



Special Commission of Inquiry into LGBTIQ hate crimes

Statement of Rhys Carvosso

30 May 2023

This statement made by me accurately sets out the evidence that I would be prepared, if necessary to give to the Special Commission of Inquiry into LGBTIQ hate crimes (“the Inquiry”) as a witness. This statement has been prepared from my own knowledge and also from perusing the records of the Inquiry. The statement is true to the best of my knowledge and belief.

1. My name is Rhys Carvosso. My address is known to the Inquiry.
2. I am employed as a Solicitor by the Inquiry.
3. In the course of my duties, I have reviewed and conducted inquiries in relation to the death of Wendy Waine (formerly Wayne Brennan), who died on 29 or 30 April 1985 in Darlinghurst.

Inquiries in relation to **NP176**

4. Extensive searches were conducted to locate **NP176** (including by any of her known aliases), without success.
5. The Inquiry issued a summons to the NSW Registry of Births, Deaths and Marriages (“BDM”) on 3 March 2023 (summons no. BDM15), as well as the corresponding agency in every other state and territory, to request birth, death and other information relating to **NP176**. The NSW Registry produced a birth certificate for **NP176** on 6 March 2023. No other agency produced any documents responsive to that request.
6. On 2 September 2022, a summons was issued to the NSWPF requesting criminal and intelligence records relating to **NP176** (Summons no. NSWPF14). On 12 September 2022, the NSWPF produced a criminal history and bail report and icops profile relating to **NP176**. That criminal history did not contain any entries after August 1986.
7. **NP176** NSWPF icops profile purported to record the “current address” of **NP176** though the most recent entry recorded against that address referred to events occurring in April 2001 and involving a person named **NP176**. Two members of the Inquiry’s investigations team attended that address on 22 February 2023 and reported that there was no evidence of **NP176** residing there currently or having resided there recently. Accordingly, it appears that this address was attributed to **NP176** in error.
8. Summonses were also issued to each state and territory police service requesting records in relation to **NP176**. All but two yielded no result. The exceptions were South Australian Police and the Australian Federal Police (in relation to the Australian Capital Territory), who each produced one

Statement of Rhys Carvosso – 30 May 2023

electronic document relating to one of [NP176] aliases [NP176]. These documents did not contain any current information about [NP176] whereabouts.

9. Summonses were also issued to DCJ Housing (Summons no. DCJ3, issued on 24 March 2023) and the Department of Health (Summons no. DH3, issued 14 April 2023) requesting any records relating to [NP176]. The former advised that it had not identified any responsive records. The latter responded on 17 April 2023 advising that the Ministry of Health does not hold any patient records, and that any such records would be held by a Local Health District.
10. The Inquiry also issued a letter of request to Services Australia to request [NP176]'s Medicare records on 14 April 2023. That did not yield any records. Inquiries were also made with the Department of Foreign Affairs and Trade to ascertain whether [NP176]'s entry and exit records were held. No such records were identified.
11. The Inquiry also issued a letter to the Forensic and Analytical Science Service ("FASS") on 14 April 2023 to ask whether it held any DNA profile or sample belonging to [NP176] on its system. On 17 April 2023, a laboratory manager at FASS advised by email that a search of the laboratory information management system had been carried out for a reference sample from [NP176], and that no record had been identified.

Inquiries in relation to Danny Shakespeare

12. On 2 September 2022, a summons was issued to the NSWPF requesting criminal and intelligence records relating to Danny Shakespeare (Summons no. NSWPF14). On 12 September 2022, the NSWPF produced a traffic history, criminal history and bail report, icops profile and 15 crime information reports relating to Mr Shakespeare. Mr Shakespeare's criminal history indicated that, aside from a charge of "obtaining by false pretenses" in July 1982 which was dismissed for want of evidence, the first dishonesty offences for which Mr Shakespeare was charged and convicted occurred in late 1987 and after Ms Waine's death.
13. On 19 April 2023, a summons was issued to Victoria Police requesting full criminal records (summons VICP3); and summonses were issued to the remaining state and territory police services for such records on 2 May 2023.
14. Following a telephone conference with an Acting Senior Sergeant at Victorian Police on 4 May 2023 (the day after the return date for summons VICP3) concerning the scope of documents requested by that summons, on 16 May 2023 the Inquiry received 9 pages of electronic 'incident reports' relating to Mr Shakespeare, the earliest of which dated to 2010. On 19 May 2023 the Inquiry received a further 51 pages of information and response reports relating to Mr Shakespeare from Victoria Police.
15. On 5 May 2023, the Australian Federal Police produced a 41-page electronic document containing a compilation of Mr Shakespeare's criminal history in New South Wales, Queensland, and South Australia. The earliest offence recorded was a driving offence committed in 1979, and the most recent offence another driving offence committed on 7 January 2020 and dealt with in the Newcastle Local Court on 19 September 2020.
16. On 8 May 2023 South Australia Police produced a 3-page "Offender History Report" for Mr Shakespeare. On 5 May 2023 the Inquiry had been advised by email that South Australia Police did not hold any "street check" or ancillary report for Mr Shakespeare for any of the years 2021, 2022 or 2023.

Statement of Rhys Carvosso – 30 May 2023

17. On 14 May 2023, the Queensland Police Service produced a criminal history for Mr Shakespeare, detailing offences which were dealt with between April 2002 and June 2008, and a last known contact address as at 2005.
18. The WA Police (by letter dated 3 May 2023), Tasmania Police (by letter dated 9 May 2023) and NT Police (by letter dated 11 May 2023) each advised that their searches had not identified any documents in relation to Mr Shakespeare.

Inquiries into **NP181**

19. Summons no. NSWPF14 also requested criminal records relating to **NP181**. A criminal history and icops profile were produced on 12 September 2022, the former of which stated that **NP181** is deceased. However, in response to summons BDM2, on 25 August 2022 the NSW Registry of Births, Deaths and Marriages produced a certificate recording that no trace of **NP181** death had been found.

Inquiries in relation to **NP177** and **NP179**

20. Summons no. NSWPF14 issued on 2 September 2022 also requested criminal antecedents in relation to **NP179**. The criminal history produced on 12 September 2022 indicated that **NP179** now goes by **NP179** and may suffer from paranoid schizophrenia.
21. On 20 December 2022, a summons was issued to the NSWPF requesting personnel and firearms registration records in relation to **NP177** and firearms registration records in relation to **NP179** (Summons no. NSWPF46).
22. On 18 January 2023, the NSWPF produced an Armoury Card index for **NP177**, an issue paper dated 16 January 2023 prepared by a Chief Inspector at the Police Armoury, and two photographs of a NSWPF .38 Special Smith and Wesson Revolver. No personnel records for **NP177** or firearms records for **NP179** were produced. The issue paper recorded searches conducted by the NSW Police Armoury, and did not specify whether any further searches had been conducted beyond the armoury.
23. By a statement dated 16 March 2023, Detective Sergeant Neil Sheldon advised that **NP177**'s personnel file had been destroyed in 2011; that there were no Professional Standards records held in relation to **NP177**; that **NP179** had been issued with a one-year firearms licence on 26 September 1989; and that no firearms offences are recorded against **NP179**.
24. On 24 March 2023 a summons was issued to MSS Security requesting any personnel or firearms records for **NP179**. On 4 April 2023 the Inquiry was advised that MSS Security does not hold any records for **NP179** as its payroll system was introduced in 1993 and records are only held for 7 years.
25. On 17 April 2023, a summons was issued to Transport for NSW requesting any records of vehicles registered in the names of **NP177** and **NP179** (Summons no. TFN1). On 21 April 2023 the Inquiry received electronic records which did not pre-date 1990.
26. Another summons was issued to the NSWPF on 17 April 2023 requesting criminal history and personnel records relating to **NP177** (Summons no. NSWPF86). Three documents containing his criminal antecedents were produced on 27 April 2023, but the NSWPF advised that no personnel records had been located. In the latter respect, they directed attention to the statement of

Statement of Rhys Carvosso – 30 May 2023

Detective Sergeant Neil Sheldon dated 16 March 2023 which noted that **NP177**'s personnel records had been destroyed in 2011.

27. A third summons issued on the same day to the Department of Communities and Justice requested and records relating to employment of **NP177** or **NP179** at Long Bay Correctional Complex (Summons no. DCJ7). On 2 May 2023 the Inquiry was advised that searches for responsive documents had not turned up any results. The Inquiry sought clarification as to whether records dating back to 1985 were in fact available. On 19 May 2023 the Inquiry received confirmation by email that employment records do date back to 1985 but that additional searches to locate any archived records had not been successful.
28. A summons was issued on 2 May 2023 requesting the District Court file in relation to charges of assault occasioning actual bodily harm laid against **NP177** on 31 July 1987 and disposed of in the District Court in January 1990 (Summons no. NSWDC2). That file was couriered to the Inquiry by post on 4 May 2023 and arrived on 8 May 2023.
29. A letter was sent on 2 May 2023 to MSS Security requesting a formal statement from an appropriate staff member as to the company's firearms practices in around 1985. The matters sought to be addressed included: what firearms it typically issued to Licensed Private Inquiry Agents; what records were kept about firearms issued to employees, including their type, calibre, discharge and return; how long these records were kept; and what examinations (if any) would have been undertaken to determine whether a firearm had been fired. After a telephone conference on 16 May 2023 with an MSS Security employee who sought to clarify the nature of the request, the Inquiry was advised by telephone on 30 May 2023 that MSS Security had been unable to locate any former or current employees with knowledge of the matters the subject of the request and were therefore unable to provide a written statement.

Inquiries in relation to **NP178**

30. A criminal history for **NP178** was produced by the NSWPF on 12 September 2022 in response to summons no. NSWPF14. The only offences it recorded were assault and dangerous driving offences for which he was charged in June 1989, and which were dealt with in August 1990.

Inquiries in relation to Charles Saville

31. On 3 May 2023, a summons was issued to the NSWPF requesting criminal records in relation to Mr Charles Saville (summons no. NSWPF98). On 16 May 2023 the NSWPF produced records revealing Mr Saville had no criminal history, and a single Crime Information Report recording that he had been the victim of theft on 21 March 1983.
32. On 4 May 2023, a summons was also issued to the NSW Registry of Births, Deaths and Marriages requesting birth and death information in relation to Mr Saville (summons no. BDM29). A death certificate was produced which confirmed that Mr Saville died in Murwillimbah, New South Wales on 23 or 24 March 2014.

Signature: 

Name: Rhys Carvosso

Date: 30 May 2023