

**2022 Special Commission of Inquiry
into LGBTIQ hate crimes**

**Before: The Commissioner,
The Honourable Justice John Sackar**

**At Level 2, 121 Macquarie Street,
Sydney, New South Wales**

On Tuesday, 27 June 2023 at 10.08am

(Day 68)

Re: Death of Barry Jones

**Mr William de Mars (Counsel Assisting)
Mr Tom Allchurch (Solicitor)**

Re: Death of Peter Baumann

**Ms Meg O'Brien (Counsel Assisting)
Ms Aleksandra Jez (Solicitor)
Mr Michael Tanazefi (Solicitor)**

Also Present:

Mr Aurhett Barrie for the NSW Police

1 MR de MARS: Commissioner, I appear as Counsel Assisting
2 this morning.

3
4 THE COMMISSIONER: Thank you.

5
6 MR BARRIE: Barrie for the Commissioner of Police.

7
8 THE COMMISSIONER: Thank you.

9
10 I will just make some orders in relation to
11 redactions, Mr de Mars.

12
13 MR de MARS: Yes, Commissioner, you should have a proposed
14 short minute of order before you.

15
16 THE COMMISSIONER: Yes, I do.

17
18 Thank you very much. I have made those orders.

19
20 MR de MARS: Thank you.

21
22 Commissioner, this is a hearing in relation to the
23 death of Barry Jones. You should have before you a tender
24 bundle of material prepared for the matter comprising 37
25 tabbed documents. I understand, your Honour, that that
26 could become exhibit number 41.

27
28 THE COMMISSIONER: Thank you.

29
30 **EXHIBIT #41 TENDER BUNDLE**

31
32 MR de MARS: Commissioner, I also adopt the written
33 submissions, that I understand you have a copy of, that
34 have been prepared in this matter by Senior Counsel
35 Assisting, Mr Gray, and myself.

36
37 THE COMMISSIONER: Yes.

38
39 MR de MARS: I adopt those submissions and now supplement
40 them with oral submissions.

41
42 Commissioner, the death of Barry Jones has been
43 determined to fall within Category B of the Inquiry's Terms
44 of Reference - that is, Mr Jones' death is an unsolved
45 suspected hate crime death in New South Wales that occurred
46 between 1970 and 2010, where the victim was, or was
47 perceived to be, a member of the LGBTIQ community, and the

1 death was the subject of a previous investigation by the
2 NSW Police Force.

3
4 Barry Jones died on Sunday, 26 September 1976 at the
5 back of the grandstand in Five Dock Park, Five Dock, some
6 time after 10pm. He was 41 years old. NSW Police records
7 indicate that he has no surviving family.

8
9 He had been the victim of a frenzied knife attack. He
10 was known to have been out drinking at a local club earlier
11 in the evening, as was his usual pastime. It's not clear
12 how he came to end up at Five Dock Park.

13
14 Mr Jones had been stabbed at least 53 times in the
15 back, the underside of the left arm, the right side of his
16 chest and the stomach area. In addition, one wound in the
17 left side of his chest measured 14cm by 10cm, and had been
18 caused by further repeated knife blows. Mr Jones also
19 suffered cuts to his throat.

20
21 Commissioner, a knife was found sticking out of
22 Mr Jones' chest with the blade driven fully into his body.
23 The knife was somewhat distinctive.

24
25 At this point, Commissioner, I would ask for a photo
26 [SC0I.10495.00027] to be brought up on screen in relation
27 to that knife. Commissioner, the photo that is being
28 brought up appears in the police investigation records and
29 appears to have been taken from a catalogue and is a knife
30 of the type and identical to the five-inch version of what
31 is described there as a "Black Eagle Genuine Black Buffalo
32 Horn Knife".

33
34 Commissioner, the knife is said to have been made of
35 buffalo horn and, Commissioner, you'll see quite
36 distinctively at the end of the handle, the knife is carved
37 into the shape of a hoof.

38
39 Commissioner, Mr Jones' body was found at 7.15am the
40 following morning, Monday, 27 September, by a council
41 gardener.

42
43 The police investigation commenced immediately and
44 a forensic pathologist, Dr Brighton, attended the scene in
45 person to inspect the body and completed his examination at
46 the mortuary later in the day. Dr Brighton noted that it
47 was possible to see the interior of Mr Jones' chest through

1 the large wound. The cut to Mr Jones' throat was
2 approximately 10cm in length but had not carried through
3 into the larynx or trachea. There were no defensive cuts
4 on Mr Jones' hands although there was a single stab wound
5 near the left wrist.
6

7 Dr Brighton concluded that several of Mr Jones'
8 injuries had been inflicted after his death, including the
9 massive wound to the left chest area, the slashing of the
10 throat, and the two wounds to the front thoracic area,
11 including the wound in which the knife was found.
12

13 He concluded that Mr Jones died as a result of
14 haemorrhage and respiratory failure as a result of multiple
15 stab wounds to the chest and abdomen.
16

17 I also note, Commissioner, that Mr Jones had a very
18 high blood alcohol content level of 0.35 per cent.
19

20 Mr Jones' death, occurring in 1976, is one of the
21 earliest to have been examined by the Inquiry. The records
22 of the original investigation reflect that fact.
23 Information is often recorded by running sheet rather than
24 by formal statement, and interviews are not electronically
25 recorded, nor in most cases are they reproduced verbatim.
26 The original investigative material, therefore, has some
27 obvious limitations. Nevertheless, it is apparent that the
28 police investigation at the time was extensive.
29

30 The statement of the officer in charge records that
31 for a time, 30 detectives were involved full time on the
32 investigation.
33

34 Police considered the possible involvement of a large
35 number of local people known to have histories of violent
36 crime. They canvassed all dry cleaners in the metropolitan
37 area, local hospitals and psychiatric hospitals and spoke
38 to over 400 people, including Mr Jones' drinking friends
39 and patrons of the clubs and hotels he frequented.
40

41 Mr Jones lived at a house that he owned in Walker
42 Avenue in Haberfield, with a cousin, Kenneth Grant, and his
43 cousin's female partner, Carol Grant. He worked as
44 a labourer for Drummoyn Municipal Council.
45

46 In accounts given by friends, relatives and
47 co-workers, Mr Jones was often referred to by terms such as

1 "harmless" and "inoffensive". He was also generally
2 described as spending all his spare time outside of work
3 drinking at different establishments and as suffering from
4 alcoholism. He was well known at pubs and clubs in the
5 Five Dock area by other locals. He was not known to have
6 any enemies and there was no obvious motive for the
7 killing.

8
9 Initial police suspicion turned to his cousin,
10 Kenneth Grant, who stood to inherit the house that Mr Jones
11 owned and who had otherwise involved himself in Mr Jones'
12 financial affairs. As outlined in the written submission,
13 after Mr Jones' death, innuendo appears to have circulated
14 suggesting that Mr Jones may have had some sexual interest
15 or involvement with Mr Grant's partner.

16
17 Police were careful to consider both these matters as
18 affording a possible motive for Kenneth Grant to have been
19 Mr Jones' assailant. There was, however, ultimately no
20 evidence that provided any support for the suggestion of
21 sexual jealousy. Further, there was no physical or other
22 evidence that supported speculation that Kenneth Grant was
23 responsible. The frenzied nature of the attack is also out
24 of keeping with the crime having been one that was
25 committed for financial gain.

26
27 An inquest into Mr Jones' death was held on 26 January
28 1978. Coroner Parnell found that Mr Jones died on
29 26 September 1976, in the grandstand of Five Dock Park,
30 Park Road, Five Dock, from haemorrhage and respiratory
31 failure due to multiple stab wounds to the chest and
32 abdomen, inflicted by a person or persons unknown.

33
34 Commissioner, I now turn to the question of forensic
35 evidence. At this point, it might be useful to ask to have
36 brought up on screen a photo [SCOI.10495.00027] from the
37 police investigative file that just shows the grandstand
38 where Mr Jones' body was located. In that photo you can
39 see two people who appear to be police officers, or
40 detectives, who were involved in the original
41 investigation, in the grandstand.

42
43 Commissioner, as I have indicated, Mr Jones' body was
44 found at the back of the grandstand, towards the middle, on
45 the ground, with Mr Jones on his back.

46
47 There was a large amount of blood around Mr Jones'

1 feet and around his shoulders and chest. There was
2 a continuous stream of blood running down the 16 steps of
3 the grandstand when his body was found and there were blood
4 smears on the wall behind Mr Jones' right foot at a height
5 of three foot six inches. There appeared to be bare
6 footprints in the blood around Mr Jones' feet. Further
7 such prints were located on the concrete path at the
8 entrance to the grandstand that can be seen in that photo.
9

10 A partial impression of a shoe print, most likely from
11 a rubber thong, was also found in blood near the body.
12 That photo could come down for the present.
13

14 The crime predated the era of DNA evidence. A number
15 of items from the crime scene were forensically examined.
16 This included Mr Jones' clothing, the knife embedded in
17 Mr Jones and anal and penile swabs and smears that had been
18 taken from Mr Jones' body. Of note, semen was located on
19 the swab and smear from Mr Jones' penis. Semen stains were
20 also found on the inside front of Mr Jones' underwear and
21 trousers. Testing of the semen established the presence of
22 Group O blood type, which was consistent with the semen
23 being that of Mr Jones. Semen was not detected on the anal
24 swab and smear.
25

26 The forensic examiner at the time estimated that the
27 semen would have been present within 15 hours before
28 Mr Jones' death. He could not determine whether Mr Jones
29 had ejaculated in his pants or outside his pants, with the
30 stains caused when he replaced his penis inside his pants.
31

32 It should be noted, however, that the Inquiry has
33 received relevant expert evidence in other cases, such as
34 the death of Mr Paul Rath. In her report in that case,
35 Dr Linda Iles observed that the presence of semen on
36 a penile swab should not necessarily be considered
37 significant if that profile is consistent with that of the
38 deceased, as its presence can be a post-mortem phenomenon.
39

40 In this case, though, it is noted that the presence of
41 semen extended to Mr Jones' underpants and pants, perhaps
42 being more suggestive of a sexual act having occurred prior
43 to death.
44

45 The extent of results from the examination of other
46 exhibits was limited to their examination for the presence
47 of blood and blood type grouping where possible. These

1 results were unremarkable.

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It's noted that the torch from Mr Grant's vehicle tested positive to the presence of blood, though in insufficient quantity to identify blood type. Unsurprisingly, the knife found in Mr Jones' chest tested positive to blood with a blood grouping consistent with that of Mr Jones. However, there's no record indicating that police ever sought to obtain fingerprints from the knife.

Regrettably, attempts by the Inquiry to locate the exhibits, through both the Forensic and Analytical Science Service, FASS, and the NSW Police, have resulted in advice being received from the NSW Police that they are unable to locate the exhibits.

The loss of the exhibits is most unfortunate, particularly the loss of the murder weapon. Given the significant advances in forensic technology that occurred since 1976, if the exhibits were available, forensic testing of items, including the murder weapon, Mr Jones' clothing and the torch from Mr Grant's car, would almost certainly be possible.

As I'll come to, NSW Police have had cause to reconsider the evidence in this matter at various later points in time, including in 1998, 2005, 2010 and around 2012. The material produced to the Inquiry does not disclose whether, at those points in time, consideration was given to locating exhibits for potential DNA testing or fingerprinting in the case of the murder weapon.

If this did not occur, it should have, and may have yielded valuable evidence.

Commissioner, I now move to steps that have been taken by the Inquiry to examine and investigate the matter.

Steps taken by the Inquiry have included requesting and receiving the coronial file from the Coroners Court and initially the receipt of 53 documents from NSW Police in August 2022 in response to a summons issued on 21 July 2022 seeking all NSW Police investigative material relating to the death.

On 20 December 2022, the Inquiry wrote to NSW Police,

1 noting that it appeared likely that there was further
2 material that had not been produced.

3
4 On 13 January 2023, Detective Sergeant Neil Sheldon
5 provided a statement to the Inquiry outlining the searches
6 undertaken by NSW Police for documents relating to the
7 death of Mr Jones. Detective Sheldon's statement concluded
8 that:

9
10 *I consider the above searches and enquiries*
11 *to be an exhaustive search for the*
12 *documents and no further avenues of enquiry*
13 *are available to locate the documents.*
14 *Therefore, I do not expect any further*
15 *documents to be provided to the Inquiry in*
16 *relation to the death of Barry Richard*
17 *Jones.*

18
19 At that time, NSW Police produced an investigator's note
20 prepared by a detective in 2018. That note referred to
21 a box of material that plainly had not been produced to the
22 Inquiry.

23
24 Consequently, on 21 February 2023, the Inquiry wrote
25 to NSW Police regarding the absence of that box of
26 material. On 22 February this year, NSW Police produced
27 that box of material to the Inquiry, which contained the
28 original investigative file for the death of Mr Jones.

29
30 The original investigative file ran to over 1,000
31 pages and was significantly more voluminous than the
32 material that had previously been produced to the Inquiry.
33 It included, in the form of running sheets, the key
34 material constituting the investigation that had been
35 conducted in 1976 and 1977.

36
37 The delay in producing this material appears to have
38 been the result of failure of document management by
39 NSW Police. The absence of the original investigative file
40 from the limited material produced to the Inquiry in August
41 2022 hindered the Inquiry's review of this matter and its
42 ability to undertake investigative steps until
43 late February 2023.

44
45 Commissioner, I now turn to say something about the
46 consideration of this matter by the police since the
47 inquest that occurred in January 1978.

1
2 In addition to the material from the original
3 investigation, material produced to the Inquiry by the
4 NSW Police Force indicates the following occasions on which
5 NSW Police have further considered evidence relating to the
6 murder.

7
8 In 1998, a report was made to NSW Police by a man
9 called Patrick Syron, S-Y-R-O-N, who had known Barry Jones.
10 He informed police that he had been told that a young
11 person, who I will refer to as "NP246", was responsible for
12 Mr Jones' murder.

13
14 Secondly, as outlined at paragraphs 98 to 105 of the
15 written submission, on three occasions in 2005, 2010 and
16 2012, there are records indicating that NSW Police Unsolved
17 Homicide Team either took some steps towards or indicated
18 an intention to conduct a review of Mr Jones' death.
19 Despite this, beyond some fingerprint checks having been
20 made in 2005, the substance of any such review by the UHT
21 is not apparent from that material.

22
23 A record made by a senior officer in 2010 states that:

24
25 *There are no further lines of investigation*
26 *that can be undertaken to progress this*
27 *investigation.*

28
29 Any steps that were taken by police in order to reach that
30 conclusion are not apparent.

31
32 Thirdly, in 2018, NSW Police received relevant
33 information from police in New Zealand. In early 2018,
34 Mr Allan Adair had contacted the New Zealand emergency
35 services, by their phone number, to provide information in
36 relation to the murder of Mr Jones. Mr Adair subsequently
37 provided a statement to New Zealand Police, signed on
38 4 February 2018.

39
40 He recounted an occasion, apparently in the days or
41 weeks preceding Mr Jones' death, when he had encountered
42 two young men at the Five Dock Hotel who were in possession
43 of a knife that is of the same type used to kill Mr Jones.
44 Mr Adair said that the young men had pointed out Mr Jones
45 and made disparaging remarks about him being a homosexual.

46
47 After receipt of this information, a New South Wales

1 police officer contacted Mr Adair in New Zealand in order
2 to confirm this account. That officer expressed the view
3 that he considered Mr Adair to be believable. I will
4 return to the account given by Mr Adair later in the
5 submission.
6

7 Commissioner, following receipt of the main
8 investigation file in late February this year, the Inquiry
9 has taken steps to attempt to further pursue some
10 potentially significant matters.
11

12 In particular, I note that the Inquiry has spoken with
13 both Mr Allan Adair and his brother, who was apparently
14 also present at the time the two men with the distinctive
15 knife went to the Five Dock Hotel. The Inquiry has also
16 identified and spoken with the man who was the source of
17 the information that Patrick Syron provided to police in
18 1998 regarding the suspect NP246.
19

20 Various additional records have been summonsed
21 concerning potential persons of interest.
22

23 As is noted in the written submission, given the late
24 stage at which the police investigative file was provided
25 to the Inquiry, the Inquiry is still pursuing some further
26 investigative avenues and should the outcome of those
27 inquiries alter the conclusions reached in this submission,
28 an additional brief submission will be made and any
29 relevant additional material will be separately tendered.
30

31 Commissioner, I now move to consider some of the key
32 factual matters that arise from the evidence obtained by
33 the Inquiry.
34

35 One of those matters is that uncertainty surrounds
36 Mr Jones' last-known sighting and his movements more
37 generally on the evening of his death.
38

39 At this point it would be of assistance if I could ask
40 for the map, which should otherwise be an attachment to the
41 written submission, to be brought up on the screen.
42

43 Commissioner, you will see on screen a map showing the
44 area of Five Dock with various locations marked on that
45 map.
46

47 Commissioner, what is known is that Mr Jones left

1 home at around 10am in the morning, his home being in
2 Walker Avenue that you will see marked at the bottom of the
3 map. He drank with a local couple, who he knew, Bob and
4 Lil Adair, at the Five Dock Bowling Club.

5
6 Commissioner, you will see the bowling club marked
7 with a green marker in the upper portion of the map in the
8 middle of the map. Can I point out more generally, you'll
9 see both "Grandstand" and "Bowling Club" marked. The area
10 that is bounded by the four streets around those two
11 markers is an area generally which comprises a fair amount
12 of playing field and parkland, and within that area fall
13 both the bowling club and the grandstand attached to Five
14 Dock Park where Mr Jones' body was located.

15
16 Mr Jones left the bowling club at around 2pm. That
17 was in compliance with a curfew that the bowling club had
18 placed on to him due to a past incident at the club.

19
20 From there he went to the Western Suburbs Soccer Club.
21 Again, Commissioner, you will see that marked on the map to
22 the west of the Five Dock Park area. That club is also the
23 site of what is in the present day called, I think, the
24 Canada Bay Club. He continued drinking at that location.
25 Mr Jones was seen at the soccer club by a large number of
26 witnesses commencing from 3pm.

27
28 Although the police spoke with many witnesses who had
29 seen Mr Jones at the soccer club, the conflicting nature of
30 those accounts leaves some uncertainty as to precisely when
31 Mr Jones left the club. Details of this evidence are set
32 out at paragraphs 67 to 77 of the written submission.

33
34 In short, however, it appears highly likely that
35 Mr Jones was at the soccer club until at least shortly
36 before 10pm. There is, however, conflicting evidence as to
37 whether Mr Jones left the club then or remained outside for
38 up to half an hour in an effort to attempt to get a cab to
39 take him home.

40
41 Evidence suggesting that he may have remained outside
42 the club for up to half an hour conflicts with an account
43 given by Mr Alan Grimes, who was a friend of Mr Jones, who
44 says that he saw Mr Jones attempting to hitch a lift from
45 a location on the Great North Road in the vicinity of the
46 Five Dock Hotel at around 10.16pm.

47

1 Commissioner, you'll see the label on that map, "Five
2 Dock Hotel/Great North Road", and it's in approximately
3 that vicinity where Mr Grimes says that he saw Mr Jones
4 attempting to hitch a lift at 10.16pm
5

6 A further sighting of a man matching Mr Jones'
7 description walking in Ramsay Road at around 10.40pm in the
8 direction of Mr Jones' address in Walker Avenue is
9 potentially consistent with the account given by Mr Grimes.
10 Again, Commissioner, you'll see, with a blue marker next to
11 the words "Ramsay Road", the approximate location where
12 there was a sighting of a man potentially consistent with
13 it being Mr Jones at around 10.40pm that evening.
14

15 On either account - that is, Mr Jones leaving the
16 soccer club at around 10pm or somewhat later at around
17 10.30pm - it appears that he left the soccer club on foot.
18

19 Just how Mr Jones came to be at Five Dock Park remains
20 something of a mystery. It was not on the logical walking
21 route home from the soccer club. As your Honour can
22 probably see from the map, the logical route would appear
23 to take one to Great North Road, Ramsay Road, and then down
24 to his address in Walker Avenue.
25

26 If Mr Grimes' sighting was of Mr Jones, it may well be
27 the case that the person seen walking further south at
28 around 10.40pm, as I have indicated, was Mr Jones. Had
29 Mr Jones made it that far, it seems unlikely that he would
30 then have made his way to Five Dock Park without the
31 intervention of a third party.
32

33 Alternatively, from Great North Road, Mr Jones may
34 have continued walking to Five Dock Park. It's also
35 possible that he was successful in his attempts to
36 hitchhike and that he was driven from Great North Road to
37 Five Dock Park. There's no evidence to suggest that this
38 occurred but the possibility, it's submitted, can't be
39 excluded.
40

41 The extensive canvassing of local residents did not
42 uncover evidence suggesting anyone heard or witnessed an
43 event consistent with Mr Jones having been taken to the
44 location forcibly. Whilst it's possible he could have been
45 forcibly taken to the location by car, it would seem more
46 likely that Mr Jones made his way to the park on foot
47 either alone or initially, at least, in the willing company

1 with another person. He may have been trying to reach the
2 bowling club which was located in the northeast corner of
3 the park. He may have been searching for a place to
4 urinate. It's also possible he may have been seeking
5 a sexual encounter. That map can come down for the present
6 time.

7
8 Commissioner, I now turn to make some remarks about
9 the question of Mr Jones' sexuality and how that may relate
10 to his presence in the park and the circumstances of his
11 death.

12
13 For reasons I will come to, it seems more likely than
14 not that the perpetrator of the crime was motivated by
15 a belief or understanding that Mr Jones was gay. Evidence
16 in relation to Mr Jones' sexuality is ambiguous. If he was
17 gay, there is no evidence that he was out. Several people
18 suggested that Mr Jones had no sexual interest in women and
19 that sexual matters appeared to make him uncomfortable.
20 Some of this evidence is set out at paragraph 17 of the
21 written submission.

22
23 Of particular note, on the account given by
24 Allan Adair, the two men at the Five Dock Hotel, by
25 reference to Mr Jones, said, "That bastard he's a queer,
26 he's a poof." In his initial call to New Zealand emergency
27 services, Mr Adair himself expressed the view that he
28 thought Mr Jones was gay.

29
30 It's also noted that there is evidence that, at the
31 time of the murder, Five Dock Park was or had recently
32 functioned as a beat. At paragraph 18 of the submission,
33 reference is made to evidence obtained by police from
34 a witness in January 1977 that the park had been "a regular
35 meeting place for homosexuals until about 18 months ago",
36 and that homosexuals were still seen there. The same
37 witness suggested that Mr Jones may have been killed
38 because of what he described as "friction between the 'gay'
39 and 'square' faction of the area."

40
41 Although in the material available to the Inquiry
42 there is no theory explicitly stated by the original
43 investigators that the murder had occurred at a beat and
44 may have involved gay hate bias, it seems evident that the
45 investigators were alive to the possibility that Mr Jones
46 may have been gay and/or that his death may have occurred
47 in circumstances that had been preceded by a sexual act.

1
2 Investigators frequently asked witnesses about
3 Mr Jones' sexuality. They received information about and
4 from men whom they pointedly describe as homosexual.
5

6 While it's noted that the evidence relating to the
7 presence of semen on Mr Jones' underpants and pants needs
8 to be treated with a degree of caution, it is potentially
9 consistent with Mr Jones having engaged in a sexual act
10 while at the park.
11

12 The gratuitous infliction of wounds well in excess of
13 those necessary to bring about the death, including wounds
14 inflicted after death, in what would appear to be
15 a frenzied fashion, would also seem consistent with there
16 being a hate-based motivation for killing Mr Jones.
17

18 Commissioner, I now turn to the question of the
19 assessment of the possible involvement of any known person
20 of interest. First I will say something about the person
21 who is referred to by the pseudonym "NP247".
22

23 The police investigative material contains records of
24 police having interviewed a man, NP247, who lived in the
25 adjoining suburb of Abbotsford and who was said to have had
26 a past homosexual relationship and who had met Mr Jones on
27 a number of occasions at the Five Dock Hotel and another
28 hotel in Leichhardt.
29

30 In 1977, relatives of NP247 brought him to the
31 attention of police as a potential suspect. They described
32 him as someone who was "mad keen on knives, swords and
33 similar weapons", and who had previously reacted in a
34 threatening manner when someone described him as
35 "a poofter".
36

37 NP247 was also said to go about in public either
38 barefoot or in thongs. Further details concerning NP247
39 and the police investigation of him are set out in the
40 written submission at paragraphs 41 to 47 and 85 to 88.
41

42 As set out in the written submission, it is
43 regrettable that police did not appear to have questioned
44 NP247 more extensively at the time, or to have sought to
45 determine whether his footprints may have potentially
46 matched those at the scene.
47

1 The Inquiry has sought certain records relating to
2 NP247. These confirm his treatment for schizophrenia and
3 that he died in 2001 in circumstances where he appears to
4 have taken his own life. It is therefore not now possible
5 to make further inquiries in relation to the possible
6 involvement of NP247 in Mr Jones' death, at least certainly
7 not inquiries of NP247 himself.

8
9 Commissioner, I now turn to a person who I will refer
10 to as NP246. I referred earlier to NP246, the young person
11 who was the subject of a police report in 1998 concerning
12 his possible involvement in the murder.

13
14 In addition to the report made in 1998, it's noted
15 that NP246 was regarded as a possible suspect at the time
16 of the original investigation in 1976. This came about
17 because police had been told, through two separate sources,
18 firstly, that in the days after the murder, he had been
19 bragging about knowing who the killer was; and, secondly,
20 that he had been described as the person responsible for
21 the murder by another young person.

22
23 Given that there are three separate reports over time
24 suggesting the possible involvement of NP246, or at least
25 that he had knowledge concerning the culprit, the Inquiry
26 has endeavoured to carefully consider evidence relevant to
27 him.

28
29 NP246 was 15 years of age at the time of Mr Jones'
30 death. He lived with his parents in Minnesota Avenue in
31 Five Dock, very close to Five Dock Park, and on the map
32 attached to the submission I think Minnesota Avenue can be
33 seen just to the south of the park.

34
35 He had attended the local high school, in year 7 at
36 least, but by the time he was 15 it appears that he had
37 been expelled or suspended from school, although he still
38 appears to have associated closely with his school-age
39 peers. He is also known to have been subject to Child
40 Welfare supervision and to have been the subject of an 8pm
41 curfew requirement that he be at home at his parents' place
42 from 8pm every evening.

43
44 According to one of his peers, who I will refer to as
45 "I392", with whom the Inquiry has spoken, NP246 would
46 frequently get into trouble and associated closely with
47 other young people known to have a propensity for offending

1 and violence.

2
3 When NP246 was interviewed by police in October 1976,
4 he gave an account indicating that he had returned home at
5 8.45pm on the evening of Mr Jones' death, having been out
6 visiting friends, and that he did not leave the house after
7 that time.

8
9 The only support for NP246's claim that he remained at
10 home from approximately 8.45pm onwards came from his
11 parents. The circumstances in which this information was
12 received from his parents is ambiguous in the relevant
13 occurrence book entry. It is quite possible that they
14 simply adhered to an account that NP246 had provided to
15 police in their presence. They may have been reluctant to
16 disclose to police that their son had been out much later
17 that night, had that been the case, in view of the curfew
18 he was under.

19
20 The Inquiry has obtained a coronial file relating to
21 the death of NP246, which establishes that he passed away
22 in 1983, aged 22, having overdosed on prescription
23 medication the day after his release from Gladesville
24 Hospital, where he was receiving treatment for
25 schizophrenia.

26
27 The Inquiry has also obtained police and health
28 records relating to NP246. Extracts from his hospital
29 records appear at tab 36 of the brief. A note made in his
30 records from Gladesville Hospital in 1981 states that NP246
31 would "threaten to kill anyone who made a homosexual pass
32 at him ."

33
34 I will return to the question of the relative
35 likelihood that NP246 may have been involved in Mr Jones'
36 death after finally considering the evidence that came to
37 light in 2018 from Mr Allan Adair, and I turn to that
38 evidence now.

39
40 Mr Adair recalled attending the Five Dock Hotel at
41 around 12.20 to 1.30pm on a Saturday before the murder. He
42 indicated in a statement he provided in 2018 that he was
43 with his brother, his father and some of his father's
44 friends. He recalled hearing a loud noise, looking outside
45 and seeing a light blue car stopped at the lights, belching
46 smoke, backfiring and stalling. The car, he said, was then
47 driven around the corner and parked at the back of the pub.

1
2 Mr Adair then recalled two men walking into the pub.
3 He described one as short and squat with black hair and the
4 other as taller and skinnier, with long blond hair. He
5 said that they were younger than he was. Mr Adair, when
6 making a statement, suggested that he was about 20 at the
7 time. In fact, he would have been 24.
8

9 The two men, Mr Adair says, saw Mr Jones sitting
10 underneath the windows at the far side of the bar.
11 Mr Adair recalled:

12
13 *They knew Barry because they kept saying,*
14 *"That bastard, he's a queer, he's a poof."*
15

16 Mr Adair recalled that it was mostly the skinny blond man
17 making these comments.
18

19 Mr Adair appeared to indicate in the call he made to
20 New Zealand emergency services his own understanding that
21 Mr Jones was gay, stating:

22
23 *That man was a homosexual man but it didn't*
24 *bother us.*
25

26 In his statement, Mr Adair said that the blond man took
27 a knife out of his jeans and showed it around. He
28 discussed its merits with Mr Adair. Mr Adair said, "That's
29 no good. It's not even sharp." The blond man said that it
30 would be good for slashing, but would be really good for
31 stabbing. Mr Adair said something like, "Rubbish. Put it
32 away, mate."
33

34 Mr Adair says that eventually the blond man put the
35 knife away. He described the knife as having "a handle
36 shaped like a deer's hoof at the end." Mr Adair said that
37 the two men were with the group for another hour or two,
38 after which Mr Allan Adair never saw them again.
39

40 Mr Adair subsequently saw a photo of the murder weapon
41 in some publicity associated with the murder. As a result,
42 he discussed the matter with his father. His father
43 effectively told Mr Adair not to talk about the incident
44 further. Mr Adair inferred that one of the older men
45 present, who it appeared knew one of the young men, would
46 not take kindly to the incident being talked about.
47

1 In information subsequently provided to the Inquiry by
2 Mr Adair, he observed as follows:

3
4 Firstly, he thought that both men were pretty young
5 and would have been around 18 or 19 years old. The shorter
6 man, he said, looked Greek or Italian, had curly hair and
7 was wearing a black T-shirt, black shorts and what he
8 described as black "jandals" or thongs.

9
10 The taller man, he said, had blond hair that was
11 straight and scraggly. He said it looked like it hadn't
12 been washed in weeks. He was wearing a light blue T-shirt
13 and again jandals. He indicated that he did not see
14 tattoos on either man.

15
16 The Inquiry has also received information from
17 Allan Adair's brother, who was also present on this
18 occasion. Although Allan Adair's brother does not recall
19 the incident to the same level of detail, he was able to
20 confirm the incident in general terms and recalls the two
21 men being in possession of the distinctive knife.

22
23 Commissioner, on balance and allowing for some
24 uncertainty as to precisely when the relevant event
25 occurred, and some of the surrounding circumstances, it's
26 submitted that the account given to police by Allan Adair
27 should be accepted as likely to be reliable in its core
28 features - namely, that on a weekend not long before
29 Mr Jones' death, Mr Adair encountered two young men at the
30 Five Dock Hotel who were in possession of a knife with the
31 same distinctive features as the murder weapon, and that
32 they made disparaging remarks about Mr Jones and his
33 presumed sexuality.

34
35 There's nothing to suggest that either of the Adair
36 brothers had any reason to fabricate their accounts,
37 particularly considering that Allan Adair contacted
38 authorities in New Zealand unprompted and voluntarily.

39
40 Detective Sergeant Costello, the New South Wales
41 officer who reviewed the information provided to the
42 New Zealand authorities, formed the view that Allan Adair
43 came across, when he spoke with him, as believable. Both
44 men came across as believable in their dealings with the
45 Inquiry. Albeit at a level of generality, Allan Adair's
46 brother corroborated the account of Allan Adair.

47

1 One curiosity about their account is the question of
2 why it was not reported to the authorities at some earlier
3 point in time. A possible explanation for this may lie in
4 Allan Adair's account that his father had cautioned him
5 against doing so on the basis that one of the other older
6 men present at the pub on the relevant occasion would not
7 take kindly to this occurring. It may be that Mr Adair
8 felt more comfortable raising the matter in 2018 by which
9 time his father and his father's associates had passed
10 away.

11
12 On the basis that their accounts appear to be reliable
13 in their core features, given the similarity between the
14 knife described by Allan Adair and his brother and the
15 distinctive murder weapon and the disparaging remarks made
16 about Mr Jones, it's submitted that it's likely that one or
17 both of the two young men who attended the Five Dock Hotel
18 were involved in Mr Jones' murder.

19
20 One question that arises is whether or not the
21 possible involvement of NP246 could be reconciled with the
22 proposition that Mr Jones was murdered by one or both of
23 the two young men who attended the Five Dock Hotel. In
24 that respect, the following matters are noted:

25
26 NP246 was 15 years old at the time and was somewhat
27 younger than the ages estimated by Allan Adair in relation
28 to the two young men - namely, that they were around 18 or
29 19 years old.

30
31 Secondly, the physical description of NP246 does not
32 easily map the description of either of the two young men
33 provided by Allan Adair. Although he was short and of
34 Greek descent, NP246 was not, in 1976, of stocky build, and
35 his hair colour appears to have been some what lighter than
36 that of the shorter man remembered by Allan Adair.

37
38 Thirdly, it's also noted that NP246 is known, as
39 at September 1976, to have had distinctive tattoos that
40 would likely have been visible to Allan Adair, noting that
41 Allan Adair did not recall seeing any tattoos on either of
42 the two young men who, on his account, were wearing
43 T-shirts.

44
45 Although unlikely, the possibility exists that NP246
46 could have been the shorter of the two men remembered by
47 the Adairs. Another possibility is that he could have had

1 an association with the two men, although such
2 a possibility rests largely on speculation.

3
4 Commissioner, I now turn to submissions on the
5 questions of bias and cause and manner of death.

6
7 Notwithstanding that the Inquiry is not presently able
8 to identify the perpetrator or perpetrators of Mr Jones'
9 murder, it's submitted that, on the available evidence, it
10 is probable that Mr Jones' death was one in which LGBTIQ
11 bias was a factor.

12
13 In particular, I note three matters. First, Mr Jones'
14 presence at the park may have been for the purpose of
15 engaging in sexual activity with another male, having
16 regard to the following: that Five Dock Park was or had
17 been a beat or what has been described as "a regular
18 meeting place for homosexuals" in the words of a local man
19 who was gay who police interviewed at the time of the
20 original investigation; further, there's strong evidence
21 that Mr Jones was not sexually attracted to women, as well
22 as some evidence that he may have been gay, including more
23 recently from Allan Adair; and, further, the presence and
24 age of the semen on Mr Jones' penis and clothing was
25 potentially consistent with him having engaged in sexual
26 activity at a time proximate to his death, although again,
27 acknowledging what has been said about the possibility that
28 this could have been a post-mortem artefact.

29
30 If Mr Jones were a gay man, it would not be surprising
31 if he were not out in 1976, given the social and legal
32 treatment of the LGBTIQ community at the time.

33
34 The second matter I note, Commissioner, is the
35 frenzied nature of the attack on Mr Jones, including wounds
36 that were inflicted after death. It is suggested that
37 these are consistent with Mr Jones' murder having been
38 a hate crime.

39
40 In her expert report to the Inquiry, Professor Nicole
41 Asquith observed that an extreme level of violence:

42
43 *... is [an] appropriate [indicator] for*
44 *assessing some hate crimes, especially*
45 *those involving interpersonal violence.*

46
47 Other than the account given by Allan Adair, there is

1 no evidence that any person had significant personal animus
2 towards Mr Jones that might have motivated such a frenzied
3 attack.
4

5 The third matter I point to, Commissioner, is that
6 there is evidence of Allan Adair that one of the young men
7 in the Five Dock Hotel expressed hate towards Mr Jones and
8 used homophobic slurs to do so. Whether or not Mr Jones
9 was actually gay, the evidence is that he was perceived to
10 be gay by one of his likely attackers.
11

12 Commissioner, in relation to the manner and cause of
13 death, as referred to earlier, Coroner Parnell found that
14 Mr Jones died on 26 September 1976 in the grandstand of
15 Five Dock Park, Park Road, Five Dock, from haemorrhage and
16 respiratory failure due to multiple stab wounds to the
17 chest and abdomen, inflicted by a person or persons
18 unknown. It is submitted that the Inquiry should make
19 a finding in the same terms. The evidence does not permit
20 the Inquiry to identify the person or persons who killed
21 Mr Jones.
22

23 Commissioner, that completes the submission.
24

25 THE COMMISSIONER: Thank you.
26

27 MR BARRIE: The Commissioner of Police wishes to reserve
28 her position and also to offer her condolences to the
29 family and friends of Mr Jones.
30

31 THE COMMISSIONER: Thank you. Thank you very much.
32 I will now adjourn. Thank you.
33

34 **SHORT ADJOURNMENT**

35
36 THE COMMISSIONER: Yes, Ms O'Brien?
37

38 MS O'BRIEN: Commissioner, I appear to assist you,
39 instructed by Ms Jez and Mr Tanazefiti.
40

41 THE COMMISSIONER: Thank you.
42

43 MR BARRIE: Barrie, for the Commissioner of Police.
44

45 THE COMMISSIONER: Thank you.
46

47 MS O'BRIEN: Commissioner, these submissions concern the

1 death of Peter Karl Josef Baumann. The death of Peter
2 Baumann has been determined to fall within Category B of
3 the Inquiry's Terms of Reference - that is, Mr Baumann's
4 death is an unsolved suspected hate crime death in
5 New South Wales that occurred between 1970 and 2010, where
6 the victim was, or was perceived to be, a member of the
7 LGBTIQ community and the death was the subject of
8 a previous investigation by the NSW Police Force.
9

10 The manner in which this Inquiry has sought to
11 identify cases that fall within Category B of the Inquiry's
12 Terms of Reference was outlined to you in submissions made
13 in November 2022.
14

15 Commissioner, before I commence my submissions, I have
16 some short minutes of order with respect to non-publication
17 orders in this matter, which I understand are consented to
18 by the Commissioner.
19

20 THE COMMISSIONER: Thank you.
21

22 MR BARRIE: Yes, those are by consent.
23

24 THE COMMISSIONER: Thank you.
25

26 MS O'BRIEN: Commissioner, I also have a tender bundle to
27 hand up. It consists of 94 tabs of documents. Tabs
28 numbers 1 to 83 consist of materials provided by the
29 Coroners Court and the NSW Police Force, the bulk of the
30 material being documents provided by the NSW Police Force.
31

32 THE COMMISSIONER: Thank you.
33

34 MS O'BRIEN: Most of that material was provided in August
35 2022, but I note in particular, Commissioner, an additional
36 401 pages were produced late last Thursday evening.
37

38 Tabs 84 to 94 of that material relate to the
39 investigative steps undertaken by the Inquiry.
40 I understand from my instructor that that is to be
41 exhibit 42.
42

43 **EXHIBIT #42 TENDER BUNDLE**
44

45 MS O'BRIEN: I also seek to hand up a family statement
46 prepared by Mr Baumann's siblings for the Inquiry's
47 consideration, which I understand is to be exhibit 43.

1
2 THE COMMISSIONER: Thank you.
3

4 **EXHIBIT #43 FAMILY STATEMENT IN RELATION TO THE DEATH OF**
5 **PETER BAUMANN**
6

7 MS O'BRIEN: Commissioner, Senior Counsel Assisting and
8 Counsel Assisting have also prepared written submissions
9 which we rely on today and provide some more detail on some
10 of the matters I wish to address today in oral submissions.
11 They have just been handed to your associate now,
12 Commissioner.
13

14 Commissioner, Mr Baumann was a German man who arrived
15 in Australia in December 1981. He was a musician and
16 composer and was hoping to make a living as a musician and
17 composer in Australia. He played the guitar and the piano
18 and he composed his own songs.
19

20 The Inquiry has obtained a picture of Mr Baumann,
21 which I will request be brought up on the screen now
22 [NPL.0131.0001.3803].
23

24 Commissioner, Mr Baumann was 25 years old when he
25 disappeared in or around October 1983. At the time, he was
26 living in Cross Street, which was then in Waverley but is
27 now in Bronte. He was reported missing to the police by
28 his landlady, to use the language of the time, Ruth Binney,
29 by at least 29 November 1983, but there is evidence that
30 the police knew of his disappearance prior to this.
31

32 However, Commissioner, there is no evidence of any
33 police investigation into Mr Baumann's disappearance until
34 1992 or 1993, or nearly 10 years after Mr Baumann
35 disappeared.
36

37 Mr Baumann has never been located and his remains have
38 never been found or identified. No criminal proceedings
39 have been instituted in relation to his death and, indeed,
40 no persons of interest have been identified. No exhibits
41 were retained, meaning that it is not possible to subject
42 any items for forensic testing using the technology of the
43 present day.
44

45 On 4 August 2009, Deputy State Coroner Milovanovich
46 found that Mr Baumann was deceased, but his Honour was
47 unable to determine the precise date, place or manner and

1 cause of his death.

2
3 Sadly, Mr Baumann's parents are now deceased, but
4 Mr Baumann is survived by six brothers and sisters and
5 I understand that all of them reside in Germany. They were
6 not informed that a missing persons report had been made
7 about their son and brother for over 10 years, nor were
8 they informed about the circumstances in which he
9 disappeared.

10
11 We understand that at least some of Mr Baumann's
12 siblings are watching the live stream of this hearing
13 today.

14
15 Commissioner, this afternoon I would first like to
16 address the factual background to Mr Baumann's
17 disappearance. Mr Baumann arrived in Sydney on 11 December
18 1981 on a temporary visa that was valid until July 1982.
19 After arriving in Australia, Mr Baumann appears to have
20 worked as a musician for a period, before being employed by
21 the Australian Broadcasting Commission, as it then was, or
22 the ABC, as an assistant sound librarian. He was initially
23 employed by the ABC using the surname Moltzen.

24
25 Mr Baumann appeared to live at various places in and
26 around Sydney, but he moved to the Cross Street address, in
27 what is now Bronte, in or around late 1982 to early 1983.
28 Ms Binney collected the rent from Mr Baumann on
29 a fortnightly basis and she provided him with rent receipts
30 in the name of Peter KJ Ann, in accordance with
31 Mr Baumann's request.

32
33 The property that he lived in was a house that was
34 converted into five flats. At the time of his
35 disappearance, only one other flat was occupied by
36 a Japanese cartoonist named Hiroshi Hamasaki.

37
38 Shortly after arriving in Australia, Mr Baumann met
39 a woman named Sharmalie Seneviratne. Mr Baumann first
40 approached Ms Seneviratne in around December 1981 while she
41 was working in a gift shop in Sydney. According to
42 Ms Seneviratne, the two struck up a relationship that
43 lasted until around July 1982.

44
45 Despite having particular knowledge of the
46 circumstances of Mr Baumann's disappearance, as I will
47 speak to later, no statement was obtained from

1 Ms Seneviratne until 1993. In her statement, she speaks
2 about how Mr Baumann asked her to marry him some three
3 months into their relationship, but she rejected the
4 proposal on the basis that she was young and she also
5 harboured suspicions that he may be using the marriage to
6 gain permanent residency. They broke up in early 1982 and
7 had limited contact until just prior to Mr Baumann's
8 disappearance in October 1983.

9
10 Mr Baumann was also in a relationship with Allan Smyth
11 from around December 1981 until he disappeared in October
12 1983. Despite the nature of their relationship,
13 a statement was not obtained from Mr Smyth until 1993.

14
15 In that statement, Mr Smyth gives evidence about,
16 among other things, Mr Baumann's fear of returning to
17 Germany and that just prior to his disappearance, he was
18 being extorted or blackmailed by the "protectors" of his
19 wife, whom Mr Smyth alleged was a sex worker. None of
20 these lines of inquiry were followed up by the police at
21 the time.

22
23 Mr Smyth also provided evidence concerning the days
24 leading up to Mr Baumann's disappearance, which I will deal
25 with shortly.

26
27 During the period of Mr Smyth and Mr Baumann's
28 relationship, Mr Smyth was living with another man called
29 Mervyn Oliver Keasberry, who went by the name of "Oliver",
30 in Artlett Street in Edgecliff, and the two men had been
31 living together since 1971 and, indeed, they continued to
32 live together until Mr Smyth died in 2016. The nature of
33 the relationship between Mr Smyth and Mr Keasberry is less
34 clear.

35
36 As I alluded to, Commissioner, Mr Baumann got married
37 whilst he was in Australia. In or around March 1982,
38 Mr Baumann met Cherie Foster who, according to Ms Foster,
39 the two met in Byron Bay and Mr Baumann told her that he
40 was looking to marry an Australian so that he could stay in
41 the country and that he was willing to pay some money to do
42 so.

43
44 Ms Foster, who also only gave a statement to police
45 in 1993, could not remember the exact amount, but she said
46 that it was not a large sum of money.

1 After some discussions, Mr Baumann married Ms Foster
2 in Sydney on 12 June 1982. Ms Foster attributes her
3 decision to marry Mr Baumann to her sympathetic nature.
4 She states that she certainly did not agree to do it for
5 the money, and the regular payments made to her of \$70 per
6 week merely compensated for the welfare benefits she became
7 disentitled to upon marriage.

8
9 On 29 April 1983, Mr Baumann was granted permanent
10 residency and according to Ms Foster, she and Mr Baumann
11 filed for divorce in or around June or July 1983.

12
13 Commissioner, I should note at this point that there
14 is other corroborating evidence to suggest that this
15 marriage was for the purposes of obtaining Australian
16 permanent residency.

17
18 I should also note that there is some corroborating
19 evidence that Ms Foster was a sex worker or said she was
20 a sex worker, in that Ms Foster's boyfriend at the relevant
21 time told police much later on, in 2007, that she said she
22 was "a prostitute", but she did not go into any detail, and
23 that as far as he knew, she did not have any pimp or
24 protectors.

25
26 This same boyfriend said that he attended Mr Baumann's
27 residence on one occasion and he was otherwise not aware of
28 any money being provided by Mr Baumann to Ms Foster.

29
30 Mr Smyth's suggestion that Ms Foster's protectors were
31 extorting or blackmailing Mr Baumann were otherwise never
32 followed up.

33
34 If I can move on now to the events directly
35 surrounding Mr Baumann's disappearance. According to
36 Ms Seneviratne, Mr Baumann telephoned her "one Friday at
37 about 7pm out of the blue." They spoke on the telephone
38 for around 30 to 40 minutes and she observed that he
39 sounded very relaxed. They arranged to meet the next day.

40
41 However, after hanging up, she became suspicious that
42 he had called her out of the blue and so she looked up
43 Mr Baumann's details in the phone book. Ms Seneviratne
44 then telephoned that number and Mr Baumann answered the
45 phone. She said that Mr Baumann became very angry and
46 sounded almost scared. During that conversation, the
47 telephone, and I quote from her statement, "went dead in

1 his mid sentence." Ms Seneviratne was unable to call
2 Mr Baumann back despite a number of attempts to do so.

3
4 Ms Seneviratne was worried. At about 9pm to 9.30pm,
5 she went to the Cross Street house. She said that when she
6 arrived, the door was open and the flat was untidy.
7 Clothes were scattered across the room and there were full
8 ashtrays and beer bottles lying around. She said, and
9 I quote:

10
11 *[It] looked as though there had been*
12 *a struggle in the room.*

13
14 and that, and I quote again:

15
16 *A small cushion had been burnt in the*
17 *shower recess.*

18
19 According to Ms Seneviratne, she then left the
20 Cross Street house, but, as she did so, she saw something
21 sticking out of the letterbox. She grabbed it. She
22 observed that there was an address on the back of the
23 letter. She then drove to that address. That address was
24 in Artlett Street in Edgecliff and was the home of Mr Smyth
25 and Mr Keasberry.

26
27 According to Ms Seneviratne, when she arrived at that
28 address, she spoke to a man she described as "Caucasian,
29 five foot eight, medium build, thirtyish, balding, dressed
30 all in black", and that he spoke with a German accent.
31 Based on the description, it is likely this person was
32 Mr Keasberry.

33
34 Ms Seneviratne asked about Mr Baumann's whereabouts
35 but was told he should be at home. The man stated he would
36 then take a jog down to Mr Baumann's place.

37
38 Ms Seneviratne did not retain a copy of the letter she
39 took from the letterbox at Mr Baumann's house, but she did
40 remember its contents. And if I could put her 1993
41 statement up on the screen [SC0I.34228_0001], I can show
42 you, Commissioner, Ms Seneviratne's recollection. It is on
43 page 5, if we can, of what this letter actually said. You
44 can see at the top of that page there, Commissioner:

45
46 *The letter was addressed to Peter and was*
47 *about a page long and said, "Dear Peter,*

1 *I have finally told Oliver about us.*
2 *I have told him how much I love you and*
3 *that I want to be with you. I have also*
4 *told him that I want to sell the house, but*
5 *[this word was unreadable] was giving him*
6 *a hard time about selling the house."*
7 *I don't recall the rest of the letter in*
8 *the first person. It said that how much he*
9 *cares for Peter and how much he wants to be*
10 *with him. The signature just said either*
11 *Dillian or William.*

12
13 Thank you. That can be taken down now.

14
15 According to Ms Seneviratne, she returned to the
16 Cross Street premises the next day and Mr Baumann's flat
17 was in the same condition as it was in the previous day.

18
19 According to Ms Seneviratne, she notified Ms Binney
20 a few weeks later, who told her that she had reported the
21 matter to the police.

22
23 What must be noted, however, is that later on,
24 evidence was obtained from Ms Seneviratne's cousin and
25 sister in 2007, who was said to have gone with her on each
26 of these respective trips to Mr Baumann's house, but this
27 evidence does not necessarily corroborate Ms Seneviratne's
28 version of events.

29
30 However, according to a statement provided by
31 Ms Binney to police in 1993, she became aware that
32 Mr Baumann was missing some time in October 1983. When she
33 became aware of this, she inspected Mr Baumann's flat and
34 she saw:

35
36 *...the armchair turned over, his jacket was*
37 *on the bed and it looked as though he was*
38 *packing his clothes into plastic bags...*
39 *and his bed pillow was lying in the shower*
40 *half burnt.*

41
42 Ms Binney also noted that the word "AIDS" was written on
43 the mirror. Ms Binney said that upon inspecting the flat,
44 she notified the police.

45
46 The official missing persons report provided by the
47 police is dated 29 November 1983 and indicates that

1 Ms Binney was, in fact, the informant.
2

3 Now, Mr Smyth, who also did not provide a statement to
4 the police until 1993, provided his own account of
5 Mr Baumann's last-known movements. Mr Smyth said he last
6 saw Mr Baumann on a Sunday when he visited him in his flat.
7 Mr Smyth stated that on the following Tuesday or Wednesday,
8 after Mr Baumann failed to meet with him as arranged, he
9 became worried and attended the Cross Street house. He
10 observed that Mr Baumann's flat front door was open, his
11 bed had not been made, but that his guitar, which was quite
12 valuable, and everything was intact. He did not, however,
13 report that incident to the police.
14

15 According to Mr Smyth, later that week he received
16 a telephone call from a man at the ABC asking if he had
17 seen Peter. Mr Smyth also said a man and a lady attended
18 his residence a couple of weeks after Mr Baumann's
19 disappearance at about 8.30pm one evening. He stated that
20 these two people asked about Mr Baumann's whereabouts and
21 told him that they were worried for his welfare. His
22 descriptions of the woman who attended his home do not
23 match other and probably more reliable descriptions of
24 Ms Seneviratne.
25

26 At some stage during the course of the police
27 investigation, the police concluded that the conversation
28 between Ms Seneviratne and Mr Baumann occurred on or around
29 26 October 1983 and that the meeting with Mr Smyth occurred
30 the Sunday prior to that. I will deal with the issue of
31 timing shortly.
32

33 As I have submitted, Commissioner, there was no police
34 investigation following Mr Baumann's disappearance in 1983,
35 and by the end of the 1980s, the police had not done
36 anything in relation to this case other than obtain some
37 personal information from Mr Baumann and conduct some
38 routine checks.
39

40 Indeed, the evidence before this Inquiry is that this
41 matter was not investigated substantively until 1993. It
42 is not known why this was, but the catalyst for the further
43 investigation may have been inquiries made by
44 Ms Seneviratne or via Mr Baumann's family made through
45 Interpol.
46

47 Nonetheless, in 1993/1994, a number of statements were

1 finally obtained from witnesses. These included
2 Ms Seneviratne, Mr Smyth, Ms Binney and Ms Foster, and
3 there is no indication that these witnesses had previously
4 provided a statement to police.

5
6 Commissioner, as you will note from the written
7 submissions prepared by Counsel Assisting, there are
8 several issues arising out of the evidence provided by
9 these various witnesses in this case that are worth
10 considering when trying to establish what happened prior to
11 Mr Baumann's disappearance and when it happened. These
12 various inconsistencies are set out in the written
13 submissions at paragraphs 101 to 107, although I don't
14 propose to go into them in any detail now.

15
16 However, what is apparent is that there are
17 inconsistencies between the witness accounts and that this
18 may be attributable, in whole or in part, to the passage of
19 time and the capacity of human memory to telescope periods
20 of time or to recall events but misremember the order in
21 which those events occur.

22
23 It is submitted that even despite this, this evidence
24 raises many questions that NSW Police did not seek to
25 explore, and that no steps were taken to reconcile these
26 inconsistencies in 1993 or 1994.

27
28 Although some steps were later taken in 2007 to
29 ascertain the reliability of this evidence and to test the
30 veracity of the accounts provided, it is also my submission
31 that these steps were incomplete and once again rendered
32 more difficult due to the passage of time.

33
34 In 1994, Commissioner, Mr Baumann's brother and sister
35 had come out to Australia and they met with the NSW Police.
36 The NSW Police spoke with Mr Baumann's brother and sister
37 and informed them about Mr Baumann's case. As at this
38 date, Mr Baumann's family had only recently been informed
39 there had been a missing persons report about their son and
40 brother.

41
42 NSW Police Force records indicate as follows, and
43 I quote:

44
45 *[The] Baumanns appear to be distressed as*
46 *to the lack of Police action taken.*
47

1 In my submission, such a response would have been perfectly
2 justifiable in the circumstances.

3
4 Commissioner, even extraneous to the statements
5 provided, there were matters that were or should have been
6 apparent to the police that the NSW Police did not follow
7 up.

8
9 In 1992, and just after speaking to police about
10 Mr Baumann's disappearance, Ms Seneviratne made various
11 inquiries and obtained the contact number of Mr Smyth. She
12 telephoned him. She asked whether he knew where Mr Baumann
13 was. Mr Smyth apparently said to her, "Sorry, I haven't
14 heard from him in years."

15
16 Ms Seneviratne telephoned the same number again and
17 asked to speak to Dillian. The person she then spoke to
18 became upset when she told him what she had read in the
19 letter, then they told her that they were in the security
20 business and they would find out who she was.

21
22 Evidence available indicates that at the time, both
23 Mr Smyth and Mr Keasberry had a connection with the
24 security industry.

25
26 In terms of Mr Smyth, there is other evidence before
27 this Inquiry that suggests that prior to finalising his
28 statement on 15 October 1993, Mr Smyth telephoned police.
29 He told police that Mr Baumann was probably accidentally
30 killed by unknown persons and that his body was, and
31 I quote, "probably dumped in the bush."

32
33 The records provided by the police further indicate
34 that Mr Smyth told them he wished to speak privately about
35 the matter in the future. There is nothing to suggest that
36 the police followed up Mr Smyth or acted on his desire to
37 speak privately to them. In 2007, when spoken to again by
38 the police, Mr Smyth denied having ever said this.

39
40 Furthermore, at some stage during the police
41 investigation, Mr Smyth told police not to speak to
42 Mr Keasberry. For some reason, whether they simply acceded
43 to this request or not, the police never spoke to
44 Mr Keasberry.

45
46 Since the first investigation into Mr Baumann's
47 disappearance, and I'm talking 1993 to 1994, further

1 sporadic attempts appear to have been made to attempt to
2 locate Mr Baumann, with a more substantive attempt being
3 made between 2005 to 2007 during which time Strike Force
4 Blissett was established to investigate Mr Baumann's
5 disappearance. However, this investigation only amounted
6 to an incomplete attempt to pursue lines of inquiry that
7 had already arisen in 1993 and, in any event, was clearly
8 also hampered by the passage of time and the ability of
9 witnesses to recollect events that had occurred in 1983.

10
11 However, by this time, Commissioner, the police
12 concluded that Mr Baumann had likely met with foul play.
13

14 In 2016, this matter was submitted to the Unsolved
15 Homicide Team for consideration about whether to
16 reinvestigate this matter. However, and in the words of
17 Detective Chief Superintendent John Kerlatec, the matter,
18 in his opinion, had been "adequately investigated".
19

20 Commissioner, I haven't, in my oral submissions, gone
21 through all of the various steps taken by police, but for
22 your reference, they're set out at paragraphs 117 to 138 of
23 Counsel Assisting's written submissions.
24

25 Commissioner, while I'm on the topic of the evidence,
26 there is one point I wanted to make in relation to the
27 timing of Mr Baumann's disappearance. As I have submitted,
28 Deputy State Coroner Milovanovich found that Mr Baumann
29 died on or around 26 October 1983. This finding was
30 consistent with the information that the NSW Police
31 provided his Honour with. However, in my submission, the
32 evidence before the Inquiry supports the proposition that
33 Mr Baumann was seen after this date; in particular, there
34 is contemporaneous documentation that Mr Baumann was
35 recorded as having "walked off duty at about 11.30am on
36 27 October" at his place of employment, being the ABC.
37

38 As I have alluded to, Commissioner, the evidence
39 obtained in 1993 is likely afflicted by the effect that the
40 passage of time has had on human memory. My submissions
41 about the likely or possible dates that the relevant events
42 occurred is discussed at length in the written submissions.
43

44 Finally, it is not in itself clear how the police
45 arrived at 26 October as the relevant date Mr Baumann
46 disappeared. That issue will be addressed when I come to
47 address you, Commissioner, in relation to the findings that

1 Counsel Assisting submits should be made.

2
3 Commissioner, I would now like to take this
4 opportunity to address you on the police investigation into
5 this case and specifically on some key opportunities that
6 were missed. These are set out in Counsel Assisting's
7 written submissions at paragraphs 19 to 33.

8
9 Commissioner, it might not be surprising that Counsel
10 Assisting's submission is that the most striking aspect of
11 the NSW Police Force's investigation into this case is in
12 its absence. There are no records of any investigation
13 being conducted by the NSW Police into Mr Baumann's
14 disappearance in 1983, and that is despite the facts
15 outlined to you earlier that police were aware of
16 Mr Baumann's disappearance, and, given that the
17 circumstances of that disappearance were, in fact,
18 suspicious, it should have been investigated accordingly.

19
20 As noted, it was not until between 1992 to 1994, with
21 the most substantive steps being taken in 1993, that an
22 investigation into Mr Baumann's disappearance was conducted
23 by the police's Missing Persons Unit. The failure to
24 properly investigate Mr Baumann's disappearance in 1983
25 created a situation where it was much more difficult, even
26 by the early to mid 1990s, to conduct such an
27 investigation.

28
29 In terms of the key steps that should have been taken
30 but weren't, well, first, the NSW Police should have
31 conducted a proper investigation into Mr Baumann's
32 disappearance in the immediate aftermath of his
33 disappearance.

34
35 If the evidence that was later obtained is reliable,
36 Mr Baumann disappeared in circumstances where the word
37 "AIDS" was written on a mirror, his room was in disarray, a
38 pillow was burnt in the shower and all of Mr Baumann
39 personal effects, including the valuable ones, were left
40 behind. The circumstances are, very plainly, suspicious
41 ones.

42
43 It seems that no attempt was made to locate relevant
44 witnesses who could have been located with simple
45 inquiries. It appears, based on the absence of any such
46 material produced to this Inquiry, that no crime scene was
47 established, no photographs were taken and no exhibits were

1 retained. Needless to say, this failure has limited the
2 ability of subsequent investigators and other finders of
3 fact to establish the manner and cause of Mr Baumann's
4 death.

5
6 Although the Inquiry has no information about whether,
7 and if so, the extent to which this breached any policy or
8 protocol, the failure to investigate, in my submission, was
9 a material oversight or deficiency in the NSW Police
10 response to Mr Baumann's disappearance.

11
12 Secondly, Commissioner, the NSW Police should have
13 sought to speak with Mr Baumann's associates as soon as
14 practicable after he disappeared.

15
16 It is possible that the various inconsistencies
17 contained in many of the police statements, the first
18 tranche of which was taken almost 10 years after Mr Baumann
19 disappeared, may have been avoided. Furthermore, this may
20 have provided with the police with the opportunity to
21 better test the reliability of that evidence.

22
23 With the passage of time it also became impossible to
24 locate certain witnesses - for example. Mr Hamasaki,
25 Mr Baumann's neighbour, was never able to be located. It
26 also appears that some potential witnesses, such as
27 Mr Baumann's colleagues at the ABC, were not spoken to at
28 all.

29
30 Third, and to the extent that an investigation was
31 conducted, albeit late, that investigation should have
32 ensured that its understanding of events was as accurate as
33 possible, particularly in relation to understanding the
34 chronology around Mr Baumann's disappearance.

35
36 As explained earlier, there are significant
37 discrepancies in the chronology around when precisely
38 Mr Baumann disappeared. In some of the police
39 documentation, particularly that produced in more recent
40 years, little regard appears to have been paid to the
41 contemporaneous documentation in favour of reciting errors
42 contained in non-contemporaneous documentation.

43
44 It is submitted, Commissioner, that in investigations,
45 particularly when a long period of time has elapsed between
46 the relevant events and the investigation, those
47 investigations need to be mindful of the unreliability of

1 reconstructions based on recollection many years later, and
2 the primacy of whatever objective contemporaneous records
3 that can be obtained should be considered.
4

5 Finally, it is submitted that even when this matter
6 was investigated, the investigation was inadequate. As at
7 1994, there were still several significant avenues of
8 inquiry available to the police which were not pursued then
9 and which, through the passage of even more time, have
10 become even harder to pursue later, let alone in the
11 present day.
12

13 Commissioner, the next matter I wish to address is the
14 steps taken by the Inquiry in relation to Mr Baumann's case
15 and the outcome of those steps.
16

17 I won't go into detail about all the steps the Inquiry
18 has taken but they are outlined at paragraphs 38 to 57 of
19 Counsel Assisting's written submissions. I will, however,
20 provide you with a broad overview of what these steps
21 entailed.
22

23 First, the Inquiry took steps to obtain the relevant
24 documentary materials, including from the Coroners Court
25 and from the main repository of these records, the
26 NSW Police Force.
27

28 The relevant requests and summonses were issued for
29 these documents and, once received, the Inquiry reviewed
30 and analysed these documents, which amounted to
31 a considerable amount of material in this particular case.
32

33 Second, the Inquiry issued summonses or made requests
34 of the New South Wales Registry of Births, Deaths and
35 Marriages; NSW Health; St Vincent's Hospital; and Services
36 Australia.
37

38 Third, contact was made with key witnesses, the
39 Forensic and Analytical Science Service, or FASS, and
40 Mr Baumann's family.
41

42 Fourth, the Inquiry liaised with the NSW Police Force
43 about an unidentified body in the Northern Territory that
44 the Northern Territory Police Force thought might have been
45 Mr Baumann at one particular stage.
46

47 The outcomes of each of these steps are set out in my

1 written submissions, however, there are a couple of notable
2 matters.

3
4 First, the NSW Police Force confirmed that the DNA
5 comparison that was conducted in the Northern Territory did
6 not support the conclusion that those remains identified
7 were those of Mr Baumann.

8
9 Second, it was established that the DNA profile held
10 by FASS in relation to Mr Baumann's mother is not
11 sufficient to conduct all types of DNA testing that are
12 available to FASS to be conducted.

13
14 Third, the Inquiry located no evidence to indicate
15 that Mr Baumann was HIV positive.

16
17 Two other further steps of note are the fact that the
18 Inquiry conducted a search of the National Coronial
19 Information System for any further information in relation
20 to Mr Baumann's disappearance with no relevant results, and
21 the Inquiry also took certain steps by way of private
22 hearing.

23
24 Commissioner, I will now address the question of
25 whether any findings can be made in relation to whether any
26 anti-LGBTIQ hate or bias was involved in Mr Baumann's
27 death.

28
29 Mr Baumann was a gay or bisexual man and at the time
30 of his disappearance he was in a relationship with another
31 man. As previously submitted, Mr Baumann had at least two
32 relationships with women whilst in Australia, including
33 a marriage. However, there is evidence to suggest that
34 Mr Baumann may have pursued these relationships with a view
35 to obtaining Australian permanent residency, which he did
36 obtain in April 1983.

37
38 The fact that the word "AIDS" was apparently written
39 on a mirror in Mr Baumann's flat means that there is
40 a reasonable and objective basis to suspect homicide with
41 a hate or bias motive.

42
43 In this respect, Commissioner, it is important to bear
44 in mind that bias on the basis of sexuality and on the
45 basis of HIV status are distinct. However, those biases
46 may overlap, especially given social perceptions and
47 attitudes to homosexuality at the time of Mr Baumann's

1 disappearance.

2
3 Nonetheless, the Inquiry's ability to assess whether
4 any LGBTIQ bias was involved in Mr Baumann's death is
5 compromised by the fact that it is not obvious or plain
6 that Mr Baumann died as a result of foul play and, if so,
7 it is not clear who was involved in his death and why.

8
9 And yet, even if Mr Baumann was not the victim of
10 a hate or bias crime, it is possible that the failure of
11 the police to investigate the disappearance thoroughly in
12 1983 was influenced by bias, given that his disappearance
13 was plainly suspicious and given what is known about the
14 widespread bias in the Police Force and the community in
15 1983.

16
17 However, given the absence of records, no affirmative
18 conclusion can be drawn in that respect.

19
20 Ultimately, the submission of Counsel Assisting is
21 that the circumstances of and motivation for Mr Baumann's
22 disappearance and suspected death are unclear.

23
24 The evidence available does not allow any positive
25 conclusions to be drawn about whether Mr Baumann's death
26 was occasioned as a result of an LGBTIQ hate or bias crime.

27
28 There are a number of available hypotheses as to the
29 manner and cause of Mr Baumann's death or disappearance.

30
31 First, there is the possibility that Mr Baumann may
32 still be alive and living under an assumed identity. This
33 was considered by the police as a possible or likely
34 explanation for his disappearance in 1993 or 1994. It's
35 a hypothesis that could be supported by the fact that
36 Mr Baumann used at least two aliases. It could also be
37 supported by evidence that suggests Mr Baumann was
38 reluctant to return to Germany. Finally, all proof of life
39 checks have returned unsuccessful results since the police
40 began making them in 1992.

41
42 In my submission, Commissioner, although it is highly
43 doubtful that Mr Baumann is still alive, this hypothesis
44 cannot be completely ruled out.

45
46 Second is the hypothesis that Mr Baumann may have died
47 by suicide. The police had differing views about whether

1 this was likely. However, the Inquiry has no information
2 about Mr Baumann's medical history, although there is some
3 non-medical evidence about changes in Mr Baumann's
4 behaviour shortly prior to his disappearance and a decline
5 in his mental health. There is also evidence that in the
6 days or weeks preceding his disappearance, Mr Baumann was
7 absent from work apparently due to an illness. However,
8 any evidence said to support the hypothesis of suicide must
9 be considered against other evidence, including that
10 Mr Baumann had successfully obtained permanent residency
11 in April 1983 and had secured ongoing employment.
12

13 In Counsel Assisting's submission, the evidence does
14 not support any finding that Mr Baumann died by suicide to
15 the requisite standard.
16

17 Third, the hypothesis that Mr Baumann's death might
18 have been caused by associates of Ms Foster. Support for
19 this hypothesis can be obtained from evidence that Mr Smyth
20 provided in his statement to police, although, importantly,
21 it is not corroborated in any substantive way by any other
22 evidence before this Inquiry. Furthermore, it does not
23 appear that this hypothesis was pursued by the police and
24 it appears that no effort at all was made to identify
25 Ms Foster's protectors or whether, in fact, any threats had
26 been made to Mr Baumann.
27

28 What is notable, however, is that by the mid 2000s,
29 the police started to favour the view that Mr Baumann died
30 as a result of foul play.
31

32 Fourth, and another hypothesis involving foul play,
33 was that Mr Baumann may have been killed as a result of his
34 relationship with Mr Smyth and/or Mr Smyth's partner,
35 Mr Keasberry. From around December 1981 to the time of his
36 disappearance, Mr Smyth and Mr Baumann were in a
37 relationship, yet the nature of the relationship between
38 Mr Smyth and Mr Keasberry is less clear. It is unclear
39 exactly what Mr Keasberry knew about Mr Baumann or the
40 events surrounding his disappearance. He has never been
41 spoken to by the police.
42

43 However, Ms Seneviratne's evidence about the letter
44 she found in Mr Baumann's mailbox, some contemporaneous
45 documentation, and some of the evidence provided by the
46 other witnesses, raises questions about the knowledge or
47 involvement of Mr Smyth and/or Mr Keasberry in the events

1 surrounding Mr Baumann's disappearance. In this respect,
2 it is notable that it is perfectly possible, in the
3 submission of Counsel Assisting, for the signature
4 interpreted as "William" or "Dillian" to, in fact, be, in
5 cursive, the name "Allan".
6

7 This hypothesis was never put to Mr Smyth or explored
8 in any real way with any of the witnesses. Partially as
9 a result of that, the evidence available to this Inquiry
10 does not permit any positive conclusion to be made about
11 that theory.
12

13 Fifth is the hypothesis that Mr Baumann was killed in
14 a gay hate or gay bias motivated homicide. The evidence
15 supporting that hypothesis has been outlined already.
16

17 In the submission of Counsel Assisting, Commissioner,
18 it is not possible to make a positive finding in relation
19 to any of these hypotheses. In particular, it is submitted
20 that this evidence is insufficient to give rise to any
21 positive finding that Mr Baumann's death involved LGBTIQ
22 hate or bias.
23

24 It is submitted, however, that there is sufficient
25 evidence to find that Mr Baumann is deceased.
26

27 It is submitted, Commissioner, that the Inquiry should
28 make a finding that is consistent with the finding of
29 Deputy State Coroner Milovanovich, save that the finding of
30 the Inquiry should reflect the evidence about the likely
31 date that Mr Baumann went missing being some time on or
32 after 27 October 1983.
33

34 It is otherwise submitted that there is insufficient
35 evidence to make any findings as to the precise date of
36 death, place of death or manner and cause of Mr Baumann's
37 death.
38

39 Counsel Assisting proposes that, in terms of the
40 recommendations to you, Commissioner, that should be made,
41 the first is that the NSW Police should obtain a physical
42 reference sample from one of Mr Baumann's siblings for the
43 purposes of ensuring that an autosomal DNA profile is
44 available for searching against DNA profiled from
45 unidentified human remains on the national DNA database.
46 Counsel Assisting understands that at least one of
47 Mr Baumann's siblings consents to the above recommendation

1 being made.

2

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The second recommendation is that a recommendation should be made to the Registry of Births, Deaths and Marriages to correct the register to accurately reflect or more accurately reflect the date of Mr Baumann's death.

Counsel Assisting may make submissions as to further possible recommendations in confidential submissions that will be provided to you, Commissioner.

That concludes my oral submissions.

THE COMMISSIONER: Thank you. Yes?

MR BARRIE: Thank you, Commissioner. The Commissioner of Police seeks to reserve her position and also to extend her condolences to Mr Baumann's family and friends.

THE COMMISSIONER: Thank you.

Very well, I will receive those submissions in due course and issue a report. Thank you all very much. I will now adjourn. Thank you.

AT 2.55PM THE SPECIAL COMMISSION OF INQUIRY WAS ADJOURNED ACCORDINGLY

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4613:32, 4613:35, 4618:5, 4619:28 19 [3] - 4618:5, 4619:29, 4633:7 1970 [2] - 4602:46,</p>	<p>4622:5 1971 [1] - 4625:31 1976 [11] - 4603:4, 4604:20, 4605:29, 4607:21, 4608:35, 4615:16, 4616:3, 4619:34, 4619:39, 4620:31, 4621:14 1977 [3] - 4608:35, 4613:34, 4614:30 1978 [2] - 4605:28, 4608:47 1980s [1] - 4629:35 1981 [6] - 4616:30, 4623:15, 4624:18, 4624:40, 4625:11, 4638:35 1982 [6] - 4624:18, 4624:27, 4624:43, 4625:6, 4625:37, 4626:2 1983 [21] - 4616:22, 4623:25, 4623:29, 4624:27, 4625:8, 4625:12, 4626:9, 4626:11, 4628:32, 4628:47, 4629:29, 4629:34, 4632:9, 4632:29, 4633:14, 4633:24, 4636:36, 4637:12, 4637:15, 4638:11, 4639:32 1990s [1] - 4633:26 1992 [4] - 4623:34, 4631:9, 4633:20, 4637:40 1993 [15] - 4623:34, 4625:1, 4625:13, 4625:45, 4627:40, 4628:31, 4629:4, 4629:41, 4630:26, 4631:28, 4631:47, 4632:7, 4632:39, 4633:21, 4637:34 1993/1994 [1] - 4629:47 1994 [6] - 4630:26, 4630:34, 4631:47, 4633:20, 4635:7, 4637:34 1998 [5] - 4607:28, 4609:8, 4610:18, 4615:11, 4615:14</p> <hr/> <p style="text-align: center;">2</p> <hr/> <p>2 [1] - 4601:20 2.55PM [1] - 4640:26 20 [2] - 4607:47, 4617:6</p>	<p>2000s [1] - 4638:28 2001 [1] - 4615:3 2005 [4] - 4607:28, 4609:15, 4609:20, 4632:3 2007 [5] - 4626:21, 4628:25, 4630:28, 4631:37, 4632:3 2009 [1] - 4623:45 2010 [5] - 4602:46, 4607:28, 4609:15, 4609:23, 4622:5 2012 [2] - 4607:29, 4609:16 2016 [2] - 4625:32, 4632:14 2018 [7] - 4608:20, 4609:32, 4609:33, 4609:38, 4616:37, 4616:42, 4619:8 2022 [7] - 4601:9, 4607:43, 4607:44, 4607:47, 4608:41, 4622:13, 4622:35 2023 [4] - 4601:24, 4608:4, 4608:24, 4608:43 21 [2] - 4607:43, 4608:24 22 [2] - 4608:26, 4616:22 24 [1] - 4617:7 25 [1] - 4623:24 26 [7] - 4603:4, 4605:27, 4605:29, 4621:14, 4629:29, 4632:29, 4632:45 27 [4] - 4601:24, 4603:40, 4632:36, 4639:32 29 [3] - 4623:29, 4626:9, 4628:47 2pm [1] - 4611:16</p> <hr/> <p style="text-align: center;">3</p> <hr/> <p>30 [2] - 4604:31, 4626:38 33 [1] - 4633:7 36 [1] - 4616:29 37 [1] - 4602:24 38 [1] - 4635:18 3pm [1] - 4611:26</p> <hr/> <p style="text-align: center;">4</p> <hr/> <p>4 [2] - 4609:38, 4623:45 40 [1] - 4626:38 400 [1] - 4604:38</p>	<p>401 [1] - 4622:36 41 [3] - 4602:26, 4603:6, 4614:40 42 [1] - 4622:41 43 [1] - 4622:47 47 [1] - 4614:40</p> <hr/> <p style="text-align: center;">5</p> <hr/> <p>5 [1] - 4627:43 53 [2] - 4603:14, 4607:42 57 [1] - 4635:18</p> <hr/> <p style="text-align: center;">6</p> <hr/> <p>67 [1] - 4611:32 68 [1] - 4601:26</p> <hr/> <p style="text-align: center;">7</p> <hr/> <p>7 [1] - 4615:35 7.15am [1] - 4603:39 77 [1] - 4611:32 7pm [1] - 4626:37</p> <hr/> <p style="text-align: center;">8</p> <hr/> <p>8.30pm [1] - 4629:19 8.45pm [2] - 4616:5, 4616:10 83 [1] - 4622:28 84 [1] - 4622:38 85 [1] - 4614:40 88 [1] - 4614:40 8pm [2] - 4615:40, 4615:42</p> <hr/> <p style="text-align: center;">9</p> <hr/> <p>9.30pm [1] - 4627:4 94 [2] - 4622:27, 4622:38 98 [1] - 4609:14 9pm [1] - 4627:4</p> <hr/> <p style="text-align: center;">A</p> <hr/> <p>Abbotsford [1] - 4614:25 ABC [5] - 4624:22, 4624:23, 4629:16, 4632:36, 4634:27 abdomen [3] - 4604:15, 4605:32, 4621:17 ability [4] - 4608:42, 4632:8, 4634:2, 4637:3 able [3] - 4618:19,</p>	<p>4620:7, 4634:25 absence [5] - 4608:25, 4608:39, 4633:12, 4633:45, 4637:17 absent [1] - 4638:7 acceded [1] - 4631:42 accepted [1] - 4627:30 accept [1] - 4618:27 accidentally [1] - 4631:29 accordance [1] - 4624:30 according [11] - 4615:44, 4624:41, 4625:38, 4626:10, 4626:35, 4627:19, 4627:27, 4628:15, 4628:19, 4628:30, 4629:15 accordingly [1] - 4633:18 account [15] - 4610:2, 4610:4, 4611:42, 4612:9, 4612:15, 4613:23, 4616:4, 4616:14, 4618:26, 4618:46, 4619:1, 4619:4, 4619:42, 4620:47, 4629:4 accounts [6] - 4604:46, 4611:30, 4618:36, 4619:12, 4630:17, 4630:30 accurate [1] - 4634:32 accurately [2] - 4640:5, 4640:6 acknowledging [1] - 4620:27 act [3] - 4606:42, 4613:47, 4614:9 acted [1] - 4631:36 action [1] - 4630:46 activity [2] - 4620:15, 4620:26 Adair [45] - 4609:34, 4609:36, 4609:44, 4610:1, 4610:3, 4610:4, 4610:13, 4611:4, 4613:24, 4613:27, 4616:37, 4616:40, 4617:2, 4617:5, 4617:9, 4617:11, 4617:16, 4617:19, 4617:26, 4617:28, 4617:31, 4617:34, 4617:36, 4617:38, 4617:40, 4617:43, 4617:44, 4618:2, 4618:26, 4618:29, 4618:35,</p>
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