



Special Commission of Inquiry into LGBTIQ hate crimes
Open Statement of Tom Allchurch
19 June 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 Tom Allchurch. My address is known to the Special Commission of Inquiry.
2. I am employed as a solicitor by the Special Commission of Inquiry into LGBTIQ hate crimes.
3. In the course of my duties, I have reviewed and conducted inquiries in relation to the death of James Meek, who died on 7 March 1995 at Surry Hills, NSW. The information contained in this statement is true based on my own knowledge, and from documents in the possession of the Inquiry relevant to Mr Meek.

Request for coronial file

4. On 11 May 2022, the Inquiry issued a written request to the Registrar of the Coroners Court of NSW at Lidcombe to obtain the coronial file in relation to the death of Mr Meek.
5. On 26 May 2022, the Coroners Court provided Mr Meek’s coronial file to the Inquiry. It is apparent that an inquest into Mr Meek’s death was not held as his death was the subject of a murder investigation and ultimately a prosecution.

Summons for police files and documents

6. On 18 May 2022, a summons was issued to the NSW Police Force (**NSWPF**) for, *inter alia*, the investigative file in relation to the death of Mr Meek (summons NSWPF1). Material in relation to Mr Meek was produced on 8 June 2022.
7. On 25 August 2022, a summons was issued to the NSWPF for all NSWPF records in relation to, *inter alia*, Strike Force Parrabell (summons NSWPF12). This material was produced in tranches between 9 September 2022 and 18 November 2022.
8. On 2 September 2022, a summons was issued to the NSWPF for records in relation to persons of interest in various deaths, including Michael Heatley (summons NSWPF14). This material was produced in tranches between 14 September 2022 and 29 November 2022.

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9. On 23 January 2023, a summons was issued to the NSWPF for records in relation to persons of interest in various deaths, including **NP220** (summons NSWPF51). This material was produced on 2 February 2023.

Subsequent homicide by Michael Heatley

10. A review of Mr Heatley's criminal history revealed that he had entered a plea of guilty to manslaughter in April 2004.
11. A search of the NSW Caselaw database identified that Mr Heatley had been sentenced for the manslaughter of Craig Behr on 21 November 2006 in *R v Heatley* [2006] NSWSC 1199, and that his appeal against sentence had been refused on 2 October 2008 in *Heatley v R* [2008] NSWCCA 226.
12. On 23 January 2023, a summons was issued to the Supreme Court of NSW for the court file for the matter of *R v Heatley* (Supreme Court No. 2005/113). This material was produced on 30 January 2023.

Summons for court and custodial files

13. On 23 January 2023, a summons was issued to the Commissioner of Corrective Services NSW (CSNSW) for custodial records in relation to Michael Heatley and **NP220** (summons CSNSW5). This material was produced on 9 February 2023.
14. The Inquiry duly reviewed that material.

Summons for exhibits

15. On 3 May 2023, a summons was issued to the NSWPF for the exhibits relating to the death of Mr Meek.
16. On 17 May 2023, the NSWPF wrote to the Inquiry indicating that none of the exhibits could be located.

Family contact

17. The Inquiry located Mr Meek's family through inter-agency cooperation.
18. On 27 April 2023, the Inquiry wrote to Mr Meek's daughters, Karen Franks and Mercedes McMahon.
19. On 4 May 2023, Ms McMahon contacted the Inquiry by telephone and left a voicemail.
20. On 29 May 2023, Rebecca McEwen (Counsel Assisting the Inquiry) and I contacted Ms McMahon by telephone. Ms McMahon provided some of the information that is recorded in her own statement to the Inquiry, including that she had been told by a police officer that Michael Heatley was involved in sex work.
21. On 5 June 2023, I wrote to Ms Franks again.
22. I did not receive a reply to either of my letters from Ms Franks.
23. On 14 June 2023, I contacted Ms Franks by telephone. Ms Franks confirmed that she had received the letters of 27 April 2023 and 5 June 2023. She indicated that she did not wish to engage with

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the Inquiry because the death of her father was a traumatic experience which occurred a long time ago, which she had put behind her, and which she would rather not discuss.

Further summons to the NSWPF

24. On 30 May 2023, a summons was issued to the NSWPF for any records relating to the possible involvement of Mr Heatley in sex work, as well as for any intelligence reports prior to 8 March 1995 (being the day on which Mr Meek was found deceased) (summons NSWPF112).
25. On 1 June 2023, the NSWPF produced two documents in response to summons NSWPF112. Neither of those documents referred to the possibility of Mr Heatley being involved in sex work.
26. The Inquiry has not received any other evidence to suggest that Mr Heatley was involved in sex work.

Death of **NP219**

27. Through inter-agency cooperation, the Inquiry identified that **NP219** (DOB: [REDACTED]) was reported to be deceased on 1 February 2021.

Signature: 

Name: Tom Allchurch

Date: 19 June 2023