

## NSW POLICE FORCE

# STRIKE FORCE PARRABELL

## Bias Crimes Indicators Review Form

<b>Investigation No:</b>	16
<b>Victim/Deceased:</b>	Wayne 'Wendy' BRENNAN
<b>Date of death:</b>	31 April 1985
<b>Investigation Status:</b>	Unsolved
<b>Offender/s:</b>	N/A
<b>Investigative Unit:</b>	Homicide Squad
<b>Description:</b>	<p>Wayne 'Wendy WAIN' BRENNAN was murdered at [REDACTED] Darlinghurst Road, Darlinghurst. BRENNAN was a well known and liked 'drag queen' who worked as a Manager and performer at renowned gay cabaret restaurant 'Pete's Beat', in Oxford Street, Darlinghurst. BRENNAN was awaiting a sex change operation and was seeing Dr. David BENNETT who confirmed, "the deceased had been a regular patient at the surgery since 1978. She attended the surgery each fortnight for hormone injections and was not suffering from cancer or aids. She was due to have the sex change operation, and was seeing two psychiatrists, Prof Walter and Dr. Barr." There were no offenders charged in relation to the murder of BRENNAN. A number of suspects were interviewed in relation to the murder but there was insufficient evidence to proceed with charges against any persons. BRENNAN was breaking from traditional conventions and was working in non-traditional employment. BRENNAN was a pre-op transsexual who was on the waiting list for a sex change operation. [REDACTED] Darlinghurst Road, Kings Cross was home address of BRENNAN, as well as a location where she took clients met on the street, to engage in sexual intercourse. There is also evidence to suggest that BRENNAN used to sit out the front of her unit block on Darlinghurst Road and proposition male clients as they walked past and then take them into the unit to engage in sexual intercourse. Forensic Pathologist Dr. OETTLE indicated the cause of death to be two bullet wounds to the neck and throat. The person that murdered BRENNAN intended to kill her and did so in a brutal and efficient manner, removing all traces of evidence from the crime scene.</p>

Indicator 1 – 9 taken from the 'Responding to hate Crime – A multidisciplinary Curriculum for Law Enforcement & Victim Assistance Professionals. National Centre for Hate Crime Prevention, United States Department of Justice Office for Victims of Crime, 2000. Indicator 10 developed by NSWPF Bias Crimes based on research and cases.

<b>1. Differences</b>	
<b>Prompts</b>	<b>Comment</b>
<ul style="list-style-type: none"> <li><i>Immutable characteristic differences between victim and POI's sexual orientation</i></li> </ul>	<p>Wayne "Wendy WAIN" BRENNAN was murdered on the 30 of April, 1985 at [REDACTED] Darlinghurst Road, Darlinghurst. BRENNAN was a well known 'drag queen' who worked as a Manager and performer at renowned gay restaurant 'Pete's Beat', in Oxford Street, Darlinghurst. BRENNAN performed under the stage name 'Wendy WAINE'. In a statement to Police, witness [REDACTED] stated, "I know a trans-sexual named Wendy WAINE, she is also known as Wayne BRENNAN. I have known her since September 1984 when I came to Sydney on holidays from Brisbane. I met her at 'Pete's Beat' which is a gay restaurant in Oxford Street, Darlinghurst... During this time that I was in Sydney, I went to 'Pete's Beat' about three or four times a week and on most occasions I met Wendy there" (ST-569). BRENNAN'S sexual orientation was confirmed by another witness Steven CRICH, who stated, "I have known Wendy WAIN since October 1984. I knew her through PETES beat Licensed restaurant where she worked in the shows. She was a transvestite who was undergoing a sex change from male to female" (ST-570). BRENNAN was indeed awaiting a sex change operation and was seeing Dr. David BENNETT who confirmed, "the deceased had been a regular patient at the surgery since 1978. She attended the surgery each fortnight for hormone injections and was not suffering from cancer or aids. She was due to have the sex change operation, and was seeing two psychiatrists, Prof Walter and Dr. Barr" (OD-294). A further witness and close friend of BRENNAN, [REDACTED] outlined BRENNAN'S secondary employment as a male prostitute. [REDACTED] stated, "As well as working at "Pete's Beat" Wendy was working as a prostitute in Premier Lane, East Sydney." "Wendy told me that at the time she was living in a relationship with a Policeman she called David, at her home. Wendy told me that he worked at Darlinghurst Police Station and he must have been in uniform, because she told me she ironed his shirts" (ST-577).</p>
<ul style="list-style-type: none"> <li><i>Victim is a member of a group which is outnumbered by members of another group in the area where the incident occurred</i></li> </ul>	<p>BRENNAN was not a member of a group outnumbered by members of another group in the area.</p>

<ul style="list-style-type: none"> <li>• <i>Victim was engaged in activities promoting his/her group</i></li> </ul>	BRENNAN was employed at 'Pete's Beat' which was a well known gay restaurant and 'drag show' in Oxford Street, Darlinghurst. BRENNAN was employed as the Manager as well as a performer at the location.
<ul style="list-style-type: none"> <li>• <i>Incident coincided with a holiday or date of particular significance to the victim or POI's group</i></li> </ul>	The homicide of BRENNAN did not coincide with any holiday or date known to be of any particular significance to BRENNAN.
<ul style="list-style-type: none"> <li>• <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></li> </ul>	BRENNAN was not known to be a member of any advocacy groups.
<ul style="list-style-type: none"> <li>• <i>Historical animosity exists between the victim's group and the POI's group</i></li> </ul>	Due to the offender never being identified, it is unknown if any historical animosity existed between the two parties.
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>Wayne "Wendy WAIN" BRENNAN was murdered on the 30 of April, 1985 at [REDACTED] Darlinghurst Road, Darlinghurst. BRENNAN was a well known 'drag queen' who worked as a Manager and performer at renowned gay restaurant 'Pete's Beat', in Oxford Street, Darlinghurst. BRENNAN performed under the stage name 'Wendy WAINE'. In a statement to Police, witness [REDACTED] 1230 stated, "I know a trans-sexual named Wendy WAINE, she is also known as Wayne BRENNAN. I have known her since September 1984 when I came to Sydney on holidays from Brisbane. I met her at 'Pete's Beat' which is a gay restaurant in Oxford Street, Darlinghurst... During this time that I was in Sydney, I went to 'Pete's Beat' about three or four times a week and on most occasions I met Wendy there." This was confirmed by further witness Steven CRICH, who stated, "I have known Wendy WAIN since October 1984. I knew her through PETES beat Licensed restaurant where she worked in the shows. She was a transvestite who was undergoing a sex change from male to female." BRENNAN was indeed awaiting a sex change operation and was seeing Dr. David BENNETT who confirmed,</p>	

"the deceased had been a regular patient at the surgery since 1978. She attended the surgery each fortnight for hormone injections and was not suffering from cancer or aids. She was due to have the sex change operation, and was seeing two psychiatrists, Prof Walter and Dr. Barr." A further witness and close friend of BRENNAN, [§ 87(2)(b)] outlined BRENNAN'S secondary employment as a male prostitute. [§ 87(2)(b)] stated, "As well as working at "Pete's Beat" Wendy was working as a prostitute in Premier Lane, East Sydney." "Wendy told me that at the time she was living in a relationship with a Policeman she called David, at her home. Wendy told me that he worked at Darlinghurst Police Station and he must have been in uniform, because she told me she ironed his shirts." The homicide of BRENNAN did not coincide with any holiday or date known to be of any particular significance to BRENNAN. Due to the offender never being identified, it is unknown if any historical animosity existed between the two parties.

## 2. Comments, Written Statements, Gestures

Prompts	Comment
<ul style="list-style-type: none"> <li><i>Bias related comments, written statements or gestures were made by the POI</i></li> </ul>	<p>There have been no offenders charged in relation to the murder of BRENNAN. A number of suspects were interviewed in relation to the murder but there was insufficient evidence to proceed with charges against any persons. There are two entries located within the investigation log that record possible bias related comments but these were made by an unknown male. At 2.20pm on the 01 May 85, Alan BASKIN of Radio Station 2UE reported receiving a phone call to the News Room where the caller stated he was from the Coven of Mercy for Fate stating "We got Wendy and hope to get all Sydney Gays. This is a public announcement," and the caller terminated the call (OD-581). At 3.15pm the next day, an unknown male contacted Terry GOULDEN of the Gay Counselling Service of Hills and stated, "We have got Wendy and you're going to pay. This is the Coven of Mercy for Fate," and the caller again terminated the call (LOG-11/19).</p>
<ul style="list-style-type: none"> <li><i>Comments and gestures can occur before, during and after the incident</i></li> </ul>	<p>Both of the above threatening phone calls were made in the days following the murder of BRENNAN. The comments are bias related and the male caller clearly disliked homosexual males, claiming responsibility for the murder of BRENNAN also stating that they were targeting homosexual males. It is unknown if the caller was ever identified and was more than likely a hoax caller. There is no further information in the brief of evidence in regards to this line of enquiry and there are no other bias related comments made by any other parties.</p>
<ul style="list-style-type: none"> <li><i>Victims may not be aware of the significance of gestures made</i></li> </ul>	<p>BRENNAN was well known and liked amongst other members of the LGBTI community and no bias related comments were offered by any of the direct or background witnesses.</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.	Yes
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.	No

## GENERAL COMMENT

There have been no offenders charged in relation to the murder of BRENNAN. A number of suspects were interviewed in relation to the murder but there was insufficient evidence to proceed with charges against any persons. There are two entries located within the investigation log that record possible bias related comments by an unknown male. At 2.20pm on the 01 May 85, Alan BASKIN of Radio Station 2UE reported receiving a phone call to the News Room where the caller stated he was from the Coven of Mercy for Fate and "We got Wendy and hope to get all Sydney Gays. This is a public announcement," and the caller terminated the call. At 3.15pm the next day, an unknown male contacted Terry GOULDEN of the Gay Counselling Service of Hills and stated, "We have got Wendy and you're going to pay. This is the Coven of Mercy for Fate," and the caller again terminated the call. Both of the above threatening phone calls were made in the days following the murder of BRENNAN. The comments are bias related and the male caller clearly dislikes homosexual males, claiming responsibility for the murder of BRENNAN also stating that they were targeting homosexual males. It is unknown if the caller was ever identified but this was more than likely a hoax caller. There is no further information in the brief of evidence in regards to this line of enquiry and there are no other bias related comments made by any other parties. BRENNAN was well known and liked amongst other members of the LGBTI community and no bias related comments were offered by any of the direct or background witnesses.

<b>3. Drawings, Markings, Symbols, Tattoos, Graffiti</b>	
Prompts	Comment
<ul style="list-style-type: none"> <li><i>Bias related drawings, markings, symbols or graffiti were left at the scene or were seen on the POI</i></li> </ul>	Crime Scene Ballistics Officer Plain Clothes Constable 1 <sup>st</sup> Class Raymond CONSTABLE described the crime scene location in detail and made no mention of any bias related drawings, markings, symbols or graffiti left at the scene by possible offenders (ST-578).
<ul style="list-style-type: none"> <li><i>Before discounting symbols, ensure that you understand the meaning of the symbol</i></li> </ul>	Nil symbols were left at the crime scene that required interpretation.
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
<b>GENERAL COMMENT</b>	
Crime Scene Ballistics Officer Plain Clothes Constable 1 <sup>st</sup> Class Raymond CONSTABLE described the crime scene location in detail and made no mention of any bias related drawings, markings, symbols or graffiti left at the scene by possible offenders.	

4. Organised Hate Groups (OHG)	
Prompts	Comment
<ul style="list-style-type: none"> <li>• <i>Objects or items that represent the work of an OHG were left at the scene, e.g. business cards, flyers, burning cross</i></li> </ul>	<p>Crime Scene Ballistics Officer Plain Clothes Constable 1<sup>st</sup> Class Raymond CONSTABLE described the crime scene location in detail. Constable CONSTABLE made no mention of any objects or items that represent the work of an OHG being located within the crime scene at [REDACTED] Darlington Road, Kings Cross (ST-578).</p>
<ul style="list-style-type: none"> <li>• <i>An OHG claimed responsibility</i></li> </ul>	<p>There are two entries located within the investigation log that record bias related comments by an unknown male, that could be OHG related. At 2.20pm on the 01 May 85, Alan BASKIN of Radio Station '2UE' reported receiving a phone call to the News Room, where the caller stated he was from the Coven of Mercy for fate and "We got Wendy and hope to get all Sydney Gays. This is a public announcement," and the caller terminated the call (OD-581). At 3.15pm the next day, an unknown male contacted Terry GOULDEN of the Gay Counselling Service of Hills and stated, "We have got Wendy and you're going to pay. This is the Coven of Mercy for Fate," and the caller again terminated the call (LOG-11/19).</p>
<ul style="list-style-type: none"> <li>• <i>There are indications that an OHG was involved or active in the area</i></li> </ul>	<p>An unknown male caller has sought to take credit for the murder of BRENNAN, using the moniker of the 'Coven of the Mercy for Fate'. Due to the above comments, it is assumed that this is some form of organised hate group. However, internet searches conducted do not reveal any further information in regards to this organisation and there is no further information regarding any such organisation contained within the available brief of evidence. The suburbs of Darlington and Surry Hills were well known for assaults upon members of the homosexual community, as it was an area commonly frequented by homosexual males. Oxford Street in particular contained numerous restaurants, pubs and clubs that were owned and operated by the LGBTI community.</p>
<ul style="list-style-type: none"> <li>• <i>MO is similar to known MO of an OHG</i></li> </ul>	<p>MO is not similar to a known MO of any OHG's.</p>
Indicators	(y/n)
<p>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.</p>	<p>No</p>

Suspected Bias Crime – evidence/information exists that the incident may have been motivated by bias but the incident cannot be proven beyond a reasonable doubt that it was either wholly or partially motivated by bias and constitutes a criminal offence.	Yes
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.	No

## GENERAL COMMENT

Crime Scene Ballistics Officer Plain Clothes Constable 1<sup>st</sup> Class Raymond CONSTABLE described the crime scene location in detail. Constable CONSTABLE made no mention of any objects or items that represent the work of an OHG being located within the crime scene at [REDACTED] Darlinghurst Road, Kings Cross. There are two entries located within the investigation log that record bias related comments by an unknown male, that could be OHG related. At 2.20pm on the 01 May 85, Alan BASKIN of Radio Station '2UE' reported receiving a phone call to the News Room, where the caller stated he was from the Coven of Mercy for fate and "We got Wendy and hope to get all Sydney Gays. This is a public announcement," and the caller terminated the call. At 3.15pm the next day, an unknown male contacted Terry GOULDEN of the Gay Counselling Service of Hills and stated, "We have got Wendy and you're going to pay. This is the Coven of Mercy for Fate," and the caller again terminated the call. An unknown male caller has sought to take credit for the murder of BRENNAN, using the moniker of the 'Coven of the Mercy for Fate.' Due to the above comments, it is assumed that this is some form of organised hate group. However, internet searches conducted do not reveal any further information in regards to this organisation and there is no further information regarding any such organisation contained within the available brief of evidence. The suburbs of Darlinghurst and Surry Hills were well known for assaults upon members of the homosexual community, as it was an area commonly frequented by homosexual males. Oxford Street in particular contained numerous restaurants, pubs and clubs that were owned and operated by the LGBTI community. MO is not similar to a known MO of any OHG'S.

## 5. Previous existence of Bias Crime Incidents

Prompts	Comment
<ul style="list-style-type: none"> <li>Victim was visiting a location where previous bias crimes had been committed against members of the victim's group</li> </ul>	<p>[REDACTED] Darlinghurst Road, Kings Cross was the home address of BRENNAN. It was also a well as a known location where BRENNAN took clients she met, to engage in sexual intercourse. There is evidence to suggest that BRENNAN used to sit out the front of her unit block on Darlinghurst Road and proposition male clients as they walked past and then take them into the unit to engage in sexual intercourse. Witness Anthony REID was questioned regarding the location and stated to Police, "I was</p>



	<p>aware that prostitutes frequented in the vicinity of that particular flat. In fact I had been propositioned by prostitutes who were in the vicinity of this flat on previous occasions" (LOG-17). There is no record of any previous bias crimes being committed against members of BRENNAN'S group at that location.</p>
<ul style="list-style-type: none"> <li>Several incidents occurred in the same area and the victims were members of the same group</li> </ul>	<p>Due to a lack of converted COPS data prior to 1992, there is no available information regarding other incidents that may have occurred in the same area, at that time. Due to the location being heavily frequented by members of the LGBTI community, it is envisioned that there would have been other incidents in the same area.</p>
<ul style="list-style-type: none"> <li>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</li> </ul>	<p>Extensive investigation was conducted to collect information regarding BRENNAN'S background and any possible offenders with a personal dislike or grievance towards her. A number of these lines of enquiry were pursued but nothing of any evidentiary value was obtained.</p>
<ul style="list-style-type: none"> <li>Recent bias incidents or crimes may have sparked retaliatory bias crime</li> </ul>	<p>Due to a lack of converted COPS data prior to 1992, there is no available information regarding other incidents that may have occurred in the same area, at that time. Due to the location being heavily frequented by members of the LGBTI community, it is envisioned that there would have been other incidents in the same area at that time.</p>
Indicators	(y/n)
<p>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.</p>	No
<p>Suspected Bias Crime – evidence/information exists that the incident may have been motivated by bias but the incident cannot be proven beyond a reasonable doubt that it was either wholly or partially motivated by bias and constitutes a criminal offence.</p>	Yes
<p>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.</p>	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>	No

## GENERAL COMMENT

Darlinghurst Road, Kings Cross was the victims home address, as well as a known location where the victim took clients she met to engage in sexual intercourse. There is also evidence to suggest that the victim used to sit out the front of her unit block on Darlinghurst Road and proposition male clients as they walked past and then take them into the unit to engage in sexual intercourse. Witness Anthony REID was questioned regarding the location and stated to Police, "I was aware that prostitutes frequented in the vicinity of that particular flat. In fact I had been propositioned by prostitutes who were in the vicinity of this flat on previous occasions." Due to a lack of converted COPS data prior to 1992, there is no available information regarding other incidents that may have occurred in the same area, at that time. Due to the location being heavily frequented by members of the LGBTI community, it is envisioned that there would have been other incidents in the same area. Extensive investigation was conducted to collect information regarding BRENNAN'S background and any possible offenders with a personal dislike or grievance towards BRENNAN. A number of these lines of enquiry were pursued but nothing of any evidentiary value was obtained.

## 6. Victim/Witness Perception

Prompts	Comment
<ul style="list-style-type: none"> <li><i>Witnesses (actual) perceive that the incident was motivated by bias</i></li> </ul>	<p>None of the witnesses express a view that the murder of BRENNAN was bias related. BRENNAN worked as a prostitute in Premier Lane, Darlinghurst which was viewed by all witnesses as a risky occupation. BRENNAN was well known amongst the LGBTI community at the time and typical of statements obtained from direct and background witnesses, is the statement of witness I230 I230 stated, "I do not know why any person would want to murder Wendy. I am not aware of any threats made against her nor am I aware of any enemies she may have had" (ST-569). Witness I243 further stated, "I don't know of anyone who does not like Wendy. I never saw her fight with anyone and don't know of any enemy's" (LOG-10/9a).</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.	Yes

Insufficient Information – insufficient information has been recorded to make a determination in regards to bias motivation. This may be due to a lack of detail recorded by police or a lack of information supplied by victim's and/or witnesses.	No
<b>GENERAL COMMENT</b>	
None of the witnesses express a view that the murder of BRENNAN was bias related. BRENNAN worked as a prostitute in Premier Lane, Darlington which was viewed by all witnesses as a risky occupation. BRENNAN was well known amongst the LGBTI community at the time and typical of statements obtained from direct and background witnesses, is the statement of witness [REDACTED] 1230 [REDACTED] 1230 stated, "I do not know why any person would want to murder Wendy. I am not aware of any threats made against her nor am I aware of any enemies she may have had." Witness [REDACTED] 1243 further stated, "I don't know of anyone who does not like Wendy. I never saw her fight with anyone and don't know of any enemy's."	
<b>7. Motive of Offender/s</b>	
<b>Prompts</b>	<b>Comment</b>
<ul style="list-style-type: none"> <li>• <i>POI was previously involved in similar incident or is a member/associates with members of an OHG</i></li> </ul>	A number of suspects were spoken to during the course of the investigation but no offenders were identified by investigators. Therefore it is unknown if the offenders were previously involved in similar incidents or associated with members of an OHG.
<ul style="list-style-type: none"> <li>• <i>The victim was in company of a member of the targeted group</i></li> </ul>	BRENNAN was not in company of any other person. BRENNAN was thought to be at home alone at the time of the murder and no witnesses were identified that could offer any further information.
<ul style="list-style-type: none"> <li>• <i>The victim was perceived to be breaking from traditional conventions or working non-traditional employment</i></li> </ul>	BRENNAN was breaking from traditional conventions and was working in non-traditional employment. BRENNAN was a pre-op transsexual who was on the waiting list for a sex change operation. BRENNAN was employed as Manager and one of the cabaret performers at 'Pete's Beat', a well known restaurant drag show in Oxford Street which was frequented by members of the gay community.
<ul style="list-style-type: none"> <li>• <i>The POI has a history of previous crimes with similar MO and involving other victims of the same group</i></li> </ul>	As stated above, a number of suspects were spoken to during the course of the investigation but no offenders were identified. Therefore it is unknown if the offenders were previously involved in similar incidents or convicted of crimes against victims from the same group as BRENNAN.

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.	Yes
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.	No
<b>GENERAL COMMENT</b>	
<p>A number of suspects were spoken to during the course of the investigation but no offenders were identified by investigators. Therefore it is unknown if the offenders were previously involved in similar incidents or associated with members of an OHG. BRENNAN was not in company of any other person. BRENNAN was thought to be at home alone at the time of the murder and no witnesses were identified that could offer any further information. BRENNAN was breaking from traditional conventions and was working in non-traditional employment. BRENNAN was a pre-op transsexual who was on the waiting list for a sex change operation. She was employed as Manager and one of the cabaret performers at 'Pete's Beat', a well known restaurant drag show in Oxford Street which was frequented by members of the gay community.</p>	
<b>8. Location of Incident</b>	
Prompts	Comment
<ul style="list-style-type: none"> <li><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></li> </ul>	<p>██████████ Darlington Road, Kings Cross was BRENNAN'S home address. It was also a location where BRENNAN took clients she met on the street, to engage in sexual intercourse. There is also evidence to suggest that BRENNAN used to sit out the front of her unit block on Darlington Road and proposition male clients as they walked past and then take them into the unit to engage in sexual intercourse. Witness Anthony REID was questioned regarding the</p>

	location and stated to Police, "I was aware that prostitutes frequented in the vicinity of that particular flat. In fact I had been propositioned by prostitutes who were in the vicinity of this flat on previous occasions" (LOG-17). BRENNAN lived and worked in the vicinity of Oxford Street, which is a well known location frequented by the LGBTI community.
<ul style="list-style-type: none"> <li><i>The location of an incident has specific significance to the victim or POI group e.g. cemetery, religious building, historical landmark, etc</i></li> </ul>	Other than being BRENNAN'S home address, it does not appear to hold any specific significance in respect to BRENNAN'S murder. None of the witnesses spoken too during the course of the investigation make any comment in relation to the location.
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.	Yes
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.	No
GENERAL COMMENT	
<p>██████████ Darlington Road, Kings Cross was BRENNAN'S home address. It was also a location where BRENNAN took clients she met on the street, to engage in sexual intercourse. There is also evidence to suggest that BRENNAN used to sit out the front of her unit block on Darlington Road and proposition male clients as they walked past and then take them into the unit to engage in sexual intercourse. Witness Anthony REID was questioned regarding the location and stated to Police, "I was aware that prostitutes frequented in the vicinity of that particular flat. In fact I had been propositioned by prostitutes who were in the vicinity of this flat on previous occasions." Other than being BRENNAN'S home address, it does not appear to hold any specific significance in respect to BRENNAN'S murder. None of the witnesses spoken too during the course of the investigation make any comment in relation to the location. BRENNAN lived and worked in the vicinity of Oxford Street, which is a well known location frequented by the LGBTI community.</p>	

9. Lack of Motive	
Prompts	Comment
<ul style="list-style-type: none"> <li><i>No clear economic or other motive for the incident exists</i></li> </ul>	<p>At the time of BRENNAN'S murder, there was no clear economic motive identified or established by Investigators. The initial Police Incident Report was completed by Detective Sergeant SMITH and states, "No evidence of robbery" (OD-287). Subsequent investigation however revealed that robbery may have been a motive and a number of items may have been missing from the residence of BRENNAN. An entry in the Investigation Log recorded the following, "On 04.05.85 Betty EARNST, the sister of BRENNAN, made an examination of BRENNAN's flat at the request of Det Sgt SMITH. EARNST located a brown leather carry bag on the table in the living room. EARNST stated that BRENNAN was noted for carrying this bag with her at all times and in which she kept a purse, money cosmetics and other personal items. When EARNST examined the bag all she found was a pair of sun glasses and a brush. EARNST felt that a purse and the other property may have been stolen. EARNST stated that BRENNAN was in the habit of carrying no less than \$50 with her at all times. EARNST also stated that she believed that BRENNAN owned a diamond ring valued at \$1500.00. The ring was purchased from David COOK, the Manager of Pete's Beat. The ring has not been located" (OD-583). A brief of evidence was prepared for the Coroner in relation to the circumstances surrounding the death of BRENNAN and no clear economic motive was discussed by the officer in charge of the investigation, Detective Sergeant McCANN. Detective Sergeant McCANN said, "In conclusion, all worthwhile lines of enquiry have been exhausted" (ST-565).</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

At the time of BRENNAN'S murder, there was no clear economic motive identified or established by Investigators. The initial Police Incident Report was completed by Detective Sergeant SMITH and stated, "No evidence of robbery." Subsequent investigation however revealed that robbery may have been a motive and a number of items may have been missing from the residence of BRENNAN. An entry in the Investigation Log recorded the following, "On 04.05.85 Betty EARNST, the sister of BRENNAN, made an examination of BRENNAN's flat at the request of Det Sgt SMITH. EARNST located a brown leather carry bag on the table in the living room. EARNST stated that BRENNAN was noted for carrying this bag with her at all times and in which she kept a purse, money cosmetics and other personal items. When EARNST examined the bag all she found was a pair of sun glasses and a brush. EARNST felt that a purse and the other property may have been stolen. EARNST stated that BRENNAN was in the habit of carrying no less than \$50 with her at all times. EARNST also stated that she believed that BRENNAN owned a diamond ring valued at \$1500.00. The ring was purchased from David COOK, the Manager of Pete's Beat. The ring has not been located." A brief of evidence was prepared for the Coroner in relation to the circumstances surrounding the death of BRENNAN and no clear economic motive was discussed by the officer in charge of the investigation, Detective Sergeant McCANN. Detective Sergeant McCANN said, "In conclusion, all worthwhile lines of enquiry have been exhausted." There is no information available in relation to the Coroners findings regarding the murder of BRENNAN.

## 10. Level of Violence

Prompts	Comment
<ul style="list-style-type: none"> <li><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></li> </ul>	<p>The Coroner's Report was completed by Forensic Pathologist Dr. OETTLE indicating the cause of death to be two bullet wounds to the neck and throat. "In my opinion death had taken place about 1 day previously and the cause of death was bullet wounds of the neck and thorax" (OD-284). Detective McCANN noted in his statement prepared for the Coroner, "The deceased was lying, naked, faced down on the floor beside the bed near the southern wall. A large calibre bullet wound was situated between the shoulder blades and also a wound to the left hand." "It was noted that the following injuries had been sustained by BRENNAN, those injuries being;</p> <ol style="list-style-type: none"> <li>1. One bullet entry wound at the back of the neck, exiting at the front of the neck</li> <li>2. A bullet entry wound at the base of</li> </ol>

	<p>the skull exiting at the chin</p> <p>3. An entry and exit wound on the left hand of the deceased, which is consistent with it having been in line with the trajectory of either projectile'</p> <p>4. An 18mm. by 40mm. bruise of the left side of the back of the skull. It was noted that the force of this blow would have been sufficient to render the victim unconscious</p> <p>5. Slight bruising was also evident to the left upper arm and a small laceration was detected which is consistent with being caused by a fingernail. Bruising was also noted under the victims chin, The cause of death was the bullet wound to the back" (ST-565).</p>
<ul style="list-style-type: none"> <li>• <i>Weapons of opportunity are used in the incident</i></li> </ul>	<p>It is unknown if a weapon of opportunity was used to strike BRENNAN to the head, prior to her being shot twice in the back but it is a strong possibility.</p>
<ul style="list-style-type: none"> <li>• <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></li> </ul>	<p>It is more than likely that only one (1) offender was involved in the homicide of BRENNAN but the offender has never been identified. From the autopsy report and available ballistic evidence, only one (1) weapon was used in the murder, with the two (2) wounds being roughly the same size. This means that both projectiles (bullets) were fired from the same weapon. However no projectiles or cartridges were recovered from the crime scene and all ballistic evidence was removed from the scene by the offender.</p>
Indicators	(y/n)
<p>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.</p>	<p>No</p>
<p>Suspected Bias Crime – evidence/information exists that the incident may have been motivated by bias but the incident cannot be proven beyond a reasonable doubt that it was either wholly or partially motivated by bias and constitutes a criminal offence.</p>	<p>No</p>
<p>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.</p>	<p>No</p>
<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>



## GENERAL COMMENT

The Coroner's Report was completed by Forensic Pathologist Dr. OETTLE indicating the cause of death to be two bullet wounds to the neck and throat. "In my opinion death had taken place about 1 day previously and the cause of death was bullet wounds of the neck and thorax." Detective McCANN noted in his statement prepared for the Coroner, "The deceased was lying, naked, faced down on the floor beside the bed near the southern wall. A large calibre bullet wound was situated between the shoulder blades and also a wound to the left hand." It is unknown if a weapon of opportunity was used to strike BRENNAN to the head, prior to her being shot twice in the back but it is a strong possibility. It is more than likely that only one (1) offender was involved in the homicide of BRENNAN but the offender has never been identified. From the autopsy report and available ballistic evidence, only one (1) weapon was used in the murder, with the two (2) wounds being roughly the same size. This means that both projectiles (bullets) were fired from the same weapon. However no projectiles or cartridges were recovered from the crime scene and all ballistic evidence was removed from the scene by the offender.

## SUMMARY OF FINDINGS

**Indicator:** Insufficient Information (II)

**Comment:** Wayne 'Wendy WAIN' BRENNAN was murdered on the 30 April, 1985 at [REDACTED] Darlinghurst Road, Darlinghurst. BRENNAN was a well known and liked 'drag queen' who worked as a Manager and performer at renowned gay cabaret restaurant 'Pete's Beat', in Oxford Street, Darlinghurst. BRENNAN was indeed awaiting a sex change operation and was seeing Dr. David BENNETT who confirmed, "the deceased had been a regular patient at the surgery since 1978. She attended the surgery each fortnight for hormone injections and was not suffering from cancer or aids. She was due to have the sex change operation, and was seeing two psychiatrists, Prof Walter and Dr. Barr." A further witness and close friend of BRENNAN, [REDACTED] 1223 outlined BRENNAN'S secondary employment as a male prostitute. [REDACTED] 1223 stated, "As well as working at 'Pete's Beat' Wendy was working as a prostitute in Premier Lane, East Sydney." "Wendy told me that at the time she was living in a relationship with a Policeman she called David, at her home. Wendy told me that he worked at Darlinghurst Police Station and he must have been in uniform, because she told me she ironed his shirts." BRENNAN performed under the stage name 'Wendy WAINE'. In a statement to Police, witness [REDACTED] 1230 [REDACTED] 1223 stated, "I know a trans-sexual named Wendy WAINE, she is also known as Wayne BRENNAN. I have known her since September 1984 when I came to Sydney on holidays from Brisbane. I met her at 'Pete's Beat' which is a gay restaurant in Oxford Street, Darlinghurst... During this time that I was in Sydney, I went to 'Pete's Beat' about three or four times a week and on most occasions I met Wendy there." There were no offenders charged in relation to the murder of BRENNAN. A number of suspects were interviewed in relation to the murder but there was insufficient evidence to proceed with charges against any persons. BRENNAN was well known and liked amongst other members of the LGBTI community and no bias related concerns were offered by any of the direct or background witnesses. Crime Scene Ballistics Officer Plain Clothes Constable 1<sup>st</sup> Class Raymond CONSTABLE described the crime scene location in detail. Constable CONSTABLE made no mention of any objects or items that represent the work of an OHG being located within the crime scene at [REDACTED] Darlinghurst Road, Kings Cross. Two entries were located within the investigation log that record bias related comments by an unknown male, which could be OHG related. At 2.20pm on the 01 May 85, Alan BASKIN of Radio Station '2UE' reported receiving a phone call to the News Room, where the caller stated he was from the Coven of Mercy for fate and "We got Wendy and hope to get all Sydney Gays. This is a public announcement," and the caller terminated the call. At 3.15pm the next day, an unknown male contacted Terry GOULDEN of the Gay Counselling Service of Hills and stated, "We have got Wendy and you're going to pay. This is the Coven of Mercy for Fate," and the caller again terminated the call. An unknown male caller has sought to take credit for the murder of BRENNAN, using the moniker of the 'Coven of the Mercy for Fate'. Due to the above comments, it is assumed that the caller was promoting himself and others as an organised hate group. However, internet searches conducted do not reveal any information in regards to this organisation and there is no further information regarding any investigation into the identity of the caller or the 'Coven for the Mercy of Fate'. It is more than likely that this was a 'hoax' caller, using the minimal information contained within newspaper reports to try and cause fear amongst the LGBTI community but this cannot be confirmed or denied from the information available. Due to the insufficient information available, reviewers are unable to determine the level of involvement of an 'OHG' in the death of BRENNAN, if any, or even their actual existence as an OHG, other than in the mind of the caller. The suburbs of Darlinghurst and Surry Hills were well known for assaults upon members of the homosexual community, as it was an area commonly frequented by homosexual males. Oxford Street in particular contained numerous restaurants, pubs and clubs that were owned and operated by the LGBTI community. BRENNAN worked as a prostitute in Premier Lane, Darlinghurst which was viewed by all witnesses as a risky occupation. BRENNAN was well known amongst the LGBTI community at the time and typical of

statements obtained from direct and background witnesses, is the statement of witness [REDACTED] 1230 [REDACTED] 1230 stated, "I do not know why any person would want to murder Wendy. I am not aware of any threats made against her nor am I aware of any enemies she may have had." Witness [REDACTED] 1243 further stated, "I don't know of anyone who does not like Wendy. I never saw her fight with anyone and don't know of any enemy's." A number of suspects were spoken to during the course of the investigation but no offenders were identified by investigators. Therefore it is unknown if the offenders were previously involved in similar incidents or associated with members of an OHG. BRENNAN was not in company of any other person and was thought to be at home alone at the time of the murder. BRENNAN was breaking from traditional conventions and was working in non-traditional employment. BRENNAN was a pre-op transsexual who was on the waiting list for a sex change operation. [REDACTED] Darlinghurst Road, Kings Cross was home address of BRENNAN, as well as a location where she took clients met on the street, to engage in sexual intercourse. There is also evidence to suggest that BRENNAN used to sit out the front of her unit block on Darlinghurst Road and proposition male clients as they walked past and then take them into the unit to engage in sexual intercourse. Witness Anthony REID was questioned regarding the location and stated to Police, "I was aware that prostitutes frequented in the vicinity of that particular flat. In fact I had been propositioned by prostitutes who were in the vicinity of this flat on previous occasions." Other than being BRENNAN'S home address, it does not appear to hold any specific significance in respect to the murder. At the time of BRENNAN'S murder, there was no clear economic motive established by Investigating Police. The initial Police Incident Report was completed by Detective Sergeant SMITH and stated, "No evidence of robbery." Subsequent investigation however revealed that robbery may have been a motive and a number of items may have been missing from the residence of BRENNAN. An entry in the Investigation Log recorded the following, "On 04.05.85 Betty EARNST, the sister of BRENNAN, made an examination of BRENNAN's flat at the request of Detective Sergeant SMITH. EARNST located a brown leather carry bag on the table in the living room. EARNST stated that BRENNAN was noted for carrying this bag with her at all times and in which she kept a purse, money cosmetics and other personal items. When EARNST examined the bag all she found was a pair of sun glasses and a brush. EARNST felt that a purse and the other property may have been stolen. EARNST stated that BRENNAN was in the habit of carrying no less than \$50 with her at all times. EARNST also stated that she believed that BRENNAN owned a diamond ring valued at \$1500.00. The ring was purchased from David COOK, the Manager of Pete's Beat. The ring has not been located." The Coroner's Report was completed by Forensic Pathologist Dr. OETTLE indicating the cause of death to be two bullet wounds to the neck and throat. "In my opinion death had taken place about 1 day previously and the cause of death was bullet wounds of the neck and thorax." The person that murdered BRENNAN intended to kill her and did so in a brutal and efficient manner, removing all traces of evidence from the crime scene.