

**INQUIRY INTO UNSOLVED MURDERS AND LONG-TERM
MISSING PERSONS CASES IN NEW SOUTH WALES
BETWEEN 1965 AND 2010**

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Partially
Confidential

Inquiry into unsolved murders and long-term
missing persons cases in New South Wales
between 1965 and 2010

Submission - Andrew Russell

7th March 2026

Danny Muller

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Introduction

My name is Danny Muller, and I am an investigative podcast producer based in Sydney. I am looking into the disappearance and presumed murder of Andrew Russell, in Bathurst in 2009.

Andrew's killers were never brought to justice and his remains were never found. His family want to bring him home.

With the blessing and cooperation of Andrew's surviving family members, Kiara White (stepsister) and Sue Wallace (stepmother), and with the support of Private Investigator George Maloukis, I have been delving into Andrew's case, with a view to finding Andrew's remains.

Ms White welcomes the opportunity to share her experience in person with the committee, and so it is our hope that she is invited to speak at the upcoming hearing on 12th May 2026.

Based on information from NSW Police, Ms White and Mr Maloukis, my researcher Kylie Hardy has put together a host of information regarding possible locations, proposed emerging search methods and specific locations where we feel NSW Police may have overlooked, despite their ostensibly extensive investigations.

This document outlines our proposed "best way forward" in honour of Andrew, and for justice to be served.

Letter from Kiara White

7th March 2026

To Whom It May Concern,

I am writing to you about the murder of my brother, Andrew Russell.

On 2nd June 2009, in the town of Bathurst, Andrew set off home from a birthday party on foot, and was never seen or heard from again.

It is the opinion of myself, the rest of Andrew's family and the local community that not enough was done to seek justice for Andrew.

The police response was a combination of outright dismissal, misguided investigation and under-resourced searches. The judicial process was drawn-out, taxing and ultimately futile.

Two suspects, known to Andrew, were indeed identified, investigated, and one was brought to trial. But despite our efforts, Tony Simmons and Kieren Moore were allowed to walk free, depriving us of answers.

Andrew was ruled deceased by a Coronial Inquest in 2016.

Andrew was a kind and gentle soul who would do anything for anyone. The loss we have suffered, and continue to suffer, is indescribable. To add insult to injury, Mr Moore, to this day, parades around Bathurst exclaiming that he has gotten away with murder. Mr Simmons continues a life of violent crime.

It is with desperation and hope that we have worked with and relied on various charitable individuals, who have been able to grant their time and efforts to keep Andrew's case in the public consciousness.

We know of particular forensic items that, if located, would provide justification for reopening and retrialing of the case. And we believe we know the location where Andrew's remains are to be found.

Please help us bring Andrew home.

Forever Hopeful,

Kiara White

Timeline Of Events Surrounding Andrew's Disappearance

[Relating to 1(d) of the Terms of Reference]

20th March 2009	The March Assault - Tony Simmons Assaults Andrew
25th May 2009	Court appearance - Andrew has a court appearance with Jodie (and Tony). Jodie and Tony moved out of place that night
2nd June 2009	Tuesday - Andrew goes missing
15th June 2009	Missed Court appearance -Andrew fails to attend the Bathurst Local Court This was for receiving stolen goods that Tony had stolen, Sue said, "he wouldn't miss court. "Andrew was responsible" "This is when I realised there was something wrong" She rang the hospital and the police station, so then we knew something seriously had happened.
18th - 22nd June 2009	Sue and Bruce - Reported Andrew missing
24th June 2009	Search warrant executed Detective Senior Constable MacLean- attended (Mr Russell's residence) and found nobody in residence. He noticed blood stains on the wall of a hallway that he believed related to the assault in March 2009.
August 2011	Jodi Biles told police that the conversation occurred in the middle of 2010. She told the police that the accused said that he had assaulted Andrew and that he had killed him.
Sep 2012 - Jan 2013	Mr Big -A sophisticated undercover police operation secured 3 separate recordings of Tony providing in elaborate detail how he, with the assistance of his accomplice and lifelong friend Kieran Moore, had murdered Andrew and disposed of his body.
25th June 2013	Jodi Biles made a statement to police that Tony had said he killed Andrew, but at trial said that the statement was false.
20th May 2015	The Trial - 6 years after the murder R v Simmons (#7) [2015] NSWSC 574 Judge alone trial. Justice Hamil finds Tony not guilty.
13th October 2016	The Inquest Findings: I find that Andrew Russell died on or shortly after 2 June 2009. While it is likely that Andrew died in the Bathurst/Sofala area, I am unable to determine the exact place of his death. His death is suspicious.
2018	Strikeforce Renshaw
15 October 2025	NSW Inquiry Unsolved murders and long-term missing persons announced. Relates to cases in New South Wales between 1965 and 2010. Inquiry link Submissions close 1 April 2026

Investigations to Date

[Relating to 1(d) of the Terms of Reference]

- The initial missing person investigation
- An extensive undercover police operation
 - “Mr Big”-Style
 - Month-long
 - Elicited 3 x detailed confessions from Tony Simmons
 - Gave locations of interest
 - Despite the operation being extensive, it is my opinion that it was bloated, ineffectual and ultimately led to the suspects walking free - could a different approach have been taken for this case?
- Charges brought against Tony Simmons & Kieran Moore
 - Kieran Moore was not prosecuted after evidence was ruled inadmissible.
 - Not guilty verdict in judge-alone trial of Tony Simmons¹
- A coronial inquest²
- Referral to the Unsolved Homicide Unit
- Formation of Strikeforce Renshaw³

¹ <https://www.caselaw.nsw.gov.au/decision/55591bd2e4b06e6e9f0f56a3>

² <https://coroners.nsw.gov.au/documents/findings/2016/Andrew%20Russell%20Findings.pdf>

³ https://www.police.nsw.gov.au/can_you_help_us/rewards/750000_reward/recovery_of_andrew_russell

Current and Emerging Technologies

[Relating to 1(a) of the Terms of Reference]

Both Andrew's family and NSW police⁴ have expressed that, despite a failed prosecution, Tony Simmons, with the assistance of Keiran Moore, killed Andrew Russell on 2nd June 2009.

With all other investigative strategies now exhausted, any prospect of closure for the family and a police prosecution relies on the recovery of Andrew's remains.

We believe that with expert knowledge, geophysical comprehensive databases,⁵ along with existing and emerging technologies like high-resolution drones, ground penetrating radar, and cadaver dogs, there is a very good chance of finding Andrew.

The only barrier to justice is the political will and allocation of the resources required to employ those with expert knowledge and specialist equipment to locate Andrew's remains.

Forensic items that were never recovered include:

- Andrew's Body
- Andrew's Clothing
- Andrew's Wallet
- Boot Mat of modified 1998 VT Holden Commodore, registration BI38BJ (NSW), owned and driven by Kieren Moore at the time of the murder

⁴ <https://coroners.nsw.gov.au/documents/findings/2016/Andrew%20Russell%20Findings.pdf> at [17] "Detective Sergeant Joel Fawkner also gave additional oral evidence. He expressed his belief that, despite the verdict, Andrew Russell had been killed by Tony Simmons, with the assistance of Keiran Moore."

⁵ For example, during the time of Andrew's disappearance, geologists surveyed the area for Altius Mining Limited to estimate gold and copper resources. Their exploration focused on describing the geological setting and some of the known gold occurrences. Geoscience Australia and the NSW Department of Mineral Resources may hold historical information on the area and the existence of mine shafts.

Barriers to Accessing Justice

[Relating to 1(b) of the Terms of Reference]

Accessing Information

The family have faced significant barriers in accessing information from authorities in NSW about the investigation.

They eventually engaged private investigator George Maloukis from GM Group Series PTY LTD. He has been a strong advocate, working with the family on his own time for many years. His attempts to access information on the investigation and coronial documents have also been repeatedly refused.

The reasons given for refusal in 2018 was that the Police will not release information in the Brief of Evidence because it is still a live investigation with the Unsolved Homicide Squad at this stage.

In March 2021, Lidcombe Coroner's Court refused to release information, on the basis of "the impact that the release of the brief of evidence would have to the integrity of an ongoing criminal investigation"; and "The brief of evidence contains information on the police methodology and investigative techniques which are not in the public interest to be released."

See **Appendix A** for more detail on the timeline of information-seeking.

Police Response - The March Assault ⁶

Around the time of Andrew's disappearance, Tony Simmons, along with his girlfriend Jodi Biles and 2 children, had been living with Andrew in his home at ; they had been taking advantage of, and abusing, Andrew.

At the house one night, on the 20th of March 2009, just 3 months before Andrew went missing, Tony became particularly violent leaving Andrew hospitalised. Kiara, who was just 13 at the time, was at the house and witnessed the assault on her brother. When police attended and interviewed her at the scene, she was required to provide her statement in the presence of the perpetrator's girlfriend, Jodie Biles, who had nominated herself as an appropriate adult. Traumatized and terrified, Kiara was forced to agree with the version of events that Jodie and Tony had given to the police.

Upon Andrew's discharge from the hospital, he was too afraid to return home with his attacker still there, and he resorted to couch surfing. It took until the 25th May 2009, and a judge's order that police facilitate the eviction of Tony Simmons and Jodie Biles from Andrew's house at . Within a week, Andrew was missing; he has not been seen since Tuesday, the 2nd June 2009.

⁶ Background - Kiara and Andrew were victims of severe ongoing domestic violence from Bruce, who was Andrew's biological father and Kiara's stepfather. As a result of their experiences with the police, they had little faith in the police to consider them worthy of their protection. Their faith in the police was further damaged before Andrew's disappearance, when he was viciously assaulted by Tony Simmons and again when Andrew was reported missing.

Police Treatment of Kiara Following Andrew's Disappearance

Andrew was the safest person in Kiara's life, the only person in her life who protected her from their father's violence.

Kiara remembers one occasion when she was 16 and pregnant with her first child. The police put to her that one motive for the murder of Andrew's murder was that he had raped her and he was the father of her unborn child. The accusation was outrageous, and Kiara was shocked that the detectives would take this kind of baseless community gossip seriously, let alone think it was a motive for murder.

Kiara's Experience at Trial

By the time Tony Simmons was on trial, Kiara was 20 years old. While she remembered the event of the assault, she had little memory of the substance of the version of events she gave to the police that night while under the coercion of Jodi Biles.

The defence successfully used the difference in her evidence given at trial and that in her police statement, to discredit her as a witness, resulting in a written judgment that criticised Kiara for being a dishonest witness. This is evident in the judgment at [139] where Justice Hamil stated that he took her evidence "with considerable caution," saying he suspected she had "tailored account when first spoken to by the police" because she was angry at her brother. He went on to call her failure to report some key events on the night "remarkable".

The cruelty of this was further exacerbated in that the prosecution did not step in to defend the attack on her credibility. They did not remind Justice Hamil of the circumstances of fear and coercion in which she made her statement or that Kiara was a 13-year-old child at the time. Whether the prosecution was simply incompetent or protecting the police, these failures meant her evidence was not believed and made the process of giving evidence unnecessarily traumatic.

The events above illustrate several failures of the police. Specifically, a failure to provide a safe environment when interviewing a child witness, especially in the context of such a traumatic event. Additionally, a failure to protect Andrew and facilitate his safe return home.

A failure to behave professionally and treat Kiara with sensitivity and respect. Their treatment of Kiara by engaging in speculation that Andrew was a sexual predator, she was his victim and was carrying his child (18 months after his disappearance) and the theory that this was a motive for murder, while quite ridiculous, was humiliating and dehumanising of both her and Andrew.

The prosecution's failure to acknowledge the neglect of the police to take appropriate measures when interviewing a child witness, or to properly defend Kiara from character assassination. This was not just revictimizing, but resulted in her evidence not being believed.

Kiara, now 30, has spent all of her adult life advocating justice for her brother with no resources. From running a Facebook page, having Andrew listed on the missing persons register, successfully pushing for a reward of \$750,00, engaging media and a private investigator. On June 2nd this year, it will be 17 years since Andrew was last seen, and the 11th October marks his 41st birthday.

Proposed Solution

I propose that a team is formed, consisting of the following:

- NSW Police Search and Rescue
- Geological, Archaeological and Forensic Expert/s
- Kiara White (stepsister)
- George Maloukis (Private Investigator)
- Kylie Hardy (Researcher)

I propose that the team visits sites identified by Mr Maloukis, Ms White and Ms Hardy, engages in a full professional scientific assessment, and excavates the most likely sites, in the hope that Andrew or any other new forensic evidence may be found.

In light of new forensic evidence, NSW Police and the judicial system will be forced to reassess the case.

I also propose that this Inquiry assist in the extraction of all detailed information from the NSW Coroner and NSW Police pertaining to Andrew's Case, on the basis that they can no longer claim that this is part of a live investigation, and any information they can provide is of use.

This might include but not be limited to:

- Exhibits from the trial
- Transcripts of relevant communications with authorities and emergency services
- Crimestoppers reports
- Specifics and methods of search areas
- Initial missing person report/s
- Forensic evidence collected at pertinent addresses
- Which experts did NSW Police consult in their investigations?

Appendices

Appendix A

Attempts to Access Coronial Inquest Documents

21 February 2018	Bruce Herbert - Andrew's Father & Snr next of Kin now deceased, Receives letter rejecting his application for information. State Coroners Court stated the reasons for denying the application were based on receiving advice from the Unsolved Homicide Squad that "it is still a live investigation"
11 September 2020	Bruce Herbert writes to the NSW Coroners Court authorising Mr George Maloukis - to access and receive coronial documents on behalf of the family.
29th September 2020,	Form 24 application received by NSW Coroner's Court acknowledged 3 boxes, which George organised payment for at \$84 each.
19th January 2021	George received an acknowledgement that the records had been recalled from the government records repository.
29th March 2021	George received an email from the coroner advising that "Your application to access coronial documents from the inquest into the suspected death of Andrew RUSSELL is refused on the following grounds. • The potential impact that the release of the brief of evidence would have to the integrity of an ongoing criminal investigation; and • The brief of evidence contains information on the police methodology and investigative techniques which are not in the public interest to be released. As the Court will not be providing you with access to this coronial file, you will not be charged the archive retrieval fee originally quoted to you."