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New South Wales Police

STATEMENT in matter of:  
ROBERT HART MALCOLM

Place: REDFERN POLICE STATION.

Date: 14 January, 1992

Name: PHILLIPS Garry Robert

Address: [REDACTED]

Tel. No:

Occupation: CLEANER/CARETAKER

Tel. No:

1. This statement made by me accurately sets out the evidence which I would be prepared, if necessary, to give in Court as a witness.
2. The statement is true to the best of my knowledge and belief and I made it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.
3. I am 39 years of age.
4. I am the cleaner/caretaker at the Aboriginal Christian Youth Organisation which is generally known as the 'Factory'. I have been there for the past 11 months.
5. On Friday, 11 January, 1992, about half past seven or eight o'clock I went to the Covent Gardens at Haymarket by myself to gamble on the trots and play the card machines. I don't drink alcohol and haven't for about a year and a half. About a quarter to twelve I left the Covent Gardens and went home to the factory. I walked all the way there and I got there at about ten past or quarter past twelve.
6. I went into the factory and I saw Kirk and Max chastising two young boys about making a mess in the factory. The two young boys were [1308]

*[Handwritten signature]*

*Phillips*

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and the other one was [1310] but I don't know his real name. After a while Richard GREEN woke up and came down as well. After that the two boys got up and went but where they went I don't really know. Kirk, Richard and Max then went across the road to catch a cigarette form Kirk's sister. I stayed inside and tidied up the sink in the kitchen. I then went outside to get some air and to see if I could get a smoke, this was about one o'clock or half past one in the morning.

7. When I went outside I heard Richard and Max talking and there was some other people there but I don't know who they were. This was in Holden Street, just outside the factory. One of the boys, I think it was Richard GREEN, came up to me and said,

"Garry, there is a bloke that looks like he's been bashed he's in that house."

At the same time he pointed to the empty house on the corner of Eveleigh Street and Holden Street. Kirk, Max, Richard and myself went to have a further look to see if we could help him out. I went in first through the opening in the wall where the window used to be. The other three followed in behind me and all four of us were in there. I went straight over to the man who was laying on his back with his pants down around his ankles and his jocketts down around his kneecap area. He also had a white shirt on and it was buttoned up. I then bent down and lit a cigarette lighter because it was dark in there. I could see that he was badly beaten about the face. As I shined the light on I heard someone saying,

"Oh shit, look at his face."

I then heard someone else say,

"We'll have to get the Ambulance."

After that there was no more conversation and we all went out the same way we went in. Kirk then said,

"I'll go up to the railway station and ring an Ambulance."

Kirk then ran up Eveleigh Street. I then thought of the phone that we had in the factory and I left Richard and Max near the house and I went to the factory and rang for the Ambulance.

*[Handwritten signature]*

*o Dh. V.B. h*

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8. I then went back to the corner after about four or five minutes, and Max and Richard were still there. We talked there for a while and we seen Kirk coming back down Eveleigh Street. When he got to us we just kept talking. After that someone said,

"We better go back in and check him."

We then went back in through the same way as before and then I saw that there was a stick leaning up against the wall and the ground with the victim's back leaning against it and he was laying on his side. Someone said,

"Where did that stick come from."

We asked each other but none of us said that we put it there. We didn't worry about it because I saw that it was a good idea.

9. We then went back outside and waited for the Ambulance to come. At nineteen minutes past two in the morning the Ambulance came and we flagged them down and pointed to the house. They stopped their vehicle in Holden Street and they said,

"Where's the person that has been assaulted."

Someone then said,

"He's in there! Go through the window."

10. The Ambulance men went through the window and we followed him through. They then began to treat the person that was assaulted. At the time there was me, Kirk, Richard and Max in there with the Ambulance. As they were working on him I saw the Ambulance cut the victim's shirt open and stick wires on his chest. After about six or seven minutes they took the guy away. I then helped the ambulance men take the guy and put him in the Ambulance.

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o PL. VV. K

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I then saw the Police standing on the corner talking to Kirk, Max and Richard. I then started to walk away but I was called back and I gave my details and name to the Police and spoke with them for a while. After that they left and I went back to the factory.

Witness:



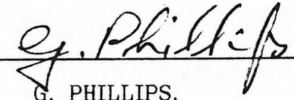
R.A. YANNAKIS

Detective Constable 1/C

Redfern Police Station.

14 January, 1992.

Signature:



G. PHILLIPS.