasonable doubt that it was either wholly or partially motivated by bias and constitutes a criminal offence.	No
No Evidence of Bias Crime – the incident has been determined as either not being motivated by bias towards a protected group or although bias motivation is in evidence it does not relate to a protected group.	No
Insufficient Information – insufficient information has been recorded to make a determination in regards to bias motivation. This may be due to a lack of detail recorded by police or a lack of information supplied by victim's and/or witnesses.	Yes
GENERAL COMMENT	
<p>STEWART was located on the rocks below Fairy Bower Cliff at Manly's North Head. At the time of STEWART's death there was no evidence to support that the location was one where bias crimes had previously been committed. However there is current information today that suggests that the area near where STEWART was located was a known beat location. There are other reported deaths throughout the 1970s-2000s where deceased persons have been located on the rocks at the bottom of the cliff around the same location in North Head, Manly. The majority of these deaths have been ruled as suicide; however there are some deaths where the cause of death has been unable to be determined.</p>	
6. Victim/Witness Perception	
Prompts	Comment
<ul style="list-style-type: none"> Witnesses (actual) perceive that the incident was motivated by bias 	There were no witnesses to the death of STEWART. About 10am on 11 May 1976 Colin MCGUIRE was walking along the rocks about 250 metres south of the Fairy Bower Headland to go fishing when he saw STEWART lying face down on the rocks about 20 feet from the cliff face (ST-622). MCGUIRE does not provide any evidence in relation to the incident being motivated by bias.

Indicators	(y/n)
Evidence of Bias Crime – sufficient evidence/information exists to prove beyond a reasonable doubt that the incident was either wholly or partially motivated by bias towards one of the protected categories and constitutes a criminal offence.	No
Suspected Bias Crime – evidence/information exists that the incident may have been motivated by bias but the incident cannot be proven beyond a reasonable doubt that it was either wholly or partially motivated by bias and constitutes a criminal offence.	No
No Evidence of Bias Crime – the incident has been determined as either not being motivated by bias towards a protected group or although bias motivation is in evidence it does not relate to a protected group.	No
Insufficient Information – insufficient information has been recorded to make a determination in regards to bias motivation. This may be due to a lack of detail recorded by police or a lack of information supplied by victim's and/or witnesses.	Yes
GENERAL COMMENT	
There were no witnesses identified during the investigation into STEWART'S death. Colin MCGUIRE located STEWART lying face down on the rocks about 20 feet from the cliff face however, he did not witness the incident and he does not provide any evidence in relation to the incident being motivated by bias.	
7. Motive of Offender/s	
Prompts	Comment
<ul style="list-style-type: none"> <i>POI was previously involved in similar incident or is a member/associates with members of an OHG</i> 	As a result of the investigation there has been no persons identified as having involvement in the death of STEWART.
<ul style="list-style-type: none"> <i>The victim was in company of a member of the targeted group</i> 	There were no witnesses identified during the investigation into STEWART'S death, therefore it is unknown if STEWART was in the company of a member of a particular targeted group.
<ul style="list-style-type: none"> <i>The victim was perceived to be breaking from traditional conventions or working non-traditional employment</i> 	There is no evidence to suggest that STEWART was perceived to be breaking from the traditional conventions or working non-traditional employment.
<ul style="list-style-type: none"> <i>The POI has a history of previous crimes with similar MO and involving other victims of the same group</i> 	As a result of the investigation there has been no persons identified as having involvement in the death of STEWART.

Indicators	(y/n)
Evidence of Bias Crime – sufficient evidence/information exists to prove beyond a reasonable doubt that the incident was either wholly or partially motivated by bias towards one of the protected categories and constitutes a criminal offence.	No
Suspected Bias Crime – evidence/information exists that the incident may have been motivated by bias but the incident cannot be proven beyond a reasonable doubt that it was either wholly or partially motivated by bias and constitutes a criminal offence.	No
No Evidence of Bias Crime – the incident has been determined as either not being motivated by bias towards a protected group or although bias motivation is in evidence it does not relate to a protected group.	No
Insufficient Information – insufficient information has been recorded to make a determination in regards to bias motivation. This may be due to a lack of detail recorded by police or a lack of information supplied by victim's and/or witnesses.	Yes
GENERAL COMMENT	
As a result of the investigation there has been no POI identified as having involvement in the death of STEWART. There is also no reason to believe that someone wanted to either hurt or murder STEWART. There were no witnesses to the incident therefore it is unknown if STEWART was in the company of a member of a particular targeted group and there is also no evidence to suggest that STEWART was perceived to be breaking from the traditional conventions or working non-traditional employment.	
8. Location of Incident	
Prompts	Comment
<ul style="list-style-type: none"> <i>The victim was in or near an area or place commonly associated with or frequented by members of a particular group e.g. beat</i> 	<p>STEWART was located on the rocks below Fairy Bower Cliff, 250m south of the Fairy Bower Headland at Manly's North Head. At the time of STEWART'S death there was no evidence to support that the location was one where bias crimes had previously been committed and there is no evidence to suggest that STEWART was a member of a group that bias crimes were committed against. However, there is current information today that suggests that the area near where STEWART was located is a known beat location, and that there is a possibility that at the time of STEWART'S death it was also a known beat location. There are other reported deaths throughout the 1970s-2000s where deceased persons have been located on the rocks at the bottom of the cliff around the same location in North</p>

	Head, Manly. The majority of these deaths have been ruled as suicide; however there are some deaths where the cause of death has been unable to be determined.
<ul style="list-style-type: none"> <i>The location of an incident has specific significance to the victim or POI group e.g. cemetery, religious building, historical landmark, etc</i> 	STEWART was familiar to Fairy Bower as his family had holidayed there on three occasions from Fiji, and would stay for up to 6-7 weeks each time (ST-628). "Mark loved the walk around by Shelley Beach to Fairy Bower and he loved climbing rocks, and going for walks" (ST-628). STEWART'S father stated "I cannot offer any reason or explanation as to why he would be there at that time of the day nor is there anything to my knowledge that would cause him to take his own life" (ST-628). There is therefore a possibility that the location of STEWART'S death was somewhat significant to him as he used to enjoy going there as a child.
Indicators	(y/n)
Evidence of Bias Crime – sufficient evidence/information exists to prove beyond a reasonable doubt that the incident was either wholly or partially motivated by bias towards one of the protected categories and constitutes a criminal offence.	No
Suspected Bias Crime – evidence/information exists that the incident may have been motivated by bias but the incident cannot be proven beyond a reasonable doubt that it was either wholly or partially motivated by bias and constitutes a criminal offence.	No
No Evidence of Bias Crime – the incident has been determined as either not being motivated by bias towards a protected group or although bias motivation is in evidence it does not relate to a protected group.	No
Insufficient Information – insufficient information has been recorded to make a determination in regards to bias motivation. This may be due to a lack of detail recorded by police or a lack of information supplied by victim's and/or witnesses.	Yes
GENERAL COMMENT	
An extensive search of the area was made where STEWART fell from. The area is dense bush land with very rocky sections. There are a number of small trails leading from the roadway to the cliffs. There is no safety fence or any facility to prevent persons from losing their footing. There were no signs which would explain how the deceased fell. STEWART'S father describes in his statement that STEWART was familiar to Fairy Bower, as his family had holidayed there on three occasions from Fiji, and would stay for up to 6-7 weeks each time. "Mark loved the walk around by Shelley Beach to Fairy Bower and he loved climbing rocks, and going for walks." STEWART'S father stated "I cannot offer any reason or explanation as to why he would be there at that time of the day nor is there anything to my knowledge that would cause him to take his own life." It therefore appears that STEWART was very familiar with the area and that the location was significant to him in that he spent a certain amount of time there when he was a child.	

9. Lack of Motive	
Prompts	Comment
<ul style="list-style-type: none"> <i>No clear economic or other motive for the incident exists</i> 	<p>From the available evidence there is no suggestion any persons was identified as being responsible or having any involvement in STEWART'S death. No clear economic or other motive has been identified. "A thorough search of the whole area by Police for any signs which might explain how the deceased came to fall to his death was made and no sign of the person's prior presence was found" (ST-626). An inquest was held on 16 July 1976 where coroner John GODRICK stated that STEWART "died of multiple injuries sustained then and there as the result of falling from the clifftop of Fairy Bower Headland but whether such fall was accidental or otherwise the evidence adduced does not enable me to say" (OD-375).</p>
Indicators	(y/n)
Evidence of Bias Crime – sufficient evidence/information exists to prove beyond a reasonable doubt that the incident was either wholly or partially motivated by bias towards one of the protected categories and constitutes a criminal offence.	No
Suspected Bias Crime – evidence/information exists that the incident may have been motivated by bias but the incident cannot be proven beyond a reasonable doubt that it was either wholly or partially motivated by bias and constitutes a criminal offence.	No
No Evidence of Bias Crime – the incident has been determined as either not being motivated by bias towards a protected group or although bias motivation is in evidence it does not relate to a protected group.	No
Insufficient Information – insufficient information has been recorded to make a determination in regards to bias motivation. This may be due to a lack of detail recorded by police or a lack of information supplied by victim's and/or witnesses.	Yes
GENERAL COMMENT	
<p>From the available evidence there is no suggestion any persons was identified as being responsible or having any involvement in STEWART'S death. No clear economic or other motive has been identified. An inquest was held on 16 July 1976 where coroner John GODRICK stated that STEWART "died of multiple injuries sustained then and there as the result of falling from the clifftop of Fairy Bower Headland but whether such fall was accidental or otherwise the evidence adduced does not enable me to say." There is no evidence to suggest that STEWART was suicidal. His father did not believe he wished to take his own life and there was no suicide note left behind. STEWART'S father stated "I cannot offer any reason or explanation as to why he would be there at</p>	

that time of the day nor is there anything to my knowledge that would cause him to take his own life.”	
10. Level of Violence	
Prompts	Comment
<ul style="list-style-type: none"> <i>The level of violence and injuries sustained by the victim/s is greater than would be expected for a crime of that type</i> 	From the evidence it appears that the injuries sustained by STEWART were caused as a result of him falling from the top of the cliff. The post mortem was completed by Thomas Oettle on 14 May 1976. Upon examination it was found that STEWART had a shattered skull, fractured left humerus, bilateral fracturing of the pelvis, fractured left femur and fractured left tibia and fibula. The cervical spine was fractured at the level of C3 and there was extensive tearing of the major organs (OD-379).
<ul style="list-style-type: none"> <i>Weapons of opportunity are used in the incident</i> 	There is no evidence to suggest that a weapon was used during the death of STEWART. There were no items located at the crime scene to suggest that a weapon of opportunity was used during the incident.
<ul style="list-style-type: none"> <i>The number of POI's is greater than the number of victims and all POI's take an active role in the assault</i> 	As a result of the investigation no persons have been identified as having any involvement in STEWART'S death.
Indicators	(y/n)
Evidence of Bias Crime – sufficient evidence/information exists to prove beyond a reasonable doubt that the incident was either wholly or partially motivated by bias towards one of the protected categories and constitutes a criminal offence.	No
Suspected Bias Crime – evidence/information exists that the incident may have been motivated by bias but the incident cannot be proven beyond a reasonable doubt that it was either wholly or partially motivated by bias and constitutes a criminal offence.	No
No Evidence of Bias Crime – the incident has been determined as either not being motivated by bias towards a protected group or although bias motivation is in evidence it does not relate to a protected group.	No
Insufficient Information – insufficient information has been recorded to make a determination in regards to bias motivation. This may be due to a lack of detail recorded by police or a lack of information supplied by victim's and/or witnesses.	Yes

GENERAL COMMENT

From the evidence it appears that the injuries sustained by STEWART were caused as a result of him falling from the top of a cliff. The post mortem was completed by Thomas Oettle on 14 May 1976. Upon examination it was found that STEWART had a shattered skull, fractured left humerus, bilateral fracturing of the pelvis, fractured left femur and fractured left tibia and fibula. The cervical spine was fractured at the level of C3 and there was extensive tearing of the major organs. There is no evidence to suggest that a weapon was used to cause injuries or the death of STEWART. From the evidence it is believed that STEWART received his injuries as a result of falling from the cliff and consequently died from such injuries.

SUMMARY OF FINDINGS

Indicator: Insufficient Information (II)

Comment: About 10am on 11 May 1976, Colin MCGUIRE discovered the body of Mark STEWART (SPANSWICK) lying on the rocks at the base of a cliff about 250 metres south of the Fairy Bower Headland, when he was walking along the rocks below the cliff. STEWART was last seen at the Sydney Hilton Hotel by Patricia CUPITT at 9:30pm on 9 May 1976 when he booked a hotel room for two nights. This was the last known time STEWART was spoken to.

The post mortem was completed by Thomas OETTLE on 14 May 1976 where it was found that STEWART had a shattered skull, fractured left humerus, bilateral fracturing of the pelvis, fractured left femur and fractured left tibia and fibula. The cervical spine was fractured at the level of C3 and there was extensive tearing of the major organs.

An inquest was held on 16 July 1976 where coroner John GODRICK stated that STEWART "died of multiple injuries sustained then and there as the result of falling from the cliff top of Fairy Bower Headland but whether such fall was accidental or otherwise the evidence adduced does not enable me to say."

Upon Police arrival at the scene they searched STEWART and located a piece of paper on him with writing on it. "On searching the body the only property found was a small piece of note paper with the telephone number of the Chevron Hotel, Sydney on it one corner and written in biro was 7.20 11.5.76." STEWART stayed at the Chevron Hotel (Also known as the Hilton Hotel), for two nights prior to his death. It is unknown who wrote the note or what it was written in relation to.

STEWART booked a single room at the Hilton Hotel in Sydney, where he stayed for two nights before his death. After his death STEWART's belongings were located in his hotel room. This consisted mainly of clothes and toiletries; there was nothing to suggest that he was a member of any particular group.

The information on hand failed to determine what STEWART'S sexuality was or define if he belonged to any particular group. STEWART appeared to be a "loner," absent from his family at such a young age to attend school in another country and then joined the Navy. It is not known what STEWART did for work whilst he was in Australia, where he lived or any knowledge of any people that he knew or spent time with. STEWART'S father was unable to provide any information in relation to STEWART'S sexuality or the state of his mental health at the time of his death. STEWART'S father stated "I cannot offer any reason or explanation as to why he would be there at that time of the day nor is there anything to my knowledge that would cause him to take his own life."

As a result of the Police investigation Police did not identify any persons that had or may have had any involvement in STEWART'S death. No clear economic or other motive was identified as a reason for his death.

There is no evidence to suggest that an OHG was involved or active in the area at the time of STEWART'S death. At the time of STEWART'S death there was no evidence to support that the location was one where bias crimes had previously been committed. However there is a lack of converted data on the COPS system to assist in determining whether any other deaths, similar in nature, occurred around the same time at the same location.

There is current information today that suggests that the area near where STEWART was located is a known beat location. There are other reported deaths throughout the 1970s-2000s where deceased persons have been located on the rocks at the bottom of the cliff around the same location in North Head, Manly. The majority of these deaths have been ruled as suicide; however there are some deaths where the cause of death has been unable to be determined.

STEWART'S father describes in his statement that STEWART was familiar to Fairy Bower, as his family had holidayed there on three occasions from Fiji, and would stay for up to 6-7 weeks each time. "Mark loved the walk around by Shelley Beach to Fairy Bower and he loved climbing rocks, and going for walks." STEWART'S father stated "I cannot offer any reason or explanation as to why he would be there at that time of the day nor is there anything to my knowledge that would cause him to take his own life." Police conducted an extensive search of the area was made where the deceased fell from. The area is dense bushland with very rocky sections. There are a number of small trails leading from the roadway to the cliffs. There is no safety fence or any facility to prevent persons from losing their footing. There were no signs which would explain how the deceased fell.

STEWART died as a result of the injuries he received from falling from the top of the cliff. However, what was

unable to be determined by the coroner was whether the fall from the cliff was accidental, or whether there was any involvement from other persons. It does appear that STEWART was very familiar with the area and that the location was significant to him in that he spent a certain amount of time there when he was a child. During their investigation Police were unable to determine who wrote the note found in STEWART's pocket, or if STEWART in fact wrote the note himself, including on it the number of the hotel that he was staying at. Because of the lack of evidence in being able to determine how STEWART died, there is also insufficient information available to determine whether bias motivation was involved in his death.