

## Special Commission of Inquiry into LGBTIQ hate crimes

### Family Statement – Anthony Cawsey

*This original statement was prepared by Christine Cawsey AM and Kerry Cawsey on behalf of the family of Anthony Cawsey (with information drawn from previous statements, family diaries, correspondence, evidence sets and documents written for legal hearings, coronial inquests and in response to requests from agencies)*

*Christine wrote the original statement in November 2017 for the Coroner's Court. It has been modified to include Kerry's comments and some other clarifying comments.*

On September 26 2009 our family became one of that group of families in Australia whose only connection is that someone they loved, and who was part of their family, was murdered. Those families look the same when you see them on television – huddled together, holding on to each other, somehow diminished even in their courage to face what no family should have to face.

At 6 am that morning I switched on the radio and heard on the ABC news that a man had been found dead in Centennial Park. I thought about my brother, Anthony who lived in the city and realised that, at Christmas, it would be nearly 2 years since I had seen him. I thought I would send him a text and invite him to join us for Christmas lunch. Then I went for a walk and forgot all about the news.

It was a beautiful day in western Sydney – clear, sunny and warm – the upcoming school holidays were full of promise and I was pleased that the whole “Sydney based” family would be at the birthday party planned that night for my daughter's 19<sup>th</sup> birthday.

At 2.30pm I settled down in front of the television to watch the AFL Grand Final, something I thought I would enjoy. My daughters were not at home. The first quarter was just getting underway when there was a knock at the front door and I saw it was a police officer. As I opened the door, I put the pieces together and asked, “The man in Centennial Park, that was my brother, wasn't it?”

The police came into the house which was not as tidy as it would normally be – it was, after all, the week before the school holidays, a hectic time for a family of teachers. I just wanted them to leave so I could contact my sisters but, in their concern for me, they stayed. I don't remember much about that hour but I do remember their surprise that I already knew and, for just a moment I realised that, like everyone else who knew Anthony, I was a possible suspect.

That was the first time I heard the name of the Homicide Squad Detective Sargeant – Stewart Leggatt – who would become the leader of a group of detectives who never gave up on finding the person who killed our brother.

Eventually, the police left. I rang my sister Kerry and we discussed how to tell the family, especially our parents who were both active and vibrant people in their early 80s. I then rang our other sister who lives interstate and just advised her that Tony (the name we called Anthony) had been killed.

That night my parents met me at my home before dinner and I told them Anthony had died. They agreed to go on to dinner to support the family. The whole family had dinner in the outdoor venue as planned and, after dinner, we retold our parents, our children and their partners that Tony had been killed. We did not go into detail and I remember that, as we sat huddled together, the weather

changed, the wind came up, the temperature dropped and the storm arrived – a metaphor for what was about to happen.

The next day we drove to Glebe Coroner's Court and identified Tony – we were not allowed to touch him. He lay on his side, wrapped in a blanket, just like he was asleep, except that his eyes were half open. In fact, we were never allowed to touch him again even at the funeral home and it was like we could never really say goodbye.

Tony was gone that day. Investigators, the press, the Courts and many of his friends would only ever refer to our brother as Anthony from that day onwards.

On the Monday (28 September) we gave statements to the police who came to our parents' home and, at that time we were advised the funeral would need to be a private one, attended only by immediate family and a small group of friends of Anthony who had been vetted by key friends and the police. In our shock we tried to do what we were told. So, when we were invited by Anthony's employer, David Neal, to a memorial party for Anthony on the Wednesday at 5.30pm we took the advice of police and did not go. They did. I spoke to David Neal the day after the party and he said many friends of Anthony's had attended. We were not allowed contact with Tony's flatmate so, at the request of my sister, two of his close friends later went to collect his belongings on our behalf. We were not surprised when some of those belongings, including his work tool kit, were missing.

Our brother was cremated on 7 October 2009, 11 days after his death with a very small congregation at the service. We are very grateful that a lay preacher, a close friend of our deeply Christian parents filled the service with a serene acceptance that we should be grateful for Tony's life rather than focusing on the manner of his death. After the funeral his 20 invited friends went back to the inner city, while our extended family gathered at home. On 8 October a small funeral notice acknowledged Anthony's death and on 9 October Stewart Leggett asked if we would meet Anthony's girlfriend who had been away at the time of his death.

What followed was 3 months of dealing with one shock after another – the allegations Anthony was a drug dealer; the publication of intimate details of Anthony's life style based on a Maroubra police officer's ill-informed discussion with media representatives; the fear we felt knowing our brother's murderer was still out there; the relentless contact from people we knew, used to know, didn't know and, in some cases did not want to know- seeking to find out what was happening.

Our feelings are best explained by the fact, that for the first time ever, our Sydney based family went to a local Club for Christmas lunch because we could not cope with a family lunch at one of our homes. It was horrible, soulless and sad. We learnt two important lessons to guide our family forward:

- There is no rule book for life and grief and
- You play the hand you are dealt; not the one you wanted to be dealt.

So, it was with great relief we were advised in early 2010 that a suspect had been arrested (in relation to other matters) who may have been involved in our brother's death.

From the start we hoped for two things – that the person who killed our brother would be found before anyone else was hurt and that our parents would be protected from ever having to deal with ongoing events that would hurt them. Our mother died in April 2014 and our father in May 2015, leaving us to speak for the family and it is our privilege to do so.

It should also be noted that Tony was loved. He displayed, like many gifted people, eccentric behaviour and he always walked to the beat of his own drum. And he was a perfectionist. But his ability to make a room brighter, to be able to talk to anyone about their own profession with equal knowledge, to include people and make them feel important was just what came naturally to Tony. He could tell a story better than most and fill the air with laughter.

So, when he died it was a devastating loss. A loss to his family, to his extraordinary and large circle of friends, to his work colleagues, and as we later found out to the much broader members of the community who knew him. The men in his life were angry. They wanted to know who could have done this to their friend and uncle. There were so many emotions that were never really resolved. It wasn't about revenge; it was about the helplessness and frustration of grief.

We found out over time that our creative, clever brother was intentionally living different lives. We found out that he was on a gay beat at the time of his murder. We found out he was an early user of chat lines and was filming porn. We found out he had a girlfriend, but his closest friends had never met her. We found out, or it was concluded that he was bisexual.

“Anthony” was a man who had many friends, friends who loved him deeply. He was a man who was a generous and caring uncle, always surprising his nieces and nephew with treats and small hand-made gifts. He was also an impressive and creative artist who could draw or paint anything but based his most passionate work on Picasso. He was a collector of rare comic books and was creating his own at the time of his death. He had fun creating caricatures, often using this to address personal issues in his life or in the world. He also drew for his nieces and nephew. He had an extensive vocabulary, which he used to write poetry, lyrics, and freelance reviews on new venues.

He was a man who loved physical risk, a great swimmer, sailboarder, surfer, climber, athlete and, whether his bike had a flat tyre or not, cyclist. He also liked to challenge himself. Hanging from a rope from the ceiling of the Entertainment Centre and filling the netting with balloons to cover the whole ceiling was just something he could and did do. He was a familiar figure cycling through the city. After his death, we also learnt and were not surprised that our brother was a high functioning drug user and a sexual risk taker, well known in the gay community.

He was both Tony and Anthony depending on the context. He was a complex man, a man who was both a reliable employee and erratic visitor. Our parents had not seen him for almost two years before his death, but he spoke regularly to our father by phone. We want people to know that he was loved, important to us and that, as we stand up as his family, we want him to have a voice as we let people know he has not been forgotten.

Our elderly parents, who were living independently until this period, never recovered from the shock of the murder, nor all the irresponsible reporting by sensationalist media. Protecting our elderly parents from what came in the aftermath of his murder was the hardest, as we put away our own feelings of loss and distress to support them. We had to teach family (including our children) how to



respond, and that meant not to trust or respond to the media. We saw the worst of some journalists. We always had to ask – in whose interest?

We placed our trust in the hands of members of the homicide squad and have never regretted doing so because they also gave their trust to us, keeping us informed of the progress of the investigation, knowing we would not disclose what we were told. We took their advice when given and we were listened to when we asked questions. We want to thank all the police officers involved in the investigation and say a special thanks to Detective Senior Constable Melanie Staples who continued to work to solve this crime and develop a brief of evidence to support a criminal trial.

We would also like to thank the police, ethical media figures and professional colleagues who supported us, who did not give our personal details away, who knew about the murder and protected the family as much as they could.

Looking back today on how our lives have changed, forces us to both recognise the support we have had and to look at the impact on our family, a family that never wanted revenge but a family who wanted to know that Anthony's life was as valuable and valued as anyone else's life.

We have questions, many we can never answer but some of which we hoped the courts could answer and others that, while they are rhetorical the family wants noted for the record.

1. If Tony had not died at 37, would we have had to hold a private funeral observed by homicide police to which only a small group of our brother's friends could be invited?
2. Would our children have had longer before they had to deal with the fact that violence and traumatic death can happen to any of us and affect any family?
3. Would our active, vibrant parents whose retirement years were so busy it made us feel tired have lived longer and had a better quality of life had this not happened? Their geriatrician certainly thought so, especially when our dad forgot for a long time that he had a son and when our mother became so anxious around strangers, especially young men, that she would run and hide in the bushes near their home?
4. Would some of the "feral" media have pursued our brother's lifestyle so hard if a perpetrator was identified earlier and would our brother have been described as a drug dealer and then as a sexual deviant?
5. Would our highly intelligent mother have had to pretend, when she answered the telephone, that she was mentally incapable?
6. Would the public vilification of our brother, who was the victim of this murder, have happened if even some of those journalists had known that long-time friends of my parents "dropped" them because of the media reports about Anthony's lifestyle? It was too little, too late when the children of our parent's friends wrote to us after our father's death to say how sorry they were.
7. Would our sister have become ill with cancer if she had less to worry about and was more able to focus on her own children and family?
8. Would Tony's girlfriend Rachel, his friends, David, Rick and Luke and his work mates have asked over and over if anything was being done because they did not understand why the investigation was taking so long?
9. Would we have constantly wondered if, as 2 suburban mums, we could or should have done more when the case went to court in 2016, a person of interest was identified, and then the



matter was no billed? We received an email at 12.30pm on 7 September 2016 from the prosecutor from the ODPP saying the matter would be “no billed” and the Director of ODPP had determined the reasons would be recorded “under privilege” so we could never know why the case would not go ahead. The evidence held by the ODPP in 2016 still cannot be accessed. We still feel concerns about the insensitive way we were treated.

To conclude we want to note that we miss our brother and our parents every day. Their ashes have been kept by Kerry awaiting the conclusion of this process, a process we never expected to go this long. In the end, we are relieved that our parents did not have to be with us today. We want to thank those who made it possible for the coronial inquiry to take place in 2017, especially those who worked so hard to make sure we were informed and consulted.

## **An Update for the Special Commission of Inquiry**

Prepared by Christine

On 14 March 2023 Kerry and I spoke to the legal team supporting the Special Commission of Inquiry. We received information about the inquiry, about the additional forensic testing that was being done as part of the review of the evidence. We were also advised that we could provide a statement to the inquiry. This section of our statement is an update covering some other matters we wish to note.

After the coronial inquest was suspended in 2017, the matter was referred for the second time to the ODPP because a “person of interest” had been identified. That person had been held in custody and was subsequently moved to Villawood Detention Centre, awaiting deportation.

On December 18, 2018, I received a letter from the ODPP written by Peter McGrath SC (Deputy Director of Public Prosecutions) advising that, for the second time, “this office considers there remains no reasonable prospect of conviction and that the new evidence does not overcome the previously identified difficulties in the prosecution of this matter” (Prosecution Guideline 7).

On 14 January 2019, I wrote to the ODPP acknowledging receipt of the letter and raising four concerns about the way the family had been treated and affected by decisions and actions of ODPP staff. In summary I said:

*I sincerely hope that all of us who hold positions of deep responsibility and accountability to the community take time to review our practices and approaches to families who are directly impacted by our decisions, particularly when these decisions are complex and we determine that the decisions will not be explained.*

On 31 January 2019 I was contacted by Melanie Staples. The ODPP had asked her to contact Kerry and myself to tell us that the “person of interest” (who had been held in custody at Villawood Detention Centre awaiting deportation) had committed suicide on 25 January 2019. The suicide had been noted in some media outlets and we were told there would be a coronial inquest. We have wondered how the suicide was able to happen, but we recognise that it is one of the many unanswered questions in relation to our brother’s death and the subsequent investigation.

On 27 March 2019, the Crown Solicitor, David Young contacted us about a further inquest and on 28 April we advised the Coroner’s office that we wished to have closure. On the 20 May 2019 we received a letter from the Coroner’s office advising that there would be no further inquest into our brother’s death because “the Coroner is satisfied that the date, place, manner and cause of the death of Anthony Cawsey has been sufficiently disclosed”. A new death certificate was issued stating the direct cause of death as hemopericardium as the result of a stab wound of the left chest. We thank the Coroner for closing the matter after making every effort to determine what happened.

It is now 14 years since our brother was murdered in Centennial Park.

Was it a hate crime? We think it was a crime of anger committed by somebody who wanted to hurt our brother badly.

Was it a “gay hate” crime? We do not know, and we think that the only two people who do know are both dead.

Did the police do their best to solve this crime? We think the answer is yes and that, as said previously the work of the investigating officers was very thorough. We would again note the respect and compassion of the officers with whom we worked most closely.

Did all agencies do their best? We think that most of the people with whom we have had contact since Tony’s homicide meant to do well and remembered that, while they had a professional interest, the family and friends had a deep personal connection to every decision made.

Do we have a sense of closure? We thank the inquiry for asking important questions and interrogating all the available evidence and information.

Most of all we thank our family and friends who have walked this journey with us.

There are no winners in this story and nothing that the special inquiry will determine can change the distress and tension we have felt since 2009. The personal cost to us has been considerable and we are resigned to accepting the outcome of this inquiry, as hope for closure and for justice for our brother.

To finish, can we share something our nana always said (quoting St Francis of Assisi) as a statement on behalf of the family as we now put our trust back in the legal process and the diligence of the special inquiry.

*God give me the courage to change the things I can;  
The serenity to accept the things I can’t; and  
The wisdom to know the difference.*

We hope for wisdom.

Christine Cawsey AM and Kerry Cawsey

23 June 2023