



Special Commission of Inquiry into LGBTIQ hate crimes

27 April 2023

Clint Cochrane
Laboratory Manager
Forensic and Analytical Science Service
3 Weerona Rd
LIDCOMBE NSW 2141

By email: [REDACTED]

Dear Mr Cochrane,

NSW Special Commission of Inquiry into LGBTIQ hate crimes: Request for statement

I assist the Honourable Justice John Sackar in the NSW Special Commission of Inquiry into LGBTIQ hate crimes ("the Inquiry").

Death of Wendy Waine

One of the matters being considered by the Inquiry is death of Wendy Waine (formerly Wayne Kerry Brennan) (DOB 26/7/1949). Ms Waine's body was found naked and lying face down on the floor beside her bed in her unit on Darlinghurst Road, Darlinghurst on 30 April 1985. She was 35 years old. The autopsy report recorded the cause of her death as "bullet wounds of the neck and thorax". An inquest was conducted into Wendy's death in September 1986. However, to date, no persons have been arrested in connection with Wendy's death.

Collection and testing of exhibits

During the course of the investigation, police collected the following exhibits:

- An anal swab taken from Ms Waine taken by Dr Oettle at autopsy;
- Samples of hair taken from the left hand of Ms Waine;
- Six cigarette butts taken from an ashtray in the lounge room at Ms Waine's unit.

The anal swab and cigarette butts were examined in 1985. Semen was not detected on the anal swab. Saliva was detected on one of the cigarette butts and showed the presence of a group A blood substance. This was consistent with having come from Ms Waine, who was a group A secretor, but not determinative of that fact. The samples of hair were never examined. The forensic biology report dated 22 May 1985 recording these results is **enclosed**.

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The Inquiry has issued a summons to the NSW Police Force to obtain these exhibits for the purposes of re-testing. However, the whereabouts of the exhibits is unknown, and further testing is accordingly precluded.

It would be of assistance to the Inquiry if the appropriate staff member of FASS could prepare a formal statement addressing in detail, the following matters:

- The utility of re-testing the anal swab and cigarette butts in light of the significant advances in forensic testing technology since 1985;
- The opportunities for forensic testing of the hair sample which might have been available if that exhibit were able to be located; and
- The kind of information that may be obtained from such testing to assist any investigation into Ms Waine's death.

It is anticipated that such a statement would be formally admitted into evidence before the Inquiry and assist shape any findings and/or recommendations the Commissioner may make in relation to Mr Cuthbert's death.

The case is fixed for a public hearing in late May 2023. We would be grateful if you could provide that statement by no later than **Wednesday 10 May 2023**. In the event that you anticipate any difficulty with this timeframe, please advise me in writing as soon as possible noting the reasons why further time is required and when it is anticipated that the statement will be completed. I would also be grateful if you could please keep the Inquiry updated as to your progress.

Thank you in advance for your ongoing assistance to the Inquiry.

Please do not hesitate to contact Rhys Carvosso on [REDACTED] or [REDACTED] if you have any queries in relation to this matter.



Rhys Carvosso
Solicitor

For Solicitor Assisting the Inquiry

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