



Special Commission of Inquiry into LGBTIQ hate crimes

Statement of Tom Allchurch

26 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 Barry Jones, who died on 26 September 1976 in Five Dock. 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 Jones.

Request for coronial file

4. On 15 June 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 Jones.
5. On 4 July 2022, the Coroners Court provided Mr Jones’ coronial file to the Inquiry.

Summons for police files and documents

6. On 21 July 2022, a summons was issued to the NSW Police Force (**NSWPF**) for, *inter alia*, the investigative file in relation to the death of Mr Jones (summons NSWPF3).
7. On 12 August 2022, the NSWPF produced some 53 documents in response to NSWPF3.
8. On 20 December 2022, the Inquiry wrote to the NSWPF, noting that it appeared likely that it held additional information in relation to the death of Mr Jones that had not been produced in response to NSWPF3.

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9. On 13 January 2023, Detective Sergeant Neil Sheldon provided a statement to the Inquiry, outlining the searches undertaken by NSW Police for documents relating to the death of Mr Jones. At that time, NSW Police produced the Investigator's Note prepared by Detective Sergeant Costello in 2018.
10. In reviewing the Investigator's Note, I noticed that it referred to a box of material which had not been produced to the Inquiry.
11. On 21 February 2023, the Inquiry wrote to NSW Police regarding the absence of that box of material.
12. On 22 February 2023, NSW Police produced that box of material to the Inquiry, which contained the original investigative file in relation to the death of Mr Jones.

Forensic material

13. On 30 January 2023, I attended a conference with representatives of the Inquiry, and David Bruce and Michele Franco from the Forensic & Analytical Science Service (**FASS**) in relation to the death of Mr Jones, among other cases being considered by the Inquiry.
14. Mr Bruce and Ms Franco discussed the results of the original forensic report conducted by Robert Goetz on 5 November 1976. They advised that FASS did not hold any of the exhibits associated with the death of Mr Jones.
15. On 2 February 2023, the Inquiry issued a summons to the NSWPF (NSWPF53) to produce the exhibits associated with the death of Mr Jones.
16. On 21 February 2023, the NSWPF advised the Inquiry that it was unable to locate the exhibits. Detective Inspector Nigel Warren provided a statement setting out the searches which were undertaken for the exhibits.

Contact with Allan Adair

17. In 2018, Allan Adair contacted New Zealand Police and recounted an incident at the Five Dock Hotel prior to the death of Mr Jones where two young men walked into the pub and joined the table where he was drinking with his father, his brother and three of his father's friends. He provided a statement to New Zealand Police.
18. The NSWPF later contacted Allan Adair in May 2018 and he repeated his story.

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19. On 3 April 2023, William de Mars, Counsel Assisting the Inquiry, and I contacted Allan Adair by telephone. He generally confirmed the account of events that he had provided to New Zealand Police and the NSWPF in 2018.
20. His account differed in one respect. In 2018, he told New Zealand Police that he had seen the knife in a newspaper sometime after the murder of Mr Jones. In 2023, he told the Inquiry that he had attended the Royal Easter Show with his brother, and that he had seen the knife on display at a police tent.
21. Allan Adair provided some further information to the Inquiry in relation to the two young men who attended the Five Dock Hotel:
 - a. He thought that they were “pretty young” and would have been around 18 or 19 years old;
 - b. The shorter man looked Greek or Italian. He had curly hair and was wearing a black t-shirt, black shorts and black jandals;
 - c. The taller man had blonde hair that was straight and scraggly. It looked like it hadn’t been washed in weeks. He was wearing a light blue t-shirt and jandals; and
 - d. He did not see tattoos on either man. Allan Adair noted that he had tattoos himself and that both men were wearing t-shirts, so he thought he would have noticed any tattoos, including on their arms.

Contact with Robert Adair Jr

22. On 14 April 2023, Mr de Mars and I contacted Robert Adair Jr by telephone. Robert Adair Jr largely corroborated his brother’s account. He told us the following information about Mr Jones’ death generally:
 - a. His father used to meet Barry at the RSL in Five Dock;
 - b. On the Sunday of Mr Jones’ death, his father had gone to the RSL to have dinner. The guy at the door said that Barry wasn’t there and that he had gone to the Soccer Club at Canada Bay;
 - c. On Monday, his father found out about Mr Jones’ death. His legs buckled up and he wasn’t right for a long time after it happened;
 - d. He had never met Mr Jones and only knew that he was a friend of his dad;
 - e. He was interviewed by police at the time of Mr Jones’ death;

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23. Robert Adair Jr also told us about the incident at the Five Dock Hotel that was described by Allan Adair:
- a. One time, he and his brother were at the Five Dock Hotel when two young guys arrived.
 - b. They looked like they had been doing a bit of camping in the mountains because they were all muddy;
 - c. They had a strange sort of knife with a handle that looked like a horse's hoof;
 - d. The incident with the knife stayed in his brother's head, and he called up New Zealand Police a couple of years ago; and
 - e. The two men were young and he estimated that they were around 17 or 18 years old.
24. On 28 April 2023, I contacted Robert Adair Jr by telephone in the morning. Additional relevant information he provided to me was that the two young men who had entered the Five Dock Hotel and who had a knife went over to another table with some other young men, who regularly sat at that particular table.
25. Later on 28 April 2023, I again contacted Robert Adair Jr by telephone in the afternoon. During our conversation he provided me with the names of a number of the young men who he recalled would drink at the Five Dock Hotel at the time.
26. Attempts by the Inquiry to confirm the accuracy of the information provided by Robert Adair Jr in relation to those names (see below at [50]) have not been fruitful and have not resulted in further investigative leads that the Inquiry has been able to pursue.

NP247

27. On 6 June 2023, the Inquiry issued a summons to North Sydney Local Health District (NSLHD) (NSLHD2) for all records in relation to the psychiatric health of **NP247**
28. On 7 June 2023, NSLHD produced four documents responsive to summons NSLHD2. Those records indicated that, in 1978, **NP247** presented to Rozelle Hospital with "many self-inflicted wounds on his face, arms, chest and lower legs". Relevant extracts from those records are annexed to this statement and marked "A".
29. On 15 June 2023, I checked the Ryerson Index, a website which collates death notices appearing in Australian newspapers. I conducted a search for **NP247**. The Ryerson Index records that **NP247** late of Abbotsford, died on 11 November 2001 aged 65. That is the only entry for **NP247** on the Ryerson Index.

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30. That entry is consistent with other information obtained by the Inquiry, which lists [NP247]'s birthday as [REDACTED] and records him as having resided in Abbotsford.
31. As noted below at [48], the Inquiry obtained documents from the NSWPF relating to [NP247]. Those documents confirmed that [NP247] died on 11 November 2001. He was found in the passenger seat of his car with severe lacerations to his neck and wrists. A razor blade was found under his body.

NP246

32. On 9 December 2022, the Inquiry issued a summons to the NSWPF (NSWPF44) for all documents (including criminal history, database holdings, intelligence reports and activity reports) in relation to various persons of interest, including [NP246].
33. On 17 February 2023, the NSWPF produced eight documents responsive to summons NSWPF44.
34. On 13 February 2023, 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 [NP246].
35. On 14 February 2023, the Coroners Court provided [NP246] coronial file to the Inquiry. The coronial file recorded that [NP246] had died of an overdose in 1983.
36. On 9 June 2023, the Inquiry issued a summons to NSLHD (summons NSLHD3) for records relating to the treatment of [NP246] prior to his death in 1983.
37. On 15 June 2023, North Sydney Local Health District produced a copy of records relating to the treatment of [NP246] at Gladesville Psychiatric Hospital.

I392

38. On 13 April 2023, Mr de Mars and I contacted [I392] by telephone. [I392] indicated that he was aware of the death of Barry Jones in 1976, past information he had provided in relation to [NP246] and that he was happy to discuss the matter further with the Inquiry.
39. As a result of phone contact that I had with [I392] on 1 May 2023, on 9 May 2023, the Inquiry had a conference with [I392] in person. The information provided by [I392] during that conference is set out below at [40]-[47].
40. On an occasion in 1998, [I392] was drinking with a man called Patrick Syron at the Drummoyne RSL. At that time, he told Patrick that he had heard that [NP246] had killed Barry Jones. [I392] did not remember who told him that information, but he thought that he would have been told this not long before he told Patrick Syron.

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41. [I392] understood that Mr Syron then gave a statement regarding this information at the Five Dock Police Station.
42. Around this time and following Mr Syron's interview with police, [I392] went to Burwood Police Station to provide further information and explain what he had heard.
43. [NP246] was in [I392]'s form at Drummoyn Boys High and they were around the same age. [I392] described [NP246] as "quite a good kid" when he first started school before he changed. He said that [NP246] started to get into trouble a lot and that he loved the attention. [I392] recalled seeing [NP246] hang around and talk with school kids while under the influence of drugs after he had finished school. It seemed to [I392] like [NP246] had influence over the kids and that they feared him a little bit.
44. [I392] described [NP246] as being about five foot six or seven, thin and of an olive complexion. [I392] said that he had dark, long wavy hair and that "girls loved him".
45. [I392] recalled that he had a "run in" with [NP246] when he was around 15 or 16 outside the Commonwealth Bank at Five Dock. He alleged that [NP246] threatened that he would use a knife on him, although he did not see him produce a knife.
46. [I392] believed that [NP246] is now deceased, having been told by Frank Barbier that he died by jumping from a window. In fact, the coronial records for [NP246] revealed that he died of an overdose of anti-psychotic medication.
47. [I392] provided the Inquiry with information concerning a number of associates of [NP246] [NP246] from around the time of Mr Jones's death.
48. On 9 June 2023, the Inquiry issued a summons to the NSWPF (NSWPF123) for all documents (including criminal history, database holdings, intelligence reports and activity reports) in relation to those associates and [NP247] (in respect of [NP247], see above at [31]).
49. That information is presently the subject of ongoing investigative steps being taken by the Inquiry.
50. The Inquiry asked [I392] about the names of some regular drinkers at the Five Dock Hotel, including those provided by Robert Adair Jr (see above at [25]): [I392] said that that group of guys was younger than him and used to drink at the Five Dock Hotel in the 1990s. He said that they would have been too young to drink at the Five Dock Hotel in 1976.

I401

51. Through inter-agency cooperation, the Inquiry located [I401] (nee [I401]), the twin sister of [NP246].

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52. On 22 June 2023, I wrote a letter to [I401] explaining that the Inquiry was looking into the death of Mr Jones and that the Inquiry had received information suggesting that her brother may have had some knowledge of the matter, including the fact that he had spoken to police as part of the original investigation. I asked [I401] to contact me by telephone or email.
53. On 23 June 2023, [I401] contacted me by telephone. [I401] told me the following information:
- a. She acknowledged the event and recalled it as a “pretty horrific” murder;
 - b. Police came to their family home at [redacted] Minnesota Avenue, Five Dock. She answered the door when police came but she was not there when he was interviewed. She did not know if her parents were there when her brother was interviewed. She thought that police might have taken her brother to the police station, but she did not recall;
 - c. She had read about the murder in the papers. She thought that she had read that Mr Jones had been in the club and that he might have won money before he was murdered;
 - d. She never discussed the matter with her brother;
 - e. She believes that her brother was home on the evening when Mr Jones was murdered. Her parents told police that he was at home; and
 - f. Police suspected her brother, who was “a bit of a wild boy”. She did not recall her brother being supervised by the Child Welfare Department, but she did recall that he went to a “boys’ home”, which she thought might have been Yasmar in Parramatta. She did not know what he had done to get sent there.
54. [I401] said that she wished that she could help the Inquiry, but that she did not have any further information to provide.

[I395]

55. The records of the original police investigation of this matter recorded that [I394] had claimed that his friend, “[I395] [sic], had told him that [NP246] had killed Mr Jones. The records available to the Inquiry did not suggest that police had spoken to [I395] following this report.
56. The Inquiry is presently taking steps to locate and talk with [I395]

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I378 & I379

57. The records of the original police investigation of this matter recorded that **I379** then aged 15, had told police that a group of boys had been boasting that they knew who killed the man in the park. **I379** identified one of those boys as **NP246**. Her sister, **I378** corroborated her sister's story.
58. The Inquiry is presently taking steps to locate and talk with **I378** and **I378**.

Signature: 

Name: Tom Allchurch

Date: 26 June 2023

NP247

01/01/1900

* (MCQ Hx) OUTPATIENT - Auth (Verified) *

"A"

This and the following page is
the annexure marked "A"
referred to in the statement of
Tom Allchurch, 26 June 2023

49532

ROZELLE HOSPITAL - SURGICAL UNIT

Name: NP247 Unit No: 15098
Ward: 17 Age: 42 M Date: 24.1.78

This patient has many self-inflicted wounds on his face, arms,
chest and lower legs.

All the wounds are clean and most are healing very
satisfactorily and they should be kept clean and painted with
metaphen.

The only wound which will need to be watched carefully is
that on the dorsum of the right hand. There is an area of
skin loss about 1.5 cms in diameter which has a clean crust
over it. As the crust separates, one will have to watch
carefully whether or not there is partial or full thickness
skin loss and assess whether or not skin grafting will be
necessary.

I would like to see him again in a week's time.

DR. CAM
SURGEON

NP247

01/01/1900

* (MCQ Hx) OUTPATIENT - Auth (Verified) *

49532

GLADESVILLE HOSPITALDR. CAM SURGICAL CLINIC 3.2.78.Patient: NP247 Age: 42 No. Ward 18

I saw this patient first at Rozelle Hospital recently with multiple lacerations of his body which were self-inflicted. At the time the lacerations were healing satisfactorily except for that on his right hand which was infected.

The lacerations are all healing satisfactorily now. However those on the soles of his feet are infected and there are some enlarged tender glands in the right groin.

I suggest that he be placed on Ampicillin 500 mgm 6th hourly and the wounds cleansed appropriately at least twice a day.

I would like to see him again next week.

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