

W2188 119/03 CN-B

matters which I wanted to test him upon.

CORONER: Okay.

5 SAIDI: Could I just add one more thing your Worship. He
did make comments and indeed criticised a detective
sergeant in charge of this investigation, Detective
Sergeant Page. It was also my intention to challenge him
10 very strongly in terms of the allegations being made
against Detective Page.

CORONER: I think Mr Lakatos did that very well indeed. I
don't think there was any need to go any further with
that.

15 SAIDI: He certainly did your Worship but I think it is
fair to say that I intended to take it further than that
because I wanted to put it beyond any doubt whatsoever
that what criticism he had to make against Detective
20 Sergeant Page had no substance. But I just want to put
that on the table your Worship, I didn't have an
opportunity to raise these matters and those who are
sitting in Court observing these proceedings should be
made well aware that (a) there was good reasons to
25 challenge his evidence and (b) the challenge was going to
come.

CORONER: The very thorough investigation that Detective
Page undertook in relation to these matters, his conduct
30 during the course of all his dealings with the Coroner and
his presentation at Court I don't think anything more
needs to be said than that. I will make those comments at
the end of this matter but Mr Saidi you don't have to
concern yourself as to how Mr Page is being perceived by
35 me or other officers of this Court. I would certainly let
you know if I had any concerns but Mr Burns already
admitted in the witness box through the very good
examination by Mr Lakatos that his perceptions could very
well be wrong. So I don't think we need to go any further
40 than that.

<SUSAN JANE THOMPSON(12.12 PM)
SWORN AND EXAMINED

45 LAKATOS: Q. Is your full name Susan Jane Thompson?
A. Yes.

Q. On the paper that is going to be handed to you would
you be good enough please to give the Court your address
50 which you do not want to be disclosed?
A. Yes.

CORONER: I will just formally make an order that the
address be suppressed.

55 LAKATOS: Q. Ms Thompson at the present time you are not
working due to health considerations?
A. That's right yes.

W2188 119/03 CN-B

Q. Just if I can flush out a little of your background. You hold the degrees of Bachelor of Arts and Bachelor of Laws when did you obtain those degrees do you recall?

5 A. Arts in '74 and Law in '79.

Q. You were admitted as a barrister at the New South Wales Bar in 1979?

10 A. Yes.

Q. You have worked prior to your employment by the Police Service, which we will get to, in Policy and Law Reform areas, Victims Compensation so you have a fairly broad contact with various aspects of Policy relating to law and matters of law?

15 A. Correct yes.

Q. Now in 1990 you were employed by the New South Wales then called Police Service as the Police Gay and Lesbian Liaison Coordinator were you not?

20 A. Yes.

Q. And you left the Police Service in January of this year as we have said due to health considerations?

25 A. Yes correct.

Q. What was your role as a Police Gay and Lesbian Coordinator?

30 A. I was the coordinator of all Police programmes across New South Wales to improve police/gay/lesbian relations and so basically a role that included coordinating programmes, establishing new policy, training police, liaison with gay and lesbian community groups, leaders and media and being a Departmental spokesperson on gay and lesbian issues.

Q. Do you know what was the precipitating matter which gave rise to your employment, in other words was there some study or some other matter which gave rise to this position being created?

40 A. Yes historically the Police Service had identified key groups in the community who had traditionally not had a very positive relationship with the Police such as Ethnic groups, Aboriginal groups, young people and the gay and lesbian community was one of those identified there. Through the Police Community Relations Branch all those issues became coordinated and State Coordinators were set up for each of those and there was a pre-runner to me who actually did that job from 1985 to '89.

50 Q. Who was that?

A. That was Fred Miller, who actually had been a Member of Parliament for Bligh interestingly.

55 Q. So we have a past Member of Parliament and a would be Member of Parliament?

A. Indeed.

W2188 119/03 CN-B

Q. So this position was in existence from '85 to '89?

A. Yeah.

5 Q. Was it least part of the duties of the coordinator and those assisting him or her respectively to retain statistics about gay hate crimes and crimes generally involving gay people or not?

10 A. I think when the job began no-one realised that it would be such a part of the position but one of the things that became very obvious was that there was such a level of targeted violence and indeed you know several homicides every year that it became obvious that that was one of the key issues that we needed to start monitoring as it was certainly the issue most, I think, most concerning to the
15 gay and lesbian community was the issue of personal safety.

20 Q. Was it open to investigating police if they thought that they were met with a gay hate crime to have contact with the liaison officer for whatever assistance that person might be able to give?

A. Yes indeed yes.

25 Q. And that was so from 1985 onwards?

30 A. Yes. In '85 there was just the coordinator type position and he was called the Police Gay Liaison Officer at that stage, when I started in January 1990 the position had been restructured and it had with it much more of a policy and a programme coordination focus and very soon after I began we set up Police Gay and Lesbian Liaison Officers who were police officers at local police stations so that people in their local police station could also have an access point, both the people from the community and the police detectives whatever working in that
35 environment.

40 Q. So certainly during 1989 Mr Miller was present in his position and could have been available for contact, advice perhaps and investigative, general investigative leads in matters where it was thought gay hate crimes had occurred?

A. He was very sick during '89 and so how available he was during '89 I couldn't say, he was suffering a serious medical illness.

45 Q. I think in your statement you say that at least part of or an adjunct to your coordinator's role you worked closely with the gay and lesbian community groups, peak bodies and community leaders including the Mardi Gras Association, the Gay Rights Lobby, the Lesbian and Gay
50 Anti-Violence Project and an AIDS Council as well as other organisations?

A. Yes that's right.

55 Q. Was part of your duties as the coordinator to attempt to influence public opinion to the problems associated with attacks on gay people?

A. Yes it was, we certainly took on a focus of doing some community education campaigns which we did with, in

W2188 119/03 CN-B

5 combination with Health Department, Attorney General's etcetera with the gay and lesbian community and that was certainly a major focus because we realised it was probably one of the most likely ways that you are going to influence people's opinions in terms of thinking it was okay to go out and bash gay people.

10 Q. That was by access to the media, television and so on?
A. Yes access to the media, poster campaigns, quite a lot of work with television and radio to you know put forward a police view that was about treating gays and lesbians with respect and encouraging people to come forward and trust Police.

15 Q. Now that was a way of influencing the community's view towards gays. We have heard that over the years the perception by gay men if not women has been that Police have been less than receptive to their complaints. What kind of steps were involved in trying to persuade the
20 Police culture, if that was a true assessment to be more receptive and sensitive?

A. Yeah that is a big question that one. Look we had a whole range of different approaches to try and target that problem in as many ways as possible. The first thing was
25 the setting up of the Liaison Officers and training them down at the Police Academy, which I used to do every year. Because then it meant that you had a police officer in a local command environment who could influence the opinions and the attitudes of their peers who was informed about
30 what the issues facing the gay and lesbian community were, what the history was in terms of those issues and had had their own attitudes and stereo types challenged. So it meant that they were much more able to influence the opinions of their peers themselves. So that was an
35 important aspect in terms of changing police attitudes as well. Also with the help of some fantastic senior police who were very supportive on these issues we did things like you know we would bring in fifty patrol commanders as they were then called or local area commanders as they are
40 now called, for an education day on gay and lesbian issues down at the Police Centre. And again putting out information in the Police Service Weekly which police pick up and read that started educating police as well about the issue of violence, because what I found was that the
45 moment police realised there was a problem with targeted violence against a particular group in the community that meant often they experienced a significantly higher level of violence in their day to day lives. That most police would recognise that as a problem that they would
50 empathise with and care about and were willing to do something about rather than having their own personal attitudes get in the way. I think in that context it is important too to realise that male homosexuality was only decriminalised in 1984, so what that means is that for the
55 history of white people in this country that the police were the representatives of the State who enforced laws that said homosexuality is a crime against society and a crime against the State, and that I think probably had a

W2188 119/03 CN-B

5 very significant impact on police attitudes as it had done up until that point of time and suddenly you know the law changed and police had to change their whole perspective on those issues as well and those things always take a very long time.

10 Q. And at least one previous witness, a police sergeant or senior sergeant of thirty years standing from the Bondi Local Area Command gave evidence I think yesterday to say that his experience is that there are a lot more declared gay persons who are now members of the Police Service. Did part of your role involve trying to have those people effectively accepted and fit in with the various commands that they were involved in?

15 A. Yeah that's very true as well. When I first started in the Police Service it was extremely unusual that you would ever find a police officer who was open about their sexuality if they were homosexual or identified as homosexual or had had homosexual relationships or whatever because they feared the repercussions of that and because 20 I am sure many people don't want to be on the receiving end of those types of rumours and you know the things that flowed as a result. Over the first couple of years there was a lot of work at trying to encourage, well trying to create an environment where people would feel more comfortable being open about their sexuality in a work place and did not fear discrimination in quite the same way. We did things like had some police do media 25 interviews talking about being a gay or lesbian police officer. We set up a gay and lesbian police employees network which again was to foster people's kind of confidence and ability to be honest about who they were and to deal with any problems you know that might arise as a result of that. Yes if you compared the police culture 30 from say 1990 to you know 2000 over that ten year period you would find a lot more police willing to be open about their sexuality. Let us not paint an overly rosy picture because that would be unfair but yes there has been a huge cultural shift over that period of time in terms of police 35 themselves, some police themselves saying that they were gay or lesbian. You know I certainly watched that happen over a period of time.

40 Q. So these various things formed a sort of a multi-pronged approach at trying to change the attitudes of I presume some at least of the Police Service in the early years going through the nineties and the two thousands?

45 A. Yes that's right and also very important to have, we had quite a few senior police who would be very strong on those issues in terms of dealing with their peers and 50 championing the cause basically, being willing to stand up at you know meetings with their senior colleagues and say no you know, that is not okay any more. So yes a multi-pronged approach.

55 Q. Now if I can take you back to your statement at page 2 you have attached a number of papers from which some very broad conclusions are drawn, these papers investigating

W2188 119/03 CN-B

5 gay hate related offences particularly homicides and I think you have reviewed those and given us a summary there. Can I just perhaps ask of you about this. At least one of the papers that is included indicates that a
10 definition of a gay hate crime as that which is done, a crime of violence I suppose we are talking about that, perpetrated against a homosexual person by reason of either the sole fact or a primary contributing cause of that person's sexuality?

A. Yes.

15 Q. That is a very rough paraphrasing you could probably say it better. I suppose in that regard crimes of that nature may have similarities to other crimes perpetrated against minorities which are perpetrated by reason of their minority whether it is race or religion or sexuality or otherwise, would that be a fair comment?

A. Yes that's correct yes.

20 Q. Your paper which I will take you to in a moment with Ms Musos refers to some American studies which underscore the additional hurt which persons, I focus on gays but I take it to other minority persons, feel aside from the fact of the physical assault of an assault of this nature. I think the one that I have in mind particularly is the study by Comstop or one of the studies. So far as you are aware what are these additional more grave consequences of an attack, let us limit it to what we are here in question
25 with, an attack on a gay person by reason of his being gay?

30 A. Yes. Okay you are right I mean what that study basically says is that it is not just the crime against the individual at that point but because that individual
35 has been selected out for the crime because they are seen to belong to the group called, you know the gay and lesbian community if you could divine it as such a group, but okay because the individual has been singled out because they are viewed as being different and targeted
40 because of that and they have been assaulted. What the study basically says is that they suffer not only the individual hurt as a result of that but they themselves and other people in the community that has been targeted feels the trauma, the additional trauma of knowing that
45 their community is targeted for violence. So it increases people's level of fear, level of insecurity. It increases the length of time after which someone experiences you know serious emotional consequences as a result of you know their lost confidence or whatever and their fear on
50 the street. So basically what it is saying is that you get not just the individual effect but that becomes cumulative every time. It would be like you know 1939 in Germany and suddenly a few Jewish people get targeted you know and then suddenly the level of fear just escalates
55 incredibly because everyone in that group feels at risk.

Q. Would a nature reaction be to that would be an inhibiting factor to aggressively trying to assert your

W2188 119/03 CN-B

rights and have people find the wrongdoers and so on. So it is an additional impediment?

A. Yeah very much so.

5 Q. It hits at the self esteem as well?

A. Yes.

10 Q. Now going perhaps if I can do this fairly quickly without meaning to trivialise the importance of the various conclusions. Some of the key findings which the three attached papers which you have referred to have made is that a disproportionate level of gay hate homicides are perpetrated by teenagers and young people with the predominant characteristics being white Caucasian single
15 unemployed males and the most common cause of death being high levels, beatings with a high level of brutality?

A. Yes.

20 Q. As a result of that finding do you know have steps been taken to target persons of this general characteristic description in order to try and educate them?

A. When that first became, I mean that trend first became pretty clear to us in terms of a policing perspective in the early 90's and what we started doing was running
25 workshops on homophobia in High Schools, for example but that is always incredibly resource intensive as you can imagine and also subject to a school wanting to hear that sort of information and being open to initiating a
30 programme like that. So over the years we did a lot of work with the Department of School Education in terms of working together to come up with a programme that they could or we could jointly run in schools where you know they could have the assistance of the police who did gay and lesbian liaison as part of their duties. Sometimes I
35 would do things like train their counsellors or their anti-discrimination officers in schools, that kind of thing. So we did a lot of work with young people. But it is a very resource intensive thing because you are talking
40 about trying to target people's attitudes in a school environment in the midst of a busy curriculum you know with limited police resources all that kind of thing. So it was pretty much - given we have had the bullets
45 metaphor already today - a scattergun approach I would call it you know where we, if there was a significant problem at a school and they called in the Police Service you know we would certainly go in and run things for them and apart from that it was very much if a school rang and asked for help rather than anything pro-active.

50

Q. You also from your studies found that it was more common in gay hate crimes that strangers were perpetrators as opposed to persons known to the victim?

A. Yes that's right.

55

Q. That seems to suggest an unprovoked sort of wanton attack of somebody going about their business?

A. Yes that's right and it was, the scenario which we

W2188 119/03 CN-B

5 came across constantly and had people from the community report to us constantly would be the scenario where someone was perhaps in a gay nightclub or in the type of context of someone who had gone to a beat area, I don't know if you have used the term "beat" during this period of time.

Q. Yes we have - we are well familiar with it?

10 A. So someone would be in an environment like that and people would purposely go to that environment to target someone often by first trying to get their confidence by pretending to be there for the same purpose and then you know assaulting the person or worse yes.

15 Q. The second most frequent scenario for gay hate homicides involves attacks in public parks or public spaces and of course we are here dealing with three events which may fit that description?

A. Yes correct.

20

Q. As you know the offender in the scenario is not normally known to the victim?

A. Yes.

25

Q. You talk about the significantly higher levels of fear of victimisation in the gay and lesbian community as a result of these events, all of which have been shown by studies to be so?

A. Yes.

30

Q. One statistic sad as it is to say was that there are significantly higher levels of assault experienced by gay men and lesbians, lesbians are at least six times more likely to experience assault in a twelve month period as opposed to other Sydney women, and gay men are at least four times as likely to experience assaults as opposed to other Sydney men?

A. Yes.

40

Q. That statistic is that still current today do you believe?

45 A. It is hard to answer that, I mean that survey report was released in '95 or '94 . In terms of anything more current than that the Police Service hasn't done the same sort of research since then. You know currently the Attorney General's Department of New South Wales has put out a survey of violence against gay men and lesbians so they will certainly get figures from that, but it tends to me, why I was interested myself with those figures was they tend to be pretty reflective of the same sort of figures that they have found through American studies and it seems to be fairly much across the board, which surprised me I mean it's like you know sometimes you think that statistics have limited value but then certainly with 50 the reading I did they were pretty reflective of other people's research as well.

55

W2188 119/03 CN-B

Q. Another unfortunate statistic is that it appears that between ten to eighteen percent only of persons so assaulted report the incidents, so less than a fifth at its highest?

5 A. Yes at its highest yes I would say. Would that be still true today would people be more likely to report today than then - yes I would hope so and certainly the more access people have had to police training to do gay and lesbian liaison the more likely they are to trust
10 those people and come forward but still there would be a level, you know there would be I would say a fairly low level of reporting.

Q. The last I suppose a number of observations you made
15 ninety percent of all incidents involved male offenders and that gay men were twice as likely to be attacked by three to five offenders rather than one. So the scenario painted by those statistics are that the gay male victims are likely to be attacked by groups rather than
20 individually?

A. Yes.

Q. More commonly than normal?

25 A. Yes definitely.

Q. I am sorry I withdraw the normal, more commonly than other Sydney men?

30 A. Yes it has been very much a kind of a gang activity it used to be seen as a, almost as a teenage boys initiation thing in some groups, yes.

Q. Finally a sentiment which has being expressed this morning at least if not other times that gay men were significantly less positive about their satisfaction with police service or it would have been nice if it could have been expressed that way this morning but as I understand it the sentiment is similar?

35 A. Yeah I think so, I mean I think also one of the things anecdotally I would say that I noticed over the years was that gay men were less likely to be satisfied with police service and that is partly I think about it is easier for police to be empathetic towards a woman who has just been assaulted if she is a lesbian, you know because she is a lesbian rather than a gay man which is all a bit
45 threatening for some people, but also there is I think the truth that goes with that as well is that gay men are also a bit more likely to report than lesbians because there is even more of a thing about why bother you know there is nothing that can be really done. It is not necessarily a
50 negative comment about police it is a more I suppose a comment about the legal system really.

CORONER: Q. About the what system sorry?

55 A. The justice system.

Q. That is all right I am not challenging you, I just didn't hear you that's all?

A. Yes.

W2188 119/03 CN-B

LAKATOS: Q. You also record that in the ten year period that statistics were taken that you examined about a fifth of the gay hate crimes, a little over occurred in beat locations?

5 A. Yes.

Q. So far as your researches are concerned what were the stated motives of the attackers in undertaking this kind of activity?

10 A. It was very much the kind of let's go out and bash a fag kind, it was the common thing that was said by offenders to detectives or to you know police who were interviewing them which was that you know they just, you know thought it was a great way to spend their time, go out and you know target somebody in the community, bash a fag is a kind of, go gay bashing it used to be called but yeah.

20 Q. I think lastly the last statistic in terms of dry statistics but nevertheless important ones is the fact that it appears that most offenders or a large percentage have had a long history of partaking this activity so it is not likely to be a oncer but more likely to be a continued pattern of behaviour?

25 A. Yes that was certainly our impression again from things that young people said when they were being interviewed or charged with a matter like that and also from working in schools that the kids that got involved in doing that sort of thing often did it for, did it very regularly and targeted a lot of people during the time that they did it and sometimes sort of escalated their level of violence and that.

35 Q. Can I ask this because it is something which is exercised in my mind have there been any studies of or which attract the history of younger persons who had been involved in this kind of activity as young persons as to whether they continued violent activity of this kind or any other as they went into maturity, twenty, thirty and onwards?

40 A. Most of the reading that I have done in that kind of area is that young people have pretty much grown out of doing that behaviour by you know mid-twenties and I think that's, I think it kind of stems from that teenage bravado insecurity you know about sexuality, testosterone pumping the system and you know wanting to prove themselves and wanting to you know that there was someone further down the social ladder than themselves and I think as people get older and take more of a role in society or perhaps have a satisfying relationships themselves or get married or whatever it becomes less of a desire to go out and bash someone that is seen to be somehow lowly in society in their opinion.

55 Q. We have approached this topic previously but you say in your statement that in 1990 you did attend at the Cleveland Street High School in order to give a workshop

W2188 119/03 CN-B

to youths at that school about gay issues, if I can put it broadly?

A. Yes.

5 Q. What do you recall about that particular workshop, were there only males to whom you addressed your comments or males and females?

A. No it was males and females and we did work with youths in 9,10,11 and 12 at that school and the kind of
10 motivating factor about doing that workshop was that a gay man had been murdered in a park nearby the school and one of the kids from that school was one of the group arrested and charged for that murder. So here you had an
15 environment where you had a school environment where all the kids knew that their mates had been going out you know "poofteer bashing" and then suddenly yes it had got to the level where they had actually murdered someone and been caught for it and he was for example one of the young
20 people on bail still at school, he was on charge for murder and his peers I think viewed the whole situation as you know "those poofteers have ruined our mates life" not that he had killed someone but that his life was ruined because he might go to gaol for killing someone, so therefore they felt sorry for him. Then you combined that
25 with the situation where a gay teacher at that school was also murdered about six months after that first murder. So the school environment had become shall we say toxic really and homophobia was pretty much at epidemic levels and the school, we did some work with the school about
30 going into that school to change attitudes. So it was certainly a workshop done with boys and girls as you said and years 9,10,11 and 12 including one of the young people who was charged with the murder attended the workshops and it was a pretty intensive workshop where we did basically
35 a full day with different groups of kids and went through attitudes towards homosexuality stereo types and trained a lot of police to come in and work at the school so that the kids would see well here is police who don't actually think it is okay to go out and bash gays and lesbians,
40 because some of those kids actually had a view in their own mind that even the cops would think that was pretty cool, you know.

45 Q. Was part of that workshop having these young people draw drawings?

A. Yes it was yes.

Q. What came out of some of the drawings that were done?

A. Yeah okay in small groups we got the kids to talk
50 about what their understanding of gay bashing was and what sort of things happened and how did it make the victim feel, did they think. So we were trying to develop in them a little of empathy. So the kids drew drawings of how they imagined or some kids obviously had more than
55 imagination to go on, but their view of what was the scenario of what happened in a gay bashing. So they would draw line drawings of things like an alley way with the light knocked out and someone lying on the ground in a

W2188 119/03 CN-B

pool of blood and all this group of young people standing around him kicking him for example. You know one of the kids had drawn this kind of drawing with a face with like the scream on it, you know the kind of anguished look upon it and done the kind of help me kind of thing. So kids did very moving drawings and some of them were quite, I mean it was quite a profound workshop because certainly there were some of the young people who talked about going gay bashing every weekend and the fact that they had done it for months and it was a kind of weekend activity. I noticed that one of the pictures drawn by one of the groups of young people had like a tag, whatever you call a tag thing you know where graffiti artists put their tag line or whatever on the bottom of it and so yes some of the high level of knowledge of the sorts of scenarios that you are talking about of bashing over cliffs and pushing over cliffs etcetera.

Q. Do you recall what the tag was?

20 A. It was PSK or PKS I always get that around the wrong way, I think it was PSK.

Q. I think some photographs were taken of people in that workshop and at a later point of time there was efforts made to identify people and conduct further inquiries is that so?

A. Yes.

Q. You have already told us I think in broad terms and I won't travel over the same territory but the reticence over the years of gay and lesbian people to report matters to police and I think we have covered that perhaps sufficiently enough. Talking about gay beats was it known when you were appointed that Marks Park was a gay beat?

35 A. Look I am sure the local police would have known that it was a gay beat, I had never even heard the word beat until I joined the Police Service and then I discovered very quickly where a lot of the beats were because there were so many reports of violence that came from them, but certainly in terms of young people who we spoke about, spoke to they certainly knew that it was a beat, and I am not sure what language they used for it but it was like you know probably one of those places where fags go, I imagine would be the kind of language. But yes it was certainly one of the well known areas yes and also because it has such a great view. A lot of beats, some of the high profile beats across the World are in locations where there is always a really good view at the same location.

Q. I think you go into it but I don't think for our purposes perhaps we need to unless you feel that it is important but in your statement you then identify there are different beats for different people, different elections that operate different times of the day and night and so on. Marks Park I think you noted was a particular kind of beat because it was a night time beat so that meant did it that activity occurred in the darkness?

W2188 119/03 CN-B

A. Yes that's right.

Q. You say it was known to be very busy and popular as a meeting place to have casual sex?

5 A. Yeah that's right.

Q. I asked this of the witness preceding - a gay man but it is perhaps your view on it might be useful as well. Bearing in mind that many gay men either knew or would come to know that there was danger associated with mixing with other gay men or conducting activities at a beat, why would many keep frequenting such places as opposed to perhaps going to some other safer territory?

10 A. That is an interesting question that I have thought about myself a lot as well and I think it is a complex issue. Partly I think areas like that area around Marks Park whilst from a policing prospective or a legal prospective it is easy for us to say well that was a dangerous location. On the other hand I think from the prospective of people being there it was also a location where lots of people walk around, kind of beach site areas at night, so in that way it is not like you are in a really dark black street somewhere where you know like anyone could come around the corner. It is a bit more like you have got a bit of the cover of you know hundreds of tourists you know carousing around an area, so some people would feel that there was perhaps a little more protection in that is one aspect to it. Also it is true to say that whilst we can say gay men went to that beat for example a lot of those people would not necessarily even use the word gay to describe themselves. Sometimes it would be people who were not sure if they were gay or not or who might be married who would go there as well and it is not like you could say that you know you could pick up by bus twenty people on Oxford Street, drive them to Marks Park and you know it would be the same people. You get a very different kind of mix of people who go to those different areas and often it would be people who would not be seen dead, that is a bad thing to say today, who would not be seen at all in an area like Oxford Street where other people might see them and think they were gay. So it in fact had some degrees of safety in terms of anonymity to go to an area like that where it is not going to get back to your friends, where someone from work is not going you know see you standing outside a gay nightclub or whatever. So a lot of people have been attracted to those kinds of areas for reasons of anonymity as well.

50 Q. Now over the years from 1990 how have you, until 2003 when I guess you lost contact with it, how have you assessed the evolving general police reaction to gay and lesbian people and/or offences being reported and so forth, what is your take on that?

55 A. Look over that period of time there has been significant changes and improvements because you know going back to 1990 in terms of people's willingness to approach the police and in terms of police attitudes to

W2188 119/03 CN-B

those issues it was you know a pretty dismal situation really in terms of community relations at that point of time. So over that time there has been you know significant inroads and improvements made and changes to the police culture in terms of its willingness or ability or commitment to give a level of service equably basically so that you know everyone had equal access to police. So there has certainly been some major changes over that time and you know it is a different police organisation nowadays to what it was then in terms of those issues. Certainly the New South Wales Police has often been viewed as one of the World leaders in this area in terms of the work that has been done in police gay and lesbian liaison. It is also true to say that there is always a long distance yet to go, that sometimes you have you know two steps forward and four back and you know because you are talking about people's attitudinal change and if you can think of a reason to fob someone off when you are a busy police officer then you know sometimes it can be the issue of sexuality that you know that comes to the fore or whatever. But certainly there has been significant improvements and no doubt a distance yet to travel.

Q. I suppose I should be complete, in 1995 there was some recognition was there not of the work that the New South Wales Police Service had done from the Australian Heads of Government, what was that just very briefly?

A. Yes the Australian Heads of Government every year vote on, give an award basically to violence prevention or reduction programmes and in that year the New South Wales Police and the Lesbian and Gay Anti-Violence Project together were given the joint first prize for having reduced, worked together to reduce violence in the gay and lesbian community and were working to improve police and gay and lesbian relations. So that was seen as a very you know prestigious award. Also over the years look there was you know I used to train the police from all the other States basically who had come to our Police Academy for training on gay and lesbian issues and gradually what was beginning to happen more and more also was that other Government Departments would send people and indeed some private companies, big corporations would send people for training as well on those issues because the Police Service was certainly viewed as you know as a World leader and as a role model on those issues.

Q. Now I won't go into any depth as to this but you have attached at least one paper written by yourself and Jenny Musos, who is a research analyst or at least was with the Australian Institute of Criminology called Comparison between gay hate related homicides of men and other male homicide in New South Wales. That article summarises to a large extent bits of what we have touched on, does it not?

A. It does yes.

Q. Let me just draw attention to two or three passages. Under the heading of Context for gay/lesbian hate crime you make this observation in a social sense. "We are of

W2188 119/03 CN-B

the view that there are no acceptable institutions for homosexuality and any attempt by homosexuals to participate in such things by say having a loved one's photograph on their desk if they are lesbian gay violates the private public barrier and becomes an act of flaunting and reduces one to a sexual identity rather than a human identity, career identity or family identity". Is that still a view that you hold?

5
10
15
20
25
A. Yeah pretty much. I think society's attitudes have changed to some degree in terms of sexuality and some young people would say you know ,perhaps some young people who have had the privilege of growing up in a school environment where they haven't had major problems, but that I think would only be true for a small percentage of people, and I think it is still true to say that society sometimes develops pretty good veneers about certain things. Some degrees have changed and sometimes over time that change becomes deeper and more profound but also sometimes there is a degree of politeness and veneer over it and when you scratch the surface sometimes you find how quickly people do go into making assumptions about people or respond out of a stereo type. Sometimes like someone's photo on the desk is often a really good barometer of people's attitudes, I think.

Q. So the attitudes I suppose of police and others really have to be taken in its society context?

A. Yes.

30
Q. You have to move the general mass of opinion and then the opinions and thoughts of people in our various organisations?

A. Yes that's right.

35
40
Q. Just a number of very quick things before lunch time and then I have finished in any event. You do refer in fact I misled you it wasn't Comstop it was Herac (?)and others referred to the additional hurt of victimisation and you probably should have corrected me but I am thankful you didn't call me wrong--?

A. I am glad you corrected me too.

45
Q. You also note also I think that very briefly that during the ten year period under review '89 to '99 there were an average of approximately four men killed each year in attacks related to prejudice or homophobia, so four per year, forty over that period of time where this element has been a significant issue in crime?

A. Yes that's right.

50
55
Q. Finally the other matter I should say is this let me just quote this, you will probably agree with it, you note here that since 1990 the New South Wales Police Service has implemented, trialed and nurtured a range of strategies to reduce homophobic hate violence. These include the Specialised Police Gay/Lesbian Liaison officers, which you have referred, communication and education campaigns, working with schools to reduce youth

W2188 119/03 CN-B

5 involvement and anti-gay violence, once again we have
reverted to that. Targeted recruitment advertisements and
a broad within website and uniform police marching in the
annual Sydney Gay and Lesbian Mardi Gras Parade under the
banner "We are here because we care". That would be a
fair summary of the advances as you would see them?

10 A. Yes that is a reasonable summary. I just wish to add
something to that because you know sometimes here you are
in this environment and I think it is important to be fair
and honest in that. One of the things I think, because I
15 realised you know in the time that I worked in that job I
realised how sometimes people got a level of
misunderstanding of what the role of a police gay and
lesbian liaison officer really was and sometimes we
created a community expectation that said that they could
20 fulfil this level of expectation when really they only got
to fulfil this, and I often saw that kind of you know
discordance there. One of the things is that the police
who take on that role do it as an additional duty to
everything else that they do. So it is something that
they squeeze in when they have the time. It certainly
means that if someone rings up the police station and asks
for the gay and lesbian liaison officer a message can be
25 left for that person, but it literally is just one of the
extra hats that they wear and although they are well
trained in how to wear that hat well it is something that
is done as an additional add on. I think sometimes there
is a level of misunderstanding with that because a lot of
the Aboriginal Liaison Officers and Ethnic Liaison
30 officers are actually full time in those roles and in the
gay liaison area there is one full time police officer at
Surry Hills and the rest are all very part time.

CORONER: Q. I am sorry what were you saying?

35 A. There is one full time gay liaison officer at Surry
Hills Police and the rest of them across the State are you
know very much it is a matter of competing resources and
time.

40 LAKATOS: Q. The last issue and this will be my last
question entirely I think. The statistics have said that
a lesbian is likely to be attacked six times more, a gay
man is likely to be attacked four times more, we are here
in terms dealing with the issue of violence against gay
45 men, are there any substantial differences. I mean gay
men it seems we don't hear as much about gay women being
attacked as gay men, are there any relevant differences in
the persons that do it, the reasons for it being done and
other matters between these forms of violence?

50 A. I mean one of the significant differences that came
out in research that we had done was that lesbians are
more likely to be attacked by a man on his own whereas gay
men are more likely to be attacked by a gang or a group
and I guess that is because a man who is a kind of an
55 aggressive coward who thinks it is okay to bash people on
the street is going to feel quite safe bashing a woman
when he is on his own, but if he is going to bash another
man then you know there is nothing like safety in numbers.

W2188 119/03 CN-B

5 So that is one of the significant areas of difference and also one of the other things that stood out to us was that the men who attacked lesbians were often older whereas the attackers of gay men were often younger. So that was some of the things that certainly stood out to us over the years.

10 Q. Were the attacks on gay women likely to result in serious, I mean I don't mean to trivialise an assault as being serious or not but here we are talking about savage beatings on gay males which we have in issue, are the severity of the attacks on lesbians generally the same, less or whatever?

15 A. I would say less generally and you know the only kind of lethal attacks that I can think of over the years that have happened against lesbians have been the ones where the person did know the person you know where it was a bit of family reprisal or something like that and why is that women are probably so used in their lives to getting out of the way very quickly when there is a level of threat you know, we get taught to run rather than to fight in some ways and also women are often very good at talking because there have been many scenarios which you know I have come across the years in my job where it was very much a woman managed to talk herself out of the scenario before it escalated too far just by being clever with words and I think that is kind of you know the sort of social, different social conditioning.

30 SAIDI: Q. I want to look at the other side of the coin now and that is studies which may have been carried out in relation to males who perpetrate, that is the perpetrators, have there been any such studies?

35 CORONER: Who perpetrate offences on gay men.

SAIDI: Q. On homosexuals yes?

40 A. I am just thinking, certainly not that I am aware of in Australia, there have been levels, there have been different surveys done of young people's attitudes in school but not of picking out perpetrators as a group because it is very hard to get access to perpetrators through the legal system. Certainly there have been some pretty informal surveys done of young people's attitudes in a school environment and you know what they say or believe about you know homosexuality. Have there been any overseas studies of perpetrators, yes I think there has and apart from the murder study that we were just talking about where we you know certainly had access through that paper the ten year study into the gay murders, looking at perpetrators in that context but apart from that looking at a large group of perpetrators I couldn't answer that efficiently without doing good literature research I think.

55 Q. Perhaps to take it a step further where in police work where we know that there are criminal profilers for example who are able to look at a crime, look at the

W2188 119/03 CN-B

5 details of a crime and then perhaps work their way back
and picture who it may be that may be responsible in
relation to a crime. The impression I am getting is that
there aren't any sufficient studies which may allow that
to be done when it comes to male perpetrators in terms of
gay bashings, am I right on that or not?

10 A. I have never actually thought through that question
before. I mean again because that study for example looks
at 44 homicides and therefore there was however many
15 offenders there were in that group I have forgotten about
a hundred and something I think but yes to look at it in
terms of criminal profiling in a formal way like you are
saying, you know would we have anyone who come front up in
court and go this is or give advice to the police this is
20 a criminal profile and this kind of thing. There has
certainly been that level of informal information from you
know people who have had a lot to deal with investigating
gay hate homicides over the years but I think you are
probably asking something more formal than that.

25 Q. The impression that you have given me and I don't know
if it is right or not but it goes something like this that
if you look at a homosexual who is attacked at a beat, the
numbers would suggest that the attacks are by multiple
offenders, that is a group of males rather than by an
individual offender taking on a male. Have you got any
statistics or have you got any figures to support that for
30 example how many attacks are by a single individual at a
beat compared to by a group of persons?

35 A. If you were asking how many murders have been by a
single individual versus how many by a group we have
certainly got that in that paper. If you are asking me to
answer that off the top of my head I couldn't but I could
certainly pull it out and read it to you. Yes but not in
40 terms of, look the Police Service also keeps statistics on
hate crimes as well which we have done since 1994. IN
those statistics there is opportunity to be able to track
crimes in terms of you know how many offenders were there,
where did it happen blah blah and in that study of 44
45 homicides there is certainly the capacity to do that
through there and that tells the actual stats in there of
how many were multiple offenders and how many were single
offenders.

50 Q. Let me make it more relative and more specific to this
Inquiry. I take it that you are familiar with the
circumstances surrounding say Mr Russell being found at
the bottom of the cliff at Bondi?

A. Yes.

55 Q. Near Marks Park?

A. Yes.

Q. Taking the studies which you have gotten together it
would seem to suggest that what may have happened and
indeed a very real possibility than a probability is that
a group of males would have approached him, perhaps
attacked him and as a group caused him to go over the

W2188 119/03 CN-B

cliff, if that in fact is the scenario, but on the statistics that appears to be the scenario doesn't it?
A. Yes that's right yes.

5 Q. A far more likely scenario than perhaps if an individual--?

A. Yes. Definitely

10 Q. And one other thing if you have got an answer to it please say so and if you don't say so but some of the material which arises during the course of this Inquest relates to males at a beat being attacked by multiple perpetrators?

A. Yes.

15

Q. But they are attacked in a sexual manner?

A. Yes.

20 Q. There seems to be an incongruity or an anomaly?

A. Yes.

Q. What is the answer to that are you able to enlighten us?

25 A. Yeah I mean what you say is right and often that is one of the indicators of whether it is a gay hate crime was the kind of physical injuries, did the physical injuries have some kind of sexual overtone which does seem to be contradictory and you would think that if someone was going out to bash someone because they were prejudiced against people who they believed to be gay the last thing they would do is some kind of sexual attack or inflict sexual type injuries, but I think the fact, and that is how you would think you know as a reasonable person I think with a rational response to it, but I think for the young people who get into that kind of crime and very serious crime is that there acting out an incredibly deep level of insecurity, hatred and for you know I have probably done training with thousands of young people over that thirteen year period when I was in my job and the level of passion and hatred that young teenage boys get into when they are into that kind of attitude, I am not saying all teenage boys are into it by any means but the level of passion and hatred is incredibly intense and that often I think gets acted out in a way where they view that they are meeting out some kind of appropriate punishment you know i.e. gay man has you know, gay man therefore does bizarre sexual things that I think are abhorrent therefore how I can punish him is by doing this incredibly brutal kind of almost you know violently sexual behaviour. I mean I just think for example of a case where I remember at one point I saw a thing in a newspaper and it was a man had been found murdered in a park in the Eastern Suburbs, not one of these but and I just saw a quick snippet in the newspaper and I thought - park at night that is going to be a beat murder I bet. So I rang up the local detectives because that is how we kind of started to work in the early days you know you would see something in the paper and I think that has got all the hallmarks of being one of

55

W2188 119/03 CN-B

5 these kind of murders, ring up the detectives. In those days there was not a level of awareness amongst most detectives or awareness of willingness to admit and so I would ring up the detective and I would say "hi it's you know Sue Thompson at Police Headquarters I am just ringing you about this homicide you have got, could you just give me some of the details of it, it looks to me like perhaps it could be a hate crime" chat, chat, and they would go "No, no he had his wallet stolen" and I would go "yeah okay had his wallet stolen, tell me what sort of injuries did he have?". "He was stabbed in the mouth thirty five times" and I said "I think that is a hate crime you know I will come down and have a chat to you". You know because at that point what was happening was the police would see the wallet as the motive, you know the lost wallet it was a theft you know whereas thirty five stabbings in the mouth that says to me it is one of those violently sexual kind of hate crime. One of the things that I really noticed over the years was that in the beginning it took a lot of work with detectives to get them to see that because they would keep say no it is a theft, and I would say no it is a hate gay murder and eventually we kind of got through that. And what happened in the last few years in my job is that I would ring up the detectives and you know and say I just saw this thing in a newspaper and it is looking to me like - and they would go yes we know all about that, we know all about hate gay crimes and we think it is a gay murder and we have done this, this and this, and they became quite proud about you know the fact that they can now understand what a gay murder was and that they were taking it very seriously. Whereas certainly in those days I think there was a lot of blinkered vision about that sort of thing.

35 Q. And the last topic you did refer to the fact that there was significant improvements which have been undergone in the last period of years and we still have a way to go but to put everything in context for the purposes of this Inquiry whatever criticisms one does in fact level at the police and their attitudes etcetera in 40 the current days of 2003 those criticisms have been levelled at an organisation which is perhaps at the forefront of the recognition of the problem amongst Police Forces in the World, would that be correct?

45 A. Yes it certainly has been at the forefront and was you know like for a period of ten years was really the only Police Service in the World that did that kind of level of work and you know as a result of that a couple of 50 countries the police would fly me overseas to go and talk to their people and talk at a conference etcetera. Whether we have maintained that leadership role is another question I think you know the police has been an organisation that has a lot of competing issues on its agenda in the last few years and it is very easy I think 55 at a time like that for issues like gay and lesbian liaison where people can think but yeah we have done all that to put it to the side you know and to the background and if I was being fully honest then I would suspect that

W2188 119/03 CN-B

do we have the same leadership role any more I think Victoria is giving us a really good run for its money.

CORONER: Q. Why would that be?

5 A. It could be--

Q. Now you understand one of the roles of the Coroner is to make recommendations and it has been very obvious that at the time that Mr Russell's body was found and Mr Warren and Mr Mattaini went missing that not a lot was done, I am being kind saying it that way in investigating the death and the suspected death of these other men. What would your wish list be in terms of the Coroner's recommendations to try and shore things up for the future. What are the things that you would like to see happen?

10 A. No-one has really asked me that question before so yes I know it is what you were saying to Mr Burns before it is a forum in which one can you know have the opportunity particularly with a good Coroner. Okay what do I think are the really key things in the wish list shortened before lunch. I think there are some major structural problems in the Police Service in terms of gay and lesbian liaison and I think that is very much the issue of people trying to do that role as an add on and modern day police are very stressed in a very demanding job.

25 Q. I have already written that one down?

A. Okay.

30 Q. So in terms of structural problems it is as an add on, so you advocate full time officers?

A. I don't know that I advocate full time everywhere because the last thing you want to do is set up something to fail but certainly people having you know whether it be a certain, we try to work on a formula at one point saying do we have you know, do we say one shift a fortnight or one shift or whatever, do we have a system where there is a kind of - well in Victoria at the moment what they are doing is a kind of a call system where if the local police think this person is not going to talk to us unless we get a liaison officer we will call someone back to duty to talk to them. That sort of thing wouldn't happen here and what I know what really happens is in terms of case management is that people do fall through the cracks very quickly. You know if you have been trying to ring the gay and lesbian liaison officer--.

45 Q. So the case management is the problem that's right?

A. Yes. You have been trying to ring the gay and lesbian liaison officer for days because you felt very passionately about reporting this crime and then you know often if it is a week later then you sort of have a million reasons not to bother any more.

55 Q. So Victoria seems to have got a handle on that?

A. They are starting to yes they are looking at a kind of a call back system where someone can, they are just setting up some full time portfolio roles in their regions

W2188 119/03 CN-B

so that someone does gay and lesbian liaison as a full time person in the region and they can be recalled to duty if need be by local police. That is certainly one thing. I think a thing that can never be underestimated is the importance of senior police saying showing their commitment to issues which was what you know Commissioner Nixon did in Victoria when she decided to for example do it by marching with the police. Now that was a controversial thing but what it was really about was about taking a role of leadership and saying well I feel strongly about these issues and the Police Service commitment to equity in these issues. My experience has been that at times when senior police have done that it goes a long way to shifting opinions because people in those roles are often very influential and I think that is an important thing and I think there is certainly some key senior people in some of the roles in New South Wales who would be very good at doing that who have you know had runs on the board in the past with those issues. That is another important thing and you know the last thing I would want to do is sound like I was doing sour grapes but having been in the job that I was in for thirteen years at Police Headquarters you know I went through a period where we all had the same level of resources, whether it was Aboriginal or Ethnic Youth, Gay and Lesbian or whatever and over the last couple of years which is why I couldn't quite say that I thought we still had that leadership role, over the last couple of years in that area you have got five staff working on many of those other issues but still only one on Gay and Lesbian issues and it is a bit like--.

Q. The other client groups have got, they have got like five staff working in their policy programme development?

35 A. In Headquarters yes.

Q. But Gay and Lesbian are still the one?

A. Yes and that has a huge impact in terms of you end up in being just reactive because you know just the telephone calls alone - it is like at one point I said to the Commissioner "hey I am an Ombudsman inquiry waiting to happen" not the current Commissioner, the previous Commissioner, I said "I am an Ombudsman inquiry waiting to happen because you know I can't even answer all the phone calls much less do the pro-active work that needs to happen" and that has a huge impact. Also it casts a, it becomes a symbol of police service commitment, other people see that, they think we don't really care about that issue, we just give one person to that at Headquarters whereas this has got ten staff, this has got five, they are the things we care about, and police are very quick at picking up those sorts of messages and they go okay this is not one that we really care about and I think that has played a huge role.

55 Q. So that they need to revisit lifting the profile you think?

A. Yes and proper resourcing so that something gets to be

W2188 119/03 CN-B

5 a good pro-active role because I think it is a very sad
situation when you have had the Police Service literally
be a World leader on something and have Police coming out
from you know Scandinavia, Britain, America where-ever
coming to find out how to work these miracles on this
10 issue and then suddenly you see us you know falling
backwards even in our own country much less in a World
context because you know the issues of safety and violence
and all those things are still paramount and having the
15 staff to work out how to keep up with those issues and to
properly tackle them so that there is increasing reduction
in violence for example, it takes time and it takes
personnel power.

15 Q. That certainly is a good start?

A. Yes.

20 Q. Thank you for coming out of semi-retirement and
attending this Inquest it was very important that we heard
from you. Mr Burns certainly did present a very extreme
view of how he perceived the Police Force in terms of not
having progressed really at all from those days in the
eighties. We have heard from other witnesses where they
25 have acknowledged that it has happened. Do you think that
his views are, well Mr Burns's views are well founded
given?

A. No I don't.

30 Q. I am not talking about well founded - I am talking
about in terms of saying that you are really not seeing
much change in the attitudes of police and Sergeant
Ingleby here who was just very different from even some of
the other police that we had spoken to in terms of his
35 approach to things. Do you think by enlarge things have
improved?

A. I think there has been huge improvements you know over
that period of time and you see that in you know for
example the way Steve Page has done an investigation like
40 this and I was saying--.

40 Q. Well what do you think about that then?

A. Well I think it shows a level of, I mean many people
could have received a letter from a family member to the
Commissioner saying you know I am still wanting to know
45 about my son's death and it gets referred down through the
system and they just do a bit of you know, a bit of a look
and like too late not going to be able to do anything with
that and whereas from my observations of him he has given
it all he had plus some to really look into it and to
50 spend a lot of time going through things to pull a whole
lot of those links together and that is the sort of
attitude now that happens a lot more often. I mean you
will get that level of commitment and care and the desire
for the right thing to happen from a lot more police than
55 you would have had once upon a time.

Q. Could you imagine Mr Page ever dismissing anybody that
wanted to bring him an account of what happened to them?

W2188 119/03 CN-B

5 A. No definitely not I mean, no definitely not because I mean I was literally saying to someone yesterday that what a lot of people would have done would have been just done that, have a quick look and gone this is really too hard
10 and it is such a complex area, you have got all these interconnected, potentially interconnected homicides and whatever and just wouldn't have bothered but my experience of how he has conducted himself throughout this is that he literally has given it everything and really tried to look at the links properly so that he could pull it together in a way that would have a just outcome. They are the things that change a culture.

15 Thank you so much for your involvement in the matter and I know that you have been working with Mr Page in this investigation for the Coroner for a long time and I thank you very much for that and thank you for your involvement today.

20 <WITNESS RETIRED AND EXCUSED

LUNCHEON ADJOURNMENT

25 <ROBERT WILLIAM BRANDER(2.32 PM)
SWORN AND EXAMINED

LAKATOS: Q. Your full name is Robert William Brander?

A. Yes.

30 Q. You are a Lecturer in the School of Geography at the University of New South Wales with a research specialty in coastal geography?

A. It is actually the School of Biological Earth and Environmental Sciences now.

35 Q. That is a restructure?
A. Yes.

40 Q. You obtained a Bachelor of Science degree in 1989 and a Master of Science in 1991 in Physical Geography from the University of Toronto in Canada?

A. That's right.

45 Q. You earned your Doctorate of Philosophy at Sydney University in 1997?

A. Yes.

50 Q. The subject of your thesis being the measurement and behaviour of rip currents and you published your findings, those findings in numerous articles in marine geology and the journal of coastal research and other publications?

A. Yes other forums yes.

55 Q. You have been conducting research of in relation to wave current and sediment movements since about 1987 and that is part of your continuing interest?

A. That is right yes.

W2188 119/03 CN-C

<CARLTON GRAHAM CAMERON(2 45 PM)
SWORN AND EXAMINED

- 5 LAKATOS: Q. Is your full name Carlton Graham Cameron?
A. Yes.
- Q. Do you have an objection of giving your address?
A. No.
- 10 Q. Do you reside at [REDACTED], Hornsby Heights?
A. That's correct.
- Q. What is your present occupation Mr Cameron?
A. I am a retired police officer working in a public
15 service position on a part time basis.
- Q. As what?
A. I am involved in doing historical DNA reviews.
- 20 Q. Now according to a statement that you have made which
is in evidence and dated 29 May 2002 you joined the Police
Force in August 1964?
A. Yes.
- 25 Q. And you retired from the Police Force in February
2001?
A. That's correct.
- Q. During that time and more particularly from 1967
30 onwards you performed crime scene operations base duties?
A. From.
- Q. From 1967 to the end of--?
A. 1967 yes.
- 35 Q. You indicate that you were located in Grafton between
'68 to '87 and then moved to Sydney?
A. Yes.
- 40 Q. Thereafter you were located at the Sydney Police
Centre?
A. Yes.
- Q. Between '87 and '98 you were the zone supervisor for
45 the Sydney/East Sydney Zone Crime Scene Section?
A. Yes.
- Q. That section provided forensic examination services to
50 the central business district police area and the Eastern
Suburbs of Sydney?
A. Yes.
- Q. You note that during this period you carried out the
55 full gambit of crime scene investigation duties?
A. Yes.
- Q. So your experience as at 1989 when this Inquiry is
particularly focusing was probably something in excess of

W2188 119/03 CN-C

twenty years in crime scene investigation duties?

A. Yes.

5 Q. You note, can I ask you the statement compiled on 28 May 2002 was that compiled on the basis of certain notes that you had available to you?

A. Yes.

10 Q. Were the notes made contemporaneously with your activities in that time?

A. Yes.

15 Q. I wonder if you would have a look at these, I have got a bundle of documents with copy stamps all over them, would you kindly perhaps confirm that they are the notes that you had access when you made these and I understand you have the original of those documents but please satisfy yourself that we are talking about the substance, in substance the same documents?

20 A. Yes they are true copies.

25 Q. Perhaps I will go back to those notes at a later point. Following your statement through at the moment Mr Cameron at about 11.15 am on 23 November '89 you attended at the Marks Park area near Fletcher Street, Bondi with your more junior colleague I take it, Detective Senior Constable Riviera?

A. Yes.

30 Q. Who had called you to the scene do you recall?

A. Can I refer to my notes.

Q. By all means anything that assists will be good?

35 A. It was received at our office by one of the staff whether it came via radio or the local police I am not sure, we got the message at 10.40 am.

Q. It took you some thirty-five minutes to get there?

40 A. Yes.

45 Q. You went down a walkway, I am sorry, may we take it that you followed a walkway in the north at Bondi Beach and went south-east along the top of the cliff face towards MacKenzies Point and south down towards Tamarama Beach?

A. Yes.

50 Q. You noted that there was no electrical lighting for the walkway and no guard rail or safety fence in this area?

A. That's correct.

55 Q. You then in your statement give a description of the walkway, the rocks and the surrounding vegetation which I suppose I don't need to trouble you with in that paragraph, do you agree?

A. Yes.

W2188 119/03 CN-C

Q. Then you went down the rock shelf I believe to the bottom and you saw other police officers and there you did certain investigation and took certain photographs?

A. Yes.

5

Q. Now what did you see at the bottom of the rock face, once again you can refer to any documentation that assists you?

A. At the bottom of the rock face in a depression in the rock face was the body of a male person lying face down.

10

Q. You caused certain photographs to be taken, either you took them or Constable Riviera is that correct?

A. I am pretty certain I would have taken them because Constable Riviera had only just joined the section.

15

Q. I wonder if you would look at Exhibit 3 which is the Coronial Papers and from about the middle where those yellow pages are would you kindly leaf through those photographs and tell us were they the photographs that you took on 23 November '89?

20

A. Yes all the square colour photographs are photographs taken by myself.

25

Q. Now I am looking at paragraph 5 of your statement you there describe how the deceased man, John Russell appeared to you including the fact that there was blood in the area, the water area surrounding the lower parts of his body?

30

A. Yes.

Q. You record in the statement "there were no other signs of trauma to the body apart from those inflicted in the fall". So far as you can recall what signs of trauma did you have regard to when you arrived, was that a conclusion you arrived at, at the scene or sometime later?

35

A. Well probably after we rolled the body over but as a result of our examination of the body in situ before we photographed it and then after we turned it over we came to that conclusion.

40

Q. But after your examination was completed that morning that was the view that you formed namely that the injuries that he had were inflicted from in the fall?

45

A. Yes.

Q. Can I ask just for the moment there are at least two injuries to Mr Russell's head, one was a laceration of about six centimetres either on the front or the back of his head and the other was a laceration on the reverse side about the same length. How were you able to conclude that those at that time, that those were as a result of a fall as opposed to some other method for example assault or anything else. I am not saying that your conclusion is not necessarily correct I am just wondering how you arrived at the conclusion at that point in time?

50

55

A. I don't remember at this present time seeing any injuries to the back of his head, I am just trying to see

W2188 119/03 CN-C

if I can see them now but there were injuries to the front of his head, whether that was his landing position or finishing up position I wasn't sure at that time.

5 Q. I just want to show you a diagram, Doctor Alan Cala, whose evidence I think you were present for yesterday created some diagrams where he noted on an outline figure sketch where the injuries were. If I could show you that and if you accept that he was accurately recording what
10 had been conveyed in probably Doctor Hollinger's post mortem report. If you accept that that is Doctor Cala's recording of where the injuries were situated presumably from both photographs and Doctor Hollinger's report?

A. Yes.

15

Q. It indicates does it not two lengthy lacerations of about six and seven centimetres on the back and the front of the head putting it loosely?

A. Yes.

20

Q. Now the question I have is having regard to those injuries how were you able to conclude that those were as a result of a fall and exclude the possibility that they might have been occasioned in some other way?

25

A. I am not sure at the scene whether I would have seen that laceration at the back of his head because of the fact that he had head hair. I don't have anything about in my notes about the injury to the back of his head.

30

Q. Even if one were I suppose to have alluded to the injury at the front it certainly was probably the better possibility bearing in mind he was face down that such an injury would have been caused in a fall?

A. Yes.

35

Q. But you could not could you conclusively exclude the possibility that that might have occurred prior to his fall?

A. Could have done.

40

Q. You thereafter in your statement describe the direction in which the Russell body was and his limbs and in particular you note that his head was facing towards, let me just pick it up so that I don't misquote, I can't
45 pick it up but it is the fact is it not that you recorded that Mr Russell's head was closer to the rock face and his feet were facing towards the sea?

A. Yes.

50

Q. That is a broad situation?

A. Yes.

Q. Did any thought occur to you emanating from the position of that and Mr Russell's body as to possible
55 causes of his demise having regard to that fact?

A. The positioning of the head and the legs weren't the only things that I considered in what may have happened prior to him finishing up where he finished up.

W2188 119/03 CN-C

5 Q. Well I suppose the question I have is whatever other matters, and we can go to that in a moment, that you had regard to was the position of the body consistent with for example a person who had voluntarily thrown himself off a cliff, have you had any experience in deaths of that kind before?

10 A. The position of the body in relationship to the cliff face whether the head is facing towards the cliff or away from the cliff in my opinion has little bearing as to whether they have fallen or accidentally gone over the edge.

15 CORONER: Q. You say fallen you mean as in a forced fall?
A. Forced fall or non forced.

Q. Yes because you said fallen or gone over the edge?
A. Yes.

20 LAKATOS: Q. We are told by the police who have subsequently investigated and you no doubt have taken a note of this as well that the height of the cliff from top to bottom is within the range of 11 to 12 metres in broad terms?
25 A. Yes they are my measurements.

Q. If one were to throw oneself off in the normal course you could either jump off feet first or throw oneself off head first if one was choosing to do that, would you agree?
30

A. It depends what one does between the top and the bottom and I am not being facetious about that and I have seen them from a variety of heights finish in a variety of ways. If they land on their feet and they do they have got injuries from the feet up. If they land on their head they have got injuries from the head down or they can land in a prone position for want of a better word.
35

Q. The injuries that you observed on Mr Russell were of the latter kind, the prone injuries were they not?
40 A. I was of that opinion at the time yes.

Q. I know this is examining possibilities so we are theorising you would accept and I don't hold you to this but if one was talking about a possible accidental death what kind of situation could you conceive that a person ends up that way head towards the cliff face, feet out having injuries consistent with a prone or horizontal landing as opposed to head first or feet first?
45

A. I don't think the landing has much to do with the departure, there is a lot of things can vary in that and from what I saw at the top and what I also saw at the bottom I came to a conclusion as a possibility of what happened.
50

Q. Twelve metres is something in the old money in excess of thirty, thirty-five feet isn't it, something like that?
55 A. Thirty-six feet yes.

W2188 119/03 CN-C

Q. I am still old enough to be in the old money, you would need what would you not some concerted effort of a person who went off head first to change one's body position to do the hundred and eighty degree turn. You are talking Olympic diving style aren't you, doing the loop to loop?

5
A. Well it is fairly theoretical and the only time you have got something as a reference point is what someone else sees and I don't think anyone else saw what happened.

10
Q. All I am asking you to consider and I know it is theory is are you able to say now what possible ways a person throwing himself off, let us say it is an intentional throwing of oneself of twelve metres, what his starting position would have been to end up the way you saw Mr Russell's body?

15
A. For someone to finish up where Mr Russell finished up they would have to be at some stage standing on the concrete walkway above. There is a distance between the walkway and the cliff edge which is uneven and, uneven rock and varieties of undergrowth of which there is very little disruption from my observations from which I formed an opinion. What the person did after he left, sorry what angle someone would be at after they left the uneven cliff edge I don't know but I can accept the fact that he finished lying on his side.

20
Q. Now I suppose out of three major possibilities there are probably - and I am just picking forward categories, accident, suicide and foul play, the three major possibilities. When you saw Mr Russell at the base of the cliff face that morning and after your extensive examinations which I know are in your records, did you lean to any of those three major possibilities or none of them or what was your preferred view?

25
A. From memory I recorded four of them.

30
Q. What were they?

35
A. And I think they were, sorry only three, I have got a possible jump off, pushed or fell off.

40
Q. Well did you have a preferred view based on what you had seen or not?

45
A. With the totality of what I saw there both at the top and on the bottom and bearing in mind in one of the photographs you can see a set of steps slightly east of where he was found I would be of the opinion that maybe he was coming down those steps at a reasonable speed. Now I didn't know his blood alcohol reading until yesterday but whether he was running because he wanted to or he was being pursued I don't know but I think when he has got to the end of the steps onto the concrete pathway he has kept, he has digressed into a left hand sort of a curve and then gone over the cliff and finished up where he has finished up, whether he has moved at any amount according to tide I don't know but the only other thing I took into account was the fact that there was coins on the rock

55

W2188 119/03 CN-C

shelf in and around his body and if they had been on his person at the time I believe they would have been in his hands and when he has, well I can't say when they left his hand but they left his hand between the top and the
5 bottom, whether they left his hand when he was in mid flight or when he hit the bottom I don't know.

Q. At some point you were of the view that this was a suspicious death, is that correct?

10 A. Yes but I regard every death we get as suspicious, it is a little bit of bureaucracy within our group. We categorise--.

Q. What does suspicious mean in the system that was operational when that title was given to them?

15 A. When we get called a suspicious at the end of day when everything is finished it may have been explained as a natural death or an accident or homicide or undetermined.

20 Q. So it is a working title until such time as there is a firm view at the end is that--?

A. Yes.

25 Q. Going back to your statement you describe the location of the five coins around the body. You also describe finding 9.9 metres away a blue cigarette lighter, is that one of those disposable Bic kind of lighters, the brand may not be the same but we have it in our minds--?

30 A. From memory yes it was that type of cigarette lighter.

Q. And some 7.6 metres away a cigarette packet?

A. Yes.

35 Q. And quite close to Mr Russell some 2.64 metres away an empty Coca Cola bottle?

A. Yes.

40 Q. Do you know whether police under your control or yourself took possession of the lighter, the Coca Cola bottle and the cigarette packet?

A. I would normally expect that I or my offsider would pick them and hand them to the local police.

45 Q. If there were tests that could be done which aid the investigative process, fingerprinting or otherwise would the normal course of events have been to have handed those items to the local police or would you have retained them and arranged for those testings to be done?

50 A. Probably the only testing you would do in this case is the cigarette lighter and the cigarette pack and maybe the coke bottle although it would be questionable whether that coke bottle had anything to do with Mr Russell's coming from the top to the bottom. They go back to the local police to be organised for fingerprinting.

55 Q. So fingerprinting wasn't part of the crime scene section situation to deal with?

A. In the Metropolitan area the local police took the

W2188 119/03 CN-C

fingerprint exhibits to fingerprinting section.

5 Q. Do you now know what happened to those three items at least the last time that you saw them, the cigarette lighter, the cigarettes and the coke bottle?

A. No I don't know what happened to them but I am assuming that in these sort of situations we would collect them and bag them and hand them to the local police.

10 Q. Was it part of your role to give advice as to what kind of testing was possible or should as a matter of prudence be done to investigative police. Say for example you saw the bottle and you concluded that there might be merit in doing a fingerprint test on it, was it part of
15 how the police operated then that you would say to the investigating officers 'there's the bottle it might be worth fingerprinting' would you give that advice in the normal course of things?

20 A. It depends who you are dealing with, if you are dealing with an experienced investigator they would know that, if they asked what should happen you would give them the advice. If they were--.

25 Q. Do you recall who the investigator in charge was?
A. I have only got it recorded as at that initial stage as there was Constable Mick Barrett but I have got recorded there were three other uniformed police plus a sergeant present plus detectives but I haven't recorded their names.

30 Q. There is reference in your notes I see on a quick glance when further inquiries in relation to Mr Russell were done that you have as the officer in charge, Sergeant Ingleby?
35 A. Yes.

Q. Did you understand that officer to be in charge of the Russell investigation at any point in time or not?

40 A. From my memory Adrian was involved in news releases about the incident and the clothing, they wanted the clothing back so that they could do a mannequin up to publicise the fact and Adrian was looking after that aspect of it. That was my only dealings with Adrian in this regard.

45 Q. Did you understand Constable Barrett to be an experienced police officer at that stage?
A. I can't remember now.

50 Q. Do you now recall and your notes may not record it whether or not you partook in any discussion about the testings of these other physical items namely cigarette packet, cigarette lighter and coke bottle?

55 A. In this specific case I don't, I just know I would if it was necessary to and I have done it over the years when it has been necessary.

Q. In this particular case you were sceptical I think in

W2188 119/03 CN-C

your answer and I don't think I am being unfair but tell me if I am, that the coke bottle had anything to do with the events, is that an unfair statement on my part that you were sceptical that it was connected?

5

CORONER: With the fall he said.

LAKATOS: Yes.

10

CORONER: Yes.

15 WITNESS: Once again I can't remember now. I have recorded it as a coke bottle but I haven't recorded if it was glass or plastic. It has the telltale of something being left behind at the scene by people at the scene before I arrived.

20 LAKATOS: Q. Once again can I ask you that may well be the ultimately correct conclusion but in terms of a potential investigation for a death involving potentially foul play in retrospect would it have been a good idea if this was your responsibility or not that that bottle be tested perhaps on the slim chance that it had something to do with events relating to Mr Russell?

25

A. It should have been collected and kept with that possibly in mind, it may well have been established in later inquiries that it belonged to someone else and arrived afterwards.

30

Q. I accept that?

A. Yes.

35 Q. But clearly enough on the morning of 23rd at 11.15 that was a conclusion that could not conclusively be drawn at that point?

A. No.

40 Q. You indicate that on examination the surface of Mr Russell's left hand near the rear of the right index finger there were a small number of hairs adhering to his skin?

A. Yes.

45 Q. You took a photograph of those hairs?

A. Yes.

Q. What did you do in relation to the hairs apart from taking a photograph?

50 A. They would have been collected, they and the clothing of the deceased finish up going back to Sydney Crime Scene Section where they were dried and subsequently returned to the local patrol.

55 Q. Well let us take that one step at a time. You took clothes and hair, how was the hair stored in the course of removal and transportation?

A. Probably because it was wet it would have been placed into a paper bag or a paper envelope and went back to our

W2188 119/03 CN-C

section where it was dried and then I think it was returned in a plastic bag. The clothing wouldn't have got to our section until the next week after the post mortem aspect and the clothing was removed from the body.

5

Q. Who do you believe removed the hair from Mr Russell's hand?

A. Probably be myself.

10

Q. Do you now recall what protocol or what methods of recording there were in terms of exhibit numbers or book entries in exhibit books or specimen books which tracked the movement of such an item from place to place within police custody?

15

A. Only as recorded in my notes and then in my notes going back to the police concerned.

20

Q. Was there not an in and out book at the crime scene section which identified physical exhibits going in and coming out at that time?

25

A. We, at some stage we had introduced about that time a book called the specimen item register and I don't know but they were operating then but I don't have a copy or a record of it on my notes so it may have come in 1990 or thereabouts.

Q. What was the purpose of you taking possession of the hairs, your section?

30

A. They were a possible biological specimen and they need to be dried in the proper conditions and most police stations don't have that facility, we do.

Q. So initially it was to dry them with a view to consideration of further testing, would that be fair?

35

A. Possible further testing.

Q. Whose decision would it have been to conduct further testing?

40

CORONER: Now we are talking about the hairs aren't we?

LAKATOS: Q. The hairs I am sorry, my questions at the moment are directed towards the hairs?

45

A. Yes it would be the investigator in charge.

CORONER: Q. So are you saying that the hairs needed to be dry as well?

A. You can't store anything in a wet state, if you store it in a wet state it putrefies.

50

Q. So the hairs were wet, you have a memory of them being wet?

55

A. They are adhering to the top surface of his skin and I can't remember what they were adhering with, they weren't clutched in his fingers, they were just sitting on top and with all that water around there I probably made an assumption they were wet, that they would be dried before you bagged them.

W2188 119/03 CN-C

LAKATOS: Q. So the initiative of what tests ultimately flowed to an exhibit such as the hairs that you took possession of lay with the investigating police, is that as I understand it at that time?

5 A. The investigating police are in charge of the investigation and we provide a support role or assistance role or that type of thing but we don't do anything with hairs, we didn't then and we still don't apart from just look at them under a microscope or a magnifying glass.

10

Q. Am I wrong in saying that the expertise of what tests were possible in terms of scientific testing lay with your section and those officers in it rather than necessarily the investigating detective on the street?

15

A. We provide the advice to the local area, the patrol commander, it is his funds that are used to do any work outside the realms that we can do things.

20 CORONER: Q. So you say the patrol commander you provide advice and did you say funds?

A. No his funds.

LAKATOS: Q. Was it not part of the way it operated that you being at that stage a very or comparatively senior officer with extensive experience in that section had you thought that there were various tests available which might have assisted the investigation to have said to Constable Barrett, if he was in charge or Plain Clothes Constable if she was in fact then in charge or for that matter Sergeant Ingleby, you would have said it might be worth while if we, and I am just picking a test it may not be applicable, a DNA was available then that you do a DNA test that could give you some further leads. Was that part of how it worked or not?

35

A. If anything needed to be done like that outside the premises that it is normally done free of charge by either police sections to the police or the Department of Analytical Laboratories we would make that recommendation to the patrol commander to spend the money or have that work done. DNA was not available in Australia in 1989.

40

Q. I understand that but I picked one which you are right to say but what tests were available which might have assisted in the investigation, if I can put it that broadly in 1989?

45

A. The only thing that could have been of value was a thing called U tron activation analysis which not done now.

50

Q. That is because it destroys the exhibit does it amongst other things?

A. It basically doesn't help you very much and it destroys the exhibit.

55

Q. And what kind of information would that have given if it had been working in an ultimate fashion?

A. I don't think I am qualified, I am not a nuclear scientist and that is the sort of person you are talking

W2188 119/03 CN-C

to.

5 Q. No I understand that but I suppose you might know
anecdotally that these tests were done with a view to
getting what kind of information ideally, I don't want to
know how it is arrived at but what is the object of the
exercise?

10 A. You are trying to compare your scene specimen with
something else.

10 Q. Do you know whether you were asked or whether you
volunteered to investigating police that subsequent
testing of the hair sample that you bagged, to use that
term, might be useful?

15 A. I don't know what I told them what was useful, it
should have been kept along with the other things taken
from the scene until some stage a decision was made.

20 Q. Now you have said that you bagged it, took it back to
the section, had it dried and ultimately returned it to
investigating police?

A. Yes.

25 Q. Have you kept a record of the person or persons or the
station to which you returned the hair sample?

A. Yes the photographs and the box of clothing were
picked up on 20 February 1990 by a person by the name of
Brookes.

30 Q. Can you perhaps let me know what is the page on which
that note, I take it you are referring to a note?

A. It is on the inside cover of the brief folder and I
think all I did when I photocopied everything was the
outside cover.

35

Q. So that is something that I shouldn't have?

A. I don't, in that collection of copies you gave me I
don't think the inside cover of that went away to the
investigators two years ago.

40

Q. In any event the note that you read you may not have
read it completely referred to clothes in a box but not
specifically to hair, have I got that right?

45 A. What is written down here is two sets 7 x 7 prints
plus box of clothing picked up by C.A. Brookes, 20/2/'90.

Q. And it does not mention specifically the hair sample?

A. No.

50 Q. Are you therefore sure that the hair sample was
conveyed to Constable, I presume it is Brookes on the day
that you have noted there?

A. Yes.

55 Q. What makes you sure of that?

A. Because everything would have been together, they
would have been in the same room drying and packaged up
ready to return.

W2188 119/03 CN-C

Q. So remind me what date was that again?

A. 20 February 1990.

5 Q. Do you know to what station or area, local area
command Constable Brookes was attached if it is Constable
Brookes?

A. It is not my writing but I don't know where that
person is attached.

10

CORONER: Q. How do you dry hairs because they couldn't,
you would have to be careful that they didn't blow away.
It is just that you said that they were in the same room
as the clothing, in the old days at the hat factory they
15 used to have them in a cage didn't they, the clothing -
you weren't there then?

A. Well we improved when we moved to Sydney Police Centre
to a small degree.

20 Q. Were they in a room or?

A. It is a special room in the basement, the hairs would
have been left in the paper bag, the paper bag would not
have been sealed up and just the natural ventilation in
the room would have dried them out, they would have been
25 transferred some time later into a plastic bag when they
were dry.

LAKATOS: Q. Can I ask you this in terms of your reaction
to this physical exhibit, the hairs. It is my reaction
30 perhaps in hindsight that I would have thought if I was
there not being an experienced officer at all, that if you
were discovering hairs on the back of somebody's hand
which might not be his and in a situation where somebody
has fallen from a great height, that that is perhaps one
35 of the most significant clues as to the possibility it
might be some kind of foul play. Did it strike you that
way when you were investigating the matter?

A. It was an item of physical evidence at the scene
whether I took a great deal of weight in it I don't know
40 now. If it had been hair within his hands I probably
would have had a different view but taking everything into
consideration and the fact that it was just lying on top
of his hand I don't know what significance it is.

45 Q. I mean clearly enough if it had been within his grasp
you might have assumed that he had grabbed somebody's hair
I take it and therefore that might be relevant to how he
came to his end?

A. Yes.

50

Q. What other alternatives of a person lying at the base
of a cliff do you consider may have placed hair on the
back of his hand except for some variant of the same
scenario?

55 A. The only other possibility I can think of and it is
very, very broad is that that could have been some hair
that floated onto his hands while he was in that position
after he landed but I don't know the tidal effects of that

W2188 119/03 CN-C

whole rock shelf. I know there was tidal water underneath him in that depression but that's all I know.

5 Q. But that scenario would you agree is a longer shot than the first one we have talked about if he had been immersed in water the high probability was anything on his hand would have been washed off, don't you agree?

10 A. And likewise how the hair was on his hand, sorry how the hair was on the outside of his skin as he fell and stayed there I don't understand that either.

15 Q. Well it might have been for example part of a larger clump most of which had blown off or had been removed in some other way and the only existing ones at that time in the morning where the few strands which were there?

A. Could have been.

20 Q. It is just as I say did it not strike you as being the single critical most important piece of evidence which may at least distinguish between an accidental death and perhaps an intentional one?

A. It was a factor to consider yes, I don't think it was the only one.

25 Q. I appreciate that, I mean if that occurred to you did it not therefore call for some special attention in assuring that that was well documented, kept and so forth?

A. Yes.

30 Q. Do you say that you documented its presence well?

A. Apart from photographing it to show that it was there I don't know how I recorded it, probably not as well as I could have done.

35 Q. Apart from the fact of your belief that all of the exhibits were together in the box there really is no other way of now checking so many years after the event that the hair sample was conveyed to Officer Brookes in February 1989 is there?

40 A. No.

45 Q. It is the situation is it not that in suspicious deaths from time to time forensic pathologists are called upon the scene to have a look at the body, is that within the--?

A. It occurs occasionally.

Q. Was that a protocol or a procedure that happened in 1989?

50 A. It wasn't mandatory I don't think it is even mandatory even now, it just depends on the scenario situation, their availability, time factors.

55 Q. From your perspective in terms of you asking for such a person putting aside he or she could come what kind of things would have moved you to request a forensic pathologist to come to a person whose body is at the base of the cliff?

W2188 119/03 CN-C

5 A. There is a number of scenarios. The first one is actually getting them there in a timely fashion and getting them down there, but I don't know how to say this I think they are better value back at their workplace to be able to work on the body as soon as it comes in.

Q. Have you called out pathologists in your time at the crime scene section to the scene or not?

10 A. Some jobs yes.

Q. I suppose the most obvious ones would be where you were fairly convinced that this was a suspicious death, would that be, this is a generic general way of describing it?

15 A. They don't have the staff to go out to every suspicious death we go to, you have to categorise them and you will probably find you will be calling them to instances involving firearms and that type of evidence where they may be required.

20 Q. I suppose I am asking if it was a line ball between an evenly balanced question could be a suspicious death as a result of foul play, might be accidental death/suicide and if that was the issue which required a judgment based on physical evidence, in those circumstances have you from time to time called in a forensic pathologist to say well perhaps you might look at the physical clues and both of us together can arrive at some possible scenario?

25 A. They do get called out very infrequently.

30 Q. Was that something which occurred to you to do on 23 February 1989?

A. No I decided not to call them.

35 Q. I suppose in your extensive experience you would be aware that when post mortems are done on persons photographs can be taken during the course of post mortems and thereafter?

40 A. We normally attend post mortems like that particularly when we have been involved in the scene. If there is a homicide aspect to it we would be there, if there is anything suspicious about it we would probably be there.

45 Q. You may not be aware but a post mortem was done on Mr Russell some four days after the event - a bit longer I am afraid six days, 29 November 1989?

A. I spoke to Doctor Hollinger on the afternoon of 23rd about that.

50 Q. About whether you needed to or should take photographs?

A. No I spoke to her about the incident and the factors associated with it.

55 Q. Can you just tell me if you have got a note what kind of matters were discussed then?

A. Yes, I arrived at the Morgue at 4 o'clock, I left at 16:20. I spoke with Doctor Hollinger. I have written

W2188 119/03 CN-C

5 down here I have said "not criminal suspect, to be
screened, homosexual pick up point, pm possibly Monday,
Tuesday, id to be confirmed". Then I rang Bondi back to
tell them the result of that discussion bearing in mind
that in those days HIV screening was an OH&S issue at the
Mortuary. And in those days they didn't have what I call
field test kits that they could do it then, it had to be a
blood sample taken, sent out to Westmead and then you
waited for the result to come back, that's why the delay.

10

Q. The cryptic note - not criminal suspect, I think I
have got those three words right was that something that
you said to Doctor Hollinger or vice versa?

15

A. I would say that to her.

Q. What did you mean by that phrase?

A. From my examination of the scene at the time it wasn't
a homicide investigation at that stage on that afternoon.

20

Q. Even with the hairs found on the back of the hand that
wasn't something which at least predisposed you to an open
view that it could have been a homicide?

A. It could have been a homicide but I use those
abbreviated words in my discussion with her.

25

CORONER: Can I just say something while you are thinking
those notes on the back of the document are they, have you
got those notes--

30

LAKATOS: I don't think that I do.

WITNESS: It is in the copy of what I - that is the back
of the job file which when I said before I didn't think
you had it but further through.

35

LAKATOS: I see, yes I do.

WITNESS: It is on a plain page.

40

LAKATOS: Plain page thank you.

WITNESS: Down the bottom.

45

LAKATOS: Q. How do you identify the date on which that
conversation took place?

A. It is on the back of the page where I have an
elevation of the cliff face and a plan of the pathway,
they were taken at the - yes that is the front of what we
are now talking about.

50

Q. This page is dated 23/11?

A. Yes.

55

Q. May we take it therefore that your discussion with
Doctor Hollinger was, how do you identify what date that
is?

A. Well it's the notes that I had made after talking to
her on 23rd at 1600 to 1620.

W2188 119/03 CN-C

Q. So you believe the date on the front of the page applies as well to that note?

A. Yes.

5

Q. Finally can I ask you this Mr Cameron, I take it that the optimum way of conducting an investigation into an incident is to keep one's mind open to the realistic possibilities of how an offence occurred, is that an unfair statement?

10

A. That's correct.

Q. Is it fair to say that foul play remained a realistic if not your preferred option as one of the means by which Mr Russell may have come to his end?

15

A. Foul play was one of the possibilities.

Q. One of the possibilities?

A. It could have been yes.

20

Q. The effect of a senior officer in your position I suppose leaning at a very early stage in the investigation to one or other options might be to convince junior officers that if he, Detective Sergeant Bloggs believes it to be so this was only probably an accident or some problem we ought not pursue it or not pursue it as vigorously. Do you believe that might be a likely effect of expressing an opinion early in the piece which may or may not be right?

25

A. We get asked to express opinions all the time and you are giving an opinion on the evidence available at the scene subject to a lot of other things occurring.

30

Q. But, if I can put this to you for your comment, of expressing an opinion by a person especially held in high regard, as no doubt you were, might be to persuade people from pursuing other lines which in fact may be the case namely for example that this was a suspicious death caused by foul play?

35

A. I don't know what other people would interpret from my opinions of advising them what I saw at the scene.

40

Q. Well with respect to that answer it is not hard is it particularly ..(not transcribable).. that if a senior police officer says look in my view based on the evidence I have seen this is unlikely to be a suspicious death that the junior officers may take account of that and act accordingly. I appreciate I am not asking you to get in their minds--?

45

A. They could do but I think there is more to it than just my initial observations at the scene.

50

Q. Out of curiosity is it still your view that it is, that the leaning of this is towards a non foul play death or not, have you ever thought about it?

55

A. At this stage from what I heard yesterday and today I still believe that it may have been an accidental falling off a cliff but how that came to occur before the deceased

W2188 119/03 CN-C

left the pathway or the steps I don't know what happened there. What I am saying there is that something could have happened--.

5 Q. --running down the stairs is a possibility?

A. I have always had the view that the stairs had something to do with it but I didn't know his alcohol state until yesterday, there's a possibility as to why you would be running, I still don't know what time it occurred
10 apart from at night time, it is very dark there and that is a fairly foolish action to be running in the dark on the stairs or on a pathway but.

Q. That of course makes an assumption he was?

15 A. Yes but taking into consideration the examination of a concrete pathway and the rock face and the vegetation, if and they are my words a melee was to occur in that area you would expect to see physical evidence on any of those surfaces be they the concrete pathway, the sandstone or
20 the grass, the vegetation.

Q. That is a fair answer but at least part of what we have heard and is suggested in the context of gay hate crimes has been that groups namely four or more youths
25 would pick upon one person and at least there has been suggestion that those groups would throw a person over the side. Now a melee as you describe would no doubt cause the physical signs on the vegetation and--?

A. They would or would not.

30 Q. Would?

A. I would expect them to.

Q. But what happens if the scenario is melee occurs a
35 little way away, four or five youths pick up a person and walk him to the side and throw him over, you would have no physical signs of melee approximate to the edge would you?

A. If they were to carry him suspended for some distance and then had to throw some considerable distance from the
40 edge of the concrete path over the cliff face and not have any contact with the cliff face yes but if that was the case, if that was the case I would expect to see even the coins which I believe were in his hands before they landed on the rock face, and if they were in his hands
45 before they hit the rock face, not the rock face the rock platform they should have been in his hands when something else happened on the higher level and we checked for some distance along the concrete pathway, I don't know how far up the concrete steps we went but I feel we came to the
50 scene that way.

Q. At least, I understand that, at least another
alternative may have been which wouldn't have left too many objective signs is the melee if it occurred, this is
55 all speculation occurred on the concrete path which was thereby not marked by the melee, you couldn't find--?

A. Once again the path is not that wide for, we are talking about five or six people having a melee in that

W2188 119/03 CN-C

narrow area I don't think that is possible to occur, if it had occurred--.

5 Q. Sir a melee in the gay hate context as you have probably heard today probably constitutes one man on the ground getting beaten up by four or five people, that could be well fitted into a narrow footpath could it not?

10 A. I don't believe so at this stage but if that was the case you would expect damage to the clothing more so than what was there. You would expect transfer of evidence from the clothing onto the concrete surface or you could expect it to occur and I don't know without doing a lot of theoretical tests with sandbags how well you could throw from the concrete path over the edge of the sandstone for 15 a free fall to where the deceased finished without touching the sandstone at the top and from my observations in the photographs there is no debris or transference of physical evidence onto that area, and he was only, I will use the word, short distance, 1.34 metres from the cliff 20 top to the north or to the water side. The cliff face actually bites in underneath or the outer or for want of a better word the northern most edge to where his head was, was 1.34 metres, five feet or four to five feet.

25 CORONER: Q. Can I just ask, I am having difficulty seeing a coke bottle in any of these photos, do you have the original file down there. Could you show the court officer where there is a coke bottle please?

30 A. It is in photograph F and I and I will check to see if there is any others.

Q. I only need to see it in one spot?

35 A. It is sitting on top of a large square rock which is sitting on top of the--.

Q. Yes I see that?

A. Yes, the rock.

40 Q. Were there coins under the body, I can't recall in your statement whether you said there were or not?

45 A. The wording I have used in the notes at the time is a fifty cent coin was near the chest, one dollar coin was nearby, a twenty cent coin two metres west of the body, a twenty cent coin 2.5 metres west of the body, a fifty cent coin one metre south of the body.

50 Q. So nothing under his body, does that suggest to you, like you made a very good point about his, the coins you would have expected if the coins were going to fall from his hand that that might have happened up top but not down below, did you consider the possibility that the coins could have been thrown down after him?

55 A. That is another possibility, for the coins to be thrown after the event by anyone and to land in that immediate area of what say two and a half metres the furthest one away you have got to be fairly lucky to do that at night assuming the body came over at night and I don't know what the tides were doing at that, I don't know

W2188 119/03 CN-C

whether we have established at this particular time but assume it is at night time it is fairly lucky. The cigarette lighter and the cigarette pack could have move with the tidal flow or whatever was there but the coins I
5 don't believe would have moved with the tide.

SAIDI: Q. You would be saying in your view it is unlikely the coins would have been thrown down towards him and landed all within that limited area?

10 A. Anything is possible but I don't believe that it is probable.

Q. Now when you arrived at the scene I understand you had a limited amount of time to work with him is that correct?

15 A. Someone made mention that we didn't have a great deal of time because from memory the body removalists were there waiting for us or they were coming shortly because the tide was coming in and that's what time it is due to come and what its coverage was I don't know.

20 Q. But given your understanding at the time when you were carrying out this work was it your understanding that you had a limited amount of time to work with him?

A. Yes.

25 Q. Did you have any idea of how much time you had to get your job done with him at the time?

A. No I am not familiar with that rock shelf.

30 Q. Did you look for other signs of a struggle or violence whilst you were there for example scuff marks, anything like that?

35 A. On the footpath area for about I think we went for about twenty-five metres each side of the, of where the body was found or the steps looking to see if there was any other indicators that could have indicated something that occurred, bearing in mind that this is at 11 o'clock in the morning and if there had been something there and had been taken by someone else we wouldn't know about it
40 anyway but if there is a scuffling or a fight you would expect to see damage to the soles, not damage you would expect to see, you could expect to see something on the soles of the shoes or the clothing depending on the degree of scuffle.

45 Q. Did you check the soles of the?

A. Yes the soles of his shoes were and the shoes were undamaged.

50 Q. Did you find any scuff marks at all along the concrete walkway?

A. No.

55 Q. But you did find an area which appeared to be disturbed, that is an area of vegetation?

A. There was a small area of vegetation that looked like it had been walked on but I am not a vegetation expert but it was only very light damage which could indicate one

W2188 119/03 CN-C

person went over it not, if a large number, if a large amount of traffic had gone over it you would expect to see more damage.

5 Q. You said that in those days it was the local police who liaised with the fingerprint section and arranged for the fingerprint analysis, that has now changed?

A. Yes it has changed to a reasonable degree, that procedure kept going where they organised to take exhibits to the fingerprint section and it may still be the case of exhibits going to the fingerprint section but fingerprint examinations at the scene are done by scenes of crime people or LAFG people not fingerprint only people but those people that go to scenes now unless there is something serious I am not sure about getting the exhibits back to the fingerprint section, whether it is a local police who do it or the scenes of crime people.

20 Q. Let me take your mind back to 1989 and what the state of knowledge was then. DNA testing had not yet been introduced into Australia is that correct?

A. That's correct.

25 Q. It hadn't as I understand it hadn't yet become a standard matter which could be regarded as being important in criminal investigations?

A. I think it was somewhat advanced in the UK but I am not sure what year but basically in the early '90's it started coming into Australia.

30 Q. But now bearing in mind we are going to stick with 1989 if we would?

A. Yes.

35 Q. I am trying to put this in perspective now if I may. If an investigator were to find a strand of hair these days as of today of course it would be regarded as extremely important if not critical evidence, wouldn't it?

A. Yes.

40 Q. Back in 1989 the finding of a strand of hair is it fair to say would not have been regarded as evidence of a critical importance?

A. Probably yes.

45 Q. There was no clear or conclusive testing which could be carried out in relation to hair then, am I correct?

A. You could get the testing done but the results were basically inconclusive.

50 Q. That is the point I want to make that even if you were to take up the opportunity of having hair tested on the technological standards which were then available it was more likely or not a situation where you would get an inconclusive result in relation to it?

55 A. Yes.

Q. Was that the general view of the crime scene examiners

W2188 119/03 CN-C

back in 1989?

A. Yes.

5 Q. And of course you can as we know back then one could
send off hair to be tested or examined at the Lucas
Heights facility as I understand it?

A. Yes.

10 Q. Was that something that was used very often on the
state of knowledge back in 1989?

15 A. It was used infrequently it had always been used
infrequently, it usually took a long time to get the
result back because the person doing the work once he got
your job request he then had to book time to work at Lucas
Heights, so he might wait nine, twelve months for him to
have an opportunity to do the work he had to do, to use
the equipment he needed to use.

20 Q. And the information which you would receive even if
you were to send it on and wait nine to twelve months the
information which would be obtained would be of limited
value, is that correct?

A. Yes.

25 Q. Perhaps the best that one could hope for is arranging
for hair to be examined if one had a clear suspect in mind
whereby one could try and guide the Lucas Heights people
to what the examination may be required for?

30 A. If you had a crime scene sample and a suspect sample
you were going to get a better result because you were
able to compare one with the other, when you are only
sending one thing you have got nothing to compare it with
and that was the big problem.

35 Q. When you say it was a big problem did it follow that
if you didn't have a suspect and if you didn't have a
piece of hair from a crime scene that in those days do you
say the knowledge was such that you wouldn't in normal
circumstances send the hair on to Lucas Heights even for
40 examination?

45 A. You would never send it on to Lucas Heights until you
had something, sorry in most occasions you would not send
it on to Lucas Heights without a reference sample or a
suspect sample because you have got nothing to compare it
with.

50 Q. Just so that I can put this in context then going back
on your experience as a crime scene examiner it wasn't
until DNA testing became more available in New South Wales
that crime scene examiners started to look at a more
thorough approach towards finding matters such as hair
etcetera at crime scenes?

55 A. Hair in particular would only be in the last three
years, four years.

LAKATOS: Q. Did you take a hair sample from Mr Russell's
body in order to effect a comparison between that found on
his hand and his own hair?

W2188 119/03 CN-C

A. I didn't attend the post mortem but normally they would have taken samples of hair.

CORONER: Q. Who would have?

5 A. The Mortuary staff.

Q. On whose instructions?

10 A. The investigators instructions depends on what is written on the piece on P377 and that type of thing.

LAKATOS: Q. I wonder if you would turn up this note there is a note of your scene attendance on 23 November 1989. It begins "Time 11.25 to 1300"?

15 A. Yes.

Q. You see down the bottom of the box marked "Further particulars" you have got, and correct me if I am reading this wrongly "could have walked down steps" bracket, what is in that bracket?

20 A. Could have walked down steps (nearby) along path and fell off (alcohol) jumped off - pushed and fell.

Q. So may we take it that when you made your notes, these notes, these are your notes?

25 A. Yes.

Q. That you had in your mind the full range of possibilities that then occurred to you?

30 A. Yes the alcohol was an unknown because I didn't know what the analysis was but.

Q. But between then which is about 1300 and 1620 when you spoke to Doctor Hollinger your view had solidified to not criminal suspect?

35 A. Probably my shorthand is a bit abrupt but I am basically inferring there that there is no suspect involved, there is no bullet damage, stab wounds, serious injuries prior to the fall.

40 Q. Could I take you to two other notes. I have got a free standing page, I will hold it up here so that you can get yours - it is headed "9.50 am 27 December '89". Are these your documents or Police Department documents?

45 A. Police Department documents I am just using them.

LAKATOS: In that case we will tender the originals and then we will make photocopies.

50 WITNESS: I have a set of photocopies of some of the things here now.

LAKATOS: Q. That is the document I have in mind Mr Cameron?

55 A. Yes.

Q. Is this document in your handwriting?

A. No it is in - that is in Garry's writing and I can only assume who Garry might be.

W2188 119/03 CN-D

Q. Who is your assumption doing the best you can do?

5 A. I think it might be a person by the name of Garry Simpson who used to work in the New South Wales Police Service at the Crime Scene Section.

Q. What was his rank in '89 do you recall?

A. Constable.

10 Q. These are your original documents are they not, they look like the actual original documents?

15 A. The ones that you are pointing at now are my scenes of crime notes, that is a note that was in the brief folder and I thought I had the original here somewhere ten minutes ago, it is here somewhere but I will find it and that is just a photocopy that was in the brief folder at the time.

20 Q. You have looked at the bundle of photocopies that I showed you do you say that the photocopies I have copied all of the material in your file or not?

A. Yes.

25 Q. So if we have a photocopy we should have a complete copy of your documents that you have in that bundle there, relevant to this matter I should say?

A. Of the original information yes.

30 Q. Looking at this, if you assume that this is Mr Simpson as at 27 December 1989 a note of his to read "deceased Russell John Allan, 23/11/89 Constable Dunbar, Bondi asap now suspicious" underlined?

A. Yes.

35 Q. What does that convey to you?

A. That is a note to Officer Riviera from Garry Simpson, he received a message from someone at 9.50 am on 27 December, statement required, two copies asap now suspicious.

40 Q. What does the term now suspicious convey to you, I appreciate you didn't write it but what does it convey to you?

45 A. It is not an explained death.

Q. That that was now suspicious from the beginning was it not, why would he put a note in December to the effect of the status quo from November through to December?

50 A. I don't know why that is now put down as suspicious.

Q. Without being conclusive does it not tend to indicate that as at 27 December somebody thought that there was something suspicious as that term is ordinarily used about Mr Russell's demise?

55 A. Whoever passed the message onto Garry indicated that.

Q. Now I will show you another document which is noted "2 April 2001 Steve McCann"?

W2188 119/03 CN-D

A. Yes.

Q. Is that your handwriting?

A. Yes.

5

Q. And it reads "Hair on hand check your exhibits"?

A. I think that was, I spoke to Steve McCann, sorry I think I spoke to either Sue Emmett or Steve McCann about the hair and I told them to check their exhibits because in 1990 I believe the clothing and the hair went back to Bondi.

10

Q. And it is your belief the hair went back in the box apart from, there was the photographs and the box of clothing plus the hair is what I think you said?

15

A. Yes.

Q. May I now show you a further handwritten document dated 21 January 1990 at apparently nine thirty, that looks like your handwriting is it?

20

A. Yes.

Q. Does it read "hair on hand index finger thumb picked up into big plastic bag"?

25

A. Yes.

Q. Now the big plastic bag tends to indicate that it contained different to a box containing clothing does it not?

30

A. Well that is on 24 January 1990, I can only assume that someone was inquiring about where it was or had it been picked up, it was picked up and it was in a big plastic bag but everything didn't go back to Bondi until 20 February 1990.

35

Q. Well what does that now indicate to you so far as whether or not the hair was retained in your section or not and how it was retained, if anything?

A. I think it was picked up by me, it was in a big plastic bag.

40

Q. Picked up by you from where?

A. From the scene I think.

45

Q. You think it went into a big plastic bag?

A. Yes.

Q. As opposed to what you thought was a paper bag first time round?

50

A. The paper bag may have been put into a plastic bag for transporting back to the section having regard to any moisture aspect and the OH&S aspect of bodily fluids etcetera just to stop contamination. It would have been dry, sorry.

55

Q. Please go ahead?

A. It would have been allowed to dry in paper bags.

W2188 119/03 CN-D

5 Q. I guess my question would be why on 24 January 1990
which is some two months after you first collected the
exhibit you are recording that you placed two months back
the hair into a big plastic bag whether it was contained
in a paper bag or not, why make that record two months
after the event, it doesn't seem to make sense if I might
say, do you agree or disagree?

10 A. Unless I spoke to someone and it is a record of what I
spoke about but I don't know who I spoke to, I have left
the name out.

15 Q. Is it a more likely explanation that as at 24 January
1990 you had identified that you had picked it up and it
had been stored in some big plastic bag and that was your
state of knowledge as at January 1990?

A. I don't know what the state of knowledge was on 24
January.

20 Q. One last matter concerning this document. At the
bottom it has got B-A question mark times 2 one month
later similar assault, has that got any connection with
this?

25 A. I believe it is a record of a conversation I had with
someone and I am asking about the blood alcohol, B A is
blood alcohol, querying what has happened there and that
person has told me about one month later there was a
similar assault.

30 Q. By a similar assault obviously it is ten years, ten to
twelve years ago now may we take it a serious assault or a
homicide in the same location, is that what you think?

A. I don't know

35 EXHIBIT #9 SCIENTIFIC BRIEF FOLDER AND NOTES TENDERED,
ADMITTED WITHOUT OBJECTION

<WITNESS RETIRED AND EXCUSED

40 ADJOURNED PART HEARD TO FRIDAY 4 APRIL 2003 AT 10 AM FOR
FURTHER HEARING.

45

oOo

CERTIFICATION OF TRANSCRIPT

I, We the undersigned being (a) Sound Reporter(s) do hereby certify that the within transcript is a correct transcript of the depositions sound recorded at the CORONER'S COURT in the matter of INQUEST INTO THE DEATHS OF ROSS BRADLEY WARREN, GILES JACQUES MATTAINI AND JOHN ALLAN RUSSELL on THURSDAY 3 APRIL 2003

Dated at PENRITH
this MONDAY 26 MAY 2003

NAME	PAGES	SIGNATURE
CN	1 - 88	CN