



Special Commission of Inquiry into LGBTIQ hate crimes

Supplementary Statement of Tom Allchurch

27 July 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.
4. On 26 June 2023, I made a statement in relation to the inquiries into the death of Mr Jones. This supplementary statement outlines the further results of investigative steps taken since my previous statement.

Statement of Detective R Johnston

5. On 10 July 2023, the Commissioner of Police (**NSWPF**) made submissions in relation to this matter. At [44] of those submissions, the NSWPF referred to a statement of Detective R Johnston of the Scientific Section. At [45], the NSWPF submitted:

“The tender bundle does not contain Detective Johnston’s statement. Therefore it is not clear whether such a statement is presently available (noting that the material produced by the NSWPF to the Inquiry was produced in hard copy without a record of the material produced being taken by NSWPF).”

6. I have reviewed the records held by the Inquiry both prior to the submissions of the NSWPF and subsequently. I have not located a statement from Detective Johnston.

Supplementary Statement of Tom Allchurch – 27 July 2023

I395

7. 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.
8. The Inquiry obtained contact details for **I395** through interagency cooperation. On 21 June 2023, I wrote to **I395** about the death of Mr Jones and requested that he contact me.
9. On 22 June 2023, I received a voicemail from an officer at Belmont Police Station. The voicemail noted that **I395** had come to Belmont Police Station to ask about the letter which he had received from me "just to check to see if this is legit".
10. On 23 June 2023, I called the officer at Belmont Police Station. He told me the following about his conversation with **I395**:
 - a. He told **I395** that the Inquiry was a legitimate body;
 - b. **I395** told him that he used to play football in Five Dock Park but he did not remember the gentleman identified in the letter (Mr Jones);
 - c. **I395** had said he would call me.
11. I have attempted to contact **I395** by telephone on multiple occasions, including on 17 July 2023, 20 July 2023 and 26 July 2023. I left voicemails requesting that **I395** return my call.
12. I have not received a call from **I395**.

I378 & I379

13. 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.
14. The Inquiry obtained addresses for **I378 & I379** through interagency cooperation. On 21 June 2023, I wrote to each of **I378 & I379** and requested that they contact me.
15. On 27 June 2023, I received a response indicating that **I378** was not known at the address which had been identified through interagency cooperation.
16. I have not received a response from **I379**.

Supplementary Statement of Tom Allchurch – 27 July 2023

17. The Inquiry has otherwise been unable to contact [I378 & I379]
[I375]
18. During the original police investigation into the death of Mr Jones, [I375] told police that Five Dock Park had been a “regular meeting place for homosexuals, until about 18 months ago”.
19. The Inquiry obtained contact details for [I375] through interagency cooperation.
20. On 17 July 2023, William de Mars, Counsel Assisting, and I contacted [I375] by telephone to ask him questions about Five Dock Park, including whether it was used as a beat, and about the death of Mr Jones more generally.
21. [I375] was not able to provide any information to assist the Inquiry beyond the information he provided to the original police investigation.

Associates of [NP246]

22. In my statement of 26 June 2023, I referred at [47]-[49] to a number of associates of [NP246] in respect of whom the Inquiry was making further investigations. Those investigative steps included a review of the files produced in response to summons NSWPF123 and attempts to contact [I395] and [I378 & I379] to ask about [NP246] and his associates. Those investigative steps did not lead to any evidence positively linking [NP246] or his associates to the death of Mr Jones.

Signature: 

Name: Tom Allchurch

Date: 27 July 2023