



New South Wales

## Special Commission of Inquiry into LGBTIQ hate crimes

### Statement of Kathryn Lockery

23 August 2023

This statement made by me accurately sets out the evidence that I would be prepared, if necessary to give to the Special Commission of Inquiry into LGBTIQ hate crimes (“the Inquiry”) as a witness. This statement has been prepared from my own knowledge and also from perusing the records of the Inquiry. The statement is true to the best of my knowledge and belief.

1. My name is Kathryn Lockery. My address is known to the Special Commission of Inquiry.
2. I am employed as a Principal Solicitor by the Special Commission of Inquiry into LGBTIQ hate crimes.
3. In the course of my duties, I have reviewed and conducted inquiries in relation to the death of William Allen, who died on 29 December 1988 at Alexandria, NSW. The information contained in this statement is true based on my own knowledge, and from documents in the possession of the Inquiry relevant to Mr Allen.

#### Request for coronial file

4. On 11 May 2022, the Inquiry issued a written request to the Registrar of the Coroners Court of NSW at Lidcombe to obtain the coronial file in relation to the death of Mr Allen.
5. On 26 May 2022, Lidcombe Coroners Court provided Mr Allen’s coronial file to the Inquiry.

#### Summons for police files and documents

6. On 18 May 2022, a summons to the NSW Police Force (**NSWPF**) was issued for, *inter alia*, the investigative file in relation to the death of Mr Allen (summons NSWPF1). A folder of material in relation to Mr Allen was produced on 8 June 2022.
7. The material produced by the NSWPF included statements and records obtained in the course of an investigation conducted by the Internal Police Security Branch of the NSWPF in 1991, led by Detective Sergeant Robert Campbell. The investigation arose from complaints made by Colin Fisk and Robert Dunn with respect to the officer in charge and his failure to seize certain items from Mr Allen’s house.
8. On 25 August 2022, a summons the NSWPF was issued for all NSWPF records in relation to, *inter alia*, Strike Force Parrabell (summons NSWPF12). This material was produced in tranches between 9 September 2022 and 18 November 2022.

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9. On 28 July 2022, summons NSWPF5 was issued, seeking intelligence held by NSWPF in relation to Mr Allen, including his criminal history, CNI profile and other related documents. This material was produced to the Inquiry on 24 August 2022, however the NSWPF were ultimately unable to locate any of the police notebooks or duty books sought pursuant to the summons.
10. Between 15 June 2023 and 29 June 2023, the Inquiry and NSWPF exchanged letters regarding the material sought at points 3 and 4 of the schedule to summons NSWPF5. The NSWPF were also unable to locate the intelligence report referred to at point 3 of the schedule to the summons or the records relating to the police interaction with [1400] at point 4 of the schedule.
11. On 5 June 2023, the Inquiry issued summons NSWPF118 to NSWPF seeking the physical exhibits associated with the investigation into Mr Allen’s death, including wine carafes, a glass coffee jar, hair and fingernail samples and an anal swab collected at post-mortem. On 13 June 2023, NSWPF wrote to the Inquiry to advise that none of the requested items could be located.

Intelligence regarding persons of interest

12. The Inquiry issued a number of summonses to NSWPF, Corrective Services NSW, Youth Justice NSW and other relevant entities in order to obtain intelligence and background information regarding potential persons of interest identified by NSWPF and by the Inquiry.
13. The Inquiry also liaised with various government agencies in order to locate witnesses in relation to Mr Allen’s death, and obtain information about them.
14. A number of private hearings were held with potential witnesses and persons of interest in relation to Mr Allen’s death.

Forensic material

15. On 2 June 2023, the Inquiry requested that FASS provide to the Inquiry:
  - a. Any P377 forms or other records of exhibits provided to FASS in relation to Mr Allen’s death;
  - b. Any documents containing information in relation to whether hairs, fingernails or anal swabs were forensically examined, including any results; and
  - c. Any documents notifying whether FASS has retained any samples of the hairs, fingernails or anal swab collected at the time of Mr Allen’s death.
16. On 21 June 2023, Dr David Bruce, Senior Forensic Biologist and Historical DNA Casework Coordinator of FASS, advised that no records relating to the death of Mr Allen could be located.

Summons to Births, Deaths and Marriages and Interagency Cooperation

17. On 9 June 2023, the Inquiry issued summons BDM40 to the Registry of Births, Deaths and Marriages (“BDM”) seeking material in relation to Mr Allen, his family and the officer in charge of the investigation into Mr Allen’s death.
18. On 13 June 2023, BDM produced a birth certificate and a death certificate for Mr Allen. The birth certificate confirmed Mr Allen’s date of birth to be 14 August 1938, contrary to some documents held by NSWPF which recorded his year of birth as 1940.

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19. On 22 August 2023, through interagency cooperation, the Inquiry established that [1427] is deceased.

Contact with family

20. Through interagency cooperation, Mr Allen's brother, Stuart Allen, was located. The Inquiry issued letters to Mr Allen on 4 October 2022, 1 February 2023 and 13 June 2023. To date, no response has been received by the Inquiry.
21. On 19 June 2023, the Inquiry wrote to Mr Allen's sister, Joyce Allen, and cousin, David Matthews. No response has been received from Ms Allen.
22. On 27 June 2023, Darren Brown, Principal Investigator for the Inquiry, spoke with Mr Matthews by telephone. Mr Matthews advised that he did not wish to attend the hearing, and had no contact information for Mr Stuart Allen.

Information from Harry Berwick

23. On 26 June 2023, the Inquiry spoke with Harry Berwick in relation to his recollections of the night of Mr Allen's death and the beat at Alexandria Park. Mr Berwick advised that Mr Allen had indicated that his telephone number had been written on the wall of the toilet block at Alexandria Park. Mr Berwick provided the Inquiry with a witness statement dated 28 June 2023, which is included in the tender bundle.
24. In light of the further information obtained from Mr Berwick, the Inquiry reviewed photographs taken by the NSWPF in connection with the murder of Richard Johnson. A selection of photographs of the telephone booth located near Alexandria Park (and used to telephone Mr Johnson on the night of his death) and photographs of the interior and exterior of the toilet block at Alexandria Park are included in the tender bundle.

Contact with Detective Sergeant Brian Saunders

25. On 13 June 2023, the Inquiry wrote to the officer in charge of the investigation into Mr Allen's death, former Detective Sergeant Brian Saunders, to offer him the opportunity to seek leave to appear at the public hearing of this case, and to make submissions. On 14 August 2023, I spoke with Mr Saunders via telephone. Mr Saunders indicated that he did not wish to make any submissions in relation to the death of Mr Allen.

Signature: 

Name: Kathryn Lockery

Date: 23 August 2023