



Special Commission of Inquiry into LGBTIQ hate crimes

SUBMISSIONS OF COUNSEL ASSISTING

22 August 2023

IN THE MATTER OF CRISPIN WILSON DYE

Introduction

1. These submissions are filed on behalf of Counsel Assisting the Special Commission of Inquiry into LGBTIQ hate crimes (**Inquiry**).

Summary of matter

Date and location of death

2. Mr Dye died at approximately 6:30pm on 25 December 1993 at St George Hospital, Kogarah.

Circumstances of death

3. At around 4:35am on the morning of 23 December 1993, Mr Dye was seen lying on the ground on the northern side of Campbell Street, at the intersection of Little Oxford Street in Darlinghurst, near Taylor Square.¹ Three men were seen standing around Mr Dye “picking [him] up” and “moving [him] around”.² Police and paramedics attended the scene.³ Police observed coins in the area where Mr Dye was found and it was subsequently discovered that his wallet was missing.⁴ A map of the area at 1993, marked with Mr Dye’s last known movements in the hours before he was attacked, is **Annexure A** to these submissions.

¹ Statement of Scott John Neilson, 23 December 1993, [3]-[5] (SCOI.10274.00039); Summary prepared for purposes of Coronial Inquest of Detective Sergeant Geoffrey Roy Knight, 12 October 1994, [1.1]-[1.5] (SCOI.10179.00011).

² Statement of Scott John Neilson, 23 December 1993, [4] (SCOI.10274.00039).

³ Statement of Constable Paul Andrew Johnstone dated 29 August 1994 (SCOI.11036.00106); Statement of Darren Andrew Parker, 5 January 1994, [4]-[5] (SCOI.10274.00025).

⁴ Summary prepared for purposes of Coronial Inquest of Detective Sergeant Geoffrey Roy Knight, 12 October 1994, [7.1] (SCOI.10179.00011); Statement of Detective Senior Constable van Leeuwen dated 15 November 1994, 8 (SCOI.11036.00085).

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4. When he was found, Mr Dye was alive but in cardiac arrest; he was blue, unconscious, was not breathing and had no cardiac output.⁵ He also had abrasions to his face, blood coming from his nose and a swollen left eye. Mr Dye was treated by paramedics at the scene⁶ and was transported to St Vincent's Hospital at 5:07am.⁷
5. Upon arrival at St Vincent's Hospital, Mr Dye was observed to be suffering from a major head injury. At around 1:30pm on 23 December 1993, Mr Dye was transferred to St George Hospital⁸ but he died from his injuries two days later on 25 December 1993.⁹ He was 41 years old.¹⁰

Findings of post-mortem examination

6. A post-mortem examination was carried out by Dr Liliana Schwartz on 27 December 1993 and a report for the Coroner was prepared on 27 April 1994 (**27 April Report**).¹¹ The following two reports were attached to the 27 April Report:
 - a. A macroscopic and microscopic description of Mr Dye's brain dated 12 April 1994 (**12 April Report**),¹² and
 - b. A toxicology report.¹³
7. Some three years later, in July 1997, Dr Schwartz prepared a further report in response to specific questions from the New South Wales Police Force (**NSWPF**) dated 9 July 1997 (**1997 Report**).¹⁴
8. The 27 April Report describes a range of injuries to Mr Dye's head and neck. These injuries included fractures (to the left zygoma, left mandibular condyle, both orbital plates, crista galea and greater horn of the thyroid cartilage) and other minor injuries to his limbs including bruises, scratches and abrasions. At the time of his death, Mr Dye was also suffering from acute bronchopneumonia, and acute pancreatitis. Dr Schwartz also recorded that Mr Dye's liver, spleen and heart had "septic features".

⁵ Statement of Darren Andrew Parker, 5 January 1994, [5] (SCOI.10274.00025).

⁶ Statement of Darren Andrew Parker, 5 January 1994, [5] (SCOI.10274.00025).

⁷ NSWPF Running Sheet, – 'Information from St Vincent's Hospital Regarding Admission of Crispin Dye on 23.12.1993', 3 January 1994 (SCOI.10356.00182); Accident and Emergency Progress Note, – 'Harry, UNKNOWN', 23 December 1993 (SCOI.10363.00018).

⁸ Statement of Dr Anthony Sherbon, 22 September 1994 (SCOI.10274.00029); Statement of Detective Sergeant Geoffrey Roy Knight, 27 September 1994, [11] (SCOI.10274.00046).

⁹ Statement of Constable Mark Patrick Portlock, 9 September 1994 (SCOI.10274.00033); Statement of Brenton Wilson Dye, 8 August 1995 (SCOI.10274.00035).

¹⁰ Death certificate of Crispin Wilson Dye, 17 January 1994 (SCOI.83516).

¹¹ Post-mortem report of Dr Liliana Schwartz, 27 April 1994 (SCOI.10178.00024).

¹² Macroscopic Brain Description of Dr Liliana Schwartz, 12 April 1994 (SCOI.10178.00025).

¹³ NSW Health Division of Analytical Laboratories, 'DAL Certificate – Dye, Crispin', 28 February 1994 (SCOI.11036.00072).

¹⁴ Letter from Dr Liliana Schwartz to Detective Sergeant Popplewell, 9 July 1997 (SCOI.10178.00002).

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9. In the 12 April Report, Dr Schwartz noted that the examination of Mr Dye's brain had revealed that he had suffered a traumatic subarachnoid haemorrhage, diffuse hypoxic changes and brain swelling, including flattening of the gyri and bilateral mild uncal herniation with associated haemorrhage on the right uncus.¹⁵
10. The toxicology report attached to the 27 April Report contained no results of any significance. Although Mr Dye's blood alcohol concentration was very high when he was first admitted to hospital (0.27%),¹⁶ there was no alcohol remaining in Mr Dye's system on 29 December 1993 when the relevant tests were carried out.
11. In the 27 April Report, Dr Schwartz concluded that the direct cause of Mr Dye's death was a "head injury".¹⁷
12. In the 1997 Report, Dr Schwartz categorised Mr Dye's head injuries into the following "groups", and further identified the likely cause of these injuries:
 - a. A bruise on the upper and lower eyelid of the left eye, a healing wound immediately to the left of the left eye and an abrasion on the bridge of the nose. These injuries were most likely caused by a direct impact to these areas. However, it may be possible that blood leakage from a fracture of the base of the skull contributed to the formation of the bruise on the upper eyelid of the left eye.
 - b. An abrasion on the area between the nose and the upper lip, bruising and abrasion of the lips, abrasion on the chin and a scratch on the left side of the jaw. These injuries were most likely caused by a direct impact to these areas.
 - c. On the left side of the forehead, immediately above the left eyebrow, an area of abrasions. This was most likely due to direct impact.¹⁸
13. In the 27 April Report and the 1997 Report, Dr Schwartz concluded that Mr Dye's injuries were caused by a blunt instrument and that Mr Dye received at least three strikes to the face and left side of his head.¹⁹ Dr Schwartz also concluded that given Mr Dye had a squared shaped abrasion above his left

¹⁵ Macroscopic Brain Description of Dr Liliana Schwartz, 12 April 1994, 8 (SCOI.10178.00025).

¹⁶ NSWPF Running Sheet, – 'Information from St Vincent's Hospital Regarding Admission of Crispin Dye on 23.12.1993', 3 January 1994 (SCOI.10356.00182).

¹⁷ Post-mortem report of Dr Liliana Schwartz, 27 April 1994, 8 (SCOI.10178.00024).

¹⁸ Letter from Dr Liliana Schwartz to Detective Sergeant Popplewell, 7 July 1997, 2 (SCOI.10178.00002).

¹⁹ Post-mortem report of Dr Liliana Schwartz, 27 April 1994, 8 (SCOI.10178.00024); Letter from Dr Liliana Schwartz to Detective Sergeant Popplewell, 7 July 1997, 2 (SCOI.10178.00002).

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eyebrow and a blurred abrasion on his left temple, these injuries may have been caused “by a baton or by one of the edges of a cricket bat or other blunt object of similar characteristics”.²⁰

14. The 27 April Report also noted that Mr Dye had numerous minor injuries to his limbs.²¹ In the 1997 Report, Dr Schwartz provided her opinion in relation to the “possible” means by which these injuries could have been sustained. In this respect, Dr Schwartz noted:²²
 - a. an abrasion located on Mr Dye’s left elbow may have been caused by a fall or by direct impact with a blunt object;
 - b. an area of bruising and abrasions located on the back and inner aspect of Mr Dye’s left wrist, and an area of abrasions and discolouration of the skin located on the inner aspect of the left hand, had the characteristics of defensive wounds and were most likely caused by a direct impact with a blunt object; and
 - c. an abrasion located on the outer aspect of the right shin and areas of discolouration located on the left shin and foot may have been caused by a fall.

Persons of interest

15. Four persons of interest were identified by NSWPF at various points in time, namely:
 - a. **NP128** (JF) (date of birth [REDACTED]): see further at [239]-[249] below. JF was identified in 1994 as a person of interest because of a F.A.C.E image created by witnesses to a separate attack and robbery that had occurred at around 3:30am on 23 December 1993 in Woolloomooloo.²³
 - On 14 June 1994, JF was arrested on unrelated matters and interviewed. He admitted to witnessing an assault whilst walking down Little Oxford Street on the morning of 23 December 1993.²⁴

²⁰ Letter from Dr Liliana Schwartz to Detective Sergeant Popplewell, 7 July 1997, 2 (SCOI.10178.00002).

²¹ Post-mortem report of Dr Liliana Schwartz, 27 April 1994, 2-4 (SCOI.10178.00024).

²² Letter from Dr Liliana Schwartz to Detective Sergeant Popplewell, 7 July 1997, 3 (SCOI.10178.00002).

²³ Statement of I116, 27 December 1993 (SCOI.10300.00027); NSW Ambulance Treatment Report, 23 December 1993 (SCOI.10364.00017); Statement of George Norman Grace, 28 December 1993 (SCOI.10346.00062); Statement of Leah-Jane Cooper, 28 December 1993 (SCOI.10346.00063).

²⁴ NSWPF Record of Interview, ‘Interview with NP128’, 14 June 1994 (SCOI.10348.00007); Statement of Constable Brett Minmaw, 15 June 1994, [30] (SCOI.10348.00004).

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- However, he subsequently claimed that he was not in Sydney on 23 December 1993,²⁵ and JF's family and friends purported to provide him with various alibis.²⁶
 - At the inquest into Mr Dye's death, State Coroner Derrick Hand commented that "I don't believe [JF] at all in his story but unfortunately there is not sufficient evidence to tie him in with the murder".²⁷
- b. **NP127** (DJ) (date of birth [REDACTED]): see further at [250]-[254] below. In 1994 an informant claimed that DJ and a man named **NP227** (MJB) had bragged about assaulting gay men. It was eventually concluded by investigating officers that there was insufficient evidence linking DJ to Mr Dye's murder.²⁸
- c. **Richard William Leonard** (date of birth [REDACTED]) and **NP129** (SM) (date of birth [REDACTED]): see further at [255] ff below.
- In January 1996 the NSWPF received information that Mr Leonard had admitted, at about that time, to murdering Mr Dye.²⁹ Such an admission was also later recorded, in March 1996, by way of covert listening device.³⁰ Mr Leonard claimed to have been in the company of SM at the time of assaulting Mr Dye.³¹
 - At the time of making this admission, Mr Leonard was on remand for the murders of Steven Dempsey on 4 August 1994 and Ezzedine Bahmad on 18 November 1994. He was subsequently convicted of both murders.³²
 - However, in 1999, NSWPF officers located another man, **I115** (PG), who had been assaulted in the early hours of 27 December 1993 on Bourke Street, near the corner of St Peters Street, in Darlinghurst.³³

²⁵ NSWPF Record of Interview, 'Interview with NP128', 6 July 1994 (SCOI.10346.00083).

²⁶ Statement of I324, 15 June 1994, [5] (SCOI.10348.00015); Statement of I324, 5 July 1994, [5] (SCOI.10348.00016); Statement of I321, 4 July 1994, [14]-[16] (SCOI.10348.00018); Statement of I323, 6 July 1994, [6] (SCOI.10348.00020); Statement of I325, 13 July 1994, [7]-[17] (SCOI.10348.00023); Statement of I326, 14 July 1994, [5] (SCOI.10348.00060).

²⁷ Transcript of Coronial Inquest into the death of Crispin Wilson Dye, 8 August 1995, 45 (SCOI.10179.00008).

²⁸ Second statement of Detective Sergeant Geoffrey Roy Knight, 26 July 1995 (SCOI.10274.00007). See also Statement of Antonio Polito, 5 June 1995 (SCOI.10300.00107).

²⁹ See Statement of I269, 24 January 1996 (SCOI.10179.00005).

³⁰ Transcript of Tape Labelled 'Dye Murder', 7 March 1996 (SCOI.10178.00040); see also document labelled 'corrected transcript', 12 February 1997 (SCOI.10178.00043), which contains the same material with slight variations; Summary of Investigation into the Murder of Crispin Wilson Dye prepared by Detective Senior Constable Andrew Waterman, 30 November 1999, [2.3] (SCOI.10302.00004).

³¹ Transcript of Tape Labelled 'Dye Murder', 7 March 1996, 4 (SCOI.10178.00040); NSWPF Record of Interview, 'Interview with NP129', 15 April 1996 (SCOI.10179.00024).

³² *R v Leonard*, Remarks on Sentence of Badgery-Parker J, 10 November 1997 (SCOI.02495).

³³ Statement of I115, 12 January 1994 (SCOI.10273.00014).

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- Consideration of the timing and location of this assault, among other things, suggested that it was likely that the man whom Mr Leonard had assaulted was PG, not Mr Dye.³⁴
 - On 8 February 2001, the ODPP advised that no charges should be laid against Mr Leonard or SM in relation to Mr Dye’s death.³⁵
16. However, in June 2023, at the Inquiry’s request, certain forensic testing was undertaken by the Forensic and Analytical Science Service (**FASS**). The circumstances which led to the Inquiry’s taking that course are outlined below. As a result of that testing, the Inquiry has identified NP252 (date of birth [REDACTED]) as a person of interest in relation to the death of Mr Dye. NP252 is now deceased.

Indicators of LGBTIQ status or bias

17. The material available to this Inquiry indicates that Mr Dye identified as gay or bisexual,³⁶ and that he had sexual encounters with other men.³⁷
18. As to whether Mr Dye’s death involved LGBTIQ bias, relevant factors include those summarised in the following paragraphs.
19. **First**, the time and location of the attack, which was the early hours of the morning in the vicinity of Oxford Street’s gay pubs and nightclubs. Proximity to such known LGBTIQ locations is well recognised as a feature of many anti-LGBTIQ attacks in the 1970s, 1980s and 1990s.³⁸ At the time of Mr Dye’s murder the area surrounding Little Oxford Street was a hotspot for street robberies and assaults, including targeted robberies and assaults against members of the LGBTIQ community.³⁹
20. **Second**, an eyewitness observed three men standing around a “large object laying on the ground” – later found to be Mr Dye.⁴⁰ This may suggest that a gang was involved in the attack.
21. **Third**, in circumstances where Mr Dye was very intoxicated, the amount of force used to assault Mr Dye seems excessive if his assailant or assailants only intended to rob him. The tenth “bias crime indicator”, developed by Sergeant Steer of the Bias Crimes Unit and later incorporated by Strike Force Parrabell (**SF Parrabell**) into its “Bias Crimes Indicators Review Form” (**BCIF**), recognises the significance

³⁴ NSWPF Record of Interview, ‘Interview with NP129’, 15 April 1996, 9, 20-21 (SCOI.10179.00024).

³⁵ Table of documents from ODPP, 16 June 2023 (SCOI.84018).

³⁶ Statement of Colin Copnell, 19 May 2023, [9]-[10] (SCOI.83522); Statement of Richard Cobden SC, 26 May 2023, [8] (SCOI.83496).

³⁷ Statement of Richard Cobden SC, 26 May 2023, [8] (SCOI.83496).

³⁸ Exhibit 1, Tab 1, ACON, In Pursuit of Truth and Justice: Documenting Gay and Transgender Prejudice Killings in NSW in the Late 20th Century (Report, May 2018) [4.3.3] (SCOI.03667); Exhibit 6, Tab 255, Expert Report of Professor Nicole Asquith, 25 January 2023, [109] (SCOI.82368.00001).

³⁹ Strikeforce Parrabell, Bias Crimes Indicators Review Form – Crispin Dye, 15 (SCOI.45285); See Annexure A to statement of Jacqueline Krynda, 18 June 2023 (SCOI.83525).

⁴⁰ Statement of Scott John Neilson, 23 December 1993, [1]-[17] (SCOI.10274.00039).

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of “level of violence” in assessing whether LGBTIQ bias may be a factor in a crime. In the Asquith Report, Professor Asquith opined that an extreme level of violence “is appropriate for assessing some hate crimes, especially those involving interpersonal violence”.⁴¹

22. **Fourth**, Mr Dye’s assailant/s may have had multiple or concurrent motivations.⁴² In Professor Asquith’s view, most LGBTIQ hate crime is opportunistic, and many offenders who assault their victims will also take the opportunity to rob them.⁴³ Others may deliberately target persons thought to be a member of the LGBTIQ community for robbery attacks, whether because they are perceived to be “easy” or “soft” targets or otherwise.
23. **Fifth**, there are indications that an ‘Organised Hate Group’ may have been active in Sydney at the time of Mr Dye’s death. This was noted by SF Parrabell which found that the *modus operandi* in this case “of physically assaulting a male is similar to the M.O. of other known OHG’S”.⁴⁴ NSWPF materials produced to the Inquiry also contain statements made by victims of robberies in the area of Little Oxford Street around 1993 and 1994,⁴⁵ some of which refer to groups of men who were targeting gay men for robberies and assaults and using homophobic language in the course of these attacks.⁴⁶
24. **Sixth**, at least two of the persons of interest in relation to Mr Dye’s death, namely Mr Leonard and DJ, manifested anti-LGBTIQ bias.⁴⁷
25. **Seventh**, some of Mr Dye’s friends were of the view that Mr Dye’s death was a gay hate crime.⁴⁸

Exhibits: availability and testing

Items recorded as exhibits by NSWPF

26. The NSWPF records in relation to the investigation of Mr Dye’s death indicate that the exhibits retained by the NSWPF included the following items:
 - a. blue denim jeans taken from Mr Dye;
 - b. brown belt taken from Mr Dye;
 - c. denim shirt taken from Mr Dye;

⁴¹ Exhibit 6, Tab 255, Expert Report of Professor Nicole Asquith, 25 January 2023, [100] (SCOI.82368.00001).

⁴² Exhibit 6, Tab 255, Expert Report of Professor Nicole Asquith, 25 January 2023, [94] (SCOI.82368.00001).

⁴³ Exhibit 6, Tab 255, Expert Report of Professor Nicole Asquith, 25 January 2023, [96]-[97] (SCOI.82368.00001).

⁴⁴ Strikeforce Parrabell, Bias Crimes Indicators Review Form – Crispin Dye, 6 (SCOI.45285).

⁴⁵ See summary of these holdings contained in Annexure A of statement of Jacqueline Krynda, 18 June 2023 (SCOI SCOI.83525).

⁴⁶ See, for example, Statement of Bradley William Smith, 14 January 1994 (SCOI.10274.00042) and Statement of Leon Jurgen Oelofse, 29 December 1993 (SCOI.10382.00017).

⁴⁷ See below [250] and [259].

⁴⁸ Statement of Richard Cobden SC, 26 May 2023, [12] (SCOI.83496).

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- d. maroon shoes taken from Mr Dye;
 - e. maroon socks taken from Mr Dye;
 - f. white T-shirt taken from Mr Dye;
 - g. blood samples taken from Mr Dye;
 - h. a “Health Care card” and Frequent Flyer card belonging to Mr Dye; and
 - i. items from a wallet, including Mr Dye’s Metway bank card.⁴⁹
27. During the course of the original investigation into Mr Dye’s death, Detective Senior Constable (DSC) Lyle Van Leeuwen from Crime Scene Unit examined the items of clothing and observed that the jeans and shoes were soiled with faeces and the front of the T-shirt was blood stained. DSC Van Leeuwen was unable to locate any shoe prints or other trace evidence on the clothing.⁵⁰ DSC Van Leeuwen sent a blood sample from Mr Dye for testing.
28. The “Health Care card” and the Frequent Flyer card referred to at [26.h] above were recovered on 21 January 1994 by Mr Dye’s brother, Brenton Dye, after an envelope containing these items was received at Mr Dye’s address in Cairns (where he was living at the time of his death and prior to travelling to Sydney for Christmas, as explained at [184] below).⁵¹ These items were subsequently fingerprinted as part of the original police investigation with a “negative result”.⁵² They had apparently been handed in to the Ansett Travel Office in Darlinghurst and posted to Mr Dye’s home address by an unknown member of staff.⁵³
29. The wallet referred to at [26.i] above which contained Mr Dye’s Metway bank card was handed in to Inner City Legal Centre (ICLC) on 14 February 1994. This wallet contained a range of other items belonging to other people including an application for a loan in the name of [1320] (FA), a credit card belonging to FA, and a Filipino passport in the name of [NP221] (MB). All of these other items were subsequently established to belong to MB, who said that the wallet had been FA’s, who was his friend, before FA had gifted it to MB.⁵⁴ MB’s girlfriend, [NP222] (JM), stated that she “recognised the wallet as belonging to [MB], I have seen him with it ever since I have known him” (i.e. since

⁴⁹ NSWPF, Review of an Unsolved Homicide Case Screening Form, Crispin Dye, dated 25 May 2005 (SCOI.03268).

⁵⁰ Statement of Detective Senior Constable Lyle van Leeuwen, 15 November 1994, 4 (SCOI.11036.00085).

⁵¹ NSWPF Running Sheet, ‘Ansett Frequent Flyer Card and Health Benefits Card Belonging to Deceased Received in Mail by Brother, Brenton Dye in Cairns’, 4 October 1994 (SCOI.10180.00013).

⁵² NSWPF Running Sheet, ‘Health Care Card and Ansett Frequent Flyer Card belonging to DYE collected from Fingerprint Unit’, 16 February 1994 (SCOI.10180.00016); Statement of Detective Geoffrey Roy Knight, 27 September 1994, [59] (SCOI.10274.00046).

⁵³ NSWPF Running Sheet, ‘Ansett Frequent Flyer Card and Health Benefits Card belonging to DYE handed to the Ansett Travel Office Oxford & Riley Sts, Darlinghurst’, 4 October 1994 (SCOI.11036.00173).

⁵⁴ NSWPF Record of Interview, ‘Interview with NP221’, 5 April 1994, 14 (SCOI.10346.00025).

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December 1993).⁵⁵ On 5 April 1994, MB explained that he had found Mr Dye's Metway bank card, and he was later discounted as a person of interest in the investigation.⁵⁶ These items were also fingerprinted with a "negative result".⁵⁷ It is not clear whether the wallet itself was fingerprinted.

30. On 15 June 2023, Detective Sergeant (DS) John Nance provided a statement to the Inquiry (**Nance Statement**).⁵⁸ He stated that two other items, not identified above, had been identified as being "related to" Mr Dye's case on NSWPF systems. In what way they were said to be so "related" was not stated. These items were:
- a. images from fingerprint examination of "2 pages people mag"; and
 - b. images from fingerprint examination of "5 letters and Envelopes".
31. The Inquiry was previously not aware of these items and no explanation has been provided by the NSWPF about the nature of their connection to Mr Dye's case. The "people mag" item may refer to a copy of 'People' magazine identified in a 2019 UHT triage (see [71] below) as having Mr Leonard's fingerprints on it.⁵⁹ In a covert listening device recording in 1996 (see [258] ff below), Mr Leonard was heard to be referring to a magazine.⁶⁰ It is not clear what the "5 letters and Envelopes" are and how they relate to Mr Dye's death.

Other items not labelled as exhibits

32. Separately to any of the items listed above as exhibits, on some unknown date, a second (black) wallet was handed into Cairns Police Station and subsequently recovered by Brenton Dye on 9 January 1994.⁶¹ This wallet contained Mr Dye's driver's licence, another Metway bank card, and Mr Dye's Medicare card.⁶² Mr Dye had reported the loss of this Metway bank card to the Metway bank on 15 December 1993 after he arrived in Sydney.⁶³ These items were never catalogued as exhibits. It would appear, from the evidence available to the Inquiry, that these items were never fingerprinted, perhaps on the assumption that Mr Dye had lost possession of these items in Cairns before flying to Sydney.

⁵⁵ Statement of NP222, 5 April 1994, [5], [10] (SCOI.10180.00078).

⁵⁶ Summary prepared for purposes of Coronial Inquest of Detective Sergeant Geoffrey Roy Knight, 12 October 1994, [8.53] (SCOI.10179.00011).

⁵⁷ Statement of Detective Sergeant Geoffrey Roy Knight, 27 September 1994, [63] (SCOI.10274.00046).

⁵⁸ Statement of Detective Sergeant John Nance, 12 June 2023 (NPL.0100.0019.0001).

⁵⁹ NSWPF Annexure A Triage Form Review of Unsolved Homicide, 'Crispin Wilson Dye', 16 November 2019, 10 (SCOI.03267).

⁶⁰ NSWPF Transcript of Tape, 'Dye Murder', 7 March 1996, 5, 6 (SCOI.10178.00040); NSWPF Transcript of Tape, 'Transcript of listening device material recording conversation between Richard Leonard and I269', 12 February 1997, 31 (SCOI.10178.00043).

⁶¹ Statement of Detective Sergeant Geoffrey Roy Knight, 27 September 1994, [56] (SCOI.10274.00046); NSWPF Running Sheet, 'Information from Brenton Dye Regarding Wallet of Deceased in Possession of Cairns Police', 10 January 1994 (SCOI.10180.00004).

⁶² See what appears to be photographs of these items here: NSWPF, photographs of wallet and other items, undated (SCOI.10349.00004).

⁶³ Statement of Jacqueline Dunn, 20 January 1994, [8] (SCOI.10274.00050).

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33. It seems that the wallet that Mr Dye was actually carrying on the night that he was assaulted (see [195] below) was never recovered. Brenton Dye told NSWPF officers that he believed that Mr Dye would have been carrying a black “Artex” wallet because he had bought such a wallet for Mr Dye for Christmas in 1992.⁶⁴ On 7 January 1994, Jean Dye, Mr Dye’s mother, accompanied police to purchase a replica of this wallet.⁶⁵
34. Among the material produced to this Inquiry by the NSWPF in response to summons NSWPF1, was a wallet. The provenance of that wallet is unknown.⁶⁶

Unsolved Homicide Team consideration of the exhibits from original investigation

35. Some eleven years later, on 25 May 2005, there was an Unsolved Homicide Team (**UHT**) review of Mr Dye’s case by DSC Natalie Barr: see [68] below. DSC Barr’s review contained the following note (under the heading “comment”) about the fingerprinting that had been done as part of the original investigation:

LEONARD identified on items relevant to the conversation recorded on the listening device in his prison cell – NOT RELEVANT TO THE MURDER OF DYE.

No prints located on Health Care card or Ansett Frequent Flyer card (printed by McCue)

Items from the deceased’s wallet and items belonging to [MB] were printed. According to the negatives located by Fingerprint Major Crime, 4 graphs were searched with no hits and 6 graphs were not suitable for searching. Advice sought from them to establish whether the 4 graphs are now on NAFIS – TO BE UPDATED....⁶⁷

36. Which wallet is referred to here as “the deceased’s wallet” is unclear. It seems unlikely to be the wallet handed in to Cairns Police Station and collected by Brenton Dye (which contained Mr Dye’s driver’s licence, a Metway bank card, and Mr Dye’s Medicare card)⁶⁸ since (as noted above) there is no indication that this item was ever catalogued as an exhibit and/or fingerprinted in the original investigation. It seems more likely to be the wallet handed in to the ICLC on 14 February 1994, as there is a record of items from that wallet being subject to forensic testing.⁶⁹ Given that MB claimed that this wallet belonged to him,⁷⁰ it would be incorrect to call this wallet “the deceased’s wallet”. Nor are the

⁶⁴ NSWPF Running Sheet, ‘Description of Wallet Owned by Crispin Dye’, 13 January 1994 (SCOI.10356.00161).

⁶⁵ See what appears to be photographs of the replica wallet here: NSWPF, photographs of wallet, undated (SCOI.10301.00060); NSWPF Running Sheet, ‘Wallet Similar to One Owned by Dye Obtained from Artex’, 10 January 1994 (SCOI.10301.00061).

⁶⁶ Statement of Jacqueline Krynda, 18 June 2023, [24] (SCOI.83525); see a picture of this wallet here in photograph of empty Artex brand wallet, date unknown (SCOI.10301.00060).

⁶⁷ NSWPF Review of an Unsolved Homicide Case Screening Form, ‘Crispin Wilson Dye’, 25 May 2005, 6 (SCOI.03268). The DAL was the precursor to the Forensic and Analytical Science Service (“FASS”).

⁶⁸ NSWPF running sheet, ‘Information from Brenton Dye Regarding Wallet of Deceased in Possession of Cairns Police’, 10 January 1994 (SCOI.10180.00004).

⁶⁹ Statement of Detective Sergeant Geoffrey Roy Knight, 27 September 1994, [63] (SCOI.10274.00046).

⁷⁰ NSWPF Record of Interview, ‘Interview with NP221’, 5 April 1994, 14 (SCOI.10346.00025).

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available records clear on whether the wallet itself, as distinct from the items found with it, was fingerprinted.⁷¹

37. The note made by DSC Barr indicates that these items from the wallet (although apparently not including the wallet itself) were tested for fingerprints, but they were not sent to the Division of Analytical Laboratories (**DAL**) (later FASS) for DNA or other forensic analysis (by early 1994 in NSW, the possible scope of forensic testing, including by reference to DNA, was increasing, although it was more limited in its capacities than is the case in 2023).⁷²
38. By the time of the 2005 UHT review, Mr Dye's "Health Care card" and Frequent Flyer cards could not be located, nor could the items from "the deceased's wallet" (more likely to be MB's wallet) and the items belonging to MB.⁷³ The completed review form states that "it appears that the deceased's blood is the only item which has ever been sent to DAL for examination".⁷⁴

Findings at inquest, including as to manner and cause of death

39. An inquest into Mr Dye's death was held on 7 and 8 August 1995 at the Coroners Court of NSW before State Coroner Derrick Hand. Sergeant Gibson assisted the State Coroner.
40. A number of witnesses were called, including:
 - a. DS Geoffrey Knight, Officer in Charge (**OIC**);
 - b. Scott Neilson;
 - c. Jeremy Larkins;
 - d. Michael Travinski;
 - e. Peter Snelling;
 - f. David Walker;
 - g. Brenton Dye;
 - h. JF;
 - i. 1324 (ET);

⁷¹ See NSWPF Review of an Unsolved Homicide Case Screening Form, 'Crispin Wilson Dye', 25 May 2005, 6 (SCOI.03268); Statement of Detective Sergeant Geoffrey Roy Knight, 27 September 1994, [62]-[63] (SCOI.10274.00046).

⁷² Statement of Michele Franco, 15 June 2023, 7 (SCOI.84016).

⁷³ NSWPF Review of an Unsolved Homicide Case Screening Form, 'Crispin Wilson Dye', 25 May 2005, 6 (SCOI.03268).

⁷⁴ NSWPF Review of an Unsolved Homicide Case Screening Form, 'Crispin Wilson Dye', 25 May 2005, 17 (SCOI.03268). DAL was the precursor to the Forensic and Analytical Science Service (FASS).

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- j. I323 (CT);
- k. I325 (SC);
- l. I326 (DC);
- m. I321 (PF); and
- n. I70 (AB).⁷⁵

41. A central issue in the inquest was the possible involvement of JF in Mr Dye's death. As discussed at paragraph [15.a] above, while State Coroner Hand made adverse findings in relation to JF's evidence and alibis, ultimately his Honour found there was insufficient evidence to tie him to Mr Dye's murder.

42. On 8 August 1995, State Coroner Hand found:

*That on 25 December 1993 at the St George Hospital, Kogarah, Crispin Wilson Dye died of the effects of a head injury inflicted on 23 December 1993 in Campbell Street, Darlinghurst, by a person or persons unknown.*⁷⁶

Criminal proceedings

43. No person was ever charged with any offence in relation to Mr Dye's death.

Features of/concerns with the original police investigation

44. Several aspects of the original investigation are noteworthy and of concern.

45. **First**, not all relevant exhibits were tested for fingerprints or sent to DAL for forensic analysis.

46. The only item sent to DAL was Mr Dye's blood sample. None of his clothing, or the wallet handed in to the ICLC, or the other items such as cards from the wallet, were ever sent for analysis.

47. The failure of the NSWPF to arrange for the testing of Mr Dye's clothing at the time of the original investigation or at any time thereafter is of particular concern, especially in light of the Inquiry's own recent investigative work. The examination of these items by FASS at the behest of the Inquiry in 2023 has revealed that an "unknown" DNA profile obtained from Mr Dye's clothing matched a DNA profile recovered from another crime scene in 2002.⁷⁷ These matters are explored further at [145]-[163] below.

⁷⁵ Transcript of Coronial Inquest into the Death of Crispin Wilson Dye, 7 August 1995 (SCOI.11036.00060); Transcript of Coronial Inquest into the Death of Crispin Wilson Dye, 8 August 1995 (SCOI.10179.00008).

⁷⁶ Transcript of Coronial Inquest into the Death of Crispin Wilson Dye, 8 August 1995, 48 (SCOI.10179.00008).

⁷⁷ Supplementary Statement of Michele Franco, 31 July 2023 (SCOI.84910).

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48. As to fingerprinting, the 2005 UHT review indicates that the Health Care card and Frequent Flyer card were “fingerprinted 27/01/1994 with a negative result”, but that although “items from deceased’s wallet and items belonging to MB” were “delivered to Fingerprints on 17/02/1994”, no result was noted. All of those items are described, in the 2005 UHT review, as “NOT LOCATED”. As noted above, it is not clear if the wallet itself was fingerprinted.⁷⁸
49. Moreover, a set of keys was recorded as being found on Mr Dye’s person. A NSWPF running sheet created on 1 January 1994 notes that on that day Brenton Dye attended Surry Hills Police Station to collect Mr Dye’s keys, which were “found on his person upon admission to St. Vincent’s Hospital on 23.12.93”.⁷⁹
50. There is no mention of the keys in the statements of investigating officers. The keys were evidently not tested for fingerprints before being returned to Brenton Dye. In his oral evidence on 5 July 2023 during the Inquiry’s investigative practices hearing, Detective Inspector Nigel Warren of the Homicide Squad accepted that the failure to have Mr Dye’s keys tested for fingerprints was a “significant oversight”.⁸⁰
51. **Second**, the NSWPF’s scrutiny of exhibits from the crime scene was strikingly deficient.
52. As outlined further below at [110]-[116], the Inquiry has located two pieces of paper which were folded inside the top left-hand pocket of Mr Dye’s shirt (exhibit number X0000638079).⁸¹ One of these pieces of paper contained a handwritten name and phone number on it. The other piece of paper contained a brown mark on it, that has now been confirmed to be a bloodstain. Examinations were also carried out in 2023 at the request of the Inquiry to determine whether this bloodstained mark was a fingerprint or a partial fingerprint.⁸²
53. It is clear that these pieces of paper had never previously been noticed. They were found folded in the top left front pocket of the exhibit (the shirt) and never separately catalogued.⁸³ The Inquiry has searched all the files provided by the NSWPF and the Coroner’s Court in relation to Mr Dye’s death and these pieces of paper are never mentioned or referred to. The NSWPF has confirmed by correspondence to the Inquiry that it has no information about these papers.⁸⁴

⁷⁸ NSWPF Review of an Unsolved Homicide Case Screening Form, ‘Crispin Wilson Dye’, 25 May 2005, 6 (SCOI.03268).

⁷⁹ NSWPF running sheet, ‘Brother of Deceased, Brenton Dye, Taking Possession of Property from Police at Surry Hills’, 1 January 1994 (SCOI.10356.00173).

⁸⁰ Transcript of the Inquiry, 5 July 2023, T5002.20-27 (TRA.00073.00001).

⁸¹ Statement of Michele Franco, 15 June 2023, 5 (SCOI.84016).

⁸² Email from Patrick Hodgetts to Enzo Camporeale, 13 March 2023 (SCOI.83517); Statement of Detective Sergeant Nicole Smith, 7 June 2023 (NPL.0100.0016.0039).

⁸³ Statement of Michele Franco, 15 June 2023, 5 (SCOI.84016).

⁸⁴ Letter from Katherine Garaty to Enzo Camporeale, 3 April 2023 (SCOI.83494); Letter from Katherine Garaty to Enzo Camporeale, 5 June 2023 (SCOI.84023).

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54. The previous failure to find these pieces of paper is extraordinary given that:
- (1) by their own accounts, DSC van Leeuwen examined Mr Dye's clothing on 23 December 1993, and Detective Taylor and DS Knight also separately did so on the same day.⁸⁵ Although DS Knight found "several pieces of paper" in Mr Dye's pockets "containing telephone numbers and a Metway Bank business card",⁸⁶ those "several pieces of paper" seem clearly to be different pieces of paper to those found by the Inquiry (see discussion further below at [120] ff);⁸⁷ and
 - (2) as outlined below, there have also been two further police investigations of the case (in the years following 1996 and 1999), and the UHT has twice reconsidered the case (in 2005 and 2019).
55. Additionally, as outlined further below at [127]-[134], the Inquiry has established that at the time of his death there was also yet another, different, piece of paper on Mr Dye's person. That further piece of paper, it is now apparent, was a note written by a person named Alexander Paige a few days before Mr Dye was attacked. The Inquiry has searched all the files provided by the NSWPF and the Coroner's Court in relation to Mr Dye's death, and no original or copy of the note (the **Paige note**) has been produced. However, this note is referred to in a notebook of DS Knight,⁸⁸ which makes it clear that it was among the notes found by investigating police, and it is referred to in DS Knight's statement.⁸⁹ Yet inexplicably the Paige note was not formally recorded as an exhibit, was not sent for forensic testing, and was apparently not even retained.
56. The pieces of paper found by the Inquiry in Mr Dye's shirt pocket, and the Paige note, may have been a source of fingerprints or DNA which, in turn, may have provided the NSWPF with information about his assailant/s. As noted above, Mr Dye had been observed on the ground at one stage surrounded by three people, who were apparently "picking [him] up", "moving [him] around" and "appeared to grab something" from him.⁹⁰ It would seem likely that they were going through his pockets. The failure of the NSWPF to inspect Mr Dye's pockets carefully, and to retain and/or check any papers they found, is obviously cause for concern.

⁸⁵ Statement of Detective Senior Constable van Leeuwen, 15 November 1994, 4 (SCOI.11036.00085); Statement of Detective Sergeant Geoffrey Roy Knight, 27 September 1994, [9] (SCOI.10274.00046).

⁸⁶ Statement of Detective Sergeant Geoffrey Roy Knight, 27 September 1994, [9] (SCOI.10274.00046).

⁸⁷ See Photocopy, undated (SCOI.11036.00110); Table of Contents, Coronial Inquest into the Death of Crispin Wilson DYE, undated (SCOI.11036.00087).

⁸⁸ Police notebook of Detective Sergeant Knight, 10 January 1994, (SCOI.84797).

⁸⁹ Statement of Detective Sergeant Geoffrey Roy Knight, 27 September 1994, [9] (SCOI.10274.00046).

⁹⁰ Statement of Scott John Neilson, 23 December 1993, [4]-[5] (SCOI.10274.00039).

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57. **Third**, the recording and management by the NSWPF of those exhibits which they did locate, is cause for concern.
58. The NSWPF did not catalogue some items as exhibits, such as Mr Dye's keys, the multiple papers found on Mr Dye's person, or either of the two wallets eventually received.⁹¹
59. Other items, which were noted as exhibits, have been lost, including the "Health Care card", Frequent Flyer card, items from the wallet handed into the ICLC (and presumably the wallet itself, although it was not recorded as an exhibit) and items belonging to MB.⁹²
60. Conversely, a particular make of extendable baton was stored and classified as an exhibit.⁹³ On 3 February 2023, NSWPF informed the Inquiry that this baton "was seized at some point during the course of the original investigation, possibly as a suspected murder weapon".⁹⁴
61. However, the Inquiry subsequently found a record of a baton, of the make in question, having been purchased by the NSWPF to allow Dr Schwartz to prepare the 1997 Report in relation to whether that type of baton could have caused Mr Dye's injuries.
62. On 17 March 2023, after reviewing its own records, the NSWPF agreed it was likely that the baton that had been labelled as an exhibit had actually been purchased by the NSWPF at a later time, and had not been seized as a suspected murder weapon⁹⁵ (see further [139]-[144] below).
63. More recently, the belated provision by NSWPF of the Nance Statement, asserting that further items were "related to" Mr Dye's death, in ways not stated, is obviously unsatisfactory. No explanation about the relevance or significance of these items in the context of Mr Dye's case has been provided, nor has an explanation been proffered about why these items were not brought to the Inquiry's attention at an earlier stage.
64. The state of affairs indicated by these various examples does not encourage confidence in the record-keeping, or attention to detail, of the NSWPF in this case.
65. As discussed further below at [110]-[116], the Inquiry has been able to carry out forensic testing of certain exhibits that were retained in this case, as well as of the two pieces of paper located by the Inquiry. This is the first time that any of these items has been the subject of forensic testing.

⁹¹ See Photocopy, undated (SCOI.11036.00110); NSWPF running sheet, 'Brother of Deceased, Brenton Dye, Taking Possession of Property from Police at Surry Hills', created 1 January 1994 (SCOI.10356.00173).

⁹² NSWPF Review of an Unsolved Homicide Case Screening Form, 'Crispin Wilson Dye', 25 May 2005, 6 (SCOI.03268); Email from Patrick Hodgetts to Elizabeth Blomfield, 7 October 2022 (SCOI.83521).

⁹³ Email from Katherine Garaty to Enzo Camporeale, 3 February 2023 (SCOI.83474).

⁹⁴ Email from Katherine Garaty to Enzo Camporeale, 3 February 2023 (SCOI.83474).

⁹⁵ Email from Patrick Hodgetts to Enzo Camporeale, 17 March 2023 (SCOI.83473).

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66. The Inquiry has been hampered in those efforts due to the passage of time, nearly thirty years, since Mr Dye's death. These exhibits and items have degraded over that time.⁹⁶ The same passage of time has also enabled the advancement of technology in the recovery of DNA profiles from exhibits, and so it is not possible to say with certainty that the results of testing conducted by this Inquiry are more limited than they might have been had such testing occurred earlier,⁹⁷ especially in relation to the blood on Mr Dye's jeans.⁹⁸ However, it is obviously unfortunate that items that could have been a useful source of fingerprint or other evidence were not located and/or tested by the NSWPF at any time since 1993, and only by this Inquiry in 2023. At the very least, useful DNA results could have been obtained in 2005 (at the time of the UHT review) and in 2019 (at the time of the UHT triage).⁹⁹
67. **Fourth**, police appear not to have followed up at least two pieces of significant information received by them about Mr Dye's death, in December 1993 and March 1994. The police failed to make any record of having spoken with Mr Paige on Christmas Eve 1993, or to take a statement from him, or otherwise to follow up on what he told them at that time about his encounter with Mr Dye on or about the evening that he was killed. The information provided by Mr Paige (as discussed further below at [128]-[129]) was squarely relevant to ascertaining Mr Dye's movements in the period leading up to his death, as well as to his sexuality. Similarly, there is no evidence that the police followed up on information received from Mr Leonard's father, Stephen Leonard, in March 1994 (see [280] ff below), at least insofar as this information was relevant to Mr Dye's case. Those two examples appear to indicate a somewhat desultory, or at least less than rigorous, approach to the initial investigation into Mr Dye's death.

Unsolved Homicide Team

68. The UHT considered Mr Dye's case in 2005 (a review) and again in 2019 (a triage).
69. The UHT review in 2005, by DSC Natalie Barr, recommended the following steps be taken:
- a. that forensic testing (including trace DNA examination) be conducted on suitable exhibits;
 - b. that the NSWPF obtain confirmation that any outstanding prints have been included on NAFIS and the provenance of those fingerprints;
 - c. that the NSWPF consider re-issuing the reward;

⁹⁶ Statement of Michele Franco, 15 June 2023, 2, 6 (SCOI.84016).

⁹⁷ Statement of Michele Franco, 15 June 2023, 2, 7-9 (SCOI.84016).

⁹⁸ Statement of Michele Franco, 15 June 2023, 2, 7 (SCOI.84016).

⁹⁹ Statement of Michele Franco, 15 June 2023, 2, 7-9 (SCOI.84016).

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- d. that the NSWPF reinvestigate JF and consider using “the undercover technique”;
 - e. in the event of a further re-investigation, the NSWPF conduct a detailed intelligence analysis of all suspects reported to the NSWPF, including similarities with F.A.C.E images; and
 - f. the creation of a timeline or other sort of analysis of all the similar offences occurring in the Oxford Street area in the months leading up to Mr Dye’s murder.¹⁰⁰
70. However, none of these steps were taken by the NSWPF, except for re-issuing the reward in 2014.¹⁰¹
71. In 2019, the UHT conducted a triage of the case, to consider whether a review should be undertaken. On an unsigned form entitled ‘Annexure A Triage Form Review of an Unsolved Homicide’ which is dated 16 November 2019, DSC Leza Pessotto notes that the matter “should proceed to review”, that there “appears to be an opportunity for a forensic review to be conducted”, that officers should “[c]onfirm in relation to the fingerprints identified and what they were identified on” and that “[e]nquiries should be conducted on similar offences within the area and see if there are any potential links.”¹⁰²
72. Once again, no such steps were taken. No review was actually conducted.

Strike Force Parrabell (SF Parrabell)

Use of the Bias Crimes Indicators Form

73. In the BCIF completed in relation to Mr Dye:
- a. five of the ten indicators were answered “Insufficient Information” (namely Differences; Comments, Written Statements, Gestures; Drawings, Markings Symbols, Tattoos, Graffiti; Organised Hate Groups; and Level of Violence);
 - b. four of the ten indicators were answered “Suspected Bias Crime” (namely Previous Existence of Bias Crime Incidents; Victim/Witness Perception; Motive of Offender/s; and Location of Incident); and
 - c. one indicator was answered “No Evidence of a Bias Crime” (namely Lack of Motive).
74. The overall designation given to the case in the “Summary of Findings” at the end of the BCIF was “Insufficient Information (II)”.

¹⁰⁰ NSWPF Review of an Unsolved Homicide Case Screening Form, ‘Crispin Wilson Dye’, 25 May 2005, 17 (SCOI.03268).

¹⁰¹ Rick Feneley and Megan Levy, ‘\$100,000 reward to find killers of AC/DC manager Crispin Dye’, *Sydney Morning Herald* (13 August 2014) (SCOI.83514).

¹⁰² NSWPF Review of an Unsolved Homicide Case Screening Form, ‘Crispin Wilson Dye’, 25 May 2005, 17 (SCOI.03268); NSWPF Annexure A Triage Form Review of Unsolved Homicide, ‘Crispin Wilson Dye’, 16 November 2019, 11 (SCOI.03267).

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75. Mr Dye’s case was one of the 12 SF Parrabell cases that were the subject of a “dip sample” by Sergeant Steer of the Bias Crimes Unit, in late 2016/early 2017. The minutes of a meeting dated 19 January 2017 record the following in relation to the case of Mr Dye:

*Sgt Steer suggested ‘Suspected Bias Crime’ because of level of violence suggestive of a motivation more than economic (robbery), the area as well known to be a gay location, gay men possibly targeted because they were perceived to be vulnerable, not fight back etc. Strikeforce maintained that multiple offenders in a robbery could account for the outcomes and determined ‘Insufficient Information’. Sgt Steer clarified that motivation need only be partially bias and targeting group due to a perceived vulnerability can be bias motivation, however was happy to leave the determination as ‘Insufficient Information’. What is not known is how the victim was dressed and whether he appeared ‘gay’.*¹⁰³

76. The last sentence is not accurate: as is apparent above, the available records do show what Mr Dye was wearing on the evening he was assaulted.
77. More importantly, the interchange between Sergeant Steer and the SF Parrabell officers seems to indicate that the Strike Force categorised the case as “Insufficient Information” because of the possibility Mr Dye was the victim of a robbery. Sergeant Steer’s “clarification” about “partial” motivations (a clarification consistent with the definitions of “bias” and “bias crime” actually being used by SF Parrabell)¹⁰⁴ does not appear to have been engaged with.
78. The exchange is also illustrative of both the subjectivity involved in the SF Parrabell exercise, and the resulting fluidity in terms of whether a case was categorised as, for example, “Suspected Bias Crime” or “Insufficient Information”.

Results of Strike Force Parrabell

(a) The “General Comment” and “Summary of Findings” boxes

79. As noted above, of the ten indicators in the BCIF, four were answered “Suspected Bias Crime”, five were answered “Insufficient Information” and one was answered “No Evidence of Bias Crime”.
80. The overall categorisation, in the “Summary of Findings”, was “Insufficient Information”. The basis for that overall categorisation appears to be that while SF Parrabell “cannot totally rule out bias”, there was “strong evidence” that the motive was robbery.
81. That overall categorisation, and the responses to a number of the indicators and prompts, appear to reflect an assumption or preconception on the part of the SF Parrabell officers that where a robbery is

¹⁰³ Exhibit 6, Tab 83, NSWPF, Strikeforce Parrabell/Bias Crimes Unit meeting minutes, 19 January 2017, 2 (SCOI.74429).

¹⁰⁴ Exhibit 1, Tab 2, NSW Police Force, *Strike Force Parrabell Final Report* (June 2018) 81 (SCOI.02632).

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involved, a binary choice is required as between robbery and bias: see for example the “General Comment” sections in relation to Indicator 6 (Victim/Witness Perception), Indicator 8 (Location of Incident) and Indicator 9 (Lack of Motive).

82. In each of those parts of the BCIF, the SF Parrabell officers acknowledge that bias might possibly have been present, but then say that robbery was the likely motive. The approach appears to be that if robbery was the motive, then bias is negated. The possibility of both motives co-existing does not appear to have been entertained.
83. Yet for Indicators 6 and 8, the “finding” chosen is “*Suspected Bias Crime*”, while for Indicator 9, the “finding” chosen is “*No Evidence of Bias Crime*”. It is difficult to identify a rational basis for those very different “findings”.

(b) Case Summary

84. The Strike Force Parrabell Case Summary for this matter (case number 65) reads as follows (emphasis added):¹⁰⁵

Identity: *Crispin Dye was 41 years old at the time of his death.*

Personal History: *Mr Dye was a music publisher and musician who lived mostly in Cairns, Queensland.*

Location of Body/Circumstances of Death: *Two days prior to his death police located Mr Dye with severe head injuries lying on the roadway of Campbell Street Darlinghurst. Mr Dye was taken to hospital however died of his injuries two days later on Christmas Day, 1993. On the night he was assaulted, Mr Dye had been drinking at various hotels in and around Oxford Street, Surry Hills until about 4am. He was last seen heavily intoxicated in Oxford Street. About 4.30am Mr Dye was assaulted by three men who were seen standing over him whilst he was lying on the roadway of Campbell Street. These men were seen removing something from Mr Dye’s clothing before running away. Police later confirmed that Mr Dye’s wallet and money were missing. At the time of Mr Dye’s murder, the area was well known for street robberies and assaults. The robbery of Mr Dye was very similar to an earlier robbery of another man in nearby Woolloomooloo which occurred one-hour prior. Police also identified other assaults and robberies which occurred in close proximity of time and space to the murder of Mr Dye. Intelligence suggested that a group of Islanders were actively targeting the area in pursuit of robbery targets. Over a 12-month investigation police identified numerous suspects who were either excluded or not proceeded against due to a lack of evidence. A suspect, Richard Leonard, was later convicted of two other murders (Including Case 67 - Dempsey). Leonard made admissions to killing Mr Dye, however he was excluded from involvement after an extensive reinvestigation.*

Sexual Orientation: *Mr Dye most likely identified as bisexual, although his close friends believed him to be gay.*

¹⁰⁵ Exhibit 6, Tab 49, Strike Force Parrabell, Case Summaries – Crispin Dye, undated, 32 (SC01.76961.00014)

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Coroner/Court Findings: *The murder of Mr Dye remains unsolved. Whilst it appears that robbery was a primary motivation for the murder of Mr Dye a bias motivation could not be eliminated.*

SF Parrabell concluded there was insufficient information to establish a bias crime

85. A number of aspects of the Case Summary may be noted.
86. **First**, the Case Summary asserts that the three men observed “standing over” Mr Dye, and who removed something from his clothing before running away, were the people who actually assaulted him. Whether that is actually so, however, was and is not known. There is evidence (available to SF Parrabell) that there was a period where Mr Dye was alone on the ground, after being assaulted, prior to the three men being seen standing around him.¹⁰⁶ Moreover, Mr Neilson, who had witnessed the three men standing around Mr Dye and then running away, did not make any mention of any of them holding anything (such as a cricket bat or baton). Paul Ryan, who saw three “Polynesian” men walking up Flinders Street towards Kinselas (located on the corner of Campbell Street and Little Oxford Street) at 4:40am when he was walking to work, also did not mention that any of them were carrying an object.¹⁰⁷ As noted above, Dr Schwartz was of the opinion that Mr Dye’s injuries were inflicted by a blunt object such as a baton or cricket bat.
87. **Second**, the Case Summary emphasises (under “Circumstances of Death”) factors indicating robbery. There is no mention of the possibility of bias, except (inaccurately) under “Coroner/Court Findings”.
88. **Third**, what appears next to “Coroner/Court Findings” is inaccurate. The only “Court findings” were those of the Coroner. There have been no other court proceedings in relation to this case. Coroner Hand did not find that “it appears that robbery was a primary motivation” for the murder of Mr Dye, nor did his Honour find that “a bias motivation could not be eliminated”.¹⁰⁸ Rather, both of those suggestions appear to be those of SF Parrabell and not any Coroner or Court. Moreover, in this entry (unlike the BCIF), the author/s of the Case Summary do appear to recognise the possibility that both robbery and bias motivations could have been present.
- (c) Academic review
89. The review by the Flinders academic team categorised the case as "Insufficient Information". Precisely how the academic team arrived at their categorisations in any particular case, including the case of Mr Dye, is not clear.

¹⁰⁶ Statement of Owen Read, 26 December 1993 (SCOI.10274.00020).

¹⁰⁷ Statement of Paul Ryan, 29 December 1993 (SCOI.10301.00013).

¹⁰⁸ See transcript of Coronial Inquest into the Death of Crispin Wilson Dye, 7 August 1995 (SCOI.11036.00060); Transcript of Coronial Inquest into the Death of Crispin Wilson Dye, 8 August 1995 (SCOI.10179.00008).

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90. What is clear, however, is that the academic team only had access to the BCIFs as filled in by the SF Parrabell officers. They did not see the historical material which the SF Parrabell officers had considered. Accordingly, what the academics treated as “insufficient information” was entirely dependent on what the SF Parrabell officers had chosen to write in their responses to the indicators and prompts on the form.
91. That being so, the following general observations by the academic team (emphasis added) indicate an underlying weakness in the categorisation methodology adopted by them:

Many of the cases examined by Strike Force Parrabell and the academic review team were ultimately classified as Insufficient Information. That is, despite an exhaustive exploration of the archived material, it was ultimately impossible for the detectives to make definitive determinations about many of the deaths under review, and based on available information, the academic reviewers concur. Part of the reason this was the case can be attributed to a relative paucity of information.

...

...we have coded as Insufficient Information [II] cases where the evidence that may support a court case is ambiguous and requires further probing (to provide further information that the file or file summary is unable to provide).¹⁰⁹

Investigative steps taken by the Inquiry

92. The Inquiry’s consideration of this matter has included:
- a. compelling the production of NSWPF holdings relating to both the original investigation and any later reviews and re-investigations;
 - b. obtaining Coroners Court files in relation to the inquest into Mr Dye’s death;
 - c. reviewing and analysing this material and considering whether any further investigative or other avenues are warranted;
 - d. interviewing and obtaining statements from persons with relevant knowledge;
 - e. conducting private hearings;
 - f. assessing the viability of forensic testing on the remaining exhibits, considering the most appropriate sequence of that testing, and prioritising the forensic tests to be conducted on them; and

¹⁰⁹ Exhibit 1, Tab 2, NSW Police Force, *Strike Force Parrabell Final Report* (June 2018) 54 (SCOI.02632).

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- g. conducting testing of those exhibits, and of additional material located in the course of that analysis, and corresponding with the NSWPF about the same.

Request for coronial file

93. On 11 May 2022, the Inquiry issued a written request to the Registrar of the Coroners Court of NSW to obtain the coronial file in relation to Mr Dye. On 25 August 2022, the Coroners Court provided this file to the Inquiry.

Summons for NSW Police files and documents

94. On 18 May 2022, a summons was issued to the NSWPF for, *inter alia*, “all documents relating to investigations by the NSWPF of the death of [*inter alia*] Mr Dye” (summons NSWPF1). Nine boxes of material in relation to Mr Dye were produced on 8 June 2022.
95. On 25 August 2022, a summons to the NSWPF was issued for all NSWPF records in relation to, *inter alia*, SF Parrabell (summons NSWPF12). This material was produced in tranches between 9 September 2022 and 14 February 2023.
96. On 19 June 2023 (the day before the documentary tender hearing in relation to Mr Dye was originally scheduled to take place), the NSWPF produced a further 261 pages of material in relation to Mr Dye, in response to summons NSWPF1 (which had been issued more than 12 months earlier).¹¹⁰
97. At the time this additional material was produced, the NSWPF informed the Inquiry that the additional material would be “likely” to be documents that had already been produced to the Inquiry in hard copy.¹¹¹
98. However, when this additional material was reviewed by Inquiry staff, it immediately became apparent that this material contained documents of considerable significance to the Inquiry’s Terms of Reference which had not previously been produced. They included a witness statement provided to the NSWPF in September 2014 by a witness named Janet O’Meara,¹¹² who was not previously known to the Inquiry.
99. In her statement, Ms O’Meara said she resided at [REDACTED] in 1995 with three women named Kerrie, [NP253] and Sharon. She recalled that in around February or March 1995, she was in the dining room [REDACTED] with Kerrie and [NP253] when they began to discuss the

¹¹⁰ Letter from Katherine Garaty to Enzo Camporeale, 19 June 2023 (SCOI.84798).

¹¹¹ Letter from Katherine Garaty to Enzo Camporeale, 19 June 2023 (SCOI.84798).

¹¹² Statement of Janet O’Meara, 11 September 2014 (NPL.0131.0001.1643).

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murder of Mr Dye, at which point [NP253] said, “I know who did that”. She described [NP253] as being in her late twenties or early thirties, [REDACTED] Ms O’Meara’s statement attached a colour Polaroid photograph of herself with [NP253] and Sharon taken around that time.

100. Nothing in the material produced to the Inquiry by the NSWPF indicates that this line of enquiry was ever pursued by the NSWPF, despite its obvious significance. The Inquiry has established that Ms O’Meara died on 20 November 2020. The person Ms O’Meara refers to as [NP253] has since been identified by the Inquiry, and her whereabouts are known to the Inquiry.
101. It is of serious concern that a statement of such obvious significance to an investigation into Mr Dye’s death not only was never followed up, but was not produced to the Inquiry until more than a year after it was first summonsed. The failure to follow up this information in 2014 and the effluxion of time since then, including the death of Ms O’Meara, has reduced the capacity of the Inquiry, or the NSWPF, to test this evidence. The failure to produce this material to the Inquiry in a timely fashion is unfortunately only one of many such shortcomings in the NSWPF’s record-keeping practices which have come to light in the course of this Inquiry, both in relation to various individual cases and as part of the Investigative Practices hearings.
102. At the time this further material was produced, the NSWPF also advised the Inquiry that an additional hard copy of the coronial brief had been located and was in the process of being digitised.¹¹³ These documents were produced to the Inquiry on 21 June 2023. Again, these documents contained material not previously produced to the Inquiry, including investigative records which suggested that Mr Leonard had come to the attention of police investigating Mr Dye’s death as early as 1 March 1994 (see [280]-[289] below).
103. Upon the production of the documents from the belatedly located hard copy of the coronial brief, on 21 June 2023, the NSWPF informed the Inquiry that its response to summons NSWPF1 in relation to Mr Dye was now complete.¹¹⁴

Private hearings

104. The Inquiry has conducted several private hearings in relation to the death of Mr Dye. That evidence will be the subject of a confidential part of the Report of the Inquiry in due course.

¹¹³ Letter from Katherine Garaty to Enzo Camporeale, 19 June 2023 (SCOI.84798).

¹¹⁴ Letter from Katherine Garaty to Enzo Camporeale, 21 June 2023 (SCOI.84109).

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*Forensic Testing*Location of exhibits

105. On 28 September 2022, the Inquiry wrote to the NSWPF requesting their assistance in identifying and locating the physical exhibits held by the NSWPF in relation to Mr Dye's case.¹¹⁵
106. On 30 September 2022, the NSWPF advised the Inquiry by email that some exhibits had been located.¹¹⁶
107. On 7 October 2022, the NSWPF sent a further email that contained the following table which listed the exhibits that the police had managed to locate:

	<i>Item</i>	<i>Exhibit Number</i>	<i>Location</i>	<i>Notes</i>
1	<i>Jeans</i>	<i>X0000638075</i>	<i>Metropolitan Exhibit & Property Centre (MEPC)</i>	<i>According to crime scene exhibit sheet, this exhibit also includes the belt</i>
2	<i>Socks</i>	<i>X0000638076</i>	<i>MEPC</i>	
3	<i>T-shirt</i>	<i>X0000638077</i>	<i>MEPC</i>	
4	<i>Shoes</i>	<i>X0000638078</i>	<i>MEPC</i>	
5	<i>Blue/denim shirt</i>	<i>X0000638079</i>	<i>MEPC</i>	
6	<i>Blood sample/blood swab</i>	<i>TBC</i>	<i>MEPC</i>	
7	<i>Head hair sample</i>	<i>X0000638080</i>	<i>MEPC</i>	
8	<i>Extendable baton</i>	<i>X0001547254</i>	<i>MEPC</i>	<i>This exhibit is linked to the event on EFIMS, however it is not clear how or if this exhibit is linked to the matter, or when it came in to possession of police</i>

108. The NSWPF advised that the following exhibits could not be located, and that there were no further avenues of enquiry available to locate them:¹¹⁷
- a. the "Health Care" and Frequent Flyer cards belonging to Mr Dye; and
 - b. a credit card from a wallet and items belonging to MB.

¹¹⁵ Email from Elizabeth Blomfield to Patrick Hodgetts, 28 September 2022 (SCOI.83495).

¹¹⁶ Email from Patrick Hodgetts to Elizabeth Blomfield, 30 September 2022 (SCOI.83471).

¹¹⁷ Email from Patrick Hodgetts to Elizabeth Blomfield, 7 October 2022 (SCOI.83521).

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109. The Inquiry made arrangements for the eight exhibits listed in the above table to be sent to FASS for testing.¹¹⁸ This was requested on 13 January 2023,¹¹⁹ and testing occurred in the following months. The results of that testing are discussed in the following paragraphs.

Discovery of yellow post-it note and white card

110. On 14 February 2023, FASS informed the Inquiry that FASS had found two pieces of paper in Mr Dye's shirt (exhibit number X0000638079), folded inside the top left front pocket, (away from an area of the pocket that was stained).¹²⁰ One was a yellow "post it" style note that contained a handwritten name, apparently "Garry Hook", and phone number on it. The other was a thick white piece of paper with "Davidoff Cool Water" written on it, and which contained a brown mark that FASS thought might be a bloodstain or potentially even a fingerprint.¹²¹ The white card was folded inside the yellow note.¹²²
111. It is clear that the NSWPF had not previously been aware of the existence of these papers. As noted above, the Inquiry has found no reference to these items in any material produced by the NSWPF, and the NSWPF has conceded that it was not previously aware of these items.¹²³
112. The Inquiry located Mr Hook, who stated "I was not contacted by the NSW Police Force (**NSWPF**) following Crispin's death... I had not seen and at no time was I made aware of the yellow post-it note with my name and number on it until 23 March 2023 when it was shown to me by Inquiry staff."¹²⁴
113. An immediate difficulty posed by the discovery of these items was to assess the viability, most appropriate sequence, and priority, of any forensic tests that could be conducted on them. FASS advised that they did not have the relevant skills to test these items for fingerprints and also raised their concern that any fingerprinting testing would negatively impact their ability to extract DNA from the cards.
114. On 10 March 2023, the Inquiry wrote to the NSWPF advising of the discovery of the two pieces of paper.¹²⁵ Subsequent correspondence involving the Inquiry, NSWPF and FASS eventually led to the following approach being adopted:

¹¹⁸ Statement of Jacqueline Krynda, 18 June 2023, [10]-[11] (SCOI.83525).

¹¹⁹ Letter from Jacqueline Krynda to Clint Cochrane (FASS) re Testing of Exhibits, 13 January 2023 (SCOI.83491).

¹²⁰ Statement of Michele Franco, 15 June 2023, 5 (SCOI.84016).

¹²¹ Email from Michele Franco to Jacqueline Krynda, 14 February 2023 (SCOI.83507).

¹²² Statement of Michele Franco, 15 June 2023, 5 (SCOI.84016).

¹²³ Letter from Katherine Garaty to Enzo Camporeale, 3 April 2023 (SCOI.83494); Letter from Katherine Garaty to Enzo Camporeale, 5 June 2023 (SCOI.84023).

¹²⁴ Statement of Garry Hook, 30 May 2023, [19] (SCOI.83472).

¹²⁵ Letter from Enzo Camporeale to Katherine Garaty, 10 March 2023 (SCOI.83489).

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- A small sample of the brown mark on the white card would be taken for the purposes of DNA testing before it was submitted for fingerprinting.¹²⁶
 - The rationale for this approach was that if any DNA profile so obtained was consistent with another DNA profile already recovered in the case, then it would not be crucial to extensively test the stain, and the card could then be subjected to fingerprinting.
 - Conversely, if a novel DNA profile was recovered, then priority may have to be given to investigating that DNA profile, even if that might mean that fingerprinting could not thereafter be carried out.¹²⁷
115. On 31 May 2023, FASS informed the Inquiry that the profile that had been recovered from the brown mark on the white card was consistent with Mr Dye's profile.¹²⁸ Consequently, the white card and the yellow post-it note were sent for fingerprint testing.¹²⁹
116. On 9 June 2023, the Inquiry received a statement from DS Nicole Smith, a fingerprint expert, which indicated that no fingerprints suitable for search or comparison were able to be developed from the white card or yellow post-it note.¹³⁰
117. If the NSWPF had carefully examined Mr Dye's clothing at the time of the original investigation in 1993-1994, the white card would inevitably have been found, and more informative fingerprint or DNA results may have been able to be obtained (then or subsequently). However, as at today, as outlined above, it is not possible to ascertain whether the mark on the paper recently found in the shirt pocket with Mr Dye's blood is a fingerprint or, if so, whose fingerprint it is.
118. Indeed, during his oral evidence on 5 July 2023, DI Warren agreed it was a significant oversight for investigators to have failed to search Mr Dye's clothes thoroughly in 1993 or 1994, including as judged by the standards of that time.¹³¹

¹²⁶ Email from Patrick Hodgetts to Jacqueline Krynda, 13 March 2023 (SCOI.83506); email from Jacqueline Krynda to Michele Franco, 16 March 2023 (SCOI.83523); letter from Enzo Camporeale to Patrick Hodgetts, 16 March 2023 (SCOI.83515); email from Patrick Hodgetts to Jacqueline Krynda, 21 March 2023 (SCOI.83506); email from Michele Franco to Jacqueline Krynda, 22 March 2023 (SCOI.83485); letter from Jacqueline Krynda to Michele Franco, 3 April 2023 (SCOI.83484); email from Jacqueline Krynda to Patrick Hodgetts, 5 April 2023 (SCOI.84020); letter from Michele Franco to Jacqueline Krynda, 12 April 2023 (SCOI.83490); letter from Enzo Camporeale to Patrick Hodgetts, 19 April 2023 (SCOI.83492); email from Patrick Hodgetts to Jacqueline Krynda, 24 April 2023 (SCOI.84012); email from Michele Franco to Isabella Jiang, 1 May 2023 (SCOI.84017); email from Patrick Hodgetts to Jacqueline Krynda, 1 May 2023 (SCOI.84013).

¹²⁷ Letter from Michele Franco to Jacqueline Krynda, 12 April 2023 (SCOI.83490).

¹²⁸ Statement of Jacqueline Krynda, 18 June 2023, [15] (SCOI.83525); Statement of Michele Franco, 15 June 2023, 5 (SCOI.84016).

¹²⁹ Statement of Jacqueline Krynda, 18 June 2023, [15] (SCOI.83525).

¹³⁰ Statement of Detective Sergeant Nicole Smith, 7 June 2023 (NPL.0100.0016.0039).

¹³¹ Transcript of the Inquiry, 5 July 2023, T5002.46-5003.5 (TRA.00073.00001).

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119. It is plainly unsatisfactory that this evidence should have lain untouched for nearly thirty years without being found and/or subjected to testing. That is especially so when a UHT review as long ago as 2005 had recommended forensic testing, including trace DNA testing on suitable exhibits; if that recommendation had been implemented, presumably the pieces of paper would have been discovered eighteen years ago, and both they, and those exhibits which were still held, could have been tested at that time.

Other notes in Mr Dye's clothing at time of death

120. As noted above, in the days and weeks following the discovery of the two pieces of paper, the Inquiry conducted searches of:
- a. the documents contained in the nine NSWPF boxes that had been produced in response to summons NSWPF1; and
 - b. the Coroners Court file.
121. In conducting these searches, the Inquiry's staff located a summary that was prepared for the Coroner dated 12 October 1994. The summary was prepared by DS Knight, and contained the following (emphasis added):

[Mr Dye] was diagnosed as suffering brain damage, and was placed on a resuscitator. Whilst there, photographs were taken by Police and his property was also taken possession of, which consisted of clothing and some papers containing phone numbers, however no form of identification was found, which gave rise to the suspicion at the time that he had been the subject of a robbery¹³²

122. DS Knight also prepared a statement to similar effect. In this statement, he indicated that that after visiting Mr Dye in hospital on 23 December 1993 and taking possession of Mr Dye's clothing:¹³³

Detective TAYLOR and I then returned to Surry Hills, where I made an examination of the clothing, in which were found several pieces of paper containing telephone numbers and a Metway Bank business card.

123. At that point in time, the only record of what was on these papers appeared to be a photocopy contained within the Coroner's Court file, as Annexure E to the statement of DS Knight.¹³⁴ This is a

¹³² Summary prepared for purposes of Coronial Inquest of Detective Sergeant Geoffrey Roy Knight, 12 October 1994, [1.6] (SCOI.10179.00011).

¹³³ Statement of Detective Sergeant Geoffrey Roy Knight, 27 September 1994, [9] (SCOI.10274.00046).

¹³⁴ See Photocopy, undated (SCOI.11036.00110); Table of Contents, Inquest Touching the Death of Crispin Wilson DYE, undated (SCOI.11036.00087).

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photocopy of approximately five pieces of paper, each containing a name/s and phone numbers.¹³⁵

They are not the pieces of paper located by the Inquiry.

124. On 23 March 2023, the Inquiry wrote to the NSWPF asking for clarification about the papers referred to by DS Knight in the abovementioned documents, particularly whether they had been catalogued as exhibits and whether they had ever been subject to DNA and/or fingerprint testing.
125. On 3 April 2023, the NSWPF indicated that it had searched several locations including Surry Hills Police Area Command, EFIMS, NSWPF investigative holdings, FETS, FASS, the Department of Forensic Medicine, NSWPF Archives and MEPC and the pieces of paper were not located.¹³⁶ The NSWPF could not otherwise answer the questions posed by the Inquiry in its 23 March letter.
126. When the NSWPF produced the ‘digitised’ coronial brief on 21 June 2023, Inquiry staff identified what appeared to be colour scans of the same handwritten notes annexed to the statement of DS Knight.¹³⁷ On 10 July 2023 the Inquiry wrote to the NSWPF to seek confirmation as to whether what had been scanned were the original notes, and if so, whether any measures had been taken to prevent contamination of the notes as such steps may have frustrated any utility in arranging fingerprint or DNA testing for those notes.¹³⁸ On 13 July 2023 the NSWPF advised that the documents it had scanned were copies of the original documents.¹³⁹ Accordingly, given that the original papers have apparently not been retained, and have certainly not been located and/or produced, the Inquiry has not been able to submit them for forensic testing.
127. On 20 June 2023, the Inquiry was informed of a *further* note which had been found on Mr Dye’s person but not exhibited or retained. On that date, the Inquiry was contacted by Mr Paige. Mr Paige explained that he was prompted to contact the Inquiry after reading a news report that day about Mr Dye’s case and the work of the Inquiry.¹⁴⁰
128. In the statement he provided to the Inquiry dated 11 August 2023,¹⁴¹ Mr Paige said that a few days before Christmas in 1993 he attended the Bodyline Sauna on Taylor Street, Darlinghurst at some time between 11:30pm and 12:30am, when he met a man named “Cris”.¹⁴² Cris said he lived outside of Cairns and was visiting Sydney for Christmas. Cris asked for Mr Paige’s phone number, and as Mr Paige

¹³⁵ Photocopy, undated (SCOI.11036.00110).

¹³⁶ Letter from Katherine Garaty to Enzo Camporeale, 3 April 2023 (SCOI.83494).

¹³⁷ Scanned handwritten notes produced on 21 June 2023, undated (SCOI.84805).

¹³⁸ Letter from Enzo Camporeale to Katherine Garaty, 10 July 2023 (SCOI.84802).

¹³⁹ Letter from Katherine Garaty to Enzo Camporeale, 13 July 2023 (SCOI.84795).

¹⁴⁰ Email from Alexander Paige to P Gray SC, 20 June 2023 (SCOI.84801).

¹⁴¹ Statement of Alexander Paige, 11 August 2023 (SCOI.84925).

¹⁴² Statement of Alexander Paige, 11 August 2023, [3]-[4] (SCOI.84925).

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was staying with his parents over Christmas, Mr Paige provided him with a piece of paper with “Alex (parents)” written on it together with his parents’ phone number.¹⁴³

129. Mr Paige said that on Christmas Eve the police telephoned his parents’ phone number and left a number for him to ring. Mr Paige rang the number on that day. A police officer told him that the police were trying to locate the family of a man they believed to be Crispin Dye; and that Mr Dye had been found with a note that said “Alex (parents)” together with his parents’ home number. Mr Paige explained that he had met Mr Dye when out drinking in Darlinghurst a few days earlier.¹⁴⁴ That was Mr Paige’s only contact with police in relation to Mr Dye’s death.
130. There is no original or copy of the note described by Mr Paige anywhere in the material produced by the NSWPF in relation to Mr Dye. Nor is there any police record of any conversation with Mr Paige. However, the notebook of DS Knight contains an entry dated 10 January 1994 which records:¹⁴⁵

Spa Bodyline Sauna – G’Sct Brisb Syd

Written ‘Alex’ – [REDACTED]

(Parents)

Piano? (Phil PAIGE)

131. There is otherwise no record of the circumstances in which the note was found or of what investigative steps (if any) were taken in relation to it.
132. Mr Paige’s evidence is significant.
133. **First**, it reveals the existence (as corroborated by DS Knight’s notebook) of yet another note on Mr Dye’s person which was not retained or produced, and therefore, another item that the Inquiry has not been able to submit for forensic testing.
134. **Second**, the possibility exists that the encounter between Mr Paige and Mr Dye at the Bodyline Sauna occurred on the same night Mr Dye was assaulted (the significance of which is addressed below at [192]-[193]).

¹⁴³ Statement of Alexander Paige, 11 August 2023, [4] (SCOI.84925).

¹⁴⁴ Statement of Alexander Paige, 11 August 2023, [5]-[7] (SCOI.84925).

¹⁴⁵ Police notebook of Detective Sergeant Knight, 10 January 1994 (SCOI.84797).

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Discovery and testing of hairs

135. The forensic testing carried out in May/June 2023 at the request of the Inquiry also resulted in the discovery of multiple hairs on Mr Dye’s denim shirt, inside the pockets of his denim shirt, on his white T-shirt and on the yellow post-it note.
136. These hairs were also tested, at the request of the Inquiry. DNA was unable to be extracted from most of them.¹⁴⁶
137. However, one hair from the top left shoulder of Mr Dye’s denim shirt provided a partial DNA profile. In a statement prepared for the Inquiry dated 15 June 2023 by Michelle Franco, the Group Manager, Evidence Recovery Unit at FASS (**Franco Statement**), this profile is labelled “Unknown Male B”.¹⁴⁷ FASS uploaded the profile of Unknown Male B to the national database, but no matches were found.¹⁴⁸
138. It has not been possible to obtain any further DNA markers from that exhibit because of the passage of time, even with current technologies.¹⁴⁹ If this hair had been examined or re-examined earlier, there is a chance that it would have been discovered in a less aged and/or degraded state and would have permitted a more fruitful analysis.

Enquiries as to the provenance of the extendable baton

139. As noted above, on 3 February 2023, the NSWPF informed the Inquiry that the extendable baton (exhibit number X0001547254) “was seized at some point during the course of the original investigation, possibly as a suspected murder weapon”.¹⁵⁰
140. The Inquiry sought further information about the extendable baton from the NSWPF,¹⁵¹ and the NSWPF subsequently conducted further searches for information about the baton.¹⁵² As a result of these searches, the NSWPF informed the Inquiry that:
- a. there were no records indicating when or where the baton was seized from;
 - b. the baton was not referenced at the time the coronial brief was prepared but was referenced in a letter from the NSWPF to Dr Schwartz dated 9 July 1997 which requested a comparison between the baton and the injuries sustained by Mr Dye;
 - c. Mr Leonard had spoken of using a baton to assault Mr Dye; and

¹⁴⁶ Statement of Michele Franco, 15 June 2023, 2-5 (SCOI.84016).

¹⁴⁷ Statement of Michele Franco, 15 June 2023, 4 (SCOI.84016).

¹⁴⁸ Statement of Michele Franco, 15 June 2023, 4 (SCOI.84016).

¹⁴⁹ Statement of Jayshree Patel, 2 June 2023 (SCOI.83505); Statement of Michele Franco, 15 June 2023, 4 (SCOI.84016).

¹⁵⁰ Email from Katherine Garaty to Enzo Camporeale, 3 February 2023 (SCOI.83474).

¹⁵¹ Letter from Enzo Camporeale to Katherine Garaty, 14 February 2023 (SCOI.83470).

¹⁵² Email from Patrick Hodgetts to Enzo Camporeale, 22 February 2023 (SCOI.83493).

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- d. the baton was recorded as being entered into the EFIMS system on 9 November 2012 and there were no records of it being subject to forensic testing.¹⁵³
141. Upon its own review of the NSWPF records produced, the Inquiry established that an extendable baton was purchased by the NSWPF and provided to Dr Schwartz sometime between April 1996 and June 1997 to enable her to consider whether such a baton could have caused Mr Dye's injuries.¹⁵⁴
142. In circumstances where other NSWPF records indicate that the blunt instrument that caused Mr Dye's death was "never located"¹⁵⁵ (and Mr Leonard said that he threw the baton he used to assault a victim "in the drink"),¹⁵⁶ the Inquiry considered it likely that the extendable baton described by NSWPF as "exhibit number X0001547254" was the one later purchased by the NSWPF for the purpose of obtaining the views of Dr Schwartz.
143. In March 2023, the NSWPF acknowledged that this was a reasonable inference.¹⁵⁷
144. In his oral evidence on 5 July 2023, DI Warren accepted it was not consistent with proper police practices at the time for the extendible baton to have been stored and classified as a potential murder weapon.¹⁵⁸

Testing of (i) the blood on Mr Dye's jeans and (ii) the trace DNA in Mr Dye's jean pockets

145. On 16 February 2023, FASS advised the Inquiry that an area of the outside of the back right pocket of Mr Dye's jeans (exhibit number X0000638075) had blood on it which contained a mixture of DNA that originated from two individuals: Mr Dye and an unknown male. FASS advised the Inquiry that due to the degradation of the exhibit over time, DNA markers had only been partially recovered for the unknown profile, but that testing would continue.¹⁵⁹
146. On 22 March 2023, FASS advised that it had made further progress in testing the blood stain from the back right pocket.¹⁶⁰ In addition, trace DNA was also located on the jeans, via tape lift, on four inside

¹⁵³ Email from Patrick Hodgetts to Enzo Camporeale, 22 February 2023 (SCOI.83493).

¹⁵⁴ NSWPF Memorandum, 'Memorandum of W. Popplewell: Request for Payment to be Met for the Purchase of a Telescopic Baton from Wellington Surplus Stores, Perth', 17 April 1997 (SCOI.10178.00033); letter from Dr Liliana Schwartz to Detective Sergeant Popplewell, 7 July 1997, 2 (SCOI.10178.00002).

¹⁵⁵ NSWPF Review of an Unsolved Homicide Case Screening Form, 'Crispin Wilson Dye', 25 May 2005, 4 (SCOI.03268); see also NSWPF 'To-do list', undated (SCOI.10303.00009).

¹⁵⁶ NSWPF Transcript of tape, 'Transcript of listening device material recording conversation between Richard Leonard and I269', 12 February 1997, 43 (SCOI.10178.00043).

¹⁵⁷ Letter from Enzo Camporeale to Katherine Garaty, 10 March 2023 (SCOI.83489); Email from Patrick Hodgetts to Enzo Camporeale, 13 March 2023 (SCOI.83517); and Email from Patrick Hodgetts to Enzo Camporeale, 17 March 2023 (SCOI.83473).

¹⁵⁸ Transcript of the Inquiry, 5 July 2023, T5003.7-33 (TRA.00073.00001).

¹⁵⁹ Statement of Jacqueline Krynda, 18 June 2023, [13] (SCOI.83525).

¹⁶⁰ Email from Michele Franco to Jacqueline Krynda, 22 March 2023 (SCOI.83485).

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surfaces, namely: the inside surface of the back right pocket, the inside surface of the outer layer of back right pocket, the inside surface of the back left pocket and the inside surface of the outer layer of front right pocket. This trace DNA originated from at least two individuals.

147. On 19 April 2023, FASS advised the Inquiry that two more markers had been recovered from the unknown profile.¹⁶¹
148. On 13 May 2023, the Inquiry wrote to the Institute of Environmental Science and Research (**ESR**) in New Zealand requesting its assistance in testing the blood stain from the outside of the back right pocket of Mr Dye's jeans, as well as a reference sample from his shirt, with a view to ascertaining whether they were able to extract further markers using a "Minifiler" kit which increases the ability to obtain DNA results from compromised samples.¹⁶²
149. ESR later conducted these tests. However, on 2 June 2023, ESR confirmed that no further markers could be recovered from the jeans sample due to the degradation of the exhibit over time.¹⁶³
150. In the Franco Statement, the unknown profile from the bloodstain on the back of the jeans is labelled "Unknown Male A".¹⁶⁴ FASS uploaded the profile of Unknown Male A to the national database but no matches were found.¹⁶⁵ FASS further advised that JF, DJ and Mr Leonard could be excluded as contributors to the profile of Unknown Male A.¹⁶⁶
151. In relation to the trace DNA found on the four inside pocket surfaces of the jeans, Mr Dye could not be excluded as the first contributor and Unknown Male A could not be excluded as the second contributor.¹⁶⁷
152. The Inquiry requested that NSWPF liaise with FASS and the Australian Federal Police to request the assistance of Interpol and make the appropriate requests to other international law enforcement agencies to identify any potential DNA matches with Unknown Male A.¹⁶⁸
153. However, before that request could be actioned, on 19 June 2023 Ms Franco advised the Inquiry that the DNA profile for Unknown Male A had been matched to another crime scene.¹⁶⁹ The Inquiry then

¹⁶¹ Statement of Jacqueline Krynda, 18 June 2023, [14] (SCOI.83525).

¹⁶² Email from Jacqueline Krynda to Sarah Cockerton, 13 May 2023 (SCOI.84011).

¹⁶³ Statement of Jayshree Patel dated 2 June 2023 (SCOI.83505).

¹⁶⁴ Statement of Michele Franco, 15 June 2023, 2-3 (SCOI.84016).

¹⁶⁵ Statement of Michele Franco, 15 June 2023, 3 (SCOI.84016).

¹⁶⁶ Email from Michele Franco to Jacqueline Krynda, 22 March 2023 (SCOI.83485); see also statement of Michele Franco (SCOI.84016).

¹⁶⁷ Statement of Michele Franco, 15 June 2023, 2 (SCOI.84016).

¹⁶⁸ Letter from Enzo Camporeale to Patrick Hodgetts, 29 April 2023 (SCOI SCOI.84027).

¹⁶⁹ Supplementary Statement of Jacqueline Krynda, 7 August 2023 (SCOI.84926).

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issued urgent summonses to the NSWPF (summons NSWPF132, NSWPF133 and NSWPF134) to obtain information in relation to the crime scene match.¹⁷⁰

154. The documents produced in response to summons NSWPF132 revealed that the relevant crime scene was 6 Cookson Place, Glenwood, where an offence of Break and Enter (Steal) had allegedly been committed on 10 February 2002.¹⁷¹ The sole offender charged in relation to that offence was [NP252]¹⁷² [NP252] was apprehended at the scene and two blood samples were taken, one from a piece of broken glass at the rear of the premises and another from a VCR player which was stolen and subsequently recovered.¹⁷³ [NP252]'s DNA was taken via buccal swab with his consent,¹⁷⁴ and a DAL analysis indicated that he was a match for one of the blood samples taken at the scene.¹⁷⁵ [NP252] was released on conditional bail and the matter was listed on 6 March 2002 at Blacktown Local Court for mention. However, before the charges could be finalised, [NP252] died by suicide in late 2002.¹⁷⁶
155. The Inquiry only has limited information about the charges brought against [NP252] which remained unresolved at the time of his death. In response to a summons requesting the relevant court file (summons BLC1), the Blacktown Local Court advised that all files for the year 2002 were destroyed at the government repository in error.¹⁷⁷ In answer to a summons requesting *inter alia* the full brief of evidence for that charge, the NSWPF advised the Inquiry that “a number of archive boxes that may have contained responsive material were destroyed due to water damage”¹⁷⁸ and only some material was produced.
156. The Inquiry has not been able to arrange for the forensic testing of the buccal swab taken from [NP252] directly against the Unknown Male A profile, because that swab was destroyed in accordance with the *Crimes (Forensic Procedures) Act 2000* (NSW).
157. However, the Inquiry requested that FASS test the Unknown Male A profile against the blood swab obtained from the Glenwood crime scene. On 13 July 2023, Ms Franco advised that a DNA match had been confirmed.¹⁷⁹

¹⁷⁰ As outlined in Supplementary Statement of Jacqueline Krynda, 7 August 2023 (SCOI.84926).

¹⁷¹ Summary of DNA scene link, undated (NPL.0182.0001.0001).

¹⁷² Fact Sheet – Charge H 14401907, 12 February 2002 (NPL.0187.0001.0012).

¹⁷³ Fact Sheet – Charge H 14401907, 12 February 2002 (NPL.0187.0001.0012).

¹⁷⁴ Fact Sheet – Charge H 14401907, 12 February 2002 (NPL.0187.0001.0012).

¹⁷⁵ DAL Certificate of Robert Goetz, 10 October 2002 (NPL.0187.0001.0015).

¹⁷⁶ Death certificate of NP252, 20 June 2023 (SCOI.84195).

¹⁷⁷ Correspondence with Blacktown Local Court, 30 June 2023 (SCOI.84799).

¹⁷⁸ Letter from Katherine Garaty to Enzo Camporeale re summons NSWPF133, 22 June 2023 (SCOI.84800); Riverstone Police Station request for approval for destruction, 4 November 2014 (NPL.0187.0001.0001).

¹⁷⁹ Statement of Rhys Carvosso, 15 August 2023, [4] (SCOI.84927); Supplementary Statement of Michele Franco, 31 July 2023 (SCOI.84910).

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158. The Inquiry also conducted an investigation into [NP252's] criminal antecedents and associates to identify others with whom he may have been involved.¹⁸⁰ [NP252's] criminal history was substantial, but the following incidents are of particular relevance given their temporal proximity to the date of Mr Dye's death:
- a. at 6:00pm on 30 December 1993, [NP252] was arrested for his involvement in a group of unnamed persons fighting with "iron bars" in Mount Druitt,¹⁸¹ in relation to which he was charged with offensive conduct and offensive language; and
 - b. at 10:30pm on 4 January 1994, [NP252] (whilst in the company of five other unnamed men) assaulted a German tourist on William Street near Kings Cross. The assault occurred without any apparent provocation, and [NP252] was arrested and charged with assault occasioning actual bodily harm.¹⁸²
159. A summons issued to the NSWPF on 26 June 2023 requested the complete brief of evidence in relation to these charged offences (summons NSWPF137). However, the NSWPF advised that no records forming part of the brief of evidence had been located for either offence, noting that the briefs had "likely been destroyed" at the expiry of the relevant mandatory retention periods under the *State Records Act 1998* (NSW).¹⁸³
160. In response to a summons issued to the ODPP on 26 June 2023 (summons ODPP6) in relation to the 4 January 1994 offence, the ODPP advised that it had no records.¹⁸⁴
161. It is submitted that the following conclusions can be drawn from the above evidence:
- a. [NP252] was at 6 Cookson Place, Glenwood in 2002 when an offence took place, and his DNA was recovered from the scene in the form of blood samples;
 - b. [NP252]'s DNA was located in a blood stain from the outside of the back right pocket of Mr Dye's jeans;
 - c. the existence of [NP252's] DNA within a blood stain on Mr Dye's jeans is consistent with his having made physical contact with Mr Dye on the night that he was assaulted; and
 - d. the possible presence of [NP252's] DNA in the four inside surfaces of Mr Dye's pockets indicates the possibility that [NP252's] hands were inside Mr Dye's pockets on that night.

¹⁸⁰ Supplementary Statement of Jacqueline Krynda, 7 August 2023 (SCOI.84926).

¹⁸¹ Crime Information Report, 30 December 1993 (NPL.0192.0001.0066).

¹⁸² Crime Information Report, 5 January 1994 (NPL.0186.0001.0077).

¹⁸³ Letter from Patrick Hodgetts to Enzo Camporeale re summons NSWPF137, 30 June 2023 (SCOI.84803).

¹⁸⁴ Supplementary Statement of Jacqueline Krynda, 7 August 2023 (SCOI.84926).

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162. However, on the publicly available information, it is not possible to draw any conclusions about what (if any) role [NP252] played in Mr Dye's death, in particular whether he carried out or participated in any physical assault against Mr Dye. There was eyewitness evidence that three men were seen standing around Mr Dye, moving him around and then running away,¹⁸⁵ but no eyewitness evidence in relation to whether these same three men, or any of them, were involved in the assault of Mr Dye.
163. The Inquiry's 2023 identification of [NP252] as a person of interest in relation to the death of Mr Dye in 1993 demonstrates the importance of ensuring the timely and/or repeated forensic testing of exhibits, even in cold cases. It is regrettable that, in Mr Dye's case, this step was not taken at any time after December 1993 until the Inquiry did so in 2023, by which time [NP252's] death and the loss or destruction of relevant records, have made it significantly more difficult to pursue this lead.

Attempts to contact Mr Dye's family

164. The Inquiry has established that all Mr Dye's immediate family are deceased. His mother Jean died on 4 September 2018, his father Ian died on 21 October 1983 and his brother Brenton died on 13 October 2018.¹⁸⁶
165. On 4 July 2023, Inquiry staff had a conference with Mr Dye's cousin Lisa Colnan and provided a summary of the Inquiry's work in relation to Mr Dye's death.

Contact with Clem Van Der Weegen

166. On 2 November 2022, Mr Clem Van Der Weegen contacted the Inquiry in relation to his experience as the NSWPF coronial advocate in the second day of the coronial hearing into Mr Dye's death on 8 August 1995. On 8 November 2022, Inquiry staff spoke to Mr Van Der Weegen about the evidence given at the inquest by JF.¹⁸⁷ His account was consistent with the transcript of the inquest.

Contact with Mr Dye's friends

Richard Cobden SC

167. On 13 December 2022, Inquiry staff held a conference with Richard Cobden SC. In a statement subsequently prepared for the Inquiry, Mr Cobden SC said that he was a close friend of Mr Dye during the period 1972-1977 and that:

¹⁸⁵ Statement of Scott John Neilson, 23 December 1993, [1]-[17] (SCOI.10274.00039).

¹⁸⁶ Death certificate of Jean Mabel Dye, (SCOI.83553); Death certificate of Ian Aubrey Wilson Dye (SCOI.83467); Death certificate of Brenton Wilson Dye (SCOI.82857).

¹⁸⁷ Statement of Jacqueline Krynda, 18 June 2023, [16]-[17] (SCOI.83525).

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[m]y recollection, assisted by the diary entries I made around this time, was that Crispin was openly gay in his social circle. He went regularly to exclusively gay venues. He may not have come out to his family, or in some of his working environments, but that was very common at the time.¹⁸⁸

168. Mr Cobden SC believed Mr Dye had been in the Oxford Street area to visit gay venues and had been targeted because of this.

Garry Hook and Steven Hodges

169. On 15 February 2023, the Inquiry identified a “Garry Hook” who was recorded as living in an address in Earlwood which matched the phone number contained on the yellow post-it note.

170. On 23 March 2023, Mr Hook and his partner, Steven Hodges, attended a conference with Inquiry staff.

171. On 30 March 2023 Mr Hook provided a statement to the Inquiry.¹⁸⁹ The statement included information about interactions with Mr Dye in December 1993, how Mr Hook’s name and telephone number were on a post-it note in Mr Dye’s pocket, Mr Dye’s sexuality, and the venues Mr Dye frequented. Mr Hook said that neither he nor Mr Hodges had ever been contacted by the NSWPF in relation to the investigation into Mr Dye’s death. Mr Hook said that he believed that Mr Dye was either gay or bisexual, but that Mr Dye was not “out”. He stated that while Mr Dye was gay, he did not necessarily frequent the “gay scene”.¹⁹⁰ He was aware that Mr Dye had told his mother he was gay in his trip to Sydney in December 1993, before he died.¹⁹¹

Colin Copnell

172. On 11 April 2023, the Inquiry conferred with Colin Copnell. On 19 May 2023, Mr Copnell provided a statement to the Inquiry.¹⁹²

173. Mr Copnell had known Mr Dye since approximately 1973. He said that he knew Mr Dye had relationships with men but may have also had relationships with women. He also stated:

Crispin was not “obviously” gay and he kept his sexuality low-key. I remember that on one occasion I asked Crispin what it was like being gay in the music industry. He replied that ‘they didn’t know’. On another occasion, Crispin told me that he did not put his real name on his music, because he thought that if someone found out he was gay, they wouldn’t buy his music. So as far as I was aware, Crispin was not out to the world at large.¹⁹³

¹⁸⁸ Statement of Richard Cobden SC, 26 May 2023, [8] (SCOI.83496).

¹⁸⁹ Statement of Garry Hook, 30 May 2023, (SCOI.83472).

¹⁹⁰ Statement of Garry Hook, 30 May 2023, [17] (SCOI.83472).

¹⁹¹ Statement of Garry Hook, 30 May 2023, [16] (SCOI.83472).

¹⁹² Statement of Colin Copnell, 19 May 2023 (SCOI.83522).

¹⁹³ Statement of Colin Copnell, 19 May 2023 (SCOI.83522).

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Colin Dorrington

174. According to a NSWPF running sheet dated 28 December 1993, Colin Dorrington, a friend of Mr Dye's, contacted police on that date and said that Mr Dye came to his work address ten days previously, when he first arrived in Sydney from Cairns.¹⁹⁴ Mr Dye had informed Mr Dorrington that he had been to his mother's place and informed her he was homosexual, that his mother had not taken the news well, that Mr Dye had asked if he could stay at Mr Dorrington's home, and that "not long after this" Mr Dye and his mother spoke on the telephone and Mr Dye was invited back home.¹⁹⁵
175. On 22 May 2023, Inquiry staff spoke with Mr Dorrington. Mr Dorrington confirmed that, in his view, Mr Dye was a gay man, he was unaware of Mr Dye having any relationships with women,¹⁹⁶ and that Mr Dye had "come out" to his mother on his trip to Sydney in December 1993. Mr Dorrington also confirmed various aspects of Mr Dye's movements in December 1993, as well as the account of relevant events that he had provided to NSWPF shortly after Mr Dye's death.¹⁹⁷

Profile of Little Oxford Street

176. On 28 April 2023, the Inquiry issued a summons to the NSWPF (summons NSWPF95) for information relating to "offences against the person" that had occurred in the Little Oxford Street area in Darlinghurst during the period from July 1993 to July 1994.
177. On receipt of the material provided, Inquiry staff built a profile of recorded assaults in the area alongside other assaults recorded in NSWPF holdings.¹⁹⁸

Fingerprints

178. On 30 May 2023, the Inquiry wrote to the NSWPF asking whether the steps in relation to fingerprints identified in the 2005 UHT review and the 2019 UHT triage had been taken. Specifically, the Inquiry requested the NSWPF to:
- a. advise whether any outstanding fingerprints in relation to the death of Mr Dye have been included on NAFIS; and

¹⁹⁴ NSWPF running sheet, 'Information from Dorrington Re Movements of Dye Prior to 23.12.93', created 3 January 1994 (SCOI.10356.00215).

¹⁹⁵ NSWPF running sheet, 'Information from Dorrington Re Movements of Dye Prior to 23.12.93', created 3 January 1994 (SCOI.10356.00215).

¹⁹⁶ Statement of Jacqueline Krynda, 18 June 2023, [21] (SCOI.83525).

¹⁹⁷ Statement of Jacqueline Krynda, 18 June 2023, [21] (SCOI.83525).

¹⁹⁸ See Annexure A to Statement of Jacqueline Krynda, 18 June 2023 (SCOI.83525).

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- b. advise whether the NSWPF possess any records about which specific exhibits the fingerprints were located on.¹⁹⁹
179. In the Nance Statement, the NSWPF indicated that it had a fingerprint exhibit entry, “exhibit C161666” for “Crispin DYE’s wallet and its contents”. This is the same exhibit that is described in the 2005 UHT review as “[i]tems from deceased’s wallet and items belonging to [MB]”. According to that exhibit entry, 10 fingerprints were developed from these items. However, as at the time of writing, the NSWPF cannot find any results from the developed fingerprints nor any photographic negatives of this examination.²⁰⁰
180. As outlined above, it seems likely that the wallet described in the Nance Statement as “Crispin DYE’s wallet”, was MB’s wallet, rather than Mr Dye’s wallet. Moreover, as also outlined above, the records previously produced to the Inquiry by the NSWPF do not indicate that any wallet (as distinct from the contents thereof) was fingerprinted. The paucity of clear records in this matter renders any firm conclusion elusive if not impossible.
181. As above, the Nance Statement also indicates that two other entries were regarded as being relevant to Mr Dye’s matter:²⁰¹

Forensic Case Number 961338 (Forensic Crime Scene Register Index No 9601360) – Examination of 2 pages people mag

Forensic Case Number 961339 (Forensic Crime Scene Register Index No 9601361) – Examination of 5 letters and Envelopes

182. DS Nance identified the fingerprints of [1269] (AC) and Richard Leonard on both the “2 pages people mag” and the “letters and Envelopes”.²⁰²

Submissions as to the available evidence

183. This part of the submissions sets out key matters arising from the Inquiry’s consideration of the evidence and the conclusions that it is suggested can be drawn from the evidence.

13 – 22 December 1993

184. On 13 December 1993, Mr Dye arrived in Sydney from Cairns to visit his mother and his friends for the Christmas season.²⁰³

¹⁹⁹ Letter from Enzo Camporeale to Patrick Hodgetts, 30 May 2023 (SCOI.84022).

²⁰⁰ Statement of Detective Sergeant John Nance, 12 June 2023, [6] (NPL.0100.0019.0001).

²⁰¹ Statement of Detective Sergeant John Nance, 12 June 2023, [9] (NPL.0100.0019.0001).

²⁰² Statement of Detective Sergeant John Nance, 12 June 2023, [11] (NPL.0100.0019.0001).

²⁰³ Notebook of Detective Sergeant Knight labelled ‘Strike Force Barcoo’, undated, 38 (SCOI.10166.00001).

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185. Mr Dye was a musician, the former manager of the Australian rock band AC/DC, and had also previously worked with The Easybeats and Rose Tattoo.²⁰⁴ Shortly before his death, Mr Dye had released his debut solo album, *A Heart Like Mine*, using the stage name “Cris Kemp”.²⁰⁵
186. On 22 December 1993, the day before Mr Dye was attacked, Mr Dye made a withdrawal of \$20.00 at the Illawarra Mutual Building Society at Chatswood through an ATM, and another withdrawal on the same date of \$50.00 at an Advance Bank ATM in Paddington. Little else is known about his movements over the course of the day on 22 December 1993. Mr Dye may have met Mr Hook and Mr Hodges for drinks at some time that the afternoon,²⁰⁶ and at around 5:00pm, he called Mr Dorrington to “try and arrange to go out for drinks but finally no arrangements were made”.²⁰⁷
187. According to an article published in the *Sydney Morning Herald* on 28 December 1993, Mr Dye rang up his mother at around 6:30pm on 22 December 1993 and informed her that “he was going to spend the night on the town with friends”.²⁰⁸

The evening of 22 December 1993

188. Between 6:00pm and 7:00pm on 22 December 1993, Mr Dye attended the Bellevue Hotel at 159 Hargraves Street, Paddington.²⁰⁹ There he met a friend and former employee, William MacAlister, and they had dinner and a few drinks.²¹⁰
189. Before leaving the Bellevue Hotel, Mr Dye spoke with a waiter at the Bellevue Hotel, Michael Travinski about “meeting up...later on up at Oxford Street” because Mr Travinski and Peter Snelling, the Assistant Manager at the Bellevue Hotel and a friend of Mr Dye’s, were going out after work.²¹¹
190. At around 8:10pm to 8:30pm,²¹² William MacAlister and Mr Dye went to the Paddington Inn on Oxford Street, Paddington, where they met up with some acquaintances, “Jane Wilkinson”, “Hamish” and William MacAlister’s cousin, James MacAlister.²¹³ William MacAlister also described a person called “Michael Shaw” as being in the company of Mr Dye that evening.²¹⁴ At the Paddington Inn, William

²⁰⁴ Rick Feneley and Megan Levy, ‘\$100,000 reward to find killers of AC/DC manager Crispin Dye’, *Sydney Morning Herald* (13 August 2014) (SCOI.83514).

²⁰⁵ Fred Pawle ‘Stars of Rock Mourn a Mate’ *Daily Telegraph* (31 December 1993) (SCOI.10302.00015).

²⁰⁶ Statement of Garry Hook, 30 May 2023, [12] (SCOI.83472).

²⁰⁷ NSWPF running sheet, ‘Information from DORRINGTON’, created 29 December 1993 (SCOI.10356.00215).

²⁰⁸ Mark Riley, ‘Thugs Beat Ex-AC/DC Manager to Death’ *Sydney Morning Herald* (28 December 1993) (SCOI.10273.00027).

²⁰⁹ Summary prepared for purposes of Coronial Inquest by Detective Sergeant Geoffrey Roy Knight, 12 October 1994, [6.1]-[6.10] (SCOI.10179.00011); statement of William James Richard McAlister, 24 December 1993 (SCOI.10274.00010).

²¹⁰ Handwritten Statement of William James Richard McAlister, 24 December 1993 (SCOI.10274.00010).

²¹¹ Statement of Michael Richard Travinski, 30 December 1993, [5] (SCOI.10356.00201).

²¹² Statement of William James Richard McAlister, 24 December 1993 (SCOI.10274.00010).

²¹³ Statement of James Keith MacAlister, 23 December 1993, [4]-[5] (SCOI.10274.00045).

²¹⁴ NSWPF running sheet, ‘Information obtained from William MacAlister’, 1 January 1994 (SCOI.10356.00218).

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MacAlister and Mr Dye consumed a number of drinks. Mr Dye was observed to have coffee, two schooners of beer, a glass of champagne and a glass of water.²¹⁵

191. At around 10:00pm (though possibly as late as 10:30pm)²¹⁶ Mr Dye left the Paddington Inn alone (the group of people he was with remaining behind) and went to Gilligan's, a bar above the Oxford Hotel which was on the north-western corner of Oxford and Bourke Streets, Darlinghurst. According to James MacAlister and a NSWPF running sheet, the group from the Paddington Inn (now accompanied by James MacAlister's girlfriend "Joe") also joined Mr Dye at Gilligan's at around 10:30pm.²¹⁷
192. However, the evidence as to when Mr Dye left the Paddington Inn and when his friends joined him at Gilligan's is not altogether consistent. William McAlister said that Mr Dye left to go to Gilligan's bar "at about 10:00pm, maybe a bit later".²¹⁸ He also said that he, James, Jane, and Hamish did not leave to go to Gilligan's Bar until "midnight".²¹⁹
193. This discrepancy may be significant having regard to the evidence of Mr Paige summarised above at [127]-[129], that he met Mr Dye at some time between 11:30pm and 12:30pm "a few days before Christmas" (possibly the night of the attack being the night of 22/23 December) at the Bodyline Sauna on Taylor Street, Darlinghurst.²²⁰ Against that possibility, however, Mr Paige's recollection was that Mr Dye was "quite lucid" during that encounter,²²¹ which may not be consistent with the evidence as to Mr Dye having consumed several alcoholic drinks by the time he left the Paddington Inn.
194. Once at Gilligan's, the NSWPF running sheet records that Mr Dye was observed talking to an "effeminate male" at the bar, and later "another five males at the bar".²²² He was seen consuming more beer and wine, as well as iced water between alcoholic drinks.²²³ He also went "downstairs alone to the Oxford Tavern, which [was] a known 'gay' bar".²²⁴

²¹⁵ NSWPF running sheet, 'Movements of Crispin Wilson Dye for Evening of 22/12/1993 to 23/12/1993', created 2 January 1994, 1 (SCOI.10356.00194).

²¹⁶ Statement of James Keith MacAlister, 23 December 1993, [7] (SCOI.10274.00045).

²¹⁷ Statement of James Keith MacAlister, 23 December 1993, [8] (SCOI.10274.00045); NSWPF running sheet, 'Movements of Crispin Wilson Dye for Evening of 22/12/1993 to 23/12/1993', created 2 January 1994, 1 (SCOI.10356.00194).

²¹⁸ Handwritten Statement of William James Richard McAlister, 24 December 1993, 2 (SCOI.10274.00010).

²¹⁹ Handwritten Statement of William James Richard McAlister, 24 December 1993, 2 (SCOI.10274.00010).

²²⁰ Statement of Alexander Paige, 11 August 2023, [3] (SCOI.84925).

²²¹ Statement of Alexander Paige, 11 August 2023, [9] (SCOI.84925).

²²² NSWPF running sheet, 'Movements of Crispin Wilson Dye for Evening of 22/12/1993 to 23/12/1993', created 2 January 1994, 1 (SCOI.10356.00194).

²²³ NSWPF running sheet, 'Movements of Crispin Wilson Dye for Evening of 22/12/1993 to 23/12/1993', created 2 January 1994, 1 (SCOI.10356.00194).

²²⁴ NSWPF running sheet, 'Movements of Crispin Wilson Dye for Evening of 22/12/1993 to 23/12/1993', created 2 January 1994, 1 (SCOI.10356.00194); Handwritten Statement of William James Richard McAlister, 24 December 1993, 2 (SCOI.10274.00010).

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Early morning 23 December 1993

195. At around 1:00am on 23 December 1993, William MacAlister, James MacAlister, Joe, Hamish, and Jan Wilkinson left Gilligan's to go to the Courthouse Hotel, at 189 Oxford Street, Darlinghurst, directly opposite Gilligan's on the south-western corner of the intersection.²²⁵ Mr Dye remained behind at the Oxford Hotel, where he was seen to have a black or brown leather wallet with money in it, Country Road glasses and various Compact Discs.²²⁶
196. At around 2:30am, William MacAlister left the Courthouse Hotel and went home with Ms Wilkinson.²²⁷ At around 3:00am, James MacAlister also left the Courthouse Hotel, walking down Oxford Street to the Exchange Hotel, where his girlfriend was.²²⁸
197. At around 2:15am, Mr Snelling and Mr Travinski met Mr Dye outside the Oxford Hotel.²²⁹ Mr Travinski observed him at that time to be "extremely drunk, he was staggering" but in a "very happy, swaggering mood".²³⁰ Mr Snelling invited Mr Dye to join them at the Flinders Hotel, in Flinders Street, Darlinghurst, to play pool.
198. Mr Dye, Mr Snelling and Mr Travinski then went to the Flinders Hotel together and consumed more beer and played some pool. Mr Dye was moving between the poolroom and the bar.
199. At around 2:30am, James Hillman, a bartender at the Flinders Hotel, saw Mr Dye at the bar of the Flinders Hotel for around 10 to 15 minutes. Mr Hillman recalled that Mr Dye was well affected by alcohol, talking loudly and "shouting nonsense". He had the impression that Mr Dye was "looking for male company" in the hotel, although Mr Hillman did not see him speak to anyone in the bar.²³¹
200. At around 2:45am, Mr Hillman saw Mr Dye leave the Flinders Hotel, turning left out the front door into Flinders Street.²³² Mr Hillman observed that Mr Dye's friends left the Flinders Hotel about 10 minutes after Mr Dye. At around 3:15am, Mr Hillman left the Flinders Hotel himself and went to a nearby café to get something to eat.

²²⁵ Handwritten Statement of William James Richard McAlister, 24 December 1993 (SCOI.10274.00010).

²²⁶ NSWPF running sheet, 'Movements of Crispin Wilson Dye for Evening of 22/12/1993 to 23/12/1993', created 2 January 1994, 1 (SCOI.10356.00194).

²²⁷ Handwritten Statement of William James Richard McAlister, 24 December 1993 (SCOI.10274.00010).

²²⁸ Statement of James Keith MacAlister, 23 December 1993, [12] (SCOI.10274.00045); summary prepared for purposes of Coronial Inquest of Detective Sergeant Geoffrey Roy Knight, 12 October 1994, [6.5] (SCOI.10179.00011).

²²⁹ Statement of Peter Edward Snelling, 29 December 1993, [6] (SCOI.10356.00199); NSWPF running sheet, 'Movements of Crispin Wilson Dye for Evening of 22/12/1993 to 23/12/1993', created 2 January 1994, 1 (SCOI.10356.00194).

²³⁰ Statement of Michael Richard Travinski, 30 December 1993, [7] (SCOI.10274.00013).

²³¹ Statement of James Norman Hillman, 30 December 1993, [9] (SCOI.10301.00016).

²³² Statement of James Norman Hillman, 30 December 1993, [8] (SCOI.10301.00016).

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201. At around 3:00am when Mr Snelling and Mr Travinski went to leave the Flinders Hotel, they could not find Mr Dye. Mr Snelling later told DS Knight that Mr Dye “was in and out of the back bar and apparently left at 3:00am” through the front entrance of the Flinders Hotel without saying goodbye.²³³ Mr Travinski and Mr Snelling did not see Mr Dye after around 3:00am.²³⁴ Mr Travinski described Mr Dye as being “extremely drunk, not at a collapsing stage just really wobbly”.²³⁵
202. Mr Travinski and Mr Snelling then went to the Exchange Hotel. Mr Travinski remained at the Exchange Hotel between around 3:30am and 5:30am. Mr Snelling left at around 4:00am. At the inquest into Mr Dye’s death, Mr Snelling explained that what he meant in his statement when he described Mr Dye as “street wise”, was that “[h]e knew the area very well and we quite often drank late at night and we were always very aware of the dangers of that area late at night”.²³⁶
203. At around 4:00am, Mr Dye attempted to purchase a drink at the Courthouse Hotel. Jeremy Larkins, the Assistant Manager, refused service to Mr Dye due to his level of intoxication, apparently having “wet his pants”.²³⁷ At the inquest, he described Mr Dye’s level of intoxication as “[c]omplete lack of motor co-ordination, very know the word to describe it, he wasn’t very lucid and just his general motions and body language was that of someone who was intoxicated”.²³⁸ According to Mr Larkins, when he refused service, Mr Dye did not become agitated but rather “took a deep breath and sought a worked out where he had to go and then staggered across the floor”.²³⁹ Mr Dye then exited the hotel, turning left into Oxford Street.²⁴⁰
204. At around 4:10am, Mr Hillman recalled seeing Mr Dye on his own and “walking from the vicinity of the bus stop outside the court, across Oxford Street, towards the opposite corner, to ‘Gilligan’s Island’ [a traffic island] or Café 191”.²⁴¹ Mr Hillman observed Mr Dye to be “walking normally, although ... obviously intoxicated” and talking to himself.²⁴²

²³³ NSWPF running sheet, ‘Information Re Whereabouts of Deceased between 2am and 3am on 23.12.93’, created 1 January 1994 (SCOI.10356.00191).

²³⁴ Statement of Michael Richard Travinski, 30 December 1993, [9]-[11] (SCOI.10274.00013); statement of Peter Edward Snelling, 29 December 1993, [10] (SCOI.10274.00044).

²³⁵ Statement of Michael Richard Travinski, 30 December 1993, [14] (SCOI.10274.00013).

²³⁶ Transcript of Coronial Inquest into the death of Crispin Wilson Dye, 8 August 1995, T3.10-15 (SCOI.10303.00139).

²³⁷ Statement of Jeremy Barnabas Larkins, 28 December 1993, [7] (SCOI.10347.00011).

²³⁸ Transcript of Coronial Inquest into the death of Crispin Wilson Dye, 8 August 1995, T5.25 (SCOI.10303.00139).

²³⁹ Statement of Jeremy Barnabas Larkins, 28 December 1993, [8] (SCOI.10347.00011).

²⁴⁰ Statement of Jeremy Barnabas Larkins, 28 December 1993, [9] (SCOI.10347.00011).

²⁴¹ Statement of James Norman Hillman, 30 December 1993, [13] (SCOI.10301.00016).

²⁴² Statement of James Norman Hillman, 30 December 1993, [13] (SCOI.10301.00016).

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4.30am 23 December 1993: Mr Dye is found

205. At about 4:30am, Owen Read, a resident of Albion Street Lodge, Surry Hills, came upon Mr Dye lying on his stomach on the road “in the laneway at the back of Kinselas Nightclub” (i.e. Little Oxford Street, at the intersection with Campbell Street). He bent down and touched him and heard him grunt. He couldn’t see his face or any blood. Mr Read then went to check on his friend “Arron” further up the laneway, but Arron was not there. Mr Read then walked back towards Mr Dye and spoke to the police, who had arrived at the scene by that time.²⁴³
206. In the meantime, at around 4:35am, Mr Neilson was driving to work and stopped at a traffic light at the intersection of Campbell Street and Bourke Street. He saw three men on the northern side of Campbell Street near the intersection with Little Oxford Street. He later described them as “Islanders”. Mr Neilson said that these men “were standing around what appeared to be a large object which was laying on the ground and were picking it up slightly and moving it around”. As Mr Neilson drove away from the lights, going west along Campbell Street, he saw the three men grab something from the object and then run west along Campbell Street on the northern footpath.²⁴⁴
207. As Mr Neilson continued to drive, he realised that the large object was a man lying face down in the street. Mr Neilson then attempted to look for a police station. He drove down Campbell Street and turned north into Crown Street and observed the three men run west into Goulburn Street. Mr Neilson then turned into Oxford Street and again observed the three men, this time walking in a westerly direction along the southern footpath of Oxford Street. He then continued past them and reported the incident at Surry Hills Police Station.²⁴⁵ NSWPF officers attended the scene along with paramedics soon thereafter.²⁴⁶

23 – 25 December 1993: Mr Dye’s medical treatment and death

208. According to NSW Ambulance officer Darren Parker, Mr Dye was found:²⁴⁷
- ...on the northern kerb of Campbell Street. His head was facing an easterly direction with his feet pointed towards a westerly direction. He was in the first lane on the street, perhaps about two feet from the kerb.*
209. Mr Parker observed that Mr Dye had abrasions to his face, blood coming from his nose and a swollen left eye. Mr Dye was in cardiac arrest; he was blue, unconscious, was not breathing and had no cardiac

²⁴³ Statement of Owen Read, 26 December 1993 (SCOI.10274.00020).

²⁴⁴ Statement of Scott John Neilson, 23 December 1993, [1]-[17] (SCOI.10274.00039).

²⁴⁵ Statement of Scott John Neilson, 23 December 1993, [5]-[17] (SCOI.10274.00039).

²⁴⁶ Summary prepared for purposes of Coronial Inquest of Detective Sergeant Geoffrey Roy Knight, 12 October 1994, [1.3]-[1.6] (SCOI.10179.00011).

²⁴⁷ Statement of Darren Andrew Parker, 5 January 1994, [5] (SCOI.10274.00025).

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output.²⁴⁸ Mr Parker's partner then placed defibrillation pads on Mr Dye's chest, and Mr Parker commenced CPR.²⁴⁹ Mr Parker and his partner then began to "treat ventricular fibrillation".²⁵⁰ Shortly after 4:50am, intensive care paramedics arrived at the scene and continued treatment.²⁵¹

210. Mr Dye was transported to St Vincent's Hospital at 5:07am.²⁵²
211. Upon arrival at St Vincent's Hospital, Mr Dye was observed to have sustained a massive head injury, brain injury with petechial haemorrhages, facial fracture, cardiac arrest and had a blood alcohol concentration of 0.27%.²⁵³ He required cardiac resuscitation, intubation and ventilation.
212. At around 1:30pm on 23 December 1993, Mr Dye was transferred to St George Hospital.²⁵⁴
213. While at St George Hospital, Mr Dye was treated with artificial ventilation, sedation and anticonvulsant drug therapy. However, his condition deteriorated between 23 and 25 December and life support was ceased on 25 December 1993.²⁵⁵
214. Mr Dye was pronounced life extinct on 25 December 1993 at 6:30pm.²⁵⁶

1993 – 94: Original NSWPF investigation

215. According to the statement of Constable Keith Ridley, after Mr Neilson reported the incident to the NSWPF (shortly after 4:35am), Constables Johnson and Luck attended the scene. At the same time, Constable Ridley and Constable Sparkes patrolled the surrounding area, with Mr Neilson, in an attempt to locate the three men whom Mr Neilson had seen. After patrolling the area without success, Constables Ridley and Sparkes returned to Surry Hills Police Station and left Mr Neilson with another police officer before returning to the crime scene.²⁵⁷
216. At around 6:20am, DSC Van Leeuwen attended the crime scene in his capacity as an officer with the East Sydney Crime Scene Unit.²⁵⁸ DSC Van Leeuwen examined the roadway, took a number of

²⁴⁸ Statement of Darren Andrew Parker, 5 January 1994, [5] (SCOI.10274.00025).

²⁴⁹ Statement of Darren Andrew Parker, 5 January 1994, [5] (SCOI.10274.00025).

²⁵⁰ Statement of Darren Andrew Parker, 5 January 1994, [6] (SCOI.10274.00025).

²⁵¹ Statement of Darren Andrew Parker, 5 January 1994, [6] (SCOI.10274.00025).

²⁵² NSWPF Running Sheet, 'Information from St Vincent's Hospital Regarding Admission of Crispin Dye on 23.12.1993', 3 January 1994 (SCOI.10356.00182); NSWPF Progress Note, 'Harry, Accident and Emergency Progress Note', 23 December 1993 (SCOI.10363.00018).

²⁵³ NSWPF Running Sheet, 'Information from St Vincent's Hospital Regarding Admission of Crispin Dye on 23.12.1993', 3 January 1994 (SCOI.10356.00182).

²⁵⁴ Statement of Dr Anthony Sherbon, 22 September 1994 (SCOI.10274.00029); statement of DSC Geoffrey Roy Knight, 27 September 1994, [11] (SCOI.10274.00046).

²⁵⁵ Statement of Constable Mark Patrick Portlock, 9 September 1994 (SCOI.10274.00033); statement of Brenton Wilson Dye, 8 August 1995 (SCOI.10274.00035).

²⁵⁶ Statement of Constable Mark Patrick Portlock, 9 September 1994, [5] (SCOI.10274.00033).

²⁵⁷ Statement of Keith Robert Ridley, 12 September 1994 (SCOI.10274.00023).

²⁵⁸ Statement of Detective Senior Constable Lyle William Van Leeuwen, 15 November 1994 (SCOI.11036.00085).

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- photographs and collected some exhibits. He observed a pool of freshly congealed blood on the roadway and \$3.30 in Australian coins near the pool of congealed blood. He collected a swab of blood from the roadway and handed the coins to Constable Johnson, who was present at the scene. At around 8:30am, DSC Van Leeuwen attended St Vincent's Hospital and took photographs of Mr Dye.²⁵⁹
217. At some point after 7:00am, DS Knight and Detective Paul Taylor also examined the crime scene.²⁶⁰
218. At around 9:30am at the Crime Scene Unit, according to DSC Van Leeuwen, he received a number of items of clothing from Detective Taylor of Surry Hills Police Station, including blue denim jeans and a brown belt, a denim shirt, a pair of maroon shoes, a pair of maroon socks and a white T-shirt.
219. DSC Van Leeuwen examined the items of clothing and observed that the jeans and shoes were soiled with faeces and the front of the T-shirt was blood stained. He was unable to locate any shoe prints or other trace evidence on the clothing.²⁶¹
220. However, according to DS Knight, the clothing was given to DSC Van Leeuwen by St Vincent's Hospital staff, after which he and Detective Taylor returned to Surry Hills to examine Mr Dye's clothing.²⁶²
221. On 27 December 1993, DSC Van Leeuwen attended the post-mortem examination and collected a blood sample from Dr Schwartz. DSC Van Leeuwen also received a blood sample of Mr Dye's from Detective McCarthy of Surry Hills Police station.²⁶³
222. At around 7:00pm on 27 December 1993, Brenton Dye attended Surry Hills Police Station to collect Mr Dye's keys.²⁶⁴
223. On 29 December 1993, Strike Force Barcoo was established to investigate Mr Dye's death.²⁶⁵
224. That same day, DSC Van Leeuwen accompanied DS Knight to Little Oxford Street, Surry Hills and conducted a number of "presumptive tests" for blood on some stains on the pavement. Those tests gave a "negative indication".²⁶⁶
225. A number of witnesses told police about various unidentified males and possible suspects seen on the night of Mr Dye's death, including:

²⁵⁹ Statement of Detective Senior Constable Lyle William Van Leeuwen, 15 November 1994 (SCOI.11036.00085).

²⁶⁰ Statement of Detective Sergeant Geoffrey Roy Knight, 27 September 1994, [4] (SCOI.10274.00046).

²⁶¹ Statement of Detective Senior Constable Lyle William Van Leeuwen, 15 November 1994, 4 (SCOI.11036.00085).

²⁶² Statement of Detective Sergeant Geoffrey Roy Knight, 27 September 1994, [9] (SCOI.10274.00046).

²⁶³ Statement of Detective Senior Constable Lyle William Van Leeuwen, 15 November 1994, 5 (SCOI.11036.00085).

²⁶⁴ NSWPF running sheet, 'Brother of Deceased, Brenton Dye, Taking Possession of Property from Police at Surry Hills', created 1 January 1994 (SCOI.10356.00173).

²⁶⁵ Summary prepared for purposes of Coronial Inquest of Detective Sergeant Geoffrey Roy Knight, 12 October 1994, [8.1] (SCOI.10179.00011).

²⁶⁶ Statement of Detective Senior Constable Lyle William Van Leeuwen, 15 November 1994, 5 (SCOI.11036.00085).

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- a. At around 3:30am on the same morning that Mr Dye was attacked, 23 December 1993, **I116** **I116** (BC) was attacked and robbed by five men in Brougham Street, near Cowper Wharf Road, in Woolloomooloo.²⁶⁷
- b. Shortly before BC was attacked, in the early morning of 23 December 1993, George Grace and Leah-Jane Cooper were sitting on the McElhone Stairs, which link Brougham Street (near Cowper Wharf Road) with Victoria Street Potts Point. Mr Grace and Ms Cooper saw a group of men walk past and were fearful they were going to be mugged.
- c. Mr Grace later compiled a F.A.C.E image of one of the men, whom he described as being of “Islander” appearance, 19 to 24 years old, 180cm tall, medium build, medium to dark complexion, and with collar length black hair in dreadlocks. He stated that this person was wearing a collared shirt, baggy denim jeans and a baseball cap, possibly with either a “Chicago Bulls” or “New York Yankees” emblem on it. Mr Grace described a second man as being of Mediterranean appearance, 20 to 24 years old, and 180-185cm tall, with a thin to medium build, olive complexion and short black hair. The second man was wearing semi-baggy blue jeans and brown “dock” shoes. The remaining three men were of similar appearances.²⁶⁸
- d. At around 2:30am on 23 December 1993, David Walker, the security guard at the Courthouse Hotel, observed three men walk around the Courthouse Hotel from Oxford Street into Bourke Street. He described all three men as being “17 old, 5'7"-5'8" tall, maoris or half castes, wearing baggy jeans and baggy shirts, one wearing mustard coloured jeans and a red baseball style cap”²⁶⁹ and at about 3:40am he saw them again near the entrance to Kinselas nightclub. Mr Walker later compiled a FACE image of one of these men.²⁷⁰
- e. Four days earlier, on 19 December 1993, Bradley Smith and Keith Laurie had been approached in Little Oxford Street by three men who asked Mr Smith for money and cigarettes. When he refused, the men became threatening, and Mr Smith and Mr Laurie walked away quickly.²⁷¹ Mr Smith later created three F.A.C.E images of the males involved in the confrontation.²⁷²

²⁶⁷ Statement of I116, 27 December 1993 (SCOI.10300.00027); NSW Ambulance Treatment Report, 23 December 1993 (SCOI.10364.00017).

²⁶⁸ Statement of George Norman Grace, 28 December 1993 (SCOI.10346.00062); statement of Leah-Jane Cooper, 28 December 1993 (SCOI.10346.00063).

²⁶⁹ NSWPF running sheet, ‘Movements of Crispin Wilson Dye for Evening of 22/12/1993 to 23/12/1993’, created 2 January 1994, 1 (SCOI.10356.00194).

²⁷⁰ Statement of David Anthony Walker, 23 December 1993 (SCOI.10347.00012); statement of David Walker, 30 December 1993 (SCOI.10274.00018).

²⁷¹ Statement of Bradley William Smith, 14 January 1994 (SCOI.10274.00042).

²⁷² Summary prepared for purposes of Coronial Inquest of Detective Sergeant Geoffrey Roy Knight, 12 October 1994, [8.20] (SCOI.10179.00011).

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- f. On 2 January 1994, a newspaper article containing these images, and also the F.A.C.E image created by the security guard, Mr Walker, were published. Numerous calls were received from members of the public nominating various suspects.²⁷³

Two wallets, and a package

226. On 9 January 1994, Brenton Dye found a letter at Mr Dye's home in Cairns, indicating that Mr Dye's wallet had been located and was at Cairns Police Station. When the NSWPF made enquiries, they established that it had been found in a street garbage bin in Cairns. A NSWPF running sheet indicated "it is apparent that the deceased had lost the wallet or it had been stolen, and had not recovered it prior to travelling to Sydney".²⁷⁴ This wallet contained a driver's licence, a Metway bank card, a Medicare card, business cards and papers. The person who handed in the wallet was never identified.
227. Brenton Dye advised NSWPF that he believed that when Mr Dye travelled to Sydney in December 1993, Mr Dye had with him a different wallet, namely one that he had given Mr Dye in Christmas 1992.²⁷⁵
228. On 21 January 1994, Brenton Dye went to Mr Dye's home in Cairns again, and located a package in the mailbox which had been sent from Sydney. The package contained a number of cards, including Mr Dye's Frequent Flyer card.²⁷⁶
229. After contacting Surry Hills Police Station, these items were sent to the NSWPF for fingerprint examination, with a negative result.²⁷⁷
230. Enquiries revealed that those items had been handed in to offices of Ansett Australia, on the corner of Riley Street and Oxford Street, Surry Hills, on 23 December 1993, and the package had been posted back to Mr Dye's address in Cairns by a staff member of the Ansett Australia office.²⁷⁸ No records were kept by Ansett Australia, and none of the staff had a recollection of the property being handed in. Subsequent media appeals failed to provide further information.²⁷⁹
231. On 14 February 1994, Richard Funston, a solicitor, was approached in his office at the ICLC at 94 Oxford Street Darlinghurst by a man who refused to divulge his identity. The man produced a wallet which he

²⁷³ NSWPF Review of an Unsolved Homicide Case Screening Form, 'Crispin Wilson Dye', 25 May 2005, 10 (SCOI.03268).

²⁷⁴ NSWPF running sheet 'Information from Brenton Dye Regarding Wallet of Deceased in Possession of Cairns Police', created 10 January 1994 (SCOI.10180.00004).

²⁷⁵ NSWPF running sheet 'Information from Brenton Dye Regarding Wallet of Deceased in Possession of Cairns Police', created 10 January 1994 (SCOI.10180.00004).

²⁷⁶ Statement of Brenton Wilson Dye, 8 August 1995, 9 (SCOI.10274.00035).

²⁷⁷ NSWPF Running sheet, 'Ansett Frequent Flyer Card and Health Benefits Card Belonging to Deceased received in Mail by Brother, Brenton Dye in Cairns', created 4 October 1994 (SCOI.10180.00013).

²⁷⁸ NSWPF running sheet, 'Ansett Frequent Flyer Card and Health Benefits Card Belonging to Dye Handed to the Ansett Travel Office, Oxford & Riley Sts, Darlinghurst', created 4 October 1994 (SCOI.10180.00014).

²⁷⁹ Statement of Brenton Wilson Dye, 8 August 1995 (SCOI.10274.00035); Summary prepared for purposes of Coronial Inquest of Detective Sergeant Geoffrey Roy Knight, 12 October 1994, [8.31] (SCOI.10179.00011).

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said had been taken by him by mistake at a nearby McDonalds. In his statement, Mr Funston said the following conversation took place:²⁸⁰

Unknown male: "I don't want to take it down to the station because there is an outstanding traffic warrant for me."
Mr Funston: "Do you want to give me your personal details?"
Unknown male: "No. Have you heard about the recent big Crispin DYE murder?"
Mr Funston: "Rings a bit of a bell."
Unknown male: "Because one of the cards has his name on it."

232. This second wallet was found to contain Mr Dye's ATM card, along with other items not apparently connected with Mr Dye including a Filipino passport in MB's name, ATM receipts for accounts with St George Bank and Sydney Credit Union, and an Australian Credit Union card in the name of FA.²⁸¹
233. NSWPF ascertained that MB was an employee at McDonalds on Oxford Street and lived in Annandale with his girlfriend, JM.²⁸²
234. On 5 April 1994, a lawfully obtained listening device was installed at MB and JM's home. A search warrant was also executed at their address on the same day. MB was interviewed and stated that he found Mr Dye's ATM card on the corner of Oxford Street and Riley Street, outside the Brighton Hotel, prior to Christmas 1993.²⁸³ He admitted making no effort to return it to the owner.²⁸⁴
235. MB stated that the wallet had previously belonged to a friend of his, FA.²⁸⁵
236. Conversations recorded between MB and JM via the listening device failed to disclose any knowledge of Mr Dye's murder. Although MB did not have an alibi for the early hours of 23 December 1993,²⁸⁶ he was not investigated any further.

"Robbie"

237. On 18 May 1994, the Drug Enforcement Agency advised Strike Force Barcoo that a registered informant allegedly had information about Mr Dye's murder. The informant was aware of a young man known as "Robbie", who said he was present near Campbell Street on 23 December 1993 and witnessed several young men assault Mr Dye.²⁸⁷

²⁸⁰ Statement of Richard Funston, 15 February 1994 [5] (SCOI.10180.00018).

²⁸¹ NSWPF Record of Interview, 'Interview with NP221', 5 April 1994, 21 (SCOI.10346.00025).

²⁸² Statement of Detective Sergeant Geoffrey Roy Knight, 27 September 1994, [64] (SCOI.10274.00046).

²⁸³ NSWPF Transcript of Interview, 'Interview with NP221', 5 April 1994, 51 (SCOI.10346.00025).

²⁸⁴ NSWPF Electronic Recording of Interview Synopsis Form, 'Interview with NP221', 5 April 1994 (SCOI.10274.00056); NSWPF Transcript of Interview, 'Interview with NP221', 5 April 1994 (SCOI.10346.00025).

²⁸⁵ NSWPF Record of Interview, 'Interview with NP221', 5 April 1994, 14 (SCOI.10346.00025).

²⁸⁶ Statement of NP224, 7 April 1994, [8] (SCOI.10180.00081).

²⁸⁷ Statement of Detective Sergeant Geoffrey Roy Knight, 27 September 1994, [76] (SCOI.10274.00046).

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238. “Robbie” alleged that he knew the identity of at least two of the offenders but had no intention of assisting police. He told police he believed bikie gangs would be interested in the information due to Mr Dye’s ties to AC/DC. An application was successfully made for a lawfully obtained listening device to be utilised. On 20 May 1994, in a lawfully recorded meeting, “Robbie” claimed the assault had been committed by a number of males and that he could find out the identity of the offenders from his associates. He made some allegations that the attack on Mr Dye was motivated by LGBTIQ hate.²⁸⁸ However, NSWPF ultimately formed the view that “Robbie” did not actually possess information about the murder.²⁸⁹

JF

239. JF was nominated by several people as being similar to the F.A.C.E image created by Mr Grace, discussed above at [225.b].²⁹⁰

240. On 14 June 1994, JF was arrested in Kempsey on unrelated matters, and interviewed. He denied any involvement in robbing BC (in Brougham Street Woolloomooloo) but admitted to being in the vicinity around that time.

241. In this initial interview he admitted to witnessing the assault on Mr Dye. He said he was present with a friend, [1327] (LB) and “some Redfern fellas”. He indicated that Mr Dye’s assault had taken place in Little Oxford Street, without being first told this by police.²⁹¹ During this interview, JF recounted an accurate timing of the incident and stated he was able to remember it because he had travelled from Sydney to Moree the day before Christmas.²⁹²

242. JF stated that he had been walking up Oxford Street and then back down Little Oxford Street when he saw a group of five youths punching a man with his hands behind his back. He and LB then ran in separate directions. JF ran down Bourke Street to LB’s house to smoke marijuana until dawn, when JF went home to Bondi.²⁹³

²⁸⁸ NSWPF Transcript of Listening Device Material, ‘Operation Barcoo, Listening Device Material of Informant “Robbie”’, 20 May 1994 (SCOI.10180.00095).

²⁸⁹ Summary prepared for purposes of Coronial Inquest of Detective Sergeant Geoffrey Roy Knight, 12 October 1994, [10.3]-[10.4] (SCOI.10179.00011).

²⁹⁰ Statement of Detective Sergeant Geoffrey Roy Knight, 27 September 1994, [84] (SCOI.10274.00046).

²⁹¹ NSWPF Record of Interview, ‘Interview with NP128’, 14 June 1994 (SCOI.10348.00007); statement of Constable Brett Minmaw, 15 June 1994, [30] (SCOI.10348.00004).

²⁹² NSWPF Record of Interview, ‘Interview with NP128’, 14 June 1994, 3-4 (SCOI.10348.00007).

²⁹³ NSWPF Record of Interview, ‘Interview with NP128’, 14 June 1994 (SCOI.10348.00007); statement of DS Geoffrey Roy Knight, 27 September 1994, [86]-[87] (SCOI.10274.00046).

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243. It appears that LB was staying with family in Woolloomooloo at the time of Mr Dye's death.²⁹⁴ LB died on 11 March 1994.
244. On 15 June 1994 (the following day), Strike Force Barcoo detectives travelled to Kempsey and interviewed JF. During this second interview, JF gave a similar account to the one that he had provided Kempsey Police the day before. He stated that he had travelled to Moree by train, probably on 25 December 1993.²⁹⁵
245. On 6 July 1994, however, when interviewed by Strike Force Barcoo officers again, JF gave a different account. He said that he was not present in Sydney on 23 December 1993, and that what he had been talking about was a completely different incident.²⁹⁶ JF now said he had travelled from Sydney to Moree, and arrived at the home of his aunt, ET, sometime between 5 and 20 December 1993.²⁹⁷
246. In the course of June and July 1994, JF's family and friends provided an assortment of suggested alibis, including the following:
- a. On 15 June 1994, ET told police that JF had arrived at her house sometime in early to mid-December 1993, and then on 5 July 1994 she provided an additional statement after having found a 1993 diary where she recorded JF's arrival in Moree on 11 December 1993.²⁹⁸
 - b. On 4 July 1994, JF's grandfather PF told police that on 15 December 1993 he withdrew \$70 from an ATM to give to his grandson so he could purchase a train ticket to Moree and that he gave this money to JF, plus an additional \$10 for a taxi.²⁹⁹
 - c. On 6 July 1994, JF's mother CT told police that her son arrived in Moree sometime before Christmas and caught a taxi to ET's home, before ET drove JF to where CT was living in Moree.³⁰⁰
 - d. On 13 July 1994, SC (brother of ET's de facto partner DC) claimed that he employed JF between 16 December 1993 and 7 January 1994 under the name of [REDACTED]. He said that employment declaration forms and other records had been lost or stolen prior to January 1994. Cheques in the name of [REDACTED] had been cashed at the Moree Services Club, the Moree Hotel and at the ANZ Moree Branch. The signature on the back of one of these cheques appeared

²⁹⁴ Statement of DS Geoffrey Roy Knight, 27 September 1994, [87] (SCOI.10274.00046).

²⁹⁵ NSWPF Record of Interview, 'Interview with NP128', 15 June 1994 (SCOI.10346.00084).

²⁹⁶ NSWPF Record of Interview, 'Interview with NP128', 6 July 1994 (SCOI.10346.00083).

²⁹⁷ NSWPF Record of Interview, 'Interview with NP128', 6 July 1994 (SCOI.10346.00083).

²⁹⁸ Statement of I324, 15 June 1994, [5] (SCOI.10348.00015); statement of I324, 6 July 1994, [5] (SCOI.10348.00016).

²⁹⁹ Statement of I321, 4 July 1994, [14]-[16] (SCOI.10348.00018).

³⁰⁰ Statement of I323, 6 July 1994, [6] (SCOI.10348.00020).

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to be JF's (the requirement that a person cashing a cheque sign the back of that cheque being "normal procedure" at one of these venues).³⁰¹

- e. On 14 July 1994, ET's de facto partner, DC, stated that JF had been working for his brother SC under the name [REDACTED] and had worked with him in the five days prior to and including 24 December 1993, during which time DC had driven JF to and from the cotton fields.³⁰²
- f. On 8 September 1994, AB stated he purchased a train ticket for JF under the name [REDACTED] [REDACTED] 2-4 weeks before Christmas 1993, because JF said he was wanted by police and wanted to leave Sydney.³⁰³ Enquiries with Redfern Railway Station revealed records of the purchase of a train ticket on 3 December 1993 by [REDACTED] for \$31.³⁰⁴

247. As is apparent, several of these "alibis" are inconsistent with each other.

248. In August 1995, at the inquest into Mr Dye's death, JF gave evidence that the version of events he initially provided to police was false. He stated that he had supplied false information as a result of his fear of the interviewing police.

249. At the conclusion of the inquest, State Coroner Hand commented that JF's alibi "had more holes in it than a sieve", that the alibis that were coming up for him were "unbelievable", and that he did not believe JF's story but that there was insufficient evidence to tie him to the murder.³⁰⁵

DJ

250. On 14 May 1994, police received information that DJ and MJB may have knowledge about the attack on Mr Dye. Associates of DJ claimed that he had told them he had been involved in assaulting and robbing homosexual men in the city³⁰⁶ and that two males, thought to be DJ and MJB, had approached a police informant at "The Wall" on Darlinghurst Rd, Kings Cross, to obtain some Rohipnol which they intended to use to drug homosexuals so they could be robbed whilst unconscious.³⁰⁷

251. NSWPF enquiries into DJ and MJB established that:

- a. MJB died of a drug overdose in June 1994; and

³⁰¹ Statement of I325, 13 July 1994, [7]-[17] (SCOI.10348.00023).

³⁰² Statement of I326, 14 July 1994, [5] (SCOI.10348.00060).

³⁰³ Summary prepared for purposes of Coronial Inquest of Detective Sergeant Geoffrey Roy Knight, 12 October 1994, [12.28]-[12.29] (SCOI.10179.00011).

³⁰⁴ Statement of David Austin McKeon, 27 July 1995 (SCOI.10382.00034).

³⁰⁵ Transcript of Coronial Inquest into the death of Crispin Dye, 8 August 1995, 45 (SCOI.10179.00008).

³⁰⁶ See statement attributed to I117, at Statement of Detective Sergeant Geoffrey Roy Knight, 26 July 1995, [22] (SCOI. 11036.00065).

³⁰⁷ NSWPF running sheet, 'NP127 and NP227 Nominated as Suspects for the Murder of Dye by Informant', created 19 May 1994 (SCOI.10180.00083).

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- b. DJ was also wanted for interview in relation to the murder of Stephen Seymour in Surry Hills on 16 April 1994.
252. On 1 February 1995, DS Knight travelled to Perth, with police involved in the investigation into the murder of Mr Seymour, to interview DJ. However, after answering some initial questions relating to Mr Seymour, DJ refused to speak to police any further. He was not asked any questions about the murder of Mr Dye.³⁰⁸
253. DS Knight ultimately concluded that while DJ bore some physical similarities to the individuals described by witnesses in connection with the attack on Mr Dye, there was insufficient evidence to substantiate the possibility that DJ and MJB may have been involved in Mr Dye's murder.³⁰⁹
254. DJ was not called to give evidence at the inquest into Mr Dye's death. As noted above, the inquest into Mr Dye's death took place in August 1995.

1996 – 2001: Further NSWPF investigations (Richard Leonard and SM)

255. In January 1996, the Homicide Unit, South received information relevant to Mr Dye's death.
256. In January 1996, AC, an inmate at Long Bay Correctional Centre, contacted police indicating he had information regarding Mr Dye's death. In a statement dated 24 January 1996, AC said that he had a conversation about the "murder" of Mr Dye with a fellow prisoner, Mr Leonard.³¹⁰
257. At the time, Mr Leonard was on remand for the murders of Steven Dempsey on 4 August 1994 and Ezzedine Bahmad on 18 November 1994. He was later convicted of these murders. In sentencing Mr Leonard for Mr Dempsey's murder, Badgery-Parker J found Mr Leonard had been motivated by anti-LGBTIQ bias.³¹¹
258. Between 4 and 8 March 1996, a lawfully obtained listening device was placed inside the cell shared by AC and Mr Leonard. The device recorded a conversation of 5 March 1996 which included apparent admissions by Mr Leonard that he was responsible for Mr Dye's death. The recorded conversation occurred while Mr Leonard was using a Ouija board. Mr Leonard stated that he killed Mr Dye, and that

³⁰⁸ Statement of DS Geoffrey Roy Knight, 26 July 1995, [11]-[48] (SCOI.10274.00007); see also Statement of DS Antonio Polito, 5 June 1995 (SCOI.10300.00107).

³⁰⁹ Statement of DS Geoffrey Roy Knight, 26 July 1995, [49] (SCOI.10274.00007).

³¹⁰ Statement of I269, 24 January 1996 (SCOI.10179.00005).

³¹¹ *R v Leonard*, Remarks on Sentence of Badgery-Parker J, 10 November 1997, 26 (SCOI.02495). In particular, his Honour observed (at 29-30) that "I am satisfied that the circumstance that the prisoner found that his victim was a homosexual added to the pleasure that the prisoner has evidently derived from committing the offence". Mr Leonard was also described by a psychiatrist as suffering "... from a condition of ego-dystonic homosexuality which Dr. Westmore explained as meaning that he is homosexual in his sexual orientation, but having a great deal of difficulty in accepting and adjusting to that".

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SM was with him at the time. Mr Leonard described “cruising” for “whores” around the back of Kings Cross with SM while armed with a baton.³¹²

259. Mr Leonard stated that he saw a man whom he assumed was a “faggot”.³¹³ Mr Leonard walked up to the man and said, “I don’t like faggots. I’m going to kill ya”, before hitting the man as hard as he could on the back of the head with his baton.³¹⁴ He stated he struck the man several times to the back and side of the head before the man fell to his hands and knees and started screaming. Mr Leonard believed someone was coming so he left. He described seeing blood coming out of the man’s head.
260. Mr Leonard said that a few days later, he heard that a man was killed on the same night and looked in the newspaper, television or “something” and became aware of Mr Dye’s death. Mr Leonard said that he saw a photo of Mr Dye in a newspaper article and recognised him as the man he had assaulted.³¹⁵
261. On 15 April 1996, SM participated in an electronically recorded interview with police.³¹⁶ He stated that he was present when Mr Leonard assaulted a man in Sydney prior to Christmas 1993 and that Mr Leonard used a telescopic baton to strike the man around six times, after which the man lay bleeding on the ground.
262. However, SM said that this assault had taken place at about 2:00am or 3:00am, in Palmer Street, next to a lane running parallel with William Street. He then accompanied police to Palmer Street (in East Sydney) and indicated an area about 500 metres from the location where Mr Dye was found lying in Campbell Street at around 4:35am on 23 December 1993.³¹⁷
263. SM was also shown a photograph of Mr Dye and initially indicated he could have been the man Mr Leonard assaulted but later said that Mr Dye’s photograph did not strike him as being the same person Mr Leonard assaulted.³¹⁸ SM said that he thought Mr Leonard was glorifying himself and that the man he assaulted was not Mr Dye.³¹⁹ SM described the victim as drunk or drugged and dishevelled, with short hair and wearing a white T-shirt and light-coloured shorts.³²⁰ That description does not match Mr Dye’s appearance on the night in question.

³¹² NSWPF Transcript of Tape, ‘Dye Murder’, 7 March 1996, 1, 7 (SCOI.10178.00040).

³¹³ NSWPF Transcript of Tape, ‘Dye Murder’, 7 March 1996, 8 (SCOI.10178.00040).

³¹⁴ NSWPF Transcript of Tape, ‘Dye Murder’, 7 March 1996, 8 (SCOI.10178.00040).

³¹⁵ Summary of Investigation into the Murder of Crispin Wilson Dye prepared by Detective Senior Constable Andrew Waterman, 30 November 1999, [2.7] (SCOI.10302.00004).

³¹⁶ NSWPF Transcript of Interview, ‘Interview with NP129’, 15 April 1996 (SCOI.10179.00024).

³¹⁷ Summary of Investigation into the Murder of Crispin Wilson Dye of Detective Senior Constable Andrew Waterman, 30 November 1999, [2.8] - [2.14] (SCOI.10302.00004).

³¹⁸ NSWPF Transcript of Interview, ‘Interview with NP129’, 15 April 1996, 21 (SCOI.10179.00024).

³¹⁹ NSWPF Transcript of Interview, ‘Interview with NP129’, 15 April 1996, 19-20 (SCOI.10179.00024).

³²⁰ NSWPF Transcript of Interview, ‘Interview with NP129’, 15 April 1996, 9, 20-21 (SCOI.10179.00024).

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264. On legal advice, Mr Leonard refused to speak to police in relation to Mr Dye's death.³²¹
265. As a result of Mr Leonard's recorded admissions, NSWPF officers sought clarification on a number of matters:
- a. In July 1997, in her "1997 Report" referred to earlier (see [7] and [12]-[13] above), Dr Schwartz expressed the view that a baton of the kind she was asked to examine was capable of inflicting Mr Dye's injuries. However, she considered that the injuries on the back of Mr Dye's head were less than would be expected, if Mr Leonard's story were to be relied upon.³²²
 - b. In August 1997, Dr Warwick Stening, the consultant neurosurgeon who had treated Mr Dye, provided a written opinion in response to specific questions asked by NSWPF. He confirmed that Mr Dye had a subarachnoid haemorrhage when entering St Vincent's Hospital on 23 December 1993, and that a CT scan the next day showed diffuse brain swelling indicating a diffuse hypoxic insult. He also offered the opinion that the original head injury might have rendered Mr Dye only temporarily unconscious, or might not have rendered him unconscious at all, with the consequence (if so) that it was possible that he could have moved under his own power for a distance of up to 500 metres, before another process caused the cardiac arrest which resulted in his brain damage.³²³
266. However, there were no blood trails located to indicate that Mr Dye was assaulted anywhere other than where he was found.³²⁴
267. On 19 August 1998, advice was sought from the ODPP as to whether there were sufficient grounds for laying charges against Mr Leonard.³²⁵
268. On 14 December 1998, the ODPP informed the NSWPF that there was sufficient evidence for charges to be laid against Mr Leonard and SM in connection with Mr Dye's murder. Recommendations were made that Mr Leonard should be charged with "Murder" and "Maliciously Inflict Grievous Bodily Harm", and SM with "Accessory After The fact to Maliciously Inflict Grievous Bodily Harm" and "Conceal Serious Offence".³²⁶

³²¹ Fax from Gary Stewart to DS Popplewell, 24 July 1997 (SCOI.10273.00009); Letter from Gary Stewart to Detective Senior Constable Waterman, 7 October 1999 (SCOI.10273.00034).

³²² Letter from Dr Liliana Schwartz to Detective Sergeant Popplewell, 9 July 1997 (SCOI.10178.00002).

³²³ Letter from Dr W.A Stening to Detective Sergeant W Popplewell, 4 August 1997 (SCOI.10178.00009).

³²⁴ Statement of Detective Senior Constable van Leeuwen, 15 November 1994 (SCOI.11036.00085), especially photographs at 7-11.

³²⁵ Letter from Detective Sergeant Popplewell to Solicitor for Public Prosecutions, 19 August 1998 (SCOI.10179.00016).

³²⁶ Table of Documents from ODPP, 16 June 2023 (SCOI.84018).

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269. On 21 January 1999, a further direction was made by the Director of Public Prosecutions that the second charge against Mr Leonard should be “Maliciously Inflict Grievous Bodily Harm with Intent”.³²⁷
270. Meanwhile, on 20 January 1999, Strike Force Barcoo was formally reactivated (having been deactivated after the 1995 inquest into Mr Dye’s death) to continue the investigation into Mr Dye’s murder under the command of DSC Andrew Waterman from the Homicide Squad, as directed by the ODPP.³²⁸
271. According to a summary by DSC Waterman in 1999, as part of this “continued” investigation “a review of the original investigation was undertaken” and the assault upon PG (referred to at [15.c] above) was identified.³²⁹ PG had been assaulted in Darlinghurst during the early hours of 27 December 1993. The assault had been reported by PG’s sister on 29 December 1993.
272. On 12 January 1994 PG had provided a statement to police, detailing the assault as follows:
- a. on 26 December 1993, he was drinking beers with a friend in Oxford Street;
 - b. at around 2:00am on 27 December 1993, he and friends left the Oxford Hotel and went to the Flinders Hotel on Flinders Street, where he had one further beer before walking back to 5/199 William Street where he was staying;
 - c. as he approached St Peters Street, he was struck from behind on the back of his head and he fell to his hands and knees. As he turned his head, he was struck again to the upper side of his head; and
 - d. PG believed he was knocked unconscious, and he woke up with a bad pain in his head, and blood on his head and T-shirt.
273. PG believed he was hit with a steel bar, wooden stick or similar. He said he saw the legs of a second person who was present but was unable to describe him. As a result of the assault, PG received three cuts to his head which required a total of ten sutures.³³⁰
274. PG was wearing a white cotton sleeveless T-shirt, black cotton shorts, long white socks pushed down, black leather lace up shoes and a black bum bag. Photographs were taken of PG wearing clothing

³²⁷ Table of Documents from ODPP, 16 June 2023 (SCOI.84018).

³²⁸ Summary prepared by Detective Senior Constable Andrew Waterman, 30 November 1999, [3.3] (SCOI.10302.00004).

³²⁹ Summary prepared by Detective Senior Constable Andrew Waterman, 30 November 1999, [3.4] (SCOI.10302.00004).

³³⁰ Statement of I115, 12 January 1994 (SCOI.10273.00014).

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similar to what he was wearing on the night of the assault.³³¹ These were then shown to SM, who stated that the person Mr Leonard assaulted could have been PG.³³²

275. On 30 November 1999, this information was supplied to the ODPP.³³³
276. On 8 February 2001, the ODPP advised that no charges should be laid against Mr Leonard or SM in relation to Mr Dye's death.³³⁴
277. The investigation into the death of Mr Dye appears to have ceased upon receipt of that advice from the ODPP.
278. Mr Leonard is presently incarcerated and serving two life sentences in relation to the murders of Mr Dempsey and Mr Bahmad. SM's whereabouts are known to the Inquiry.

March 1994 interview of Stephen Leonard

279. Among the materials produced by the NSWPF on 21 June 2023, as part of the digitised hard copy of the "coronial brief", was a handwritten police notebook titled "Mully" (which would appear to refer to DS Mulherin, an officer involved in Strike Force Barcoo).
280. One entry in that notebook, dated 1 March 1994, refers to an interview at Dee Why Police Station on 1 March 1994 with Stephen Leonard, the father of Mr Leonard.
281. The notebook entry records Stephen Leonard as having said, in that 1 March 1994 interview, that his son was "fascinated [by] violent videos" and had been a "difficult child"; that he was "paranoid" that his son might "end up in trouble"; and that his son had been "doing some research" into the murder of Mr Dye. It also records the name "[SM]"; and the words "Richard copy of Observer Star... Son write reviews for some form of circulation".³³⁵
282. A later section of the same notebook appears to refer to conversations between Stephen Leonard and Fred Pratley, a local Baptist Minister, on "Monday 21st" (possibly 21 February or 21 March 1994, each of which was a Monday) and "Wed 23rd" (against which date it is recorded "father phone").³³⁶ The notes of these conversations refer to Mr Leonard being described as having a "regressive personality" (said to have been known for "3 ½ 4 years") and having a weapon called "Waddy". They also refer to a

³³¹ Statement of I115, 27 April 1994 (SCOI.10273.00015).

³³² NSWPF Transcript of Interview, 'Interview with NP129', 28 July 1999, 41-42 (SCOI.10273.00016).

³³³ NSWPF, Submission to the Office of the Director of Public Prosecutions, 30 November 1999 (SCOI.10274.00003).

³³⁴ Table of Documents from ODPP, 16 June 2023 (SCOI.84018).

³³⁵ Handwritten police notebook, 1 March 1994, 1-8 (SCOI.84796).

³³⁶ Handwritten police notebook, 1 March 1994, 9-13 (SCOI. 84796).

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“6’2 skinhead person on George Street” who was hit three times and “thought dead”; and to an incident on Palmer Street where “use of drug caused him to kill person and got a rush out of it”.³³⁷

283. An annotated copy of these 1 March 1994 notes is also annexed to a running sheet, which is signed by “GJ Mulherin, Chief of Detectives Rose Bay” and bears the date 12 April 1995 (but possibly created on 12 April 1994, given that the cover page describes it as a “faxed report dated 12/4/1994”).³³⁸
284. The running sheet confirmed that police attached to “Task Force” Barcoo spoke with Stephen Leonard at Dee Why Police Station on 1 March 1994, and that Stephen Leonard had said that his son had told him that he had assaulted an unknown man one night in early December 1993 in Palmer Street, Darlinghurst whilst he was “stoned”, and that the man subsequently died.³³⁹ Stephen Leonard also said that Mr Leonard had told him that he attacked a “skin head” on George Street in the CBD in mid-November or early December 1993. According to the running sheet, “inquiries conducted at all inner city Police Station (sic) had no report to prove either claim”. The running sheet also recorded that Stephen Leonard indicated that his son “possessed a cosh style weapon at home he called ‘waddy’ (looks like a piece of water pipe with a telescopic action)”. The running sheet did not mention Stephen Leonard’s having referred to his son “doing some research” into the murder of Mr Dye.
285. There is no evidence that any formal statement was taken from Stephen Leonard by Strike Force Barcoo, or that Strike Force Barcoo ever followed up on Mr Leonard as a potential person of interest in connection with the death of Mr Dye upon receiving this information from Stephen Leonard in March 1994 (whereas police did so in January 1996 when they received information from AC that Mr Leonard had admitted to being involved in Mr Dye’s death).
286. When a reactivated Strike Force Barcoo made an attempt to interview Stephen Leonard again on 21 July 1999, Stephen Leonard stated that he no longer had a clear recollection of the conversations with his son about which he had told DS Mulherin in March 1994.³⁴⁰
287. In DSC Waterman’s summary of the (reactivated) SF Barcoo investigation dated 30 November 1999, the interview with Stephen Leonard on 1 March 1994 was not referred to.³⁴¹ Indeed, the section of the summary titled “[I]nvestigation into Richard Leonard and [SM]” commences in January 1996, on the receipt of the information from AC referred to above.³⁴²

³³⁷ Handwritten police notebook, 1 March 1994, 10-11 (SCOI. 84796).

³³⁸ NSWPF Running Sheet, 12 April 1995 (SCOI.84804).

³³⁹ NSWPF Running Sheet, 12 April 1995 (SCOI.84804).

³⁴⁰ SF Barcoo Progress Report, 17 August 1999 (NPL.0131.0001.1583).

³⁴¹ SF Barcoo Progress Report, 17 August 1999 (NPL.0131.0001.1583).

³⁴² SF Barcoo Progress Report, 17 August 1999 (NPL.0131.0001.1583).

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288. The omission of any reference to the 1 March 1994 interview with Stephen Leonard, in DSC Waterman’s 30 November 1999 summary, would appear to suggest that the information provided by Stephen Leonard on 1 March 1994 had never been followed up in relation to the death of Mr Dye. If not, that is obviously unfortunate. Whether or not that information was followed up at all, prior to Mr Leonard’s murder of two men later in 1994, is not apparent, one way or the other, on the material available to the Inquiry.
289. When Mr Leonard later became (again) a person of interest in the death of Mr Dye, following the receipt of information from AC in January 1996, the information provided by Stephen Leonard in March 1994 does not appear to have been referred to or considered by the reactivated Strike force Barcoo. The reason for this apparent failure to ‘connect the dots’ is unknown on the material available to the Inquiry.

2005 and 2019: UHT

290. As noted at [68]-[72] above, Mr Dye’s case was the subject of a “review” by the UHT in 2005, and a “triage” by the UHT in 2019. However, neither of those processes undertaken by the UHT led to a re-investigation of the matter, nor were any of the recommendations made in either 2005 or 2019 implemented by the UHT (other than the re-issuing of a reward in 2014).

2022 – 2023: this Inquiry

291. As outlined above, the Inquiry arranged for the testing of the remaining available exhibits in this matter.
292. In addition, as a result of those steps instigated by the Inquiry, papers and hairs were located in Mr Dye’s clothing, which had not previously been discovered or subject to any testing. The Inquiry has also pursued all remaining available means of testing and analysing those items.
293. Various other items, including one or more wallets and various cards, cannot now be located by the NSWPF, and thus cannot be subjected to modern forensic testing.
294. The most significant outcome has been the match between a DNA profile obtained from the blood stain from the back right pocket of Mr Dye’s jeans and a DNA profile from another crime scene, resulting in the identification of [NP252] as a person who was possibly involved in Mr Dye’s death.
295. Unfortunately, for the reasons outlined above at [153]-[163], it is not possible to identify with greater certainty what role (if any) [NP252] played in Mr Dye’s death.
296. The identity of the person or persons who assaulted Mr Dye therefore remains unknown.

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Submission as to bias

297. Mr Dye was a gay, or possibly bisexual, man; the area where he was assaulted was close to numerous well-known LGBTIQ bars and meeting places and was a hotspot for violent anti-LGBTIQ bias crimes; there is some evidence to suggest that a gang may have been involved in the attack on him; and the attack on Mr Dye was a particularly violent one.
298. All of these factors point to the distinct possibility that LGBTIQ bias was a factor in the attack.
299. On the other hand, the area in question was also a hotspot for robberies generally. Mr Dye was intoxicated and staggering, and another possibility, which cannot be excluded, is that he was simply the victim of a robbery-based attack.
300. However, as observed above, to make a binary distinction between a robbery and a bias crime is to fail to recognise the possibility that a crime may be partially motivated by bias, such as where members of the LGBTIQ community (or persons perceived as such) are selected as victims of robberies, whether because they are seen as “easy targets” or otherwise. Such a crime, it is submitted, should be accepted as a bias crime, i.e. a crime in which LGBTIQ bias is a factor.
301. While the identity of Mr Dye’s assailant or assailants, and the motivations of such assailant or assailants, remain unknown, it is not possible to arrive at a positive conclusion that the attack on Mr Dye was motivated, either in whole or in part, by LGBTIQ bias. However, having regard to the whole of the available evidence, it is submitted that there is objectively reason to suspect that the attack was so motivated, either in whole or in part.

Submission as to manner and cause of death

302. It is submitted that the findings of State Coroner Hand in 1995 remain appropriate, namely:

[t]hat on 25 December 1993 at the St George Hospital, Kogarah, Crispin Wilson Dye died of the effects of a head injury inflicted on 23 December 1993 in Campbell Street, Darlinghurst, by a person or persons unknown.

303. It is noted that there is a suggestion in the evidence that Mr Dye may have moved from the place where he was assaulted to the place where he was found: see [265.b above]. On that basis, it may be appropriate to accommodate that possibility in the finding, by referring to “in **or around** Campbell Street, Darlinghurst”. However, given the absence of any blood trail leading to the place where Mr Dye was found, it is suggested that such a variation is not called for.

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Submissions as to recommendations

304. It is submitted that the following recommendations in relation to Mr Dye would be appropriate:

- a. The NSWPF monitor DNA databases available to them with a view to identifying a match to Unknown Male B, whose DNA was located in 2023, at the direction of the Inquiry, from the hair found on Mr Dye's shirt; and
- b. The NSWPF ensure that the white card is kept securely as an exhibit in the event that technological developments can assist in determining whether the bloodstained mark is a fingerprint.

305. Further recommendations in relation to Mr Dye will be contained in the confidential section of the Report.

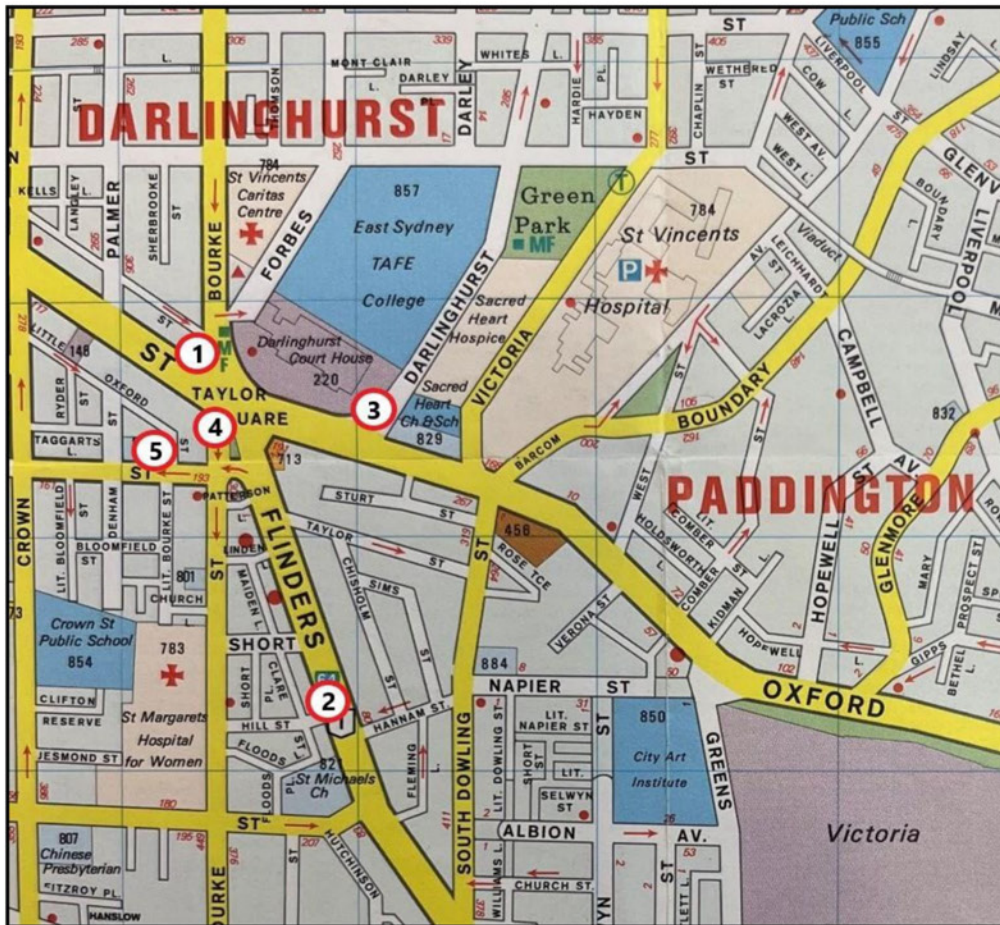
Peter Gray SC

Meg O'Brien

Counsel Assisting

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Annexure A



- 1 **22/12/93 – 10:00pm to 23/12/93 – 1am:** C Dye alone at Oxford Hotel, then met by W MacAlister, J MacAlister, J Wilkinson, and “Hamish”
23/12/93 – 2:15am: C Dye seen alone outside Oxford Hotel
- 2 **23/12/93 – 2:15am to 2:45am:** C Dye plays pool with P Snelling and M Travinski at The Flinders Hotel, then leaves Hotel alone
- 3 **23/12/93 – around 4:00am:** C Dye is seen by J Hillman at bus stop outside court, walking west toward traffic island, diagonally across Oxford Street
- 4 **23/12/93 – after 4:00am:** C Dye is refused service at Courthouse Hotel and seen to leave via northern door, walking west along Oxford Street
- 5 **23/12/93 – around 4:30am:** Man resembling C Dye is seen by O Read lying face down at back of Kinselas nightclub; O Read touched him, heard man grunt and did not observe blood on the man
23/12/93 – 4:35am: C Dye is seen by S Neilson, lying on the ground surrounded by three men who took something from him and then ran west along Campbell Street.