REPORT ON PROCEEDINGS BEFORE

PORTFOLIO COMMITTEE NO. 1 – PREMIER AND FINANCE

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

CORRECTED

At Macquarie Room, Parliament House, Sydney, on Thursday 10 September 2026

The Committee met at 9:30.

PRESENT

The Hon. Jeremy Buckingham (Chair)

The Hon. Stephen Lawrence
The Hon. Aileen MacDonald (Acting Deputy Chair)
The Hon. Rachel Merton
The Hon. Bob Nanva

CORRECTED

The CHAIR: Good morning, everyone. Welcome to the third hearing of the Committee's inquiry into unsolved murders and long-term missing persons cases in New South Wales between 1965 and 2010. I acknowledge the Gadigal people of the Eora nation, the traditional custodians of the lands on which we are meeting today. I pay my respects to Elders past and present, and celebrate the diversity of Aboriginal peoples and their ongoing cultures and connections to the lands and waters of New South Wales. I also acknowledge and pay my respects to any Aboriginal and Torres Strait Islander people joining us here today.

My name is Jeremy Buckingham and I am the Chair of the Committee. I ask everyone in the room to please turn their mobile phones to silent. Parliamentary privilege applies to witnesses in relation to the evidence they give today. However, it does not apply to what witnesses say outside of the hearing. I urge witnesses to be careful about making comments to the media or to others after completing their evidence. In addition, the Legislative Council has adopted rules to provide procedural fairness to inquiry participants. I encourage Committee members and witnesses to be mindful of these procedures.

CORRECTED

Mr MARK TEDESCHI, AM, KC, Barrister and Former Senior Crown Prosecutor for New South Wales, affirmed and examined

The CHAIR: Welcome, and thank you for making the time to give evidence.

MARK TEDESCHI: I'm currently a senior legal member of the Guardianship Division of NCAT, which is not why I'm here. I'm a barrister at law.

The Hon. STEPHEN LAWRENCE: And an author and a photographer.

MARK TEDESCHI: And an author as well and a photographer, yes. Thank you.

The CHAIR: Would you like to start by making any introductory remarks or a short statement?

MARK TEDESCHI: I'm happy to lead into questions.

The CHAIR: Thank you very much for attending, Mr Tedeschi. We very much appreciate that we didn't have to send out the Black Rod to find you with their powers—I don't know if you've been following that. Also, at the outset, I'd like to thank you for your service to the people of New South Wales—we're looking at some of the most egregious crimes the State's ever had to deal with, of course, in the matter of Ivan Milat, the role you played in delivering justice there. I'd just like to put that on the record at the beginning. Just for the edification of the Committee, can you tell us about your role at the time as a senior Crown prosecutor? Could you detail what that entailed and what your role was, for the enlightenment of the Committee?

MARK TEDESCHI: My role at the time was as the lead Crown prosecutor representing the community of New South Wales in the trial of Ivan Milat. I had a junior counsel, Dan Howard, who subsequently became the Chair of the Mental Health Review Tribunal. Our instructing solicitor was Sarah Huggett, who's currently the Chief Judge of the District Court. So it was a team of three representing the community in the trial of Ivan Milat. It went for about three to four months. It's now nearly 30 years ago, I think. Our role was to present the evidence and to make submissions to the jury. And of course there was an extensive preparation time before the trial.

The CHAIR: Can you tell us about that preparation time. What do you do as a Crown prosecutor or a senior Crown prosecutor in preparing for the trial and assessing the evidence before you?

MARK TEDESCHI: We receive a brief from the police. In this case, it was a very extensive brief. There was an enormous amount of evidence from a variety of sources, including a tremendous amount of expert evidence on a wide variety of topics, from ballistics to DNA evidence to what was found in the Belanglo State Forest and a comparison of that with what was found at Milat's home and what was found at the homes of his siblings and his mother. We assess the evidence. If we feel that there's something missing or something that needs clarification, we can ask the police to make further inquiries, and I'm pretty sure that we did that. There were some areas where we just wanted that little bit more. We then prepare to conduct the trial, which, in that case, entailed understanding the evidence so thoroughly that it's in here—it's not just in the brief—that you can then present it orally to a jury of 12 ordinary people, in a way that they'll understand, remember and, hopefully, act on.

For instance, the ballistics evidence was extremely complex, and part of the role of a Crown prosecutor is to make that understandable for ordinary people who have never had contact with ballistics before. There was also some blood found on a piece of rope in Ivan Milat's garage, and it was thought by the police that that was likely to be the blood of one of the two English girls, Caroline Clarke and Joanne Walters. They didn't have any blood from the two victims whose bodies had been found in the Belanglo forest, but they had blood samples from their parents. It was quite difficult for the DNA experts from the Department of Health's analytical laboratories to analyse the blood that was found on the rope and compare that to a combination of the two lots of parents. So we had to—

The CHAIR: This would have been in the early days of DNA, as well.

MARK TEDESCHI: It was, indeed. It was the very early days of DNA evidence. Amongst other things, we had to convince the judge that the evidence was reliable, which we did. We also had to convince the judge that the statistics that had been provided by the division of analytical laboratories on how rare that profile of blood was in the community was also reliable. At that time, the database was much smaller than it is today. So the judge required us to go and look at how extensive databases were in other countries, to satisfy him—that was the Chief Judge at Common Law, Justice David Hunt—that the database was big enough to make the statistics of how rare that profile was, to make it reliable. So we had to go away, actually, during the trial and do that to satisfy him that that evidence was admissible, and it turned out that it was consistent with coming from a child of Mr and Mrs Clarke, the parents of Caroline Clarke. I was utterly convinced that that evidence was reliable, and the judge also agreed with that when we presented all the evidence.

So far as the ballistics evidence was concerned, there were some gun parts of a Ruger 33 that had been found in Ivan Milat's home. Parts had been hidden in the wall cavity accessible from the roof space of his home. Another part was found in a spare bedroom. It was thought by the police that those gun parts had been used in a gun that had been disassembled to hide the parts that had been used in the Belanglo forest at the Clarke and Walters death scene in the Belanglo forest. There was extensive testing done on those gun parts, and a comparison was made with fired cartridge cases that were found in the forest and also fired cartridge cases that were found at a property in south-western Sydney that was owned by the Milat family, where a whole lot of family members had fired thousands of cartridge cases.

The police went through these cartridge cases and isolated, I think, four that appeared to have come from the same gun. The police were able to link these gun parts that were found at Ivan's home with the fired cartridge cases in the Belanglo forest and the fired cartridge cases at the property that was owned by the Milat family. That showed a direct link between the fate of the two English girls in the Belanglo forest and the gun parts that were found at Ivan Milat's home, so it was particularly important. There was another gun—an Anschutz gun—that had been found in an alcove under the house of one of Ivan Milat's brothers. We had to call that brother to give evidence that he'd moved that gun at Ivan Milat's instigation from Ivan's house to his own house, where it was, in effect, hidden under the house.

Similar testing was done on that Anschutz rifle, and it was found to have been one of the two guns that was fired in the Belanglo forest at the death scene of Anja Habschied and Gabor Neugebauer, two German backpackers whose bodies were found in the Belanglo forest. So, again, there was a link between a gun that had been owned by Ivan and moved by him at his instigation to his brother's home—that provided a direct link with another one of the death scenes in the Belanglo forest. That just gives you an example of some of the complex evidence that we were required to consider, analyse and present at the trial of Ivan Milat.

The CHAIR: In doing your work, how much of your work, in terms of establishing in your own mind who Ivan Milat was, looked at, say, material or information that was extraneous to the material evidence to prove the crimes—actually who Ivan Milat was, his history as a human being, his criminal history and his associations. Did you as a prosecutor have to look at all of that, or was that included in the brief of evidence?

MARK TEDESCHI: It was included in the brief, and we did consider some aspects of it. There were two aspects in particular that we considered. The first aspect was that we had information in the brief that Ivan Milat, many years earlier, had abducted two nurses who were hitchhiking along the Hume Highway in the same location, or very similar location, to the seven deceased backpackers whose bodies had been found in the Belanglo forest. He'd picked up these nurses at night. He'd driven them to the Southern Highlands and then suddenly veered off the road into a paddock where he produced—I can't remember if it was a revolver or a knife. He threatened the two nurses, then raped one of them. This was, I think, in 1972, so we're talking about something like 15 to 17 years before the Belanglo victims. He didn't kill them. He dropped them off at a service station, and they then went and made a complaint to the police.

The police arrested Ivan and charged him with the rape. Ivan then absconded from New South Wales and I think went to New Zealand for something like two years. He then came back, was rearrested and was due to go to trial. There was then a very unusual aspect of that case that struck me at the time as being strange, and that was that Ivan Milat was represented by a solicitor, John Marsden. I was led to believe that John Marsden went and visited one of the nurses at her home shortly before the trial. When she came to the trial, she gave evidence and was asked by the Crown prosecutor the final question that is all important in a rape trial, and that is something to this effect: Did you consent to have sexual intercourse with this man? I can't remember the exact wording of it, but her reply was ambiguous. It was something to the effect of, "Well, in one sense I didn't but, in another sense, maybe I did." It was something like that. As a result of that one answer, the prosecutor had no cogent evidence of lack of consent, and the inevitable verdict was a verdict of acquittal.

What I had to consider was whether there was any of that evidence that was admissible in the trial of Ivan Milat. There were some similarities. He'd picked them up along the Hume Highway, like the seven deceased backpackers from Belanglo. He'd given them a lift. Their bodies had ended up in Belanglo forest, which was towards the Southern Highlands but not in the Southern Highlands. We eventually came to the conclusion that we would not seek to lead it in the trial. There were not enough similarities. He'd been acquitted of the rape. He was entitled to the benefit of that acquittal. So we considered that, but I suppose my own personal thoughts—for what it's worth—were that here's a man who was prepared to pick up two female backpackers in 1972. By 1989 he's killing backpackers. What's happened in the interim? I had no ready answer for that, but my own view was that I don't think that somebody goes from doing that in 1972 to doing that in 1989 with nothing happening in the interim.

The CHAIR: I draw from that that you think it's a reasonable proposition that he's probably been committing other violent crimes in that period.

MARK TEDESCHI: I know that the police investigated other similar disappearances and other similar bodies that were found in areas where Ivan Milat had been working at the time of the disappearance. He was a road worker working on a road gang and operating a bitumen-making machine. I know that some of the disappearances happened in areas near where he was working. It created grave suspicion, but I never saw any cogent evidence that would be sufficient to even charge him with those offences let alone take him to trial. It was just a case of there being grave suspicion, and my own view was that I was deeply suspicious that Ivan Milat may have been responsible for some of those deaths.

The CHAIR: There were two murders at about the time of the backpacker murders in a similar area: the murder of Dianne Pennacchio in Bungendore and Peter Letcher, in 1988 and 1990 respectively. Did those matters ever come before you, in terms of the brief of evidence, as possibly being linked to Ivan Milat? Was there any material evidence that potentially linked those? We've heard anecdotally that there was ballistics evidence that may have linked the Letcher case to the Belanglo cases. Do you have any understanding or awareness of that?

MARK TEDESCHI: No, I was never provided with a brief in those cases or any sort of similar fact evidence that we might have been able to use in the trial. Whilst I was made aware by the police that they were suspicious that Ivan may have committed other murders because of the similarity of the area where he was working, I was never presented with any evidence that would have linked them and made them potentially admissible in the trial.

The CHAIR: In 1971 Ivan Milat was charged with two counts of armed robbery, and he absconded, as you've alluded to, and then was rearrested in 1974. Was that ever brought to your attention? There were two armed robberies in south Sydney, which were of a bank—very serious—and there was a wounding at one. He was acquitted of that as well in 1974. We've been unable to find a record of the transcript of the trial proceedings. We found the transcript of the committal proceedings. Did that ever come before you, how he was acquitted of those armed robberies in 1974?

MARK TEDESCHI: No. The only one I was made aware of was the one I've mentioned of the two nurses.

The Hon. STEPHEN LAWRENCE: Thank you so much for coming. It's much appreciated. In relation to the issue that the Chair raised about two cases, on the evidence of the police, having gone to the DPP but a bill not having been found, in those circumstances generally—so not specifically about this case—where police put a brief to the DPP but ultimately a bill is not found, would you expect that the family of the victim, assuming it's a homicide case, would normally have been consulted by the police about that, in terms of being made aware that this significant step had been taken to forward the brief to the DPP?

MARK TEDESCHI: If a brief is forwarded to the DPP and there's consideration by the DPP whether the matter should go to trial, it goes to the very upper echelons of the DPP office. It's either the director himself or herself or one of the deputy directors who makes the actual decision. There are usually two prior reports that are done, sometimes three. Certainly, a Crown prosecutor looks at the matter and does a report, and the director or deputy director has access to that, and then there's a senior solicitor within the director's chambers who also does a report. That was the system when I was senior Crown. I don't know if it's still the system today. I know that between the mid-1990s, when Ivan Milat went to trial, and now it has become much more formal and rigorous that the police are consulted about consideration of a no bill—consideration of a nolle prosequi. At that time, I don't recall whether that was required by the director's guidelines at that time. It may be that it was only after that that requirement came in.

The Hon. STEPHEN LAWRENCE: The scenario that I'm talking about is one where there's no charge instituted in the Local Court. The police are considering whether to charge someone with murder, and they send a brief to the DPP, maybe because it's a borderline case and they're not sure if—

MARK TEDESCHI: For advice.

The Hon. STEPHEN LAWRENCE: Yes, for advice. What would the standard operating procedure be, to your knowledge, both in the police and the DPP, about consultation with the victim's family?

MARK TEDESCHI: That's a different situation to a no bill. There are only a few cases where the police actually ask the DPP for advice before making a decision whether or not to charge. In that case, the police is almost in a position like—not the client of the DPP but they're seeking the advice of the DPP. So they're entitled to have that advice on a confidential basis. So it would not be, generally, as I understand it, part of the procedure for the DPP to consult with any outsiders before giving that advice to the people who have asked for it. It's just

become normal legal procedure that if you have somebody who's asking for advice, you don't go and consult other people.

So it'd be up to the police to then say to the family, "Look, we've got advice. On the basis of that advice, we've decided we're not going to charge someone." Of course, the police are not obliged to follow that advice. The police could go ahead and charge, particularly if they get some more information, some more evidence, or if they go to a coronial inquiry, for example, and there's more evidence that comes out during the coronial inquiry. Then they might decide, "Well, yes, the DPP has advised us one way, but we've decided we're going to go the other."

The Hon. STEPHEN LAWRENCE: So the advice from the DPP in that scenario that I talked about, it's really legal advice, isn't it?

MARK TEDESCHI: That's right.

The Hon. STEPHEN LAWRENCE: It's a matter for the police how they fulfil obligations of consultation with victims' families and so forth.

MARK TEDESCHI: Correct. That's right, yes.

The Hon. STEPHEN LAWRENCE: That makes sense. In terms of your time as a Crown prosecutor, I assume that you prosecuted homicides where there was a long time between the commission of the crime and then the apprehension of the offender. I assume you probably gave advice on such matters as well, whether they led to prosecutions or not. I'm just wondering if you've got any thoughts about matters that go to our terms of reference in terms of policy issues around how the State deals with long-term unsolved homicides. You can take it on notice, of course. Are there any thoughts that come to mind in terms of things that we could do better, any law reform changes, things along those lines? I appreciate I've put you on the spot and it's a complex question.

MARK TEDESCHI: No, that's fine. That's okay. I have some knowledge about the area because 18 months to two years ago I appeared on behalf of the New South Wales police commissioner in what was euphemistically called the gay hate crimes inquiry. I had extensive contact with the Unsolved Homicide Squad. The impression that I got is that they're very dedicated, they want to do the best they can, but that, at least at that time, they were understaffed and they had to allocate priorities. It was very difficult to allocate those priorities. But there were so many cases and they had so few people to investigate those cases of missing people or unsolved homicides that they were obliged to create procedures to allocate their priorities, and that's what they did. I don't know whether, in the intervening 18 months, things have changed or not. But the impression that I got was that the real issue is one of understaffing.

The Hon. STEPHEN LAWRENCE: We've heard some evidence about podcasters who are doing true crime work and then community members are helping them to solve crimes. We've actually had some quite interesting evidence about very significant investigative developments occurring as a result of hundreds of thousands, if not millions, of people paying attention to these matters. I'm interested in the question of whether we do enough in terms of, with these long-term unsolved crimes, should there be more consideration given to whether more briefs of evidence are available online or police are working more with the podcasters. I know it sounds a bit new and modern, but to my mind it seems to fit into a model of community policing in a sense, like the community is the eyes and ears of the police. Is this not a modern manifestation of that old idea or principle?

MARK TEDESCHI: I think what you've expressed is a very modern view and, yes, it takes account of the fact that we're living in a very different world—a world of podcasts. We've seen some examples recently of podcasts that have led to successful prosecutions. I think the issue is this: The police are very concerned not to contaminate a case. If you have members of the public, or even journalists, investigating a case, there's the potential for contaminating witnesses' memories, in particular. You can have a situation, for example, where somebody who's well-meaning goes to a person who subsequently becomes a critical witness and says, "Well, look, this person has told me this piece of information. What do you think about it?"

Now, the mere transfer of that information can distort a person's memory and make their evidence at a later trial unreliable. I think the concern on the part of the police is we don't know what's going to happen in the future. We don't know whether this is going to be a matter that goes to trial, so we're concerned that we don't want any evidence to be contaminated. The other consideration is that you could potentially have a situation where there's so much media attention on a podcast that it creates a situation of extreme prejudice to a person who's later charged, and there's always the threat that the person charged can apply for a permanent stay of the proceedings because they can't get a fair trial.

That's unlikely today because we have the option of trial by judge alone. The theory is that, whilst jurors can be affected by that pre-trial publicity, the theory is that a judge is not going to be affected, so an accused who

asks for a permanent stay can always be met with the retort "Well, you've got the right to a trial by judge alone so you can avoid that prejudice." I think those are the considerations, and I think that's why the police are very reluctant to share information.

The Hon. STEPHEN LAWRENCE: We've had some evidence about the process by which police might offer a reward in a particular case. We've had some suggestions that there could be aspects of that decision-making process that's been arbitrary, has been inconsistent, hasn't taken into account relevant matters. I am just wondering if you've got any experience in your time as a Crown prosecutor. Did you have input into when a reward might be offered? Do you have any insights into what the policies are? Do you think there should be more public guidelines to make sure that victims of crime and their families feel that their matter is getting a fair crack of the whip in terms of the prospect of the offer of a reward?

MARK TEDESCHI: There have been cases—not many but a few—where a reward has been particularly effective in eliciting information that's turned out to be critical, so they do work. As a Crown prosecutor, I haven't played any role in the decision to offer a reward or how much the reward should be. My observation is as a member of the public, not as a Crown prosecutor, and I've often been surprised that you find many, many years later that a huge reward is being offered. I've thought to myself, why wasn't this done earlier, why wasn't this done after two years rather than 20 years? I know there's a committee that makes a decision about the offering of a reward and the amount of the reward. Sometimes the amount gets increased years later and, again, I've thought to myself, why didn't you offer this huge reward much earlier in the piece when people's memories are better? It's really a comment as a citizen, not as a Crown prosecutor.

The Hon. STEPHEN LAWRENCE: Lastly, on the question of police investigations, obviously, when a police investigation leads to a trial, there's often a high degree of transparency around what the police have done. When a police investigation does not lead to a criminal justice process in a public court, there's not transparency because, by its nature, investigations generally are confidential and you can't use FOI legislation to access investigatory matters. By its very nature, it's all confidential. I'm just wondering if you've got any insights into what oversight exists where the family, say, in a homicide matter, just aren't happy with what the police have done, they don't think that they've properly dealt with matters and they might not have offered a reward.

Is there a need for more transparent oversight of the way police do things? We've certainly had evidence that some people feel like the police don't like being second guessed. They feel like they don't like being criticised and that, when they are interacting with the police and challenging things the police have done or haven't done, the culture of the organisation is not necessarily receptive to that sort of input. I'm just wondering, like in some jurisdictions where you have oversight bodies that might look at convictions, for example, is there some scope in respect of very serious unsolved crimes for some enhanced form of oversight?

MARK TEDESCHI: I must admit, it's not something that I've considered. I think there probably are arguments both ways. One of the arguments against it is that, if you have a right of an oversight body, it's going to take a lot of time on the part of the police to present the material and deal with any questions and deal with any complaints. If it's in too many cases, it's going to divert police time from conducting investigations to justifying their investigations, so that's an issue. There are already some avenues open for family members or victims to make inquiries. They can always go to their local member of Parliament or make a complaint to the Commissioner of Police about the conduct.

My only experience of this is that, in major investigations, you've got a very strict hierarchy. There's always a very senior officer who has an overview of the whole case. That senior officer is not actually doing the investigation. That senior officer has an oversight role. One would hope and expect that for the senior officer in charge of a major investigation, particularly of a homicide, there's going to be critical and very comprehensive oversight by that officer. My experience in the cases that I've had is that it has been exactly that. But perhaps I've been spoilt. The cases that I've had contact with are the ones which have resulted in charging and a trial. I obviously haven't had the same degree of contact with cases that haven't resulted in charging.

The Hon. STEPHEN LAWRENCE: Harking back to what you said about approaching a member of Parliament, in a way this inquiry is sort of a manifestation of some sort of process like that. The Chair initiated the inquiry, and the House ultimately supported it because of representations around people wanting certain unsolved crimes to be looked at more thoroughly. But the police have put forward—and I'm not saying that what they've put forward is wrong—arguments in terms of resourcing, suggesting that the inquiry is a burden to them.

It seems that we are not necessarily getting all the cooperation that could be forthcoming. I'm not criticising that because there are obviously profoundly important resource issues, but it just seems that that avenue of some form of ultimate oversight has not been completely effective. Have you got any thoughts on, if there was some sort of oversight body to look at unsolved murders, particularly extreme cases, what sort of statutory test you

might have to enact such a jurisdiction? What sort of personnel would you have on it? Who would be the right people to cast a very learned but reasonable eye over these sorts of matters?

MARK TEDESCHI: Again, I'm speaking off the top of my head without having given it due consideration, but I would imagine that if you wanted to set up some sort of oversight like that, you'd want to have somebody who's had extensive experience in the investigation of major crime. You'd really want somebody who has an understanding of what a good investigation looks like and what the possibilities are for maybe asking for further investigations. For example, I know that not just in Australia but in many parts of the world, familial DNA has been used very successfully to find perpetrators years later, through DNA that's been given by their family members rather than by themselves and compared by police officers with DNA from crime scenes. I know that there's a backlog of cases where there's potentially DNA sitting in exhibit boxes that because of the severe constraints on manpower, including the testing done by our State analytical laboratories, some of that testing has not been done. It could be that in the future, familial DNA can be used to locate perpetrators to find perpetrators using familial DNA.

The Hon. STEPHEN LAWRENCE: How large would that job be in relation to unsolved homicides, to go through the exhibits and work out who the likely family members would be?

MARK TEDESCHI: It would be huge. To go through the exhibits, you've got to find the right exhibit to be tested. That's a police job. Then you've got to give the exhibit to the scientists to test various parts of the exhibit and then make a comparison. Then you need a third area of expertise if there is a link with some familial DNA, to then look at the family tree, look at maybe the criminal history of different members of the family and isolate who in the family is a potential suspect, and then make further investigations. It's actually very time consuming on a number of levels.

The Hon. STEPHEN LAWRENCE: I suppose you need to not unreasonably impair the ability of police to deal with ongoing homicide investigations.

MARK TEDESCHI: That's right.

The CHAIR: Justice Hunt in sentencing Ivan Milat said that the jury didn't have to find if he acted alone. He inferred that Ivan may have been acting as part of a criminal enterprise and there may have been other people at Belanglo, including family members. What's your personal view on that?

MARK TEDESCHI: I think Justice Hunt went further than what you've said. I think he was more definitive about expressing his opinion. The opinion that I remember him expressing was this: In at least some of the seven Belanglo deaths, he was satisfied that there was probably somebody else with Ivan. I don't think he said who. I don't think he even said a family member. Particularly where there were two hitchhikers together and particularly in the Habschied-Neugebauer death scene where there were two separate guns that had been used, I think he said that he was most convinced in that case that there was likely to have been two people—Ivan and someone else—who were involved. It's also, in the Habschied-Neugebauer abduction, Gabor Neugebauer was a tall, strong, fit young man. It was that abduction of him and his girlfriend, Anja Habschied, where a gun had been fired internally within Ivan Milat's vehicle and the bullet had gone through the side passenger door and had been repaired by Ivan several days later.

The CHAIR: I think it was his neighbour.

MARK TEDESCHI: That's correct. You're very familiar with the evidence.

The CHAIR: We've got about 30 seconds left. I could probably talk to you for the rest of the month, but the question was: What was your personal view?

MARK TEDESCHI: I have the same view as Justice Hunt: that it's probable that, in some of those cases, there was someone else with Ivan Milat.

The CHAIR: Are you aware of a brief of evidence ever coming before the police in relation to Richard Milat?

MARK TEDESCHI: No.

The CHAIR: Mr Tedeschi, thank you so much for appearing today. It was incredibly informative. We very much appreciate it. Again, thank you for your service to the people of New South Wales as Crown Prosecutor and human being. We really appreciate it.

(The witness withdrew.)

Dr LOUISE STEDING, Forensic archaeologist and criminologist, affirmed and examined

The CHAIR: Dr Steding, thank you very much for joining us this morning. Thank you for making a submission, submission No. 37. We very much appreciate that. Do you have any introductory remarks you'd like to make in relation to the terms of reference of the inquiry?

LOUISE STEDING: I might just read something I quickly wrote—that, in my view, there is an impasse that is solvable between—it's an impasse in communication and therefore action. It's an impasse in sharing knowledge as well, and access to information. I do think there is a solution. You mentioned this with the oversight committee and I've given that a lot of thought. Yes, that's all I'd really like to say at this point. I'll just answer your questions.

The Hon. AILEEN MacDONALD: I'm just wondering, from your submission—and thank you for that—which New South Wales cold cases have you worked on? As part of that, what material did you request and what access was refused or delayed? And how would—

LOUISE STEDING: Can I do that bit by bit?

The Hon. AILEEN MacDONALD: Yes, sorry.

LOUISE STEDING: I started—let me rephrase. Let's take Matthew Leveson. I worked on that case. I was asked by two police officers to go down to the national park. I was given 2½ hours. I'm aware they spent about 10. What I did was I wanted information from the transcripts. In another case in New South Wales, Ronald Penn—I worked on that case too—police were quite cooperative, actually. So I listened to the statements to extract "landscape tips", I call them. That's what I do: geographic profiling and, as an archaeologist, landscape tips so that you can close in on where someone may be buried. With Matthew Leveson, they described me as the last resort and I said, "What a pity." They wanted to go and search uphill.

But I also analyse risk and access for the actual perpetrator, and I actually—and it's quite hard to do—said, "No, we need to look at the method you're using." Things like the guy was an electrician. I saw the trunk of a tree halfway up. You can get the slope of the landscape; you know that he was up on the hill. Things like, "I heard a car," rather than saying, "I saw a car," so he's downhill, on the road going through the middle. Because of this, I suggested they go back to the original location and change their method to an archaeological method, and they did. I was surprised because they really listened. What I did with those tips—an essential part of the information that I need—they didn't actually knowingly tell me. I kind of extracted it from them. I used to teach interview methods. I've taught at university level in various places. In the academy, it's different; that's very prescriptive for beginners.

The CHAIR: The New South Wales police academy?

LOUISE STEDING: Yes.

The CHAIR: You've taught there?

LOUISE STEDING: Yes, just for a short while. It wasn't quite what I expected, but it is what it needs to be.

The Hon. AILEEN MacDONALD: You mentioned in your submission that it would be helpful if you had—I think it's redacted. I wondered how that access under, say, confidentiality or the redaction would have changed what you have been able to do in the past.

LOUISE STEDING: It means that I can sit there and have a statement made by a suspect or by witnesses—I can actually give you an example in a moment—where I can analyse it and try to get a grasp of what has physically happened at this site. I need to bring in a Queensland example where the Coroner provided me with information and was really helpful. Because he gave me this information, as someone with "sufficient interest"—that was the quote—I could see that with two friends who had travelled together and disappeared together, one was found and one was not. They separated the cases. That's really sad because when I looked at the statements, I could see that Robin Hoinville-Bartram had been intentionally buried. It was due to the lack of disarticulation, separation of bones and the number of bones they actually found.

Also, there are a lot of other things in that. I started looking at a witness statement where, I've got to confess, I thought she was inconsistent, unreliable. But then I looked at the site—I've mentioned landscape—and I realised that when one lot of people were talking about a rail bridge, they meant the road bridge. When they spoke about the rail bridge, having looked at it, it's too recent. Looking at the cuts in the landscape, I could see there was

another bridge, so I went back to the route she travelled and I could see she was spot on with her description that she eventually came forward with. She held back through fear for 30 years. People do that, hence the rewards.

The Hon. AILEEN MacDONALD: You mentioned just before that you were seen as a last resort, and that was unfortunate. At what stage do you think forensic archaeologists or other specialists should enter a search or a recovery, and which of your proposed reforms should be implemented to enact that?

LOUISE STEDING: Often, the police have their hands tied with their policies, protocols and procedures, but then they expect us to go onsite blindfolded and don't give us background. Yet in everything anyone does—any scientist or any specialist—they get their background information first, hence the transcripts. At one site, I went in early. I knew where it was. It wasn't declared a crime scene, so I was well within my rights. When everyone gathered the next day, someone said, "Here are the rocks and there is the gate." I said, "Are you sure that's the gate? What makes you say that?" I got responses to the effect of, "Well, I didn't just pluck it out of thin air"—no-one is saying that. The thing is, it postdated the actual dates for national parks gates, and so the day before I had found the stump of an appropriate gate and the specific number of rocks. The search area had to change. I've got to say, they searched very well.

Here's the answer to your question, actually: I went out with police and SES to search for Lily Hooper, and many people have criticised that. I was astonished and comforted at how well the control base handled that situation. You can't have other people going in, or you'll be searching for the searchers. Indeed, I almost went too far in my search. I had to stagger back and got quite ill, because they were doing it in the rain and overnight. I just wanted people to see this for victims and families. It saves that family of Lily Hooper from being questioned with suspicion and scrutinised for the rest of their lives. This is an impact that falls on the families of victims. People look at them with suspicion. Bravo to that team.

To answer your question, it would be, in my view, coordinated, as it is by the police, where they have a list of specialists created—here I go—by a statutory body that answers directly to the Minister, funded by the Minister. Can I step back and just say this: It needs to be funded by the Minister so that police do not feel that their finances are being tapped into and going to—I believe one officer said, "We have more urgent cases to deal with." Indeed, they do have urgent cases, absolutely. Nonetheless, you don't sacrifice one thing to feed another. We need it all. Cold cases have a very important role for us to see justice being done and to be done. Coroners Court—open. I find it difficult getting some coroner's reports, and yet one of their roles is to show us all the working of our justice system—at least, it does in South Australia. I kind of got off track there. I'm trying to get back to yours—

The Hon. AILEEN MacDONALD: At what stage should archaeologists—

LOUISE STEDING: When the officer in charge goes in with their team for whatever survey method they want, an archaeologist, or an Aboriginal person if it's the bush, should be included. If it's urban, perhaps ground penetrating radar—that sort of thing—so the appropriate specialist for the appropriate job.

The Hon. AILEEN MacDONALD: Whilst there as well, not as an afterthought.

LOUISE STEDING: Yes, with them. Absolutely with them.

The Hon. AILEEN MacDONALD: You talk about three-year reviews and six-year inquest reviews. Who should participate and what should happen when a review identifies work that hasn't been completed?

LOUISE STEDING: It's a question of who that reviewer would be. I work in heritage as well, and so there is the Heritage Council that is an excellent body. It is the oversight committee. I would create a statutory body that is answerable to the Minister, that meets quarterly, that is based in the cold case unit, that can view the revisions, and this council can point out where we can go, and that police could sit in there but not have a voting right. It would have people like former detectives, not former police—they're very varied—but former detectives, criminologists, archaeologists, profilers—geographic and psychological—and fieldworkers. The way you can close in on a case—that's the aim. Not to assess or evaluate but to close in, which is what we aim for because some cases are simply not solvable. May I point out a problem that we have right at this moment. It has to do with podcasts. Have I answered your question? I'm sorry.

The Hon. AILEEN MacDONALD: No, it's okay.

LOUISE STEDING: You mentioned about podcasts. I've been asked to join a fair few. Recently we went on a trip to a place looking for somebody in a shaft area. I had read a transcript, and I remember the word "well" being used. We found what we believed to be the well. What do we then do? By rights, you could go to this council and say, "We have this and this. What do you suggest we do? The police are not interested." I'm not saying that in this particular case; it's an example from where I've heard similar things said. People expect me, as they do

in Queensland and as they did at that well, to go and dig it and go and excavate. Hang on a minute, that puts all the responsibility for chain of evidence in my court. I'm not prepared to do it.

What I can do as a specialist is to take samples without a minimalist approach so that I can get sufficient evidence to say, "Now has this grabbed your interest?" However, it's not enough. The statutory council can then come back and say yes to the police. "We believe this is an area that you need to tackle, without someone else going in and even sampling from a site, and it's your responsibility to go and do that. Do it." It's not so much that the council dominates police; it's that they answer to the Minister so no-one can push them aside. The Heritage Council is very powerful and necessary. There's a really good part to this too. If it's made up of specialists, at the early stage of searching for somebody they can bring about modern methods that police, who are experts in their own right, may not know about. They think, as an archaeologist, I go out with a paintbrush. I don't. I use machines—a flat-bladed bucket—out there.

The CHAIR: Could you expand on that? What are the modern techniques that may or may not be used by the police? There are two questions I'd like to ask. One is what is the prospect of finding human remains or evidence decades after the fact?

LOUISE STEDING: Matthew Leveson.

The CHAIR: That's the first question, Dr Steding: What is the prospect? The second is how do you do that, and are the techniques being implemented adequately by the agencies we have now?

LOUISE STEDING: You see, the agencies don't communicate well enough, so how would I know? But when I go out with police, and when I was with those two particular police officers, I explained the method of archaeology, which was not warmly grasped, to peel back the layers. It worked. They found him. I even pointed to the palm tree and explained that, if soil's been aerated, if its chemical composition has changed—as in the case of Gus Lamont, too—you might find him beneath a less typical species of plant or tree. That's where he was. When I say things like that, they think, "Oh, yes, is she psychic? What a load of rubbish," or whatever. No, it's common sense to me. It's logic according to the knowledge set that I have. I'll go out anywhere and help the police at any time. I usually use it, because I've instructed them before, as a teaching method.

The CHAIR: That deduction is something that you can apply. What other technologies are there that can be better applied, if there are any?

LOUISE STEDING: DNA is the obvious one that is constantly being refined, and it's marvellous. I'm not qualified to speak on recent, post-1986 DNA approaches. But what I would say that is vital for police and everybody is that we know what can give these bits of information that are needed. For example, I looked at an old case from the 1950s. I went through and asked them where the surviving evidence was that had been documented in the inquest. They said they didn't know—end of story. We'll find out later. I think there should be a register. With particular surviving evidence, as the former speakers said, they go through it for their DNA. That's not my area. My area is the immediate locating and finding of physical evidence in the crime scene, or even locating the crime scene, which I've done quite a few times.

The CHAIR: What about lidar? What is happening in terms of ground-penetrating radar, which is used a lot in archaeology? Is that becoming more usable, more effective and more cost effective?

LOUISE STEDING: I find personally that lidar is not that effective. It can be. There are other specialists better at lidar than me. Ground-penetrating radar, that's all I use it for: human remains. The difficulty is that, if you go and get a geotech person, they look at a site in a particular way. I'm going down south to look for Aboriginal graves. The reason a colleague, another archaeologist, has asked me to do this is because I'm an archaeologist who specialises in human remains and therefore I'm a little more bold in what I say. I justify why a particular type of anomaly represents either wood or bone. It's always more than one method I use in combination. It can be probing to release gas, drone in a well to blow out gases, cadaver dog in more recent cases and skeletal remains dogs in cases that are older, and core sampling.

It just doesn't stop. GPR is appropriate in certain situations; it wasn't for Matthew Leveson. So I use different techniques. There are many techniques—so many—and no one police officer or their unit can know them all. I know they can call up forensic science services, but even there they are heavily empirical, whereas there are a lot of new exploratory approaches that are behavioural, that are social. There are changes as well, in that I couldn't help notice that Aboriginal people in the 1970s were terribly under-represented, so I think that the statistics are skewed there.

I can see that in many of the cases—the 40 cases that I looked at for New South Wales. I had looked nationwide and I stopped counting after about 120. I just stopped and focused on New South Wales. I had my 40 cases, and then I split them into what I could see, from my knowledge set, was going on: domestic violence,

drugs—it's all hypothetical in the beginning. Serial killer one, serial killer two, serial killer three—coming down from Queensland, one of them, and what sites and all sorts of things. I categorise. I put in all these details. What's their job? They're not really standard details; they're landscape tips.

The Hon. STEPHEN LAWRENCE: Thank you so much for your evidence and your written submission. How often is an archaeologist involved in examining a homicide crime scene when it's first discovered? For example, when the police discover a body, how often would an archaeologist be called in to examine?

LOUISE STEDING: Not often. I was thinking even this council, I keep calling it, could create a checklist, a question—which specialists were used on this cold case?—and tick the box. Then they can specify and draw our attention to perhaps a new need. It's very rare and the problem I found is they say, "Okay, so we want you to look there." It's very hard for someone to turn around and say to the officer in charge, "No, I don't think so," because they are in charge of their team, but they're not in charge of me. I will protect and follow my code of conduct and my reputation. So a code of conduct needs to be created for any specialists. That's a double-edged sword. If someone breaches confidentiality, an agreement needs to be rigged up and if they breach that, they're out.

The Hon. STEPHEN LAWRENCE: Say a body is found in bushland, and police are called and attend. It's evident that the person's met a violent death. A crime scene is established. Who's in charge of the crime scene, to your knowledge, in terms of making sure the rules are complied with and evidence isn't destroyed or misunderstood?

LOUISE STEDING: The police usually put it under guard, so it's cordoned off. The officer in charge—the OIC—is in charge of that completely and utterly. They're in charge of the chain of command, that's theirs, and the chain of evidence. That's their responsibility, and they sit in the hot seat in court.

The Hon. STEPHEN LAWRENCE: But who's doing the work looking at the ground, looking at the body, taking the photographs? Is that a crime scene officer?

LOUISE STEDING: Actually, we did it too. They video. A lot of people video. We video. In that instance, I'll call it—the police will know which case I'm talking about. Fido point—I found a dead dog and not deceased remains. I was showing them. I got down and dug and showed them the stratigraphy, the layers in time. Because you can go back and see all the activities that have happened. They get machine operators. They're just private contractors. We weren't even asked to sign a confidentiality agreement.

The Hon. STEPHEN LAWRENCE: Is there a speciality in the police, like a type of trained officer whose job it is to examine crime scenes and retain evidence?

LOUISE STEDING: Yes.

The Hon. STEPHEN LAWRENCE: Have you got any thoughts on that speciality? Are they sufficiently trained in archaeological-type skills?

LOUISE STEDING: No. I'd say many skills they're not trained in. But they are trained in policing—their protocols and procedures—and how to protect and not contaminate potential evidence. That's of great comfort too in that I can make suggestions. I don't instruct them onsite. I can refuse to do certain things where I find it inappropriate. But they are in charge of that. It's not the responsibility of private people or private consultants to take over or interfere with that—they're the wrong words. I would not want to interfere with the chain of evidence, my goodness. But I don't need to if they're right there. I can say, "Well, shouldn't you guys be doing that?" I've got a photograph of me in a hole, and there are 14 police above standing there watching. But it was legitimate that I was the labourer at that point.

The CHAIR: Thank you, Dr Steding. We deeply appreciate it. Do you have any concluding remarks you'd like to make?

LOUISE STEDING: Yes. I would really like to see this statutory council, similar to the Heritage Council, created, and that this body only meets quarterly and has certain tasks. That would be to get that list of consultants—applicants—together and verify and check and get the code of conduct, get their insurances, try and get an indemnity for police with regard to the contractors they use. All these sorts of things to make it rock-solid and tight so that the council can seriously, with strength, make recommendations to the Minister, who can say, "We want that done."

The CHAIR: Thank you, Dr Steding. We deeply appreciate that. Again, thank you very much for your written submission and the evidence you've given today. I don't think there were any questions taken on notice.

(The witness withdrew.)

(Short adjournment)

CORRECTED

Mr ADAM VAUGHAN, Brother of Janine Vaughan, missing person, affirmed and examined

Ms KYLIE SPELDE, Sister of Janine Vaughan, missing person, sworn and examined

Mr BRYAN NEUMEISTER, Chief Executive Officer, USAForensic LLC, before the Committee via videoconference, sworn and examined

The CHAIR: Good morning, and thank you very much. We deeply appreciate you taking the time, making the effort to come and give evidence today. Mr Neumeister, as you are appearing from outside New South Wales, the protections with respect to the evidence you give are more limited. I urge you to be careful about the comments you make during your evidence and to avoid making adverse reflections about others. I just have to give you that warning because you are not covered by the protections because you're not in New South Wales.

BRYAN NEUMEISTER: I'm coming to you from just outside of Detroit, Michigan. I own a company called USAForensic. We have offices in Detroit and Phoenix, Arizona. We've worked on cases in over 35 countries.

The CHAIR: Kylie and Adam, do you have some introductory remarks you'd like to make?

ADAM VAUGHAN: Good morning, everybody, and thank you, the Hon. Jeremy Buckingham, for including Janine into this very important inquiry and having us heard today. My name is Adam Vaughan, and besides me here today is Kylie, and we are the brother and sister of long-term missing person Janine Vaughan. At the time, I had no idea what was going on. It was all a blur. I thought Janine would come home, and I had no idea how my life was going to change. I was so confused as there was no end. She could still be found alive, but I'm forced to think deep on this. It is torture. The frustration of not knowing is devastating. Losing a sibling in this way is not something you ever truly come to terms with. It is not a moment in time; it is something that reshapes your entire life.

Janine wasn't just my sister. She was part of my everyday world, my memories and my future. Then suddenly she was gone, and nothing has ever felt whole since. For more than two decades, I have lived with a constant sense of incompleteness. There has been no ability to properly grieve, because grief needs truth, and we have never been given that. Instead, there has only been uncertainty, questions and the ongoing weight of not knowing what happened to someone you love. What makes the grief even harder to carry is the knowledge that this was not just a tragedy; it was also a failure. The nightmare began for us on 7 December 2001, when Janine left a nightclub in Bathurst in the early hours of the morning. Witnesses say she got into a red car. She has never been seen since, and her body has never been found. Her killer has never been brought to justice.

The early investigation into Janine's disappearance was marked by serious shortcomings, which were subsequently investigated by the Police Integrity Commission inquiry in 2006. The inquiry was sparked by an anonymous letter that alleged one of the Bathurst detectives, Brad Hosemans, was responsible for her murder. Brad Hosemans was on probation and restricted to desk duties at the time while facing criminal charges on another unrelated matter. However, despite this agreement, he was actively involved in running our sister's case during the crucial early days. This included interacting with the public and witnesses, which was against his desk duties recommendation.

Janine's work diary, that was alleged to have included her handwritten details of unwanted attention from Brad Hosemans walking past the shop where she worked, vanished before it made its way to the police evidence room. Four separate witnesses claim to have given this to police or that police had collected it from the Ed Harry menswear store. The Coroner later found in 2009, "There was clearly a work diary and it was handed to the police within a few days of Ms Vaughan's disappearance." Several witnesses also claimed that Mr Hosemans' name was removed from their statements given to police, including Janine's work colleagues and best friend. These names and details can be given if required.

On the night Janine disappeared, a police breathalyser conference was held in Bathurst. After the event the police officers went out for the night. One of these men danced with Janine a few hours before she disappeared. On the CCTV footage from the night, a patron of the hotel can be heard saying, "There are enough coppers out tonight, you could get away with murder." Out of all of those coppers, which was a number significant enough for a patron to explain that you could get away with murder, only one was interviewed, then Senior Constable Andrew Holland. He provided a brief one-page statement. As far as we know, none of the officers who were out that night with Andrew Holland and who also partied at the Metro hotel—the same hotel Janine was at that night—gave a statement. None of them were asked to appear at the inquest.

On 19 December 2001, 12 days after my sister's disappearance, a woman complained to Bathurst police about a sexual assault and named the alleged offender. This information was recorded on the COPS system but

was labelled as "intelligence only" because the woman was assessed as being strange and unreliable. The person named by the woman was later identified as a person of interest in my sister's case, but by the time this connection was made, the woman had died. We will never have the opportunity to hear more from her. We don't know who she was, and we don't know who she named. Had that woman been taken seriously at the time, this could have been investigated properly while the woman was alive, and vital evidence preserved.

Our case eventually resulted in a Police Integrity Commission hearing related to allegations about the former detective Brad Hosemans. Apart from these allegations, the PIC inquiry also exposed significant flaws in the early investigation into Janine's case. This included the destruction of a potential murder weapon found with blood and hair on it. Without it being forensically tested and despite it being tagged for testing in relation to Janine's case, it was destroyed. Another knife confiscated from a person of interest in Janine's case was also destroyed without being tested—two knives destroyed.

KYLIE SPELDE: Which means, if they had been analysed at that time, we may not be sitting here today. It's not acceptable—absolutely not acceptable. The fact that it was tagged to be put through for analysis but it was not done, put into a miscellaneous and destroyed is just—we can't go back to that. Here we are 25 years down the track, and that blood and all that hair could have solved the case 25 years ago.

ADAM VAUGHAN: The findings of the PIC also highlighted flaws in the eagle.i and COPS systems used by the New South Wales police at the time. Information failed to be properly connected between the two systems, which meant they were non-compatible in those crucial early days, resulting in missed opportunities. Despite these findings and others, none of the recommendations arising from the PIC inquiry, including the recommended dismissal of senior detectives, were ultimately implemented, and these recommendations were later overturned and the PIC heavily criticised. But what the PIC did for us as a family was expose an incredibly flawed investigation, leaving us let down and distrustful not only of individuals but of the system itself.

When an institution fails in this way, the consequences do not disappear over time; they are lived every day by families like ours. Our family has had to carry not only the loss of Janine but the enduring question of whether she might have been found in those early, crucial hours and days, had this been handled differently. This is a burden no family should have to bear. Our distrust of the New South Wales police has grown over the years, firstly because of the flawed investigation that we highlighted above but also through interactions with the New South Wales police in the years since. I will hand over to Kylie to give you some examples.

KYLIE SPELDE: One example I would like to bring up is a police officer who was from Bathurst at the time of Janine's disappearance who contacted me many years later, after he had left the force, and told us that he knew who murdered Janine and where her body was. Keep in mind that this is an ex-police officer who had inserted himself into Janine's case. At the time, we were pretty heightened by the information that he had given us. We went out and organised a penetrating radar system for us to go to this location for them to pinpoint the areas where there was movement from underneath the ground. Unfortunately, there is now a complete structural building on top of this ground.

We have contacted our detectives. They went out and found that there was not enough evidence for them to do a dig in that area. Now we have the Gateway complex on the outside of Bathurst, and we have a car buried under that ground, and there's nothing we can do about that now. But at the time it was just a spare block. We spoke to detectives. We got all the information. We also contacted the owner that owned the block at the time, and we didn't get a response from him either. Once we had gone to the detectives on our case in relation to this information, this gentleman had withdrawn and started to get quite nasty with me because I had reached out to our detectives and wanted to push forward with the information that he had given us. That's just one incident of police—we're supposed to trust these guys. We were quite excited at the time thinking, "It's a police officer, and he had vital information of her whereabouts and who had done this."

Secondly, another person who was a former police officer of 25 years had contacted our Help Find Janine Vaughan page with a poem around her anniversary in 2016. I reached out to him to thank him for the poem that he'd written in relation to Janine. Our conversations were back and forth and quite friendly. I had explained to him that I would love to have conversations with him and pick his brain. He was actually an active police officer at the time of Janine's disappearance so, for me, I thought he could have given me any information at that time. That has then turned sour in the last probably 12 months, and he has gone to social media pretty much saying that I know where my sister is because I'm probably the one that had murdered her. These are just examples of the police that are supposed to protect and care for us. In a way, that hasn't been the case with us. It's quite disgusting. I wanted to put that out there as well so you know that it's not just people in the community that have come forward. It is actually police officers that have served and are supposed to protect us.

ADAM VAUGHAN: What we're asking for today—we know we can't change our experience or what has happened in the past. What we can do with the help of this inquiry is explain where we believe families could

be better supported in the future. Transparency—we understand that the homicide unit cannot allow us to roam freely through all of its evidence related to Janine's case, but we have asked so many questions over the years, and we have been met with the usual response—"We can't tell you that." That leads us to spiral into maybes and what ifs. We wonder about cover-ups. We wonder whether witnesses have told the truth, and it consumes us.

Janine lost her handbag on the night she disappeared, and the circumstances around that have always been murky to us. On one occasion, however, our detective allowed us to come to the police station and watch the footage showing the cleaner clearly finding the handbag at the Metro Tavern that morning. That simple act gave us clarity. It allowed us to remove the suspicion from our minds. We want more opportunities like this to be allowed access to parts of the case where clarity can be provided and where unnecessary conspiracy theories can be put to rest. Otherwise, we're left going down a rabbit hole after rabbit hole, with no end in sight.

Secondly, better communications with family—we believe families should receive regular updates or, at the very least, a yearly report with general information about what has happened in our loved one's case, if anything. We understand that the police cannot divulge operational detail, but even a general update would mean something. It would reassure us that someone is still looking for Janine other than us. For example, in 2019 a $1 million reward was announced. The head of homicide stated that a vehicle connected to the investigation had been tested for DNA, using the new forensic methods. This created a lot of hope for our family that there was new momentum on the case. However, years went by and no word was heard.

It was only after we followed up that our detective told us that no conclusive DNA evidence had been found. We don't know how long the NSW Police Force had this information for, but they had not actively reached out to our family to let us know that the line of inquiry had been exhausted. We feel that the homicide unit should understand the impacts that these announcements have on families. All we ask is to be kept in the loop with an annual email to update us on where things are going. We've been told in the past couple of years that Janine's case has come to the end of its inquiries and there is no-one actively investigating. How long will her case sit in a box before it's assigned to a new case manager or is reviewed? This is why we feel compelled to undertake our own searches and investigative work—because if we do not, it appears nobody is.

KYLIE SPELDE: I just wanted to let you guys know that I have physically gone out and done my own searching. I've spoken with multiple clairvoyants. A lot of people have come forward over the last 25 years, and I can't let any of them go. I can't. It has taken a lot of time and energy, effort, space in my world to go out and physically search in these places, bare hand, down on the ground. I feel that the family shouldn't have to do that. There are places where we truly believe that she could have been. We got our hopes up and she's not there. The feeling of that is unexplainable. We do these things because we're desperate. We're desperate to find her. We're desperate to know what happened to her in the early days of her going missing. Me and my brother have been out there. We're lifting up pieces of tin and we're lifting things, physically looking for Janine—as a whole, in the beginning; now we're looking for scattered bones or any sort of piece of clothing or something that's going to be able to lead us to her.

That just shows the time frame of being able to look for somebody that's a real whole body, to now not having anything and knowing that we'll probably never find her. So I just feel that there has to be some sort of shift and change within the Police Force, for them to be able to go out and do these searches and have the funding available all the time for these sorts of searches—more persons that can go out and do these physical searches, and to believe us. I know that it's hard to take on every single piece of information that comes through. I know that, and I feel like an idiot sometimes, sending this information through to our detectives, thinking they're just going to go, "Oh my gosh, it's another piece of time-wasting information." I feel like I have to filter every phone call now. I've spoken to hundreds and hundreds of people that are so scared.

ADAM VAUGHAN: Kylie did mention that we are desperate. After much thought, we have decided to share our desperation in finding Janine. These are my Dad's words I will quote: "Give it a go, son. We've tried everything else." We want to request in this hearing that, in addition to the $1 million reward already on offer, the New South Wales homicide unit consider an offer of immunity for any witnesses who come forward with information, even if that information may incriminate them in some way. We feel it is possible there is someone out there who knows something, but perhaps they have lied to police previously, provided a false alibi for someone, or are simply scared, as Kylie said, that their silence over the years may give them criminal charges. Maybe they were involved in some way after the fact, and they are scared that they could be charged as an accomplice. Maybe they were in the car that night but had nothing to do with Janine's murder. If that person is out there, we want them to be able to come forward without fear of retribution.

To be clear, we are not requesting immunity for the perpetrator. We want this request to be taken seriously; hence, why we are putting it on the record during this inquiry. Where CCTV, DNA and other forms of evidence are available, homicide detectives should keep up to date with the latest technology available. We have been told

that nothing more can be done with the CCTV footage from Janine's case by detectives. However, our own communication and research with international experts has said otherwise. Technology is improving all the time and just because footage has been reviewed five or 10 years ago with what was then cutting-edge technology doesn't mean that advances in technology may reveal a different result.

Advancements in technology should be consistently looked at and applied to unsolved cases. For our sister's case specifically, we've highlighted the general improvements we feel should be implemented by the NSW Police Force to better support families for missing persons cases. We would like to make a formal request that the original tape of the CCTV footage showing Janine's final moments be securely transferred to Bryan Neumeister, a world respected expert on forensic video and audio enhancement from USAForensic. Bryan has 45 years experience, and is court certified and in the United States Federal military, USA district, State, civil and aviation cases. He has worked on more than 1,000 cases and most famously was recently called for a forensic expert in the Johnny Depp v Amber Heard case.

The CCTV footage in Janine's case picks Janine up, walking away from the hotel where she was last seen and partially captures the car that Janine is believed to have gotten into. The driver of that car is obviously presumed to be the killer, or known to them. This footage was analysed in 2007 by an Australian expert who was able to determine the wheelbase of the car with a seven-centimetre margin of error either side. This still covers a number of different makes and models. Bryan has viewed the copy of the CCTV footage that we have, and he believes he could get a closer read on the car. That would be a major breakthrough in the case. We have Bryan here on Zoom and we will hand over to him to speak.

BRYAN NEUMEISTER: My contract on the case—let me first explain a little bit how we deal with cases. We've actually worked on about 3,100 cases and about maybe 1,100 or 1,200 of those have involved video or clarification of video. I just did a case with 30-year-old audiotapes for the government we work for. Again, to us, data is data. It takes no side. We work for agencies. We work for police departments. We work for private attorneys. We work for civil attorneys. To us, again, we're data people. We do not get involved in the narrative. We do not do anything but try to clarify. To us, all sides deserve to have the best possible data. When I understood they had an original tape, I had looked at the transfer years ago. Now, when you're transferring or re-transferring a tape, it has to be handled like a fine oil painting.

In other words, you just can't slam it into a machine. You have to find out a little bit about the tape—how good the iron oxide is or the ferrous oxide that is on the substrate attached to the tape itself. These tend to not do well over time if they are moved from one lock-up to, for example, a more humid environment. On the last case I did, I did it up in Alaska like this where I went up there for a week and digitised everything for an agency that they had in lock-up. The reason they had us do it is we tried to stay about four years ahead of what any agency we know can do in certain capacities. The fact that I've been doing this—I've got a lot of Emmy Awards in working in film and audio. We have equipment that law enforcement can't afford. It's something that we update so frequently we have a saying that that software is so Tuesday—that's how fast it changes.

When I looked at that recording that I'd seen—the quad split—I didn't know if it was a multiplex quad or a suplex quad. I still don't know how it was encoded. But the one thing I do know with an old PAL recording like that is that, if it's ingested properly in a 4:2:2 uncompressed codec, you can get up to about 60 times the pixel resolution from a PAL—phase alternate line—recording than you can just by viewing it on a CRT. That doesn't mean you're going to get more pixels that weren't there. It's just that the clarity and the way it's encoded gives you a better look at it. You're not going to create new pixels; you're just going to get a better look at what's there. With the newer technology, there are a lot of ways to check the lighting colour temperature in degrees Kelvin, for example, and how that impacts the video. There are just a lot of things that can be done with frame averaging. We use a lot of that for reading licence plates and that sort of thing.

But, again, the evidence does no good to anybody, sitting in a box. What would have to be determined is what is the situation of the tape as far as what is the quality of it now? How is the substrate? We always want to look with a microscope at the tape and see what kind of situation we're dealing with, because very often you're going to get one shot at this. But, again, unless you try it, it's not going to get any better sitting there. The idea would be to do an uncompressed 4:2:2 capture of it and then capture the audio separately on the same pass using high-end audio gear to be able to clarify the audio.

A typical case from law enforcement for us would be, for example, on an old tape. It's not what was on the 911 call but what the people were saying who were across the street or the person making the call and that sort of thing—can you isolate those voices? I believe, in this case, isolated voices might be valuable. Basically, what's called frame averaging of the various frames from this PAL recording could be very valuable, because you might average 10 frames at a time to get one good-looking frame, and keep doing that. You're looking for individual

frames that can possibly tell a story. We don't have a narrative on that. We just present what we feel is the best possible evidence we can get at the time.

For example, for a homicide trial I testified in last week, I had run that particular piece of footage three times since I got the case, because the software had changed quite a bit. We use quite literally hundreds of plug-ins and we beta test for quite a few companies. If we can get a good transfer, there's a good possibility we can have more data to work with. Is that guaranteed? It's never guaranteed with an older video like this, but it's definitely worth a try to get a better resolution to be able to better control the luminance and chrominance of the video. A lot of it is just 45 years of working with time base correctors and timing issues on old VHS tapes. That's why I'm fairly familiar with this stuff.

The Hon. AILEEN MacDONALD: Thank you for coming and sharing what has happened to you. Can I just clarify, where is that photo on the left from?

ADAM VAUGHAN: This is from the CCTV footage. That's the time she left. She has just walked out the door on the left and she's stepping off the footpath onto the road. She continues up that road. Up here on the actual CCTV is where a car comes and chucks a U-ey. That's our last sighting of our sister, as she walks into the darkness.

The Hon. AILEEN MacDONALD: I gather that the police haven't provided you with anything recently as to where the case is up to, and you're kind of in limbo at the moment?

KYLIE SPELDE: Yes. In 2020 they pretty much told us that they had come to the end of their inquiries, which is something we're quite familiar with. At that time it was they won't be having anybody actively working on the case every day. So, for me, it was whatever information that I had coming into myself and putting forth—the only information and activity that they would be doing is if I presented them with something for them to go and look at.

The Hon. AILEEN MacDONALD: Is my understanding correct that they still own the investigation?

KYLIE SPELDE: Correct.

The Hon. AILEEN MacDONALD: It's only if you go out there and find other information and feed it into them. But there's not a two-way process in that you have requested this tape—

KYLIE SPELDE: We asked about the tape several times. He then went and got Sandcastle to have a go at it, I suppose you'd call it. But Sandcastle is just like a recording—it's not even anything like what's going on here. It's just a recording studio. They were going to put it through there and see whether they can find any audio. We have people contacting us daily, weekly in relation to their own findings on their phones of what they can hear. We can hear those things as well.

ADAM VAUGHAN: They recorded them off a television program with their mobile phones.

KYLIE SPELDE: They don't have the copy of the CCTV footage. They've just copied what they could hear on the TV. Then they've gone into programs, done their own little analysation and gone from there. To put all of those to bed as well—because everybody's got their own different sound system, headphones and all of those things. It drives people crazy because they can hear it and we can't or the police can't. We just need access to the tape. Our detective has said that the VHS has never been touched. It's still in pretty well pristine condition. They at the time recorded onto CD form. As we know, the more times you listen to a CD and the more times you transfer it, it loses pixels and it loses all of that. For us, we don't have that original anymore. It's been used—we're talking nightly.

ADAM VAUGHAN: Sadly nightly.

The Hon. AILEEN MacDONALD: You also mentioned a vehicle that was put in and you still don't have any information.

KYLIE SPELDE: We do have the information back from that. It took a long time for that information to come out. At the time, there was this big hoo-ha: We've got the million-dollar reward; now we've found that, we're going to do this DNA. It was like two years. It would have been two years down the track that we've finally said to them, "What's going on?" They're said, "It's going to take a while, because they're cultivating. We have to grow this." It was a piece of hair, I think, so they had to grow it. It took a long time. It was constantly, "Hey, where are we going? How's it going? What's been happening?" Finally, the next time I rang, they sort of said there was nothing with that; it was inconclusive. That's years ago now; that's not anything recently. That's years ago when we had that information.

The Hon. AILEEN MacDONALD: When you were communicating with the police, is it ever in writing back to you to say, "This is where we're at"?

ADAM VAUGHAN: No.

KYLIE SPELDE: Not always, no. When I'm talking to my detective, the information that I give, yes, has always got a paper trail of going through emails. If there's any information that I want him to look into, always it goes through the email system. If it's just me ringing up to get confirmation from that information, he's always, "I can't talk to you about that." It's very frustrating because I feel like I'm more across the case than they are. I can have a conversation with him and say, "Can you check this out and this out?"—"I'll have to get somebody to have a look at that." I need somebody on this case that when I talk to them, I am reciprocated back with my conversation about my sister's case. We don't get that, and we've never had that. It's very frustrating to not be on the same page with your loved one's case.

The CHAIR: Can I just jump in there? Over the 25 years, how many different detectives would you have dealt with? At a guess—10?

ADAM VAUGHAN: Yes—or more.

The CHAIR: Or more.

KYLIE SPELDE: They've got a promotion. They're retiring. They're on sick leave, stress leave. We build up a rapport with these guys.

The CHAIR: And you find out about that after the fact?

KYLIE SPELDE: We find out about it after the fact. They say, "Look, this is the last time we're going to be speaking with you today. We've actually been promoted to"—you never hear from them again. You never have access to anything that has happened. That was the biggest devastation for me—I trust nobody now. You build this trust up with these people and then they're gone.

The CHAIR: Do you feel like, with the next person that's assigned to the case, you then have to work with them to build their understanding of what's going on?

KYLIE SPELDE: That is the most frustrating side of it as well, because nobody ever just continues on. It's going to take us a couple of years to start at the beginning, go back through all the information. It's just not good enough. They're not across the case in any shape or form. I remember talking to one detective about something to do with the CCTV footage. He said, "Oh, I haven't even seen the CCTV footage. I get somebody else to do that." That's disgusting. He was the detective on our case—not okay.

The Hon. STEPHEN LAWRENCE: Thank you both for coming along and I'm so sorry for your loss and for what has been happening to your family for the last 25 years. In relation to Bradley Hoseman, do I have these facts right—that he was on duty at the time but not allowed to do investigation work outside of the police station?

KYLIE SPELDE: Correct.

The Hon. STEPHEN LAWRENCE: That he was the deputy mayor of the council and that, notwithstanding those restrictions, he involved himself in the matter?

KYLIE SPELDE: Yes.

The Hon. STEPHEN LAWRENCE: He subsequently was alleged to have provided a false account of where he was at relevant times.

KYLIE SPELDE: Correct.

The Hon. STEPHEN LAWRENCE: Also during that investigation—and I'm not sure if he's connected to these things. But two knives were destroyed that should have been tested.

KYLIE SPELDE: Correct.

The Hon. STEPHEN LAWRENCE: And you're concerned—you say in your submission about public confidence in the Bathurst region in the community in terms of trust in police.

KYLIE SPELDE: Yes.

The Hon. STEPHEN LAWRENCE: Are you aware of the circumstances of the conviction of the former mayor for blackmail?

KYLIE SPELDE: Yes.

The Hon. STEPHEN LAWRENCE: Are you aware that, in relation to that matter, a serving councillor was working in the police station on the night that a complaint was made of blackmail, that the victim provided the blackmail letter to the police and that that letter was lost and destroyed, it would seem?

KYLIE SPELDE: Yes, correct.

The Hon. STEPHEN LAWRENCE: Those two things—putting them together would seem to say not good things about public confidence in the police in the Bathurst region. I'm sure you'd agree.

KYLIE SPELDE: Yes.

The Hon. STEPHEN LAWRENCE: I don't say that to cast aspersions on all the hardworking police in Bathurst, but the two things seem to raise, at the very least, questions about systems and practices in that area. Would you agree?

KYLIE SPELDE: Yes. And over the years—as young people when it first happened—I was in my twenties and we put all of our trust in the police because this is their job, this is what they're doing. We sort of just went, "We'll just wait and hear." They're coming to our house all the time. We just thought that this was the normal process. As we've become more adult, we've realised that it's not okay and it hasn't been done correctly. The things that have happened within the Bathurst police—we kept saying corruption and all this. It may not be corruption. It's just incompetence. It's not always the corruption that we've gone down. It has been, "Well, that's just ridiculous how that could have happened."

We're all human. We know that there are going to be mistakes made, but, when there are so many mistakes within one case, you've got to look and go, "Did those people taking these statements go, 'Oh my God, this guy has just said Brad Hoseman's name and he's the detective on the case. Do we not put that in? Do we put it in? What do we'"—that pressure must have been huge for those young police officers taking these statements from people, bringing information in about their detective that they're putting all the information to. Every phone call that was coming in was coming across his desk. He was out actually taking statements from people for Janine's disappearance.

The Hon. STEPHEN LAWRENCE: What was the evidence that was provided to the police about any prior relationship between him and Janine?

KYLIE SPELDE: Janine had had a conversation with her boss in relation to this detective/deputy mayor that had walked past the shop and made her feel uncomfortable. She had suggested that, anytime that happened, for her to start writing in the work diary. It was literally just your comings and goings, lay-bys, that sort of stuff. It was just a diary that was left under the counter. So if he was walking past, she would document that. Once she's gone missing, that's gone missing as well. These guys have obviously looked in there and gone, "Holy shit, the name is there. What do we do? Do we present it, or don't even look in there and get rid of it?"

ADAM VAUGHAN: But, yes, there is no evidence, only what she has said out of her mouth to my mother, my brother, her friends, within a two-week period. She had spoken about Brad Hosemans. She had also said that she had not met him.

KYLIE SPELDE: To us, to my parents that weekend, two weeks before the disappearance.

ADAM VAUGHAN: That she was going to go home and maybe give it a go.

KYLIE SPELDE: Yes.

ADAM VAUGHAN: That was 23 November.

KYLIE SPELDE: She had mentioned him to multiple people in Muswellbrook two weeks before her disappearance. She came home. Whether they did go on a date, I do not know. But something changed her mind in two weeks of her coming home for her to be fearful of this guy, and she didn't want a bar of him.

The CHAIR: And her work colleague gave evidence that that name had been recorded in the work diary?

KYLIE SPELDE: Yes. And they had physically seen Janine run out the back. Now, he never came into the store, but he obviously had that intimidation of just walking past that was enough for her to freak out. I don't know whether it was because she'd learnt of the prior sexual assault that he had just been a part of. It could have just been that, that she's heard about this—"I don't particularly want to be involved with somebody that's just about to appear in court." But something happened within that two weeks of her going missing.

The CHAIR: We deeply appreciate you coming today to give evidence. We've run out of time. We thank you very much for your submission and the courageous effort you've made to try to find your sister and pursue

justice for her. We extend our condolences to you. Just to clarify, your key request is that you would like that master recording provided so that you can conduct your own analysis of it to see what is recorded in it?

ADAM VAUGHAN: Yes.

KYLIE SPELDE: Yes, because we only have a snippet of that. There's only a small amount of tape that we have. We can clearly hear so many people talking and it eats at us every day. It's just something that we can't get past. Can we have just one final quick word? Is that okay?

The CHAIR: Sure, but you'll have to make it pretty brief, because we've got to—

ADAM VAUGHAN: We'll just give it to them. It's fine.

The CHAIR: You've got a statement you would like to table?

KYLIE SPELDE: We just have final words we'd like to read out.

The CHAIR: Go for it. That's going to be fine.

ADAM VAUGHAN: We're here now.

The CHAIR: You're here now. Let's do it.

KYLIE SPELDE: We're here now. We're not coming back, mate.

The CHAIR: Who knows? We'll see.

ADAM VAUGHAN: There is a unique pain in watching life continue without Janine. Birthdays, milestones, ordinary family moments—they all go on, but always with a space where Janine should be. That absence does not fade; it becomes part of who you are. With time, that pain has grown more urgent. We have already lost our mother, at age 61, without her getting the answers about what happened to her daughter. That is something no parent should have to endure. Our father is now nearing his eighties, and we live with the very same fear that he too may not see a resolution in his lifetime. The uncertainty, the waiting, the not knowing—it is not just grief; it is a form of ongoing torture that has been carried by our family for almost 25 years.

Unfortunately for us, in many of these missing persons cases, families feel like they have had to step into the roles we were never meant to take on—advocates, investigators and voices for our loved ones. I can speak only on behalf of us, but it has felt like the system stepped back and we are left to carry that responsibility ourselves. The painful truth is that we are the last people the police will share their information to, and yet we're the ones searching for Janine. We are not trained or qualified criminologists, and we are aware of the contamination due to our search for answers. But after 25 years, what are we supposed to do? We can't sit and do nothing. We need these answers.

Over the past years, every piece of new or compelling evidence, big or small, that has been presented to us has been passed on to our detectives running the case. These have come in via numerous letters, phone calls, emails, Facebook posts and anonymous tips. We understand the police cannot reveal to us the outcome of every investigative avenue that we give them. However, we often are left wondering if the information was taken seriously due to the lack of trust in the New South Wales police. However, we would like to acknowledge that there are some detectives that have worked hard on our sister's case, and we are grateful to them. On a closing note, it is obvious to us that many murders could have been solved with more resources, and that can only come from more funding from the Government. This is not just a police problem, but also a government one. Thank you, everybody. Justice for Janine.

The CHAIR: Hear, hear. Thank you very much, Adam and Kylie. I don't think there were any matters taken on notice. Also, Mr Neumeister, thank you very much for joining us.

BRYAN NEUMEISTER: It's been an honour.

The CHAIR: Thank you very much for the work you are doing as well.

(The witnesses withdrew.)

(Luncheon adjournment)

Ms LOREN O'KEEFFE, Founding CEO, The Missed Foundation, affirmed and examined

Ms LILI GREER, Family Liaison and Advocacy Officer, The Missed Foundation, affirmed and examined

The CHAIR: Welcome and thank you very much for your submission and also taking the time to come and give evidence today. We appreciate that. Do you have some introductory remarks you'd like to make?

LOREN O'KEEFFE: Good afternoon, everyone. I want to begin by acknowledging the families who have generously shared their stories with this inquiry. It is traumatic to revisit and retell these experiences, so it's vital that what they've shared is valued, honoured and ultimately leads to change. What you've heard from them is reflected in what we hear from families across Australia almost every day. I started this charity in 2013 because the gaps in support our family experienced weren't unique to us; they were structural, and every family of a long-term missing person in Australia falls into them.

Whilst Missed wasn't in operation during the period this inquiry examines and we have no information to add on the specific historical cases you've been hearing about, we do support eight families whose loved ones disappeared in suspicious circumstances in New South Wales between 1965 and 2010. We're also here because the system these families have described to you—the lack of communication, guidance and support—is not history. It's what families experience right now in cases happening this year. The system has not changed in the ways that families need it to.

On average, 28 New South Wales residents are reported missing to police every day. Nationally, it's now at about 50,000 a year, which is a more than 70 per cent increase since Missed was founded. Whilst, thankfully, only a fraction of these cases go on to become long term, that still equates to dozens of long-term missing loved ones in New South Wales every year—dozens of families, communities and workplaces left devastated and trying to navigate an indescribable emotional, psychological, financial and administrative nightmare. Research from 20 years ago suggested at least 12 people are profoundly affected by each disappearance. But based on recent relative research and my own both lived and learned experiences, 12 is far too conservative a number. The ripple effects are immeasurable.

Families of missing loved ones in the short term typically experience acute stress disorder, with symptoms like derealisation. When a loved one remains missing, the distress is prolonged and the trauma is complex. It is an unending not knowing called "ambiguous loss", and it's considered to be the most traumatic type of loss and the most unmanageable form of stress. Experts liken it to PTSD. Right now, tens of thousands of Australians are living with this unresolved and disenfranchised grief, with no rituals to help them process it and without adequate supports to help them cope. In the absence of proof, possibilities are endless, so families will always feel like more could and should be done whilst having to accept they don't know which course of action isn't a complete waste of time.

Having a long-term missing loved one is a cruel and teasing journey because they are both alive and not. You're caught between holding onto hope and confronting the possibility of loss. You're simultaneously longing for and dreading resolution, knowing in long-term cases it's almost never the outcome you first hoped for. The continual nature of the loss is agonising. Our brains are hardwired to fill gaps in knowledge, so there's all the imagined trauma alongside all the unwelcome theories that strangers will offer up, the social isolation and a palpable disillusionment caused by expectations set by Hollywood.

The head of the Central Tracing Agency at the ICRC says, "The disappearance of a loved one is the only wound that keeps getting worse over time." The Missed Foundation is the leading national lived-experience-led charity providing specialised practical and emotional support to these families, and we have done this work for nearly 14 years without a dollar of government funding, relying entirely on donors and volunteers. Yet we are often contacted and referred by funded government agencies like New South Wales police, the AFP and DFAT. GPs, psychologists, social workers and crisis counsellors, including from funded services like Lifeline and Beyond Blue, refer families to us because there's nowhere else to send them. We are who the media calls when they need context on a missing person's story.

That pattern of funded services referring families to an unfunded charity isn't a compliment to us; it's evidence of a serious gap we believe this Committee can help to close. Our written submission sets out 10 recommendations, from reframing missing persons as a community health issue, to mandatory family liaison and ambiguous loss training, to sustainable funding for organisations like ours. With her own mother long-term missing, Lili is currently undertaking a Master of Research exploring responses to long-term missing persons and the impact on families, and I credit her with writing this submission. Thank you for the invitation and for the seriousness with which this Committee is treating an issue that has gone unaddressed for far too long.

The CHAIR: Thank you very much, Ms O'Keeffe and Ms Greer, for your excellent submission, recommendations and evidence here today.

The Hon. AILEEN MacDONALD: Thank you, Ms O'Keeffe, for your submission today. Across the New South Wales families that your organisation has assisted or supported, how commonly have you observed inadequate liaison, difficulty accessing records, inequitable attention or failures to collect family DNA?

LOREN O'KEEFFE: I wouldn't have the exact figure, but I would say the overwhelming majority of the families that we support have had such experiences with the New South Wales police.

The Hon. AILEEN MacDONALD: You mentioned that, when coming to terms with this, having to retell the story all the time would not be pleasant to do. Would that be a common occurrence as well?

LOREN O'KEEFFE: It absolutely is. We heard earlier from Kylie and Adam about the re-traumatisation that happens when families have to retell their stories time and time again whenever there's a change in the police contact—which we understand, in that setting, is a common practice. But there's got to be a better way to handle that changeover.

LILI GREER: It's also not specific to New South Wales. It's also widely reflected within all the literature in relation to families of long-term missing people. It's not specific to this area, and it's evidence based that this is happening.

The Hon. AILEEN MacDONALD: Of those 10 recommendations, if only three could be implemented, which three would you prioritise and why?

LOREN O'KEEFFE: Understandably, we would hope that core funding—

The Hon. AILEEN MacDONALD: All 10, yes.

LOREN O'KEEFFE: —for organisations like ours would be seriously considered, given what I've mentioned earlier. But beyond that, we really need to start addressing missing persons as a community issue. We know that the overwhelming majority of people reported missing to police in Australia have disappeared as a result of mental health issues. Again, thankfully, it is just a fraction of cases that pertain to crime. Yet this entire issue is a heavy one. It's broad. It's vague. We get why no-one wants to own it—it's complicated—but it's got to be shared across every sector. Everyone has a role to play in this. We really need to reframe the way that missing persons is understood as a social issue in this country so that every level of government, the corporate sector, the media, emergency services and community organisations like ours all have a clear role to play to better support families.

The Hon. AILEEN MacDONALD: You mentioned that government agencies such as police or others often refer people to you. How are they doing that? Are you able to always take on those referrals?

LOREN O'KEEFFE: We are listed on both the AFP National Missing Persons Coordination Centre website as a service, as well as the equivalent for the New South Wales police on their website, so a lot of the time families will come to us via one of those methods. Other times they'll get our email address or phone number through those platforms. There have been multiple times where officers have directly emailed us to ask if we can take a family on because they don't know what to do with them because it may not be a criminal case, which again, is the overwhelming majority.

Because of the size of our organisation, we really exist primarily in that long-term space. So after the 90 days, which is when typically all police resources that have been available have been exhausted, the media is no longer interested in the story and therefore the public has moved on, that's really the point at which we believe the focus needs to shift to the bigger picture—the people around the missing individuals who need a whole host of supports that no-one is providing to them. Again, this is why we really need to reframe missing persons as an issue in the country. Is there another recommendation that you think we should prioritise?

LILI GREER: Yes, I think—and rightly so—victims-of-crime compensation is necessary. As we describe in our submission, the impacts on the family members, whether it is a person that is a victim of crime, are exactly the same as to a non-suspicious case. For instance, you've still got families out there searching, you've still got the time off work necessary, you've still got to sort out their financial affairs—their house, their items. You're put into chaos. Whether that's criminal or non-suspicious, it doesn't matter.

Even in cases where family members may have access to Victims Services supports, typically, in New South Wales, research shows that half of the cases that were reviewed took at least 10 years to reach the Coroners Court. What happens in these processes is you need to have a coronial finding to receive a death certificate, then you have your death certificate. Then the family's got the burden of making the submission to victims of crime to say, "There was a crime committed 10 years ago. I need support," but really that support was

needed 10 years prior to that. And it's not just the victims of crime; it's all family members. We're really passionate about taking the burden off family members, particularly in the financial measures because, as we also outlined in our submission, family members are spending up to $40,000 searching for their loved ones, and with time off work. It's unnecessary.

LOREN O'KEEFFE: There are opportunities there, I think, that if we were to reframe this and share the responsibility, as we believe we should, the corporate sector could help out like they do with lots of other charitable causes. Things like transport and accommodation for families when they are going to inquests or whatever it may be. The tangible financial cost and toll it takes on families is enormous. There's an opportunity there to step in and alleviate that.

LILI GREER: And it's not something that 10 counselling sessions, which are provided in New South Wales, can fix. Ten is not enough to emotionally support family members through decades of ambiguous loss.

LOREN O'KEEFFE: It is an ongoing, continual loss that needs ongoing specialised supports across the board. A third one would be around that mandatory training for police officers around ambiguous loss, because there are nuances that all professionals who are liaising directly with families of missing persons should be aware of. We have, in the last few years, created a couple of resources that address this. They are freely available on our website. We've got the Ambiguous Loss Masterclass that we created with internationally renowned missing persons and ambiguous loss expert Professor Sarah Wayland, who is based here in Sydney, so there is no reason why especially police who are directly liaising with families in this predicament shouldn't spend 50 minutes equipping themselves with really useful information to help them better understand and support families so that they are not inadvertently damaging a relationship that will ultimately, in this context, span many years. Even if it is a different officer, it's going to be the relationship that that family has with the police. It's incredibly important that they get it right from the start.

The Hon. RACHEL MERTON: I welcome your attendance and contribution to this. Touching on where you sit and engage with family members affected by this, in terms of the practical barriers that families face when engaging with the investigations or the coronial process in the long term, I'm wondering whether you may have anything to reflect on that.

LOREN O'KEEFFE: We try and help families however we can with our very limited resources. Our first foundation project, if you will, was the Missing Persons Guide, which does provide families with some direction when this first happens, but it does also go into the longer-term space. Recently, we actually hosted a free coronial information session to help families as they approach that process. We've connected dozens of families over the years to pro bono legal support, and we've helped them with tailored media opportunities—all sorts of practical modes of assistance.

LILI GREER: One of our recommendations is about the right to access information, which is one of the barriers that families face. I think it's fair to state that a lot of the barriers that families face in terms of accessing information could be prevented through the family liaison framework being correctly implemented. But, in saying that, it doesn't currently happen as it should—or to our knowledge it's not happening, despite there being evidence that it should be. Families, at least in our experience, are so keen to see the information because, as you've probably heard in this inquiry, you're chasing down every lead yourself. You want to know at what point this information was looked at, hence why the coronial briefs, for instance, are so important to look at, because you need the sense of safety that those avenues have been gone down. But it's a common occurrence for us that families aren't given the right to coronial briefs and accessing that information—even when it isn't a criminal case, so there's very low risk of hindering the investigation.

The Hon. RACHEL MERTON: Just to follow up, beyond the first 12 to 24 months of this—some of our witnesses earlier today have been on this for 20 years—I'm just wondering if we've been able to identify what some of the largest unmet needs might be for families, given that time period experienced.

LOREN O'KEEFFE: Again, we are not in the investigative side of missing persons. We are very much about helping families survive the unending not knowing. A lot of what our organisation is about is bringing them a sense of community and belonging and understanding and validation, as can be seen, again, with our tangible resources. It's really important with any kind of unique trauma, especially over such a protracted period of time, that you realise that you're not alone. There are other people out there who can understand. We would say that opportunities around formalised peer support programs and obviously specialised counselling—we've connected a number of families to a handful of ambiguous loss trained specialist counsellors across the country, including in New South Wales.

Beyond that, there are lots of opportunities, as has been touched on earlier today, around connecting with organisations separate to police, like what they have in the UK, Locate International, where there are, I think, over

200 skilled, usually retired detectives who look into cold cases. There is an independent cold case review team and they've had great success. So there's no reason why something like that couldn't and shouldn't happen here in Australia too, so that families do have options in that long-term space so that the hope can continue.

LILI GREER: Overwhelmingly, it's the fact that their loved one hasn't been forgotten and put in a box—quite literally on a shelf—in the sense that we understand you and we're here for you for the duration. In the past, we have still supported families whose loved ones have been found in, for instance, suspicious circumstances.

LOREN O'KEEFFE: We know that the best way of coping with ambiguous loss—and this is from Emeritus Professor Pauline Boss herself—is to make meaning out of that loss. So a lot of the work that we do is around creating opportunities for families to do that. That could be via a podcast, or it could be through a family focus group or a workshop where they get to share their experiences so that they feel as if they are contributing to the bigger picture, because ultimately they are with the types of resources and projects that we've created over the last decade plus. That they are seen and that what they have gone through is valued is critical.

The Hon. RACHEL MERTON: Just a follow-up on that: Given the length of, often, the investigations or the unknown, is there a point where families are keen to know the status of the case in terms of—

LILI GREER: I think that's ongoing. If we think about it from a human perspective, if any of your loved ones were missing, I'm sure you'd want to call the police every day and see if they have any updates for you and what is the status of that investigation. I don't think it's something you can quantify. I think that, to the previous witnesses, one email a year is nothing to ask. That is the bare, absolute minimum, and I think it's really a disservice to families to be treated like this.

The CHAIR: Thank you. They were excellent questions and great answers. You've recommended an audit of whether investigative resources are distributed fairly. From your work with families, have you seen evidence that a person's location, cultural background, financial position or media profile affects the attention their case receives?

LOREN O'KEEFFE: Absolutely. I think we are all familiar with terms like "front desk lottery" and "perfect victim" and "missing white woman syndrome". So we are very familiar with, of course, the media bias. Sadly, media does tend to influence and pressure resourcing in other manifestations. There has been a lot of work done by people like Dr Amy McQuire on this very topic. We see it all the time. I think everyone in this room has examples they can think of off the top of their head, where a certain missing person's story gets more coverage than others. So it's really important that, through an inquiry like this, we try to improve that consistency and we look at ways in which we can ensure that a family, regardless of the circumstances, is treated equally and fairly throughout the process.

The CHAIR: Just on that, I deeply, personally appreciate the substantive submission you've made, and the excellent recommendations you've made. Of course, we've already received a submission from Professor Wayland, but would you be able to take this on notice: If there are jurisdictions or academics or institutions you think we should hear from or that are doing a good job in this area, could you provide us with a list in that regard? Papers that help with this—that would be very good. Just on that, other than UK Locate, are there other jurisdictions that are doing a good job in this area or addressing this or trying to rectify this, either in Australia or internationally?

LOREN O'KEEFFE: We have a really great relationship with a charity in the UK, called Missing People. We've been close with them since the beginning, 14 years ago now. They were established about 33 or 34 years ago. They have just over £4 million in funding annually. They have the equivalent of 80 full-time employees. They do a terrific job in representing families of missing persons throughout the UK, and we collaborate with them on a number of projects all the time. So I would say that an organisation like Missing People UK is one to consider in that regard, for sure, and we would very easily be able to get whatever information you'd be interested in.

LILI GREER: There are a lot of academics that do speak to the inequitable resourcing or perceived inequity of resourcing—there is debate—depending on which police station you go to and, as you said, the front desk lottery, and there's, certainly, a great deal of literature on the matter. It's just whether the inquiry has time to read it all.

The CHAIR: We've got plenty of time, haven't we, secretariat? More is more when it comes to this. What about technology? What's emerging in terms of technology that's assisting to locate people potentially or help with assimilating or collating the massive amounts of information that come in when you have an ambiguous long-term missing persons case? I know that just in my office, each one of the files gets massive with the media, coronial inquests et cetera. What can help to streamline that and make that easier? Are there emerging technologies in this area that we should consider?

LOREN O'KEEFFE: Undoubtedly. We are not in that tech space, but we are familiar with a number of very talented tech—drone operators, for example, that have had, in recent history throughout Australia, success in locating the remains of missing loved ones. Our role in that sort of thing is really connecting a family to such a specialised expert. There are, of course, lots of improvements with technology all the time. One of the recommendations in our submission was around the fact that Coroner Teresa O'Sullivan in 2022, through Théo Hayez's inquest, recommended that police be able to access the geolocation data for persons reported missing in a short period of time. I think it was 24—maybe 48—hours. But we have reason to believe that that has still not been implemented, hence it being a request in our submission for the inquiry to look into that.

In this day and age, as you rightly point out, the technology is that people can be tracked by corporates all the time, at the supermarket or on a bus, so why is it that police are still not utilising or accessing such information when there is a risk of life for a missing loved one? People are reported missing and considered missing in Australia when their whereabouts are unknown and there are serious concerns for their welfare. The overwhelming majority of people, just by nature, are vulnerable when they're missing. They're usually youths or they have a mental health condition or there's some sort of impairment or the circumstances are suspicious. That's the type of technology that we would be suggesting police utilise.

LILI GREER: For instance, on the Théo Hayez inquest recommendations—they're included in this submission—I spoke to Mel Bowen, Denny Smith's cousin. He's a missing man in New South Wales as of recent. The reason they were included in this submission, as we said earlier, is the issue still remains the same since 1965 till current day. His phone has not been located. To their knowledge—whether it has or hasn't happened with the police is a different story, but to their knowledge they have not done any searching in regard to the geolocation of his phone. That's a current example that inquest recommendations from years ago are still not being acted on by New South Wales.

The CHAIR: We've heard a lot of evidence that there just seems to be an ad hoc—I'd put it that way—approach to coronial inquests. There just seems to be no rhyme or reason as to when they do or don't occur. Some happen within a couple of years. Some happen after seven or eight years. Some happen 40 years later. What are your reflections on that? We're going to hear from the Coroner this afternoon. Should it be a statutory requirement that there's a set period at which the coronial inquest begins? What's your evidence in that regard?

LILI GREER: Another issue in this instance in New South Wales is a lot of the procedures are not publicly accessible. I can't speak to the time frames, but I know for a fact in Queensland, once the person is suspected to no longer be with us, the police must report a reportable death finding to the coroner and, if not, make a report to the coroner within a year. That can typically set those proceedings in motion for a coronial hearing. However, that's not really a thing that happens in practice. I can't speak to New South Wales, but it would be worth asking the Coroner about those things. In the vast majority of cases, it's families pushing for the inquests and having to fight publicly. Of course, it's a cost of public resources to have a coronial inquiry. But, again, I think every family should be afforded that right. We were speaking about the loss of records due to the time.

The CHAIR: What was that, Ms Greer?

LILI GREER: Apologies. The Leveson case—do you want to speak to that?

LOREN O'KEEFFE: I think there was something—was it in a previous hearing in this inquiry?—around the common situation where critical evidence is misplaced by police. An example that Lili was just mentioning to me was that one of our families did have such an instance where really critical information was stored incorrectly in, I think, the attic of a former police officer's home. Again, you've got examples aplenty on this very issue.

LILI GREER: And the fact that when these inquiries happen so late into the process, key witnesses die, and that family loses their chance to hear evidence from that person. That's another issue that is gut-wrenching for families: to know that there was the opportunity to hear from a key witness but, unfortunately, they've passed because the administrative process of our legal systems can't keep up.

The CHAIR: Coronial inquests can do some discovery, but it's very limited—the advocates can do some. What's your view on establishing—like we've heard evidence today—or basically putting in place an agency that's responsible for independent cold case reviews?

LOREN O'KEEFFE: We fully support that. I think, again, there is an existing model over in the UK that has had success, and there are plenty of universities here in Australia that I know are very keen to be involved, and have been involved to various extents, with organisations like Locate International. It's really just the willingness from the authorities to collaborate with such institutions, and that's what we're hopeful may be an outcome of an inquiry like this.

The CHAIR: You've mentioned Locate UK. What was the attitude of the UK police to the establishment of that? Were they on board with that from the outset, or was there resistance to that?

LOREN O'KEEFFE: They were, because the founding CEO, Dave Grimstead, was himself a senior police officer. So of course that hurdle, which is understandably the biggest one for lots of equivalents trying to get off the ground, was not an issue over there. It's just that trust, and there are ways to go about doing that. That's a great proof of concept that, again, should be applicable in other parts of the world.

LILI GREER: And I think, with all of this, if these things do eventuate, the important thing is to keep the families at the centre of these things. It's fair enough to say we're going to hold independent reviews, but if you're not telling the family any of this information, what use is it to them? We need to keep trauma-informed, ambiguous loss-informed, family-centred approaches to all of our work in every sector in this area.

LOREN O'KEEFFE: Yes, we have to help them understand what is known—

LILI GREER: Within reason.

LOREN O'KEEFFE: Yes—after appropriate periods of time and with the right sort of safeguarding, because it's that unending not knowing that is so torturous, as you've heard from many families in this inquiry. That's where we really need to alleviate some of that, because we can and we should.

The Hon. BOB NANVA: You've touched on what I was going to ask, following a line of questioning from the Chair. Firstly, thank you for the submission. It's a really considered and insightful contribution to the Committee's work. What I took from it was that these are undoubtedly issues that go to matters of budget and, obviously, balancing adequate resourcing of a community health and social issue with the needs of the unsolved homicide team that currently has 750 cases sitting on its books, with a team of 35 people. So there's an issue of budget, obviously.

But what I also took out of it was that these are also matters of attitude. They're matters of process, structure and regulatory settings, so looking at budget in isolation is not the whole answer. What I was really interested in, and the Chair has asked it and you've touched on it, for each of those main headings of culture, attitude, structure and regulatory settings, what jurisdiction does it better—if not perfectly? What jurisdictions do this better in each of those areas? You've touched on some of that. You can certainly take it on notice, but it's something I'm really interested in.

LILI GREER: We will take that on notice. However, a comparable example I keep coming back to—and it's not in the missing persons sector—is the domestic and family violence sector. They are leaps and bounds ahead of the missing persons space in terms of support they provide for victim-survivors. Obviously it's not directly transferable, but there are a lot of learnings that we can take from sectors that are already much more developed in how they actually support people, and I think we can learn a lot from the domestic and family violence space. For instance—and we haven't touched on it—I think it's important to note there are children that are victims of missing persons, whether it's suspicious or non-suspicious. They are largely, if not entirely, left out of the equation in these instances.

We're only just now acknowledging what ambiguous loss is and that there needs to be specialised training. Children are still an afterthought. Especially in the domestic and family violence space, they're being recognised as victims in their own right, and appropriate resourcing is being put into children and supporting them. For the case of Mel that we mentioned, her cousin is missing and he has three young children. There's no support for those children. He's not a victim of crime, if we know that he is or isn't—we don't know, but apparently he's not. What are we doing for the children out there who are the loved ones of these missing people? Sorry to derail your question, but I think that's an important thing to say on the record.

LOREN O'KEEFFE: It is because it just reiterates that this cause is so broad, and families need such a wide range of supports throughout what is a very long journey. This is why it can't fall on police. So much of the types of supports that we're touching on today are well beyond the remit of police. Again, it's why it needs to be shared. There needs to be a collaborative approach to this issue, because it's way too big for one sector to own.

LILI GREER: And it does intersect. If we talk about the causes of missingness, it does intersect with all of these different areas—for instance, domestic and family violence. That's a cause of people going missing. Mental health, dementia—these are all sectors that already have funding that we could potentially draw from to support families in those areas. But we will get back to you in more depth.

The Hon. BOB NANVA: Where governments have taken a better approach with respect to a shift towards a health and welfare model, has there been an underlying tension where that approach has occurred? Has there been an underlying tension between that and the resourcing of the genuine criminal minority of cases? Has there been resistance by police forces, for example?

LOREN O'KEEFFE: I can't think of an example, but we can take that on notice and figure it out.

The CHAIR: I'd like to acknowledge your own lived experience, and I make a commitment to do the training in Ambiguous Loss Masterclass. I think it'll be very useful for me and probably others to do as well. Thank you for the work you do on behalf of those families. We acknowledge your own circumstances as well, and we offer our condolences. You've taken a few things on notice, but your submission was excellent and very useful. The secretariat will be in contact with you in due course regarding that information. Again, thank you very much for your submission, for your evidence today and for the work you do on behalf of those families.

(The witnesses withdrew.)

Ms TASIA HAAG, Board Member, Centre for Missing Persons (Aust) Inc, sworn and examined

Ms KIM MARSHALL, Vice President, Centre for Missing Persons (Aust) Inc, sworn and examined

The CHAIR: Good afternoon. Thank you for joining us. Do either of you, or both of you, have any introductory remarks you'd like to make?

KIM MARSHALL: Chair and members of the Committee, thank you for the opportunity to appear before you today. I appear as vice president for the centre and, more importantly, in support of families of missing persons. This inquiry is an opportunity to examine the systems surrounding how missing persons events are handled and what happens when an investigation becomes long term. For a family, an unsolved homicide or missing person case is much more than a historical file; it is a person whose place in the family remains present every day. This uncertainty continues through life-defining moments and the deaths of parents who never learned what happened to their child. We acknowledge that historical investigations are exceptionally difficult.

Our purpose is to share the experiences families have accumulated over time, and to convey how current structures are affecting families and where gaps exist 360 for missing persons investigations. The centre exists to deliver a united message: We can all do better together. The centre's grassroots actions undertaken from the 2024 symposium and ongoing community engagement indicate that early assumptions can shape the life of a case. Where there has been recent separation, domestic or family violence, coercive control, threats, vulnerable children or unexplained behavioural change, risk assessment must test multiple hypotheses. A person should never effectively become a suspect in their own disappearance because the information available at the beginning was incomplete.

Our centre's report *Addressing The Crisis*, submission 78 to this inquiry, also demonstrates why communities and families must be treated as partners. Communities and families are a primary source of information for investigators to collaborate with. Historical witnesses who were children or young adults may be ready decades later to give a fuller account. For Indigenous and multicultural communities, and the families and friends within them, the trauma of a missing loved one is often compounded by historical mistrust, language barriers and deep systemic disparities that make an already devastating situation feel completely overwhelming. These communities face unique hurdles in systemic visibility and resource allocation, meaning crucial narratives risk being lost entirely. Their evidence must be actively sought out and collected through a deeply trauma-informed, culturally safe and appropriate safeguarded process, honouring their lived experiences.

Evidence preservation is equally fundamental. Scientific advances are useful only if relevant material can still be located and its chain of custody is known and preserved well enough for examination. Families who provide original property or documents should receive an acknowledgement, a reference number, a clear record of custody and an explanation of what will happen to that material. The centre supports a permanent independent oversight body and framework to review cases over the long term, complementing NSW Police investigations. This additional mechanism will provide structured historical review, evidence auditing, contemporary forensic assessment, search reassessment, multidisciplinary coordination, family navigation and transparent systemic reporting.

The missing persons landscape has evolved from a fragmented advocacy movement into a distinct specialised sector that demands formal recognition. We also support a mandatory trigger for structured review with defined responsibility for the outcome and for notifying family. No unresolved case should sit indefinitely in an administrative vacuum simply because active leads have been exhausted. The reform framework will strengthen coordination between police, Coroner, ODPP, Victims Services, specialist search organisations and relevant national systems. Families must have a path of agency to understand who has carriage of a matter, what stage it has reached, when it will next be reviewed and where they can take a legitimate concern.

Evidence from this New South Wales inquiry highlights structural shortfalls in the handling of disappearances. That is my understanding. The current scaffolding support provided by State-funded organisations is not adequate. It is the centre's understanding that service provision to families has continued to be reduced, increasing the critical need for an appropriate service that is responsive and effective. The Centre for Missing Persons (Aust) Inc. must be instated as a community-led partner, working alongside existing State mechanisms, including bodies like the Families and Friends of Missing Persons Service under New South Wales Victims Services. The FFMPS is bound by institutional limitations. While government units provide vital structural clinical support, they cannot step, or may not be able to step, outside their bureaucratic boundaries to act as a flexible community-led intersect.

The legacy of this inquiry should be a permanent framework for review, evidence, partnership and accountability, ensuring that families do not have to become investigators, case managers, public campaigners

simply to know that every reasonable opportunity has been considered, and the allocation of funds to the Centre for Missing Persons (Aust) Inc. to address the impacts caused to families by current service gaps. The missing persons sector must be recognised, and families must be protected from harm. An independent organisation is the bridge between agencies and community, and an operational necessity to reduce past harm and mitigate future risk. This funding will empower the centre to step into the vacuum, streamline family crisis management, provide a united leadership to the missing person community and drive cross-sector innovative practices.

By funding the centre to champion this community-led model, the Committee is not merely backing an internal service provider; it is investing in a vital social infrastructure. The centre provides the community-led architecture needed to co-build this bridge alongside government stakeholders. We cannot span this gap alone. The centre is the partner needed to help to co-build that bridge with the support of this Committee. It's all about family deserving dignity, clarity and a system that continues to look for the truth. A united missing persons sector is the pathway from blueprint to impact.

TASIA HAAG: Chair and Committee members, and everybody else who is here, thank you very much for allowing us to come in today and appear for the Centre for Missing Persons. I am the centre's community engagement officer. The vice-president has addressed the broader structural and investigative reforms. My evidence before you is about what is happening to families of missing persons today, and our message is simple: Nothing has changed where it matters most. Technology has changed. Forensic science has changed. Telecommunications, digital forensics, mapping and search capabilities have all changed. Almost everything about our ability to search for a missing person has changed. But, for too many families, their experience has not changed enough.

They're still searching, still asking questions, still trying to work out who to contact and what happens next. Far too often, they are still the ones driving the search for answers. Families become the coordinators of their loved one's cases. They preserve the history. They remember witnesses and inconsistencies. They ask whether evidence still exists, whether new technology has been considered and whether something known today could change what was understood years ago. Then they have to find somebody who will listen. That should not be the responsibility of a grieving family. A family's persistence should be an asset to an investigation. It should never be a requirement for an investigation to progress.

That raises an uncomfortable question: What happens to the missing person whose family does not know how to fight? What happens when parents become elderly? What happens when the person who has carried that case for 30 years dies? Does the search for answers die with them? It cannot and it must not. An official search may end, but a family's search does not. Police and emergency services must eventually respond to the next emergency and the next missing person, but the family cannot. For them, there is no next case. There is only the person they love who is still missing. The system should not wait for families to discover what they need to ask; it should tell them what they need to know. That means a clear family road map, consistent and trauma-informed liaison, and a genuine pathway to escalate concerns when communication breaks down.

But communication alone is not enough. Accountability cannot end with time. Waiting for new information is not the same as investigating. Long-term cases need structured periodic reassessment, not because a family has made enough noise, not because a journalist becomes interested, and not because an anniversary attracts attention, but because the system requires it. Those reviews must be prepared to ask: What technology exists today that did not exist then? What evidence can now be re-examined? What assumptions were made? Perhaps the hardest question of all is: Could the original understanding of the case have been wrong? That question may be uncomfortable, but unresolved cases require us to be willing to ask uncomfortable questions. Fresh-eyes review is not about criticism for the sake of criticism.

It is about recognising that knowledge changes, technology changes and evidence can be understood differently with the passage of time. If technology changes, our approach to unresolved cases must change with it. We must also recognise that information can help find people. Some information must remain protected, but confidentiality should not become a blanket explanation for withholding everything indefinitely. Families know their missing loved one in ways investigators cannot. Sometimes one detail can trigger a memory, reveal a connection or identify somewhere that should be searched. No organisation can solve this challenge alone. The question should not be: Who owns the problem? It should be: How do we get the right people, the right information and the right expertise working together to find the missing person?

Chair and Committee members, this inquiry cannot change what happened 30, 40 or 60 years ago, but it can change what happens next—today. When this inquiry concludes, the question cannot simply be: Did we listen to families? It must be: What did we change because we listened? Families must not lose their voice when this inquiry ends. That is why we support continuing stakeholder engagement between families, advocates, government and the missing persons sector—to rebuild relationships and trust where it has been lost. Some

families appearing before this inquiry are angry, but that anger should not make us stop listening; it should make us listen more carefully.

Families do not expect miracles. They expect to be heard, they expect respect and they expect every reasonable opportunity to find the person they love to continue to be considered. Somebody who disappeared 30 years ago is still missing today. For their family, this is not history; it is their today. Whether somebody has been missing for three years, 30 years or 60 years, keep looking, keep questioning and keep reassessing. Give families a voice. Work together. Wherever possible, bring them home and give their families answers. Because in 10 years from now, if another family has to sit with these families that are sitting here today and say, "We asked for change. We told you what was wrong and nothing has changed," then this inquiry will have failed the very people it was established to hear. Please do not allow that to be its legacy.

The CHAIR: That was excellent evidence. We deeply appreciate it.

The Hon. AILEEN MacDONALD: Thank you for your submission and the evidence today. Could you talk us through what a dedicated family liaison officer would do as opposed to what currently happens?

TASIA HAAG: I'm currently somebody who goes to the community; I speak with the family members who have currently got missing loved ones. We're talking family members a month old who have gone missing. I can tell them through my experiences and going through my colleagues what we have gone through. I try to explain it as best to them what they need and can do, and guide them to where they need to go for advocacy if we can't give them the answers they need.

The Hon. AILEEN MacDONALD: So the police are here, but you're acting as a dedicated family liaison—in your recommendations, is that what you mean?

KIM MARSHALL: I'll just let you know that Tasia has a speciality where she engages at grassroots level. Her role with the centre is she has a portfolio called community engagement. In her own individual work, in the landscapes that she covers, she brings back information to the centre. We are crunching a very massive SWOT analysis on the sector in New South Wales and also in other States. Tasia has this wonderful connection working across Indigenous, multicultural and everyday Australians. We are getting grassroots information and putting that all together to go with our strategic plan that we have in draft.

The Hon. AILEEN MacDONALD: Would this help with families of people that have a missing or long-term missing person liaise with police? I'm not exactly understanding what a dedicated family liaison officer does.

KIM MARSHALL: We don't want a family liaison. We want to develop peer-led or to create—

TASIA HAAG: Yes, peer-led operations, basically. We're not family liaison officers. I'm a community engagement officer. I go out to the communities, to the people who have currently got missing persons.

The Hon. AILEEN MacDONALD: Do you work with the police as well?

TASIA HAAG: I have engaged with the police, but no, not necessarily.

The Hon. AILEEN MacDONALD: When a case is being reviewed or if there's a scheduled review, what should happen if, say, when they're doing the review, they identify work that hasn't been completed? I think that's a missing piece at the moment. They're doing these reviews, but we're not even sure—

KIM MARSHALL: Maybe to answer that question, we would take that question on notice. However, we would have to lean on our family-lived experiences to be able to answer that case. In regard to my perspective, we are notified after the review has been finished anywhere between two to three years later. We are not notified that there is anything being reviewed or reinvestigated.

TASIA HAAG: As my position, what I do at the moment, I am hearing this information from the families I'm dealing with now. A case that's two years old, they're not getting any reviews. A case that's a month old, they're not getting any reviews. They're seeking the help and they're not getting it.

The Hon. AILEEN MacDONALD: That doesn't seem satisfactory. What would you recommend should be taking place instead of—

TASIA HAAG: They need the liaison officers. They need a dedicated person for the family. They need to be contacted constantly—not constantly: They need to be contacted and informed what's going on with the case at the moment. There just doesn't seem to be enough communication to find out what the police—or what is happening with their missing loved one at this time. There's just not enough information.

The CHAIR: We've received evidence that 57,000 Australians are reported missing each year. Despite the scale of the issue, it's primarily classified as a policing issue. Why should missing persons also be treated as a health and social issue? What would a properly coordinated New South Wales response look like? It's a big question.

KIM MARSHALL: I will go first. Could you give me the first part? What would a health and wellbeing model—

The CHAIR: We've heard a lot of what is in the question in your submission. But what would be some of the immediate and most substantive changes that you would like to see made to dealing with missing persons to be implemented in this State? If you had a list of three or four that you would like to see implemented, what would they be?

KIM MARSHALL: We operate from a set of four pillars. The pillar you're referring to is pillar three: standards and sector coordination. That pillar's one single term is called "connection". It would be actually connecting with community now, which means that you're connecting with community groups, organisations, families and friends. I would like to see the professionalising start at the grassroots sector level now, because as soon as our communities and our families feel that they are involved in any type of co-design, I believe that that would instantly start to give some buy-in. They would feel like they're heard. They would feel like they're listened to. They would become less isolated and then they would become visible.

When a person or a community becomes visible—I say "community" because problems aren't always just an individual person or an individual family. In certain cultures and regional areas it's actually a community problem. We heard that earlier today. There can be disparities and intersections woven in together. I believe an action would be to start building a unified network, where small partnerships start to evolve, discussions start to take place, truth-telling, listening to story. That would instantly, I believe—and that is my opinion at the moment. But the evidence that you're collecting on the ground, Tasia—

TASIA HAAG: The evidence I'm collecting is that none of that is happening at the moment. They need to have the empowerment. They need to understand that they are being listened to, that they hold a lot of the information. If that information doesn't go through correctly, then the information that is taken to the police, it doesn't add up. They need to be empowered enough to be heard and listened to correctly.

KIM MARSHALL: And an action would be—because you're now talking and bringing in pillar four, which is empowerment and member support and communication—to start a program and build the network for a peer-led training/onboarding/induction program that would become an operational embedded practice by the other organisations and the groups that are out there now. When I entered this space, as we call it, I saw carnage. What I see on social media, and continue to see, is affecting people's everyday health and wellbeing. That is causing anxiety. That is increasing depression. There's not a healthy purpose for family victims—to find their meaning, which we just heard from the Missed Foundation. My health is much better because I have a footprint forward. I know I can step forward. I feel I am understood. I feel like I'm included. This is what we're hearing at the events that Tasia's attending.

TASIA HAAG: Yes. These are the things that are happening to the families. Now, what I've seen in the past is what I'm still seeing today. There is still no help for people with missing loved ones. They still don't know where to go. They're not handed a book or a piece of paper to say, "This is where you need to go."

The CHAIR: There's a void when it comes to the process. People don't know where they are in the process because the process can't be described to them. Is that what you're saying?

TASIA HAAG: That's exactly it. They're in limbo. There are family members who are waiting for a phone call to say that something is developing, but they don't get that phone call. In the mental health space, it just brings that person down and down, and the anxiety and the depression.

KIM MARSHALL: It's affecting the national health bill. The State health bill.

TASIA HAAG: Yes.

The CHAIR: I know I have some of the most tenacious and resilient people in this space in the room today. This is an unfair question because you probably haven't quantified it, but, in your experience, do the majority of people in this space—those families—feel helpless and essentially do nothing? Or is it the majority at the other end that do something and then eventually give up? What are your reflections on that? Not everyone has the resources and the capacity to do these things. Is there a massive unmet need and a sort of silent group of people who don't even know where to start there?

TASIA HAAG: That is absolutely correct. What I see the families doing today is they are gathering their own groups of people—asking for help with the communities; people coming with technologies that are able to help search for their loved ones. We have experts, RAF. We have search dogs. We have dingoes. We have trackers. We have people using geofencing who are willing to come out and help these family members today with the technologies that they have, on their days off, and bringing their professional understanding of what they do, helping the families do the searches that are not being done by the police. With that, we have had a number of police and SES come to those searches as well, which has been great.

On one search I was with, we actually found the missing person's wallet. This was two years and two months after he went missing. When that wallet was found, another search was done with the police and SES. Within a couple of hours, we located the missing person's phone. Had the group of people that went out, myself included, not gone out to search for the missing person with our dingo and with our experts, we wouldn't have had the resources of the police and the SES coming back and doing another search. With that search itself, there was a 300-metre radius of where the police said that the search was going to be, and that was it. We found the phone within that 300 metres, but it was only 800 metres from where the person was last seen.

The CHAIR: Is it true to say, with an ageing population and a well-reported mental health crisis amongst younger people, that there is an increasing trend? Is anyone quantifying the trend in missing persons cases? Is it getting worse over time? Is it the same and we're just reporting it more, or is there a growing need in this space?

KIM MARSHALL: One of our key objectives in our draft plan is that we want to secure funding for digital advancements to be able to collect, quantify and report on data of what is actually happening. At the moment, we don't have our information being put into a database to then punch out, churn out and give us a result. We want to partner. We don't want to do this all alone. We want to combine our resources. I believe this capacity collaboration is our way forward so that our sector can be officially recognised, and we then can actually apply for funding for workforce development. Our communities, our families—we go to the grassroots level again—and the organisations that are out there deserve and need to have capacity building. We can do it internally; we don't have to go out to buy it.

The CHAIR: That's a great answer, but it's not quite—maybe it was the way I framed the question. Is this situation of missing persons getting worse?

KIM MARSHALL: Yes.

TASIA HAAG: Yes.

KIM MARSHALL: I tried to compare it to actual diabetes. I'm working on that at the moment—that's one of my portfolios that I'm working on—to compare other research that is out there whilst we are collecting. If diabetes is looked at as a systemic, important issue from a health point of view, I'm seeing a comparison coming together.

TASIA HAAG: If I can cut in there also to answer the question, there is seemingly a lot more mental health issues going on with missing persons. That's what I'm seeing at a grassroots level. It's the help that's not being given to the people with mental health issues. The funding for them is being cut, and that then brings on this issue. If the funding is cut for their mental health issues, then other things start happening within them. We're finding more missing persons in that sector.

KIM MARSHALL: Homelessness is an impact of a person going missing, for example. There are all these health determinants that the centre does intend to report on.

The CHAIR: Just recently, there has been one very high profile missing persons case that had a very tragic outcome in the Southern Highlands, and then another one in northern New South Wales, in the Nimbin region. It's been raised with me, the fact that there was a huge allocation of resources and community effort in one missing person's case, but in the other one there wasn't so much. The cohort was very similar—young women who had disappeared—but in one case a woman had some mental health issues. In your experience, does that bias the effort that's put into these cases if someone has a mental health issue that's reported initially?

TASIA HAAG: Potentially, yes, but it's also, I think, locations. I was actually on that search for the missing person in Nimbin, so I was there seeing what was happening. It was potentially not enough information being brought out about—not about the missing person but about bringing people in to help with the searches. More SES, more police to be involved, more resources to go out and search for that missing person.

The Hon. RACHEL MERTON: Thank you very much for your contribution and professionalism on this. You make reference to a dedicated family liaison system. I'm just wondering whether you might be able to elaborate a little bit more about that. It was sort of referenced in terms of improving trust and reducing the emotional burden. I'm just wondering what that might look like.

KIM MARSHALL: If we were to implement a connection objective such as that, which also combines with empowering the communities, it would be where we would hold some formalised training and professional learning. We would instigate the framework of a network, and we're very much focused on communities and individuals that we are forming relationships with in regional areas. We would like to see it potentially be a regionally led network with professional learning, sharing, continuing our SWOT analysis, continuing to build our asset registers—physical registers and our technological registers—and be able to embed a peer navigation program where our own people will end up training new peers. We want to embed these generational learnings that we have unfortunately gained, and we want to capacity build our own from the ground up. That peer program would have peer support people, but those peer support people could be called upon.

But we're not here to provide direct support to victims. We want to connect and empower with the other organisations and groups that are out there, and we want to work together and share our resources. It's very much looking at a community development or community service. I come from the community service sector, and I'm a big advocate on wanting to embed community service practice into the missing persons space and have it formally recognised as a sector, which means that we can apply for workforce development opportunities, which means we can be funded and we can try to find our own money. If we have to do it that way, that's how we'll work from the grassroots up.

TASIA HAAG: Just in regards to the family liaison part, what I'm seeing on the grassroots level is that the family members would prefer to, and seem to want to, speak more to somebody that doesn't have a uniform on, that isn't a police officer, that they can communicate with and that potentially has gone through something similar to them so that they have that genuine understanding, the empathy, the sympathy and the experience.

KIM MARSHALL: Less explaining, same language, so it's in context, it's inclusive and it's probably more of a better way of practising equity, because it's not about equality; it's about practice of equity.

The Hon. RACHEL MERTON: In terms of feedback that you may have from families that have been connected in such circumstances as you describe, could you share some of that with us?

TASIA HAAG: Sure. Currently I'm dealing with at least four families up in the northern New South Wales region. As the Hon. Mr Buckingham has said, in the case in Nimbin I've been contacted directly by the mother. Being able to ask questions to somebody like myself, who has not necessarily been in the same situation—I don't have a missing person, but she has an understanding of what I know, so I'm able to explain to them what the system is and what systems they should be expecting to see. I'm dealing with another case very close by in the same area where the mother is missing. She has been missing for just over seven months. The feedback that the family are getting, or lack of, in my experience—there's just not enough information being given, from my experience, and my experience with all my colleagues here who have gone through similar experiences.

There is another case I was telling you about with the young man with mental health issues. We found his wallet. We found his phone. Being able to speak to the family, who come on the searches with us—they are there and they are able to talk to us, and we can go through the similar things that they're going through. I can explain the steps of the coronial process and just be able to explain what their next step may be, because there is no book that says, "This is what needs to happen. This is what you're going to experience." It's very difficult to go to a family member who is now seven months down the track and say, "Wait till—I don't want to say this, but you could be here in 10 years time. Realistically, you will be here in 10 years time, because it's already been seven months and we haven't found a thing." We haven't found anything. We're not getting the information and we're not getting any feedback.

The Hon. AILEEN MacDONALD: In your submission, you talk about some reforms. Your first one is increased funding and resources for specialist long-term missing persons and cold case investigation units. Are you talking about different organisations or your own organisation? What exactly is that request or reform?

KIM MARSHALL: When we look at submission 78—that is a report that we had done addressing the crisis—the interpretation that the centre sees from what we read is that we do support an independent oversight body. I personally spoke about that in my last testimony. I was referring to "New South Wales Search" or "New South Wales Search and Care". When we talk about the centre, we believe that our sector must be recognised. It's not regulated, and when something's not regulated or something doesn't have a code of practice, there is a whole lot of shenanigans going on that is actually affecting the mental health and wellbeing of people and families that are affected by a missing loved one. Someone, and together as partners, we need to capacity-build further internally to be able to be recognised. We're seeking funding to become a national peak body eventually, and we would like New South Wales to be the leading State that actually shows the rest of the nation how we can do this as best practice using a community-centric approach and also looking at regionally led pathways.

The CHAIR: Thank you very much for your evidence today. I don't think there are any matters taken on notice—there was one. We'll be in contact in due course regarding that. Thank you very much for your submission, your substantive contribution to this important inquiry and the work you do, and also condolences in your own personal situations as well. We acknowledge that. Is there something else you'd like to say?

KIM MARSHALL: Tasia and I have a big word that we always believe in together, so we're closing by saying, "Let the legacy of this inquiry be not only that it examined what went wrong"—because that doesn't compliment any of us—"but that it helped build something better together."

TASIA HAAG: Together.

The CHAIR: Together—no problem. Thank you very much. Together, we are going to have another break. We have a lot of breaks here at Parliament. It's hard work, but we're up to another break.

(The witnesses withdrew.)

(Short adjournment)

Ms GEMMA BAKER-FINCH, Executive Officer to the NSW State Coroner, Office of the NSW State Coroner, Department of Communities and Justice, affirmed and examined

Mr MARK FOLLETT, Acting Deputy Secretary, Law Reform and Legal Services, Department of Communities and Justice, affirmed and examined

The CHAIR: Welcome to the representatives of the Coroners Court. I know that you've already given the Committee a private briefing which some of the members were privy to, which was incredibly useful and informative. So we already have a lot of that information. Do you have any introductory remarks you'd like to make at the hearing that deal with the terms of reference?

GEMMA BAKER-FINCH: Coroners perform an important role in our community. They're responsible for ensuring deaths and suspected deaths occurring in circumstances of public interest are properly investigated. In this process, coroners may uncover and expose systemic issues concerning public health and safety and refer matters for criminal investigation, as well as play a significant role in contributing to the reduction in the number of preventable deaths through recommendations for change. In their independent, objective and fair search for the truth in these matters, coroners assist bereaved members of our community with gaining an understanding of the circumstances surrounding a death.

I'm unable to discuss specific long-term missing person or suspected homicide matters, as some of these matters are the subject of current coronial investigations or active police investigations. This accords with the sub judice convention, respected by the Legislative Council and its committees, and aims to avoid the potential for any prejudice to the ongoing coronial proceedings and any risk of interference with the administration of justice. I can provide evidence about the role of the Coroners Court in coronial matters and inquests for unsolved murders and long-term missing persons cases.

Pursuant to section 27 of the Coroners Act, an inquest concerning the death or suspected death of a person is mandatory if, among other categories, it appears to the coroner concerned that the person died, or may have died, as a result of a homicide. I note the terminology of murder is not used in this context, and a coroner's finding must not indicate, or in any way suggest, that an offence has been committed by any person. In certain prescribed circumstances, a coroner is required to suspend an inquest and refer a matter to the Director of Public Prosecutions.

The CHAIR: You're not at liberty to talk about any ongoing investigations that may relate to a homicide. What about a case where we know it wasn't? Can you talk about those at all?

GEMMA BAKER-FINCH: I can talk in general terms about matters and processes.

The CHAIR: The first thing I'd say is the Committee has requested information from the Coroner relating to a number of matters and a number of persons—it's quite a long list. We received some correspondence on the first, and we received documents relating to a number—one, two, three, four, five, six, seven—of the cases, which we appreciate, and I've never even had an opportunity to have a look at those yet. Will the Coroners Court be providing the other documents that we have requested, the other cases that we have requested from you?

GEMMA BAKER-FINCH: Certainly. The registrar of the Coroners Court is managing the section 65 request. I am aware that the first tranche of documents has been provided. The rest of the matters that you requested in the correspondence—they're being reviewed, and I understand further documents will be provided shortly. A lot of the documents, given the time that's passed, had to be called in from archives, and there was a bit of back and forth with a few Local Court locations, but those documents should be forthcoming soon.

The CHAIR: Thank you. If a witness gives evidence or provides a statement to an inquest, are there any barriers to that witness obtaining a transcript of their own evidence if requested?

GEMMA BAKER-FINCH: No. Absolutely not.

The CHAIR: I'm just mindful of your saying that you don't want to talk about any particular case. Are families automatically provided with transcripts from an inquest concerning their missing or deceased relative—not just a transcript of, say, a family member's own evidence, but the totality? Are they able to receive those?

GEMMA BAKER-FINCH: I understand families can ask and can request for copies of transcripts. Transcripts are taken in the court proceedings and are available, and it's my understanding the Crown Solicitor's Office would facilitate access to those transcripts.

MARK FOLLETT: I might just add, Chair, to Gemma's evidence, that that's precisely right. This is all subject, though, unless there's been any non-publication orders made by the relevant Coroner at the time. That's the only limitation, I think, if that's fair—

GEMMA BAKER-FINCH: That's true, and I think there would also be a limitation if the particular submissions or witness evidence was in relation to a referral to the DPP. Obviously, in the interest of justice, that part of the transcript wouldn't be made available, because it could prejudice future criminal proceedings.

The CHAIR: What are the processes in which the Coroner becomes aware that a death or a disappearance may be suspicious and therefore an inquest is necessary? How does it go from a missing person to a circumstance where there's an inquest being held?

GEMMA BAKER-FINCH: I guess there's two parts to that. Every death that occurs in unexpected circumstances, if it's sudden or it's suspicious, is reported to the Coroner by New South Wales police, and that initial report of death, if known at the time, will contain a reference to any suspicious elements. During the coronial investigation, if it becomes obvious to the Coroner that there is potential that it's a suspicious death, then they'll continue down that path. A P79B, a report of a suspected death—when that occurs to the Coroner, part of what they have to determine is whether the person is actually dead. Once that occurs, the coronial process will enliven.

The CHAIR: Who makes that report?

GEMMA BAKER-FINCH: New South Wales police as well.

The CHAIR: Is there any statutory rule, instrument or operating procedure that determines a time frame about when that report should or can be made from the police to the Coroner?

GEMMA BAKER-FINCH: Yes, absolutely. In the New South Wales police standard operating procedures, where somebody dies in a circumstance that's reportable to the Coroner, the New South Wales police have a time frame of 24 hours to prepare that report and provide it to the Coroner. In terms of a suspected death, New South Wales police are required to report a matter to the Coroner as soon as the investigation leads police to reasonably believe the missing person is deceased. Current protocols dictate that a missing persons investigation is reported to the Coroner within 12 months of the report being received if there are no signs of life. So it's either within that 12-month period or earlier if police form the belief that the person is likely deceased.

The CHAIR: Has that always been the practice? How has that practice changed over time? We've heard lots of examples of where a person is missing and there has not been a coronial inquest for many, many years, if not decades. Has that changed over time? Our terms of reference are looking from 1965 to 2010.

GEMMA BAKER-FINCH: It has; it certainly has. I understand you're hearing some evidence from the Missing Persons Registry after this, and they can probably speak further to that. But, actually, these were some recommendations that came out of a coronial inquest that was looking at missing persons investigations. There are now really clear time frames that police have to adhere to in terms of reviewing reports of missing persons and then reporting it to the Coroner. It has only been the last few years that those kinds of time frames have been entered into.

MARK FOLLETT: I might just add there's the report to the Coroner, Chair, and then the inquest. There are two stages that will need to occur. I think practices have evolved.

The CHAIR: When did that practice of the 12-month time frame come in? What inquest was that, and when was that recommendation made and acted upon?

GEMMA BAKER-FINCH: It's a very good question. I might have to take that partly on notice. I believe it was the Théo Hayez inquest that the State Coroner handed down those recommendations, so it would have been in the last two years.

The CHAIR: Who responds to the Coroner's recommendations? There can be all kinds of recommendations made by the Coroner. Is there a statutory obligation on the police or other agencies to respond to the recommendations of a coronial inquest?

MARK FOLLETT: Yes, Chair, there's a Premier's memorandum that dictates the obligations to respond within six months to those named in recommendations. It's enforceable against government agencies. But the Coroner can make recommendations towards non-government agencies as well. They might be directed to police, Corrective Services, DCJ or Health. A register is maintained by the Department of Communities and Justice that records those responses. Each agency is required to write to the Attorney General within six months about the actions taken in relation to the recommendations, then they're centrally published on a part of the Department of Communities and Justice website. I'm sure you're familiar with a statutory review that was conducted into the Coroners Act. There is a recommendation in that to consider putting that practice into statute. At the moment it's a practice that's governed by Premier's memorandum, but the statutory review recommends putting a statutory basis behind that practice.

The CHAIR: I've seen examples where the Coroner has held inquests into essentially—how would I phrase this—issues like particular workplace deaths or groups of disappearances that were deemed to be suspicious. How does that come about? How does that occur differently to an inquest into an individual matter or an individual person?

GEMMA BAKER-FINCH: The current practice would be that the senior coroners at Lidcombe—the deputy State coroners and the State Coroner—are responsible for the conduct of almost all inquests in New South Wales, and they will travel out to the regional areas where a death has occurred at a regional location. If a coroner, through their work, discovers that there may be a pattern or linked matters—for example, recently we've had an inquest to look at the safety of lithium ion batteries and several fatalities that have linked to charging of those batteries—a coroner may group several deaths together and hear it in that way. At this stage, it comes about just through anecdotal discussion and the fact that Lidcombe Coroners Court does the vast majority of these matters. In Victoria, they have a death prevention unit that has a little bit more data capability to scope and look for some of these similarities. We don't have that in New South Wales yet, so it's a little bit more ad hoc. But if coroners were to notice a trend, they could group matters together and hear them in that way.

The CHAIR: That's the Coroner who initiates that here in New South Wales.

GEMMA BAKER-FINCH: Yes.

The CHAIR: And in other jurisdictions it can be referral of a group of matters.

GEMMA BAKER-FINCH: They have a data unit, I guess, that might say, "It looks like we've got some deaths here that are occurring in similar circumstances."

The CHAIR: In a particular workplace, circumstance, region or something, which you should have a look at. Unidentified human remains—does the Coroner hold those? Who holds the unidentified human remains in New South Wales?

GEMMA BAKER-FINCH: That would be NSW Health Pathology, Forensic Medicine. Unidentified human remains are reported to the Coroner, and then there's a skeletal pathway where those remains are assessed to determine if they're human or animal. They may be ancient Aboriginal remains, and there's a specific pathway for reinterring those remains. But then there is a subcommittee. NSW Health Pathology has a subcommittee with New South Wales police where they run DNA samples against the missing persons registry, and they keep a register of all of those remains. But the care and custody of those remains would be NSW Health Pathology, Forensic Medicine.

The CHAIR: The pathway is that the remains are held by NSW Health, they're assessed, and if there's anything that indicates there's been something suspicious or the manner of death appears to be suspicious, it's referred to the Coroner then.

GEMMA BAKER-FINCH: Yes, that's correct.

The CHAIR: In every instance, is a DNA analysis done of those human remains?

GEMMA BAKER-FINCH: Yes, I believe so, unless an anthropologist looks at the remains and they're determined to be, for example, an obvious teaching specimen. In that case, there's a different disposal pathway.

The CHAIR: How many unidentified human remains—you might not know this—are held by NSW Health?

GEMMA BAKER-FINCH: I'm not sure.

MARK FOLLETT: I'm not sure. We could take that on notice.

The CHAIR: That's okay. I think it's about 800.

The Hon. AILEEN MacDONALD: We've heard from families whose loved ones have been missing for many years before the matter reaches the Coroner. Who is responsible for identifying that a missing person investigation should be referred to the Coroner, and are you satisfied that the current system ensures that happens early enough?

GEMMA BAKER-FINCH: In recent years, particularly when I've been here at the court, it's the responsibility of the NSW Police Missing Persons Registry. They oversee all of the PACs and PDs and these reports of suspected deaths to the Coroner, a P79B. The new standard operating procedures, which have been in place for a few years, following coronial recommendations, do have really clear time frames. I know that there are clear time frames around the police investigation—I think it's a three-month time frame—for them to ensure that someone's bank account hasn't been used or somebody's telephone hasn't been used, and then obviously there's

that time frame of within 12 months to report to the Coroner. I think historically there weren't clear time frames that really provided that certainty, but I certainly would say in recent years there has been.

The Hon. AILEEN MacDONALD: If a coroner cannot determine what happened to a missing person and makes an open finding, what mechanism is there that ensures that it just doesn't become a dormant case?

GEMMA BAKER-FINCH: If a coroner holds an inquest and they can't make a finding on one of the five statutory items that they need to make a finding on, most often what will happen is they will refer that matter back to Unsolved Homicide or to the Missing Persons Registry, which then have standard operating procedures to review those matters every two years. If someone is found alive, there is a process where the Coroner reopens the matter, and they obviously quash that previous finding. There are ways that police can request that an inquest be reopened and reheard. That's on the basis of new evidence or facts and if it's in the interests of justice to do so. Those applications are made to the State Coroner, either by a New South Wales police officer—and they have to be a serving police officer—or somebody who had sufficient interest at the original inquest.

The CHAIR: Can I jump in there? This is a really important one. That person had to ask for a reopening of an inquest. The test is that the person had a sufficient interest at the original inquest?

GEMMA BAKER-FINCH: Correct.

The CHAIR: Is that test that they appeared as a witness?

GEMMA BAKER-FINCH: No, not that they appeared as a witness.

MARK FOLLETT: That they appeared—

GEMMA BAKER-FINCH: Yes, that they were granted—a person of sufficient interest at an inquest would be somebody who the inquest might canvass something that they did if it was a doctor or a nurse. It extends to family members and anybody who may have information or knowledge that relates to the inquest proceedings. You don't have to have been called as a witness to have sufficient interest. You may be a family member and have sufficient interest. It's section 83 of the Coroners Act.

The CHAIR: I'll remember that.

The Hon. AILEEN MacDONALD: We've also heard from families where they've said by the time a matter reaches an inquest, witnesses that could have been important to the case have died or memories have failed. In some cases, records have been destroyed. From the Coroner's perspective, what could be changed to ensure matters come before you while meaningful opportunities still exist?

GEMMA BAKER-FINCH: I think definitely the change to the reporting time frames of suspected deaths has made a large difference. Time taken to complete coronial processes varies and depends entirely on the circumstances. Often if a matter is suspended because there are criminal proceedings, that can push out the time it takes to reach an inquest. Of course, there are limitations around the number of inquests that senior coroners can hear. But, yes, they would be the two main things.

The Hon. RACHEL MERTON: To either of you, in terms of family access to relevant materials concerning their family member's case, I'm just wondering what the arrangement might be relating to that.

GEMMA BAKER-FINCH: A person can request a copy of a coroner's file—that would include depositions of witnesses, transcripts, written findings—pursuant to section 65 of the Act. There are principles there that get balanced: that coronial proceedings should generally be open to the public, the person's connection to the proceedings, reasons why access is being sought. Of course, coronial briefs of evidence draw on material from a range of sources, including NSW Police and other government agencies, and it is common practice for the court to engage with those agencies where access is sought.

If it's an ongoing coronial investigation that's yet to proceed to inquest, access to the coronial file will generally be restricted, and that's really just to avoid the risk of prejudice to the coronial investigations. However, the coronial brief of evidence will be served on all interested parties upon completion, in advance of an inquest hearing, and that would include families. The current time frame the court strives to serve those completed coronial briefs of evidence prior to an inquest is currently six weeks ahead of time.

The Hon. RACHEL MERTON: The Hon. Jeremy Buckingham raised this one too, the tracking of coronial recommendations to police. Where inquests have made recommendations to the New South Wales police, in terms of follow-through on that or their implementation, how's that addressed?

MARK FOLLETT: Again, the obligation on police is to provide a response on actions taken in relation to those recommendations within six months to the Attorney General, and that's publicly available on the Department of Communities and Justice website. Beyond that, it's essentially the transparency of that mechanism

that is not dissimilar to a parliamentary committee inquiry making recommendations and then the Government being obliged to table its response. That's sort of the idea behind the process. So it's transparent that way.

The Hon. RACHEL MERTON: So the responsibility is really on the police?

MARK FOLLETT: Yes.

The Hon. RACHEL MERTON: There's no follow-up or monitoring?

MARK FOLLETT: Yes, and that's the same for every agency that gets recommendations, and non-government agencies as well, that the obligation is to be transparent about how they are responding. The Coroner does not sit there and essentially follow up to ensure that. That judicial element of the process is over, and then it's in, I guess, the court of public opinion when agencies provide that response.

GEMMA BAKER-FINCH: I think the Premier's memorandum does stipulate that the agencies write to the Attorney General and provide the response to the recommendation. I think the Attorney has an overseeing role in that regard.

MARK FOLLETT: Yes, the Attorney receives the responses and the action is then published on the Department of Communities and Justice website.

The Hon. RACHEL MERTON: What proportion of recommendations in missing person inquests over the past 10 years—or whatever time frame you may have—have been fully implemented, partially implemented or not implemented? Would we have any knowledge of that?

MARK FOLLETT: I don't think we'd have statistical data on that, but we certainly have transparency about the responses. I'm not sure how far back our responses go, but I can certainly provide the Committee with our landing page on the website that has both the recommendations that are tracked and the responses that were submitted, as Ms Baker-Finch says, to the Attorney General and therefore published. I don't think we would answer your question, but there's a lot of information there that may go towards that.

The CHAIR: The last question I have is in relation to the advocates that work with the—is it advocates?

MARK FOLLETT: Who assist officers? Police advocates?

The CHAIR: Yes, the police advocates that work with the Coroner's Court on particular inquests. Did they have a discovery role, or what's their role? Can they run their own investigations, source evidence and interview witnesses? Could you describe their role to the Committee?

GEMMA BAKER-FINCH: Yes, certainly. The role of the police advocates at the court is to assist the Coroner in preparation and investigation for coronial matters. Largely, what will happen is a matter will be referred to the Coroner and each matter that's reported, that will have an officer in charge—somebody at a PAC or a PD who is a police officer that is in charge of running that investigation. If a brief of evidence is requested by the Coroner, that officer in charge will be the person responsible for pulling that together. Where the police advocates come in to assist the Coroner would be if the Coroner is reviewing that brief of evidence or has some questions, or a family writes in and they have some questions, around witness statements or the police investigation.

That police advocate is able to liaise with the officer in charge, and to talk to the family and assist the Coroner in understanding the police investigation and any questions they may have. They do assist the Coroner as counsel assisting in a certain subset of matters that are appropriate for them to do so, and do assist in inquest matters. They also assist in acting as that interface with families, particularly where there is a police investigation into a death and the family may have questions about the investigation or some of those findings.

The CHAIR: Does the Coroner's Court have the power to commission independent third parties—say, Search Dogs Sydney, a group like that—to assist with an inquest? We've heard evidence today that there are forensic archaeologists, or other experts in the field with special skills. Does the Coroner's Court have the capacity to do that, and do they do it?

MARK FOLLETT: There's a number of powers in the Act that the Coroner can utilise to further the inquiry, further the information-gathering process of the inquest, so that's one special—I think Ms Baker-Finch will be able to add to this more than me. There's, I think, quite a lot of examples of getting experts in to provide statements to an inquest along the lines you're suggesting, Chair. There's sort of, I think, a combination of avenues where the coronial process, being inquisitorial and being within the functions that it's really trying to get to—the manner and cause of death is the key matter for that inquest. There's quite a lot of flexibility about how they can deploy their functions and tools.

GEMMA BAKER-FINCH: Yes, absolutely, that's correct. There is the ability to brief experts to give opinions on certain things in relation to the matter. But they also work very closely with the New South Wales

police, who have a lot of these functionalities, whether it's ground-penetrating radar or search dogs. So it really is a tri-agency effort there. We obviously work very closely with NSW Health Pathology, and the forensic pathologists provide significant advice to the coroners, and they do have forensic anthropologists and others on staff to assist with that.

The CHAIR: Thank you, Ms Baker-Finch. That concludes our questions to you. We appreciate the submission you've made, the briefing you've given to the inquiry, your giving evidence here today, and the work you do on behalf of the people of New South Wales. Thank you very much for coming along. There may be half a question taken on notice, but probably not. We will be in contact with you in due course if that is the case. Other than that, thank you very much for your attendance and your evidence today.

(The witnesses withdrew.)

Detective Chief Superintendent JASON DICKINSON, APM, Director, Serious Crime Directorate, NSW Police Force State Crime Command, affirmed and examined

Detective Superintendent JOE DOUEIHI, Homicide Squad, NSW Police Force State Crime Command, sworn and examined

The CHAIR: Good afternoon. Thank you very much for your attendance. Do you have any introductory remarks you would like to make?

JOE DOUEIHI: I might just read something on the record. Firstly, I thank the Committee for the opportunity to provide evidence here this afternoon. My name is Detective Superintendent Joe Doueihi. I am the commander of the NSW Police Force Homicide Squad. Sitting next to me on my left is Detective Chief Superintendent Jason Dickinson, who is the director of the Serious Crime Directorate, State Crime Command. The Missing Persons Registry sits within Mr Dickinson's responsibilities. As you know, Task Force Air was established on 14 October 1993 to investigate the murders of seven persons who went missing between 30 December 1989 and 18 April 1992.

In May 1994 Ivan Milat was charged and, after a four-month trial, was subsequently convicted of seven counts of murder and attempted murder on 27 July 1996. He was sentenced to penal servitude for the term of his natural life. In 1996 Task Force Air considered Ivan Milat for potential involvement in several matters with the following criteria: the search period between 1970 and May 1994; age range of victims between 15 and 40 years old, with some exceptions; and the circumstances involving hitchhikers, backpackers, overseas tourists, travellers and public transport users. Task Force Air conducted a nationwide search and identified 11 unsolved murder incidents involving 16 victims, two of which were under the New South Wales jurisdiction. Task Force Air reviewed these matters and found that there was no evidence to a standard which would allow criminal proceedings to commence against Ivan Milat.

This is still the view of Task Force Air investigators and current investigators, up until the time of the death of Mr Milat in 2019. I note in this respect that Task Force Air's review was an analysis of the information and evidence, not a finding of fact or guilt. On the evolution of the unsolved homicide unit, subsequent to Strike Force Fenwick, the Unsolved Homicide Unit was formed in 2004 in response to a recommendation by the then State Coroner, Mr Abernethy. Since its inception, the Unsolved Homicide Unit has been a core component of the Homicide Squad and has continually grown in size. Since 2008 staffing has evolved to a strength of 38 specialist investigators at varying ranks. In that time, there have also been 39 offenders who have been arrested in relation to 36 homicide investigations.

Following the Special Commission of Inquiry into LGBTIQ hate crimes, the NSW Police Force adopted 19 recommendations that came from that inquiry. As part of that process, the NSW Police Force reviewed international standards, which confirmed that the NSW Police Force has a high standard of practice, but also provided avenues on how processes and procedures could be improved within New South Wales. In 2025 the Unsolved Homicide Unit was restructured and procedures further refined, including the establishment of the prioritisation committee which ensures that investigative resources are allocated to unsolved homicide cases with the highest potential of solvability. The Unsolved Homicide Unit is ensuring that all unsolved homicide cases are being reviewed, which will require an ongoing assessment of every case every two years, which is part of the recommendations that has been implemented.

For the support of the investigation teams in the Unsolved Homicide Unit, the assessment and support team has been established to manage and prioritise all unsolved homicide cases. I reiterate: Unsolved cases are never closed. The Unsolved Homicide Unit always monitors them for any information that becomes available to advance the case. The unit has access to all investigative strategies, technologies and opportunities as the broader homicide teams. In relation to missing persons more broadly in New South Wales, in 2019 the Missing Persons Registry was established as an oversight unit for all New South Wales missing persons and unidentified bodies and human remains. The primary purpose of the Missing Persons Registry is to provide support and advice to officers working on investigations involving missing persons in the community.

The registry itself does not conduct investigations. The Missing Persons Registry has significantly improved the responses to investigations of all missing persons, and there continues to be a close relationship between the registry and the Unsolved Homicide Unit. Since 2019 there have been 73,369 people reported missing in New South Wales, of which 122 remain outstanding as long-term missing persons. The average period for a person to be located is now 2.3 days. Before I conclude, I wish to reiterate that during this hearing we may be unable to disclose information relevant to an unsolved homicide or suspicious missing person case.

While this inquiry is conducting work that families and the public are interested to know, our focus is always on providing answers to loved ones and, if possible, building a case against suspects. To do that effectively, there may be questions that I am unable to provide for in this forum.

The CHAIR: Fair enough.

The Hon. RACHEL MERTON: Thank you both very much for your attendance and participation. I recognise the important work that you do in this space. In terms of preparation for today, are you able to share with the Committee what was involved in terms of your time?

JOE DOUEIHI: I can tell you that overall, for this entire Committee, my staff has committed over 1,800 police hours preparing for the Committee—preparing documents, reviewing material and the like, since the start of this Committee.

The Hon. RACHEL MERTON: In terms of your report, I was interested if you could touch on the issue you raised about cases never closing. You can imagine that we've had different witness experiences and accounts of their interaction with police, particularly relating to family cases and the absence of—not hearing. Could you elaborate a little bit on the "not closing"?

JOE DOUEIHI: We categorise cases as either undetected, undetermined—which just means an inconclusive finding by the Coroner—or unresolved. We have hundreds and hundreds of these cases on our database, and the list continues to grow every year. Our unsolved homicide team currently carries approximately 30 active investigations amongst the teams there. They are current investigations that have current line of inquiries and are investigated by the investigators. The remainder of our investigations, which we call "open and monitored" are all our other matters where there are no current active investigations.

However, if information was to come forward in relation to that particular case, or we become aware of new technologies or advances in technologies that might progress or allow us to further that investigation, we would actively look at that. We've now developed or implemented a recommendation from the SCOI that every case needs to be reviewed every two years. We've commenced that this year. So "open and monitored" means it's not an active investigation. However, if there was any information that would come in in relation to that investigation, we would certainly look at it.

The Hon. RACHEL MERTON: You also made reference to the average time relating to a missing person and resolving a case was 2.3 days.

JOE DOUEIHI: I'll steer that one to Mr Dickinson.

JASON DICKINSON: That's correct, yes.

The Hon. RACHEL MERTON: Just on the missing person unit, we've had witnesses here today providing a lot of support and outreach to families in situations of missing persons. I'm just wondering whether you might be able to elaborate about the interaction that you may have with that community support service in that missing persons space.

JASON DICKINSON: I suppose the first point to note there is that the Missing Persons Registry does not carry the investigations. The responsibility for the investigations rests with, in most parts, our police area commands and the police districts—so with the police stations. So that direct family liaison piece rests with the investigators that have carriage of the investigation. The Missing Persons Registry role is an overarching coordination piece. It's around education and training. It's around that liaison more broadly with other jurisdictions and nationally. More broadly, how that interaction occurs is very much on the individual case basis and that relationship between the investigator and the family.

The Hon. RACHEL MERTON: Just to help me understand this, in the example of a family reporting a missing person, in terms of first contact with the police, possibly what—through the local area command?

JASON DICKINSON: Correct. That report would be taken at the local police station. It would most likely be in the first instance taken by a uniformed officer in that first initial contact. Within the first week, that investigation—if that person remains outstanding—should transition to an investigator. At any point in time in that process, contact should be maintained with the family and provide relevant updates as to the progress of that investigation.

The Hon. AILEEN MacDONALD: When does a missing person case become a suspicious missing person or homicide investigation? Who is accountable for recognising that transition? Is there a mandatory review point?

JASON DICKINSON: There's no specific time frame. Again, it's an assessment of each case on its merits. If the assessment of the information, when it first comes to hand to police, is that that matter is suspicious, that can be referred to the Homicide Squad at that very point in time. Within our SOPs, from a missing persons perspective, it's made very clear at multiple locations that, when police identify that there are concerns that it may be a suspected homicide or if it's identified that it may be a suspected kidnapping or abduction—if it's suspected to be a homicide, the Homicide Squad will be engaged. If it's considered to be a potential abduction or kidnapping, our Robbery and Serious Crime Squad will be engaged. There is not a time frame per se attached around that.

The Hon. AILEEN MacDONALD: If there's been a historical case and it's been reviewed and in that review there's nothing new identified, when must it next be reviewed?

JASON DICKINSON: Is this in relation to a missing persons case or a suspicious—

The Hon. AILEEN MacDONALD: Yes, a missing person.

JASON DICKINSON: In relation to missing persons generally, at the three-month mark—that is when it transitions to what we would deem a long-term missing person. There are then review periods set at six months, nine months and 12 months. There is a process that is required where our Missing Persons Registry will work with the relevant investigator to review those cases and see if there's new information—a change of circumstances, as they're known. Certainly, by the 12-month mark there would be an expectation that the coronial advocates would be engaged. After we get past the 12-month mark, each case is reviewed on a yearly basis. That review is undertaken with the investigators that have carriage of the investigation.

The Hon. AILEEN MacDONALD: And if it's an unsolved homicide, it would have different periods.

JASON DICKINSON: If it's an unsolved homicide, it would either, depending on the circumstances of the matter, rest with the Homicide Squad or with the command that has carriage of the investigation in the first instance. That review process would be captured by the procedures described by my colleague earlier. The Missing Persons Registry still has a role in that in liaising with the unsolved homicide teams.

The Hon. AILEEN MacDONALD: In both those cases, does New South Wales police have a mandatory minimum standard for contact with families with either?

JASON DICKINSON: Insofar as a minimum time frame, it should be—

The Hon. AILEEN MacDONALD: When they do reviews.

JASON DICKINSON: Sorry?

The Hon. AILEEN MacDONALD: When they do the review?

JASON DICKINSON: I'll take that on notice. I don't know if that's contained specifically in the SOPs. Certainly, I would expect that the investigator with carriage of the investigation is maintaining contact with family and keeping them updated appropriately. The specific minimum time frame, I'd have to take that on notice and come back to the Committee.

The Hon. AILEEN MacDONALD: We've also heard from families that have felt they have had to become investigators themselves simply to keep their loved one's case alive. Does that disturb you at all?

JASON DICKINSON: Certainly, if that's the experience of families and that's how they feel, that is concerning. I'm happy to take particular cases or examples that have been provided to the Committee and look at that. From an overarching perspective, with the Missing Persons Registry, we spend a great deal of time engaging our workforce and trying to ensure that best practice is met—that we have a lot of training that we engage with on a yearly basis to ensure that our investigators are as forward leaning and engaged with the family as they can be and are progressing those investigations. But certainly, if there are families that have had that experience, that is concerning and that's something we would look at.

The Hon. AILEEN MacDONALD: If a family brought to you some information, say, from their investigations, how would they know that you've taken it seriously? Like, "A family member of so-and-so came in and provided us this information. It was investigated on such"—is there a trail where you can then go back to the family and say, "We've investigated the information that you've provided"?

JASON DICKINSON: As in, how we manage our information? Sorry, I'm not quite sure on the question.

The Hon. AILEEN MacDONALD: Yes, the information that is provided.

JASON DICKINSON: Certainly, our information is managed through our COPS system in our COPS case management. At a particular time, if the investigation warrants, it would transition to our eagle.i investigation

management system, which is for our major investigations. That certainly tracks our inquiries and tracks our data, and the outcome, as they progress. Does that help you?

The Hon. AILEEN MacDONALD: I think so, yes. We've had hearings in Grafton and we heard—and these are historical cases, so it might not be the case anymore. But can you assure this Committee that a person disappearing in a small regional community receives access to the same investigative expertise as someone disappearing in metropolitan Sydney?

JASON DICKINSON: Absolutely. All of our PACs and PDs have a designated missing persons coordinator. The commands will also have a backup person in that role. Our Missing Persons Registry works closely with the coordinators right throughout the State. As I said before, with our training, we engage with our detectives education program, from a missing persons perspective, our Constable Education Program and our sergeants development program on a yearly basis. There is a lot of effort put into ensuring that we are as proactive as we can be in the missing persons space, and in ensuring that those investigations are progressed as they should be.

In the review process—those three, six, nine and 12 months—part of that, as I said, is that the Missing Persons Registry will engage with the investigators. If it's identified at that point in time that there are particular lines of inquiry that the registry feels have not been progressed, we will certainly raise that with them and encourage them to do so. Our registry is an experienced group of people. It's headed by an inspector, we have three detective sergeants, there are seven detectives that are full-time and do this work, and it's supported by an intelligence cell headed by an inspector, a sergeant and two analysts. That work is undertaken in coordinating the broader response across the organisation in relation to missing persons. We'll certainly work towards trying to identify—if we can see that there have been shortcomings, shortfalls or lines of inquiry that have not been exhausted and that should have been, that information will be provided. That is the same whether it is a metropolitan Sydney command or whether it's one of our remote communities.

The Hon. AILEEN MacDONALD: We've also heard from families that are dealing with multiple investigative officers that change throughout the life of the investigation. Is there a mandatory handover process when an officer is changing, just for the family's sake? Because they feel like they're telling their story again and again, and it's re-traumatising. I'm not sure what the process is in that handover.

JASON DICKINSON: I certainly take the point about the frustration and concern that would be experienced for the families in those types of circumstances. There should be a handover with an investigation like that. Often with our workforce we have people working and moving around the organisation, and it may not necessarily be appropriate for them to take a particular investigation with them. The carriage of the investigation will remain with the command that took the report, in most circumstances. There may be exceptions to that. It may be for a particular reason that we do transfer matters, but there should be a level of handover.

Certainly I would expect that when that transition from one officer to another has taken place, that should be communicated to the family or to the next of kin so they understand who their next point of contact is. That transition should be sufficient so that the family do not have to retell their story again. There are certainly some challenges there with our long-term work. Some of our long-term missing persons cases in the registry space can go for decades. Whilst there is a challenge in that, that's still something that we have to manage and ensure that there is always an appropriate contact—for the family—who understands their case.

The Hon. AILEEN MacDONALD: We heard earlier today from one of the witnesses, who wanted—what was it? There is a master copy of CCTV footage. They wanted to be able to have access to that to provide it to an independent investigator, but that's not possible, I believe. Why would that be the case?

JASON DICKINSON: Is that an exhibit?

The Hon. AILEEN MacDONALD: Would it have been an exhibit?

The CHAIR: Yes, it was an exhibit in the matter of Janine Vaughan's disappearance in Bathurst.

JASON DICKINSON: I'll hand to my colleague for that matter.

JOE DOUEIHI: That matter is evidence. We don't hand over evidence without doing our due diligence and ensuring that the person that's going to receive it has the appropriate qualifications. We would be required to ensure the security continuity of that exhibit. We can't just hand that over to a family member to take to an expert. We need to do that ourselves. I am aware that the family have raised that today. If there is an expert that has the capability to enhance that video, we certainly would entertain that. This is the first we've heard about it. If there is an expert out there, absolutely, we would entertain that. We would speak to that expert, and if they have the expertise to do that, we will facilitate that to be done.

The Hon. AILEEN MacDONALD: How would they organise that with you?

JOE DOUEIHI: We will reach out to them now that we know it has been raised, but that is a matter that can be taken up with the police officer that has been in contact with that family for some time now. As I've been informed, this is the first we've heard about this.

The Hon. AILEEN MacDONALD: I have one question, and it follows on from my colleague the Hon. Rachel Merton. You said 1,800 hours that you've put into this case so far. Is there a dollar figure on that?

JOE DOUEIHI: No. I don't want to make a big deal of that. We're here to assist the Committee. We will do what we're asked to do—1,800 hours is 1,800 hours, and it is what it is. We're here to assist the Committee, and so be it. I can't put a dollar figure to that.

The CHAIR: The Hon. Yasmin Catley provided, in a question on notice on 31 July 2025, a list of 58 disappearances or unsolved homicides that Task Force Air reviewed around Australia in assessing similarities with the Belanglo matters. This was a list that was compiled before Ivan Milat was known to police or had been arrested. In your answer, Mr Doueihi, you said that the same criteria were used for this as were used for the list that the police provided on 26 August—that is, between '70 and '94, 15 to 40 age, 11. What I note is remarkable about the list of 58 is that you've picked 1970 as the year to begin the search, which is the year that Ivan gets out of jail. But, that aside, why is it that the criteria that you've used in the 11 incidents and 16 homicides are the same when at that time Ivan Milat would have been known to you? Why would you not have used criteria such as his work history, his movements and his capacity to actually commit those crimes?

JOE DOUEIHI: The difference in the numbers is because what you have there includes long-term missing persons—16 victims, 11 matters, are unsolved homicides. That's why there's the difference in those numbers.

The CHAIR: Yes, but you've used the same criteria to assess them. The 11 matters were reviewed by Task Force Air after Ivan Milat had been arrested, according to your correspondence. Why would you not have used a much broader set of criteria to assess whether or not he actually had a capacity to commit those murders, such as establishing his movements or bank history or other criteria that would assist?

JOE DOUEIHI: That was factored in as part of the review—the assessment of Milat's movement, his jail records and all of that. That was part of the review. This was a review done by Task Force Air in 1996.

The CHAIR: But that wasn't what you said originally. You said that this list of 11 incidents and homicides—you'd used that '70, '94, 15, 40, travellers and 11 incidents.

JOE DOUEIHI: Can I just read this to you? This is what Task Force Air said in their executive summary when conducting this. "Applying information from the known work records of Ivan Milat and other records on hand of Task Force Air to the circumstances of each incident, a final analysis of the potential involvement or non-involvement of Ivan Milat in each incident has been conducted."

The CHAIR: So work records were considered.

JOE DOUEIHI: Yes, I did say that.

The CHAIR: Right, and so considering his work records, the assessment of Task Force Air was he may well have been involved in those. The questions I then have from that are: Why were long-term and suspicious disappearances also not included in that list, when you consider some of the other matters that were on the 58, like the New South Wales disappearances around Newcastle, or Narelle Cox and others, where it had been suggested that Ivan Milat may have been involved? Why did Task Force Air not consider those matters as well?

JOE DOUEIHI: Task Force Air did. It considered a number of long-term missing persons as part of that national search.

The CHAIR: Even those ones in New South Wales? There's not a single missing persons case out of those 58 around Australia where it was considered possible that Ivan Milat may have been involved?

JOE DOUEIHI: They considered 36 missing persons, comprising of 43 victims.

The CHAIR: Yes, and not one of them made the list of 11 incidents. So only homicides made it?

JOE DOUEIHI: They're on the list, but they're on a missing persons list that was considered. There's a clear distinction between what was identified as an unsolved homicide—as in, there would have been remains and the bodies would have been located—where the other ones, I'm assuming, there were no bodies located, no remains, so they were classified as missing persons.

The CHAIR: In none of those did Task Force Air assess that Ivan may have been involved? Not one?

JOE DOUEIHI: There is a breakdown on their assessment. I can go through that if you like.

The CHAIR: Yes, that would be great.

JOE DOUEIHI: Task Force Air used, for Ivan Milat's potential involvement, the following ratings: eliminated, highly unlikely, unlikely, possible, highly possible. In this day and age, we would not use that, but in 1996 that's what they used. From those 36 missing persons cases, which included 43 victims, there were nil that were highly possible of involving Ivan Milat, 14 were possible, three were unlikely, 12 were highly unlikely and seven were eliminated.

The CHAIR: They were in the missing persons—

JOE DOUEIHI: That's in the missing persons area.

The CHAIR: So there were 14 missing persons where it was—I think the second category you said was "possible"?

JOE DOUEIHI: Possible. Can I just state this, Mr Buckingham? We need to understand that at the time of the assessment and at the time right up until Mr Milat's death and right up to the present moment, the threshold is not whether it's possibly likely or highly likely. The threshold for a criminal prosecution is that there needs to be sufficient evidence, as Mr Tedeschi said this morning, beyond reasonable doubt, to commence a prosecution and put that matter before a court. At no stage have we ever reached that threshold in these matters to commence a criminal prosecution for any of these matters against Ivan Milat.

The CHAIR: Kris Illingsworth said a brief of evidence was given by the police to the DPP in relation to Peter Letcher.

JOE DOUEIHI: Yes, I have read her submission. We have searched our records and we can't find that. We've reached out to the DPP, and the DPP have told us that they don't have any record of that.

The CHAIR: You have no record of—well, that's remarkable, because she was on Task Force Air.

JOE DOUEIHI: Absolutely.

The CHAIR: She said she was disappointed because a brief of evidence in regard to Peter Letcher was provided to the DPP. You're saying there's no record of that?

JOE DOUEIHI: At this current stage, from what we've reviewed, we have not been able to find any records in relation to that. I say that on the proviso that, as I indicated previously, there were 400 boxes of archived material. We have not been through 400 boxes. There may be something in there but, from our inquiries we've made so far, we can't find any documentation.

The CHAIR: But there might be a brief of evidence that indicates that the police believed there was evidence to convict Ivan Milat in relation to Peter Letcher, to the point that they gave it to the DPP, who then no-billed it. That may be the case?

JOE DOUEIHI: Yes.

The CHAIR: You said that you reviewed two matters from this list. Of course the matters you would have reviewed would have been the New South Wales matters, Peter Letcher and Dianne Pennacchio. When I say "you", I mean the New South Wales police at the time, with all respect. So the two matters that were reviewed would have been Dianne Michelle Pennacchio and Peter David Letcher?

JOE DOUEIHI: Yes.

The CHAIR: Because I assume all the other matters—the other 14 on the list—were outside New South Wales—

JOE DOUEIHI: Correct.

The CHAIR: —in the ACT et cetera. What action did the New South Wales police—and there's a possibility that in one of those matters, Peter Letcher, they actually thought they did have the evidence and it was referred to the DPP, but we'll see. But in the other matters, the New South Wales police would've done no investigation into those matters, would they, because it was outside their jurisdiction? I think your evidence, in terms of answers to questions on notice, was to that effect. In the matter of Robin Hoinville-Bartram and Gabriel Jahnke et cetera and so forth—the ones in Queensland—you would've done no evidence gathering because it was outside your jurisdiction.

JOE DOUEIHI: We have found records where Task Force Air had written to every other State jurisdiction asking for records of similar circumstances, cases that may fit that criteria I referred to earlier, and

this is how Air came to know of these other matters. I would assume that information was passed on to Task Force Air, and that's how they conducted their analysis.

The CHAIR: Yes, I'm sure that that's the case, but the question I have is then, once you've done the analysis and said, "Well, these fit the criteria of 70 to 94, 15 to 40 hitchhiker et cetera and so forth," and Ivan's on holiday—or the work records—and you make the list of 11, do the New South Wales police then write to the AFP, the Queensland, Victoria, WA cops and say, "We may have a person of interest here."

JOE DOUEIHI: I will have to take that on notice. We haven't found, to date, any correspondence of that nature. I've found correspondence going out asking for information, but I don't have correspondence of what you're suggesting. I'll have to take that on notice.

The CHAIR: Don't you think that's remarkable that the police think he may have been involved—his work records, the MO, all of that stacks up—and the Queensland cops aren't told?

JOE DOUEIHI: I didn't say they're not told.

The CHAIR: But, at this point, we can't establish whether or not they were.

JOE DOUEIHI: As I indicated, we've got 400 archive boxes, and it's a lot of work to go through them to find this material.

The CHAIR: Yes, it is, but I'm surprised. At the time, if you wanted to solve 16 murders—or at least three or four or five—it seems remarkable to me that that didn't happen. There was never any, to your knowledge, inter-jurisdictional collaboration when it came to Ivan Milat and his potential crimes?

JOE DOUEIHI: I want to reiterate again, I'm not saying that Task Force Air did not advise the other States and Territories of Milat's potential involvement in these crimes. I don't know that.

The CHAIR: Okay, but you're taking that on notice.

JOE DOUEIHI: I'm taking that on notice.

The CHAIR: Thank you very much. I've got a specific question about Kings Cross. What's interesting to me, and to others, is that—and I've read the transcript of the court case—there was no evidence to suggest that six of the seven backpackers were hitchhiking. Only one, Simone Schmidl, was ever positively seen hitchhiking. There was contested evidence about the English girls potentially being down near Wollongong, but ultimately the court found that that wasn't the case. But six of the seven backpackers were last seen in Kings Cross. What evidence was the taskforce able to establish about where Ivan Milat first encountered six of the seven victims? Is it the fact that they just weren't able to establish any evidence as to where he may have picked them up?

JOE DOUEIHI: I can indicate that the taskforce could not confirm that Milat frequented or attended the Kings Cross area. There was no supporting evidence of that suggestion. In relation to where Milat may have come across these victims, I would have to take that on notice.

The CHAIR: Noel Manning alleges that he shared a cell with Ivan Milat in 1974 and that he gave a statement to the police at about that time about what Ivan had told him. It's a matter of public record. He said that Ivan was boasting about multiple homicides during their stay together in prison. He gave an interview where he said that he gave a statement to the police in the '70s and again in 1996 to that effect, that Ivan was bragging about killing multiple people in various ways. Do the police have statements from Noel Manning? Would they be prepared to provide those to the Committee?

JOE DOUEIHI: I will take that on notice as well, Mr Buckingham.

The CHAIR: Thank you very much. We've received some information from the police regarding the armed robberies that Ivan Milat was involved in in 1971, for which he was apparently acquitted in December 1974. There's no transcript of that court case. And I've had this answer from the Attorney General and I've had it now from the police. How is it that Ivan Milat beats the armed robberies in 1974 and that his co-accused and accomplices go to jail for 12, 14, 18 years? How is it that there's no record of that court case? How is it that we aren't able to see how he beat those charges?

JOE DOUEIHI: I can indicate from what records we have reviewed, we have not come across any material that relates to that particular matter and why he may have been acquitted. Court transcripts, even these days, are not retained by police or investigators. They're retained by the court and the prosecuting authority. So you would need to go to the court or the DPP in relation to those court transcripts. But, again, we have not reviewed our 400 archive boxes. There may be something there. There may be one document amongst that that may give a reason as to why he was acquitted, but I don't have that available.

The CHAIR: We've got the committal hearing where he admits to the armed robberies where a woman was wounded, and there's his brother and co-accused, and his admission is accepted by the court. It's remarkable. In answer to a question that we asked at the previous hearing, you have said that Ivan Milat was a person of interest in the Wanda Beach unsolved homicides, but he was set aside from that because he was serving a custodial sentence then, apparently out at Emu Plains Prison Farm. When was Ivan Milat a person of interest? Is it because we asked or was it because he was investigated contemporaneously?

JOE DOUEIHI: In a search of our records in relation to the Wanda Beach murders from 1965 onwards, Ivan Milat's name never appeared in any of those records. It wasn't until you wrote to the Minister or the police in 2025 suggesting that Ivan Milat has a similar appearance to the Penry that was prepared. That was the first time that it was brought to our attention that Ivan Milat may be involved.

The CHAIR: So that's how he became potentially a person of interest?

JOE DOUEIHI: Yes.

The CHAIR: You'll have to take this one on notice. I'll just give you the heads-up. The morning after the girls at Wanda Beach were murdered, a man in Caringbah at 11.00 a.m. helped a young man retrieve his keys that were locked inside his battered, cream-coloured 1954 Holden sedan. The car was at Woronora Weir off Heathcote Road, not far from the Cronulla area. The youth was described as five foot seven inches tall, with dark hair, a smallish head, lean features and was slightly stooped. The youth said, "You know those girls murdered at Cronulla? I think I know who did it. He was a chap like me with long black hair." Could you take this on notice? Do the New South Wales police still hold that statement made by that man at that time?

JOE DOUEIHI: I will take that on notice.

The CHAIR: In relation to, again, a question that was put to you at the Bowral hearings in relation to searches of Milat properties, the answer we received from the New South Wales police was that the Wombeyan Caves Milat property, Lot 49, Wombeyan Caves Road, Wingecarribee, is 369 acres, as recorded in Crown plan—et cetera and so forth. Police searched approximately 233 acres of the Wingecarribee property over 10 days between 22 May 1994 and 31 May 1994. Portions of the property were not searchable. Police searched a further approximate 230 acres along the boundary lines in the neighbouring properties. Is the New South Wales police saying that 100 acres, one-third of the Milat property at Wombeyan Caves, was not searched—and has never been searched—in 1994?

JOE DOUEIHI: I don't know if those figures you've stated work out to be 100 square metres or kilometres.

The CHAIR: Yes. It's 369 acres, and 233 were searched.

JOE DOUEIHI: The reason they were not searched is because it was not a searchable area. It was not an area that you could walk in. It was dense bush. It was mountainous. That was the reasons why. It was just deemed unable to be searched.

The CHAIR: A hundred acres of their farm, even though the court case—when Milat was questioned about why he needed to be buying so much ammunition, he said, "I like to go shooting", and it was put to him, "Where do you go shooting?" He said, "I like to go down the back of the big block at Wombeyan." He was known to frequent. He said, "I go on my own down there." Is it really the evidence that 100 acres was unsearchable?

JOE DOUEIHI: Yes.

The CHAIR: Again, the police have said that their answer in terms of the Sans Souci apartment was Mr Milat did not own a property at Sans Souci and therefore it wasn't searched. But do the police have any knowledge of a property in that location, owned by other Milat family members? Was that searched?

JOE DOUEIHI: We are not aware of any other properties owned by that family members in Sans Souci, and no properties in Sans Souci were searched.

The CHAIR: Are you aware that Ivan Milat's girlfriend at the time, in 1994, was interviewed by *The Sydney Morning Herald* in a property at Sans Souci that was owned by the Milats?

JOE DOUEIHI: No, I'm not.

The CHAIR: There's a property at 173 Rickard Road, Leppington, and the answer by the police when I asked about the search of that property was, "It has never been owned by any relative of Mr Milat or his family. As such, the Leppington property was not searched by police or as part of Task Force Air." It's a property that's only about two kilometres or three kilometres—it's a large acreage—from where Ivan was residing when he was arrested. Is it a coincidence that the owners of that property's name is "Milat"?

JOE DOUEIHI: Absolutely a coincidence. We've spoken to those owners, and they are absolutely adamant they have no relationship to Ivan Milat.

The CHAIR: Is that how you've established it? You've just asked the neighbours, asked the people there.

JOE DOUEIHI: As a result of your inquiry, we identified the owners, or the previous owners, and reached out to them, and they have confirmed that they have no relationship at all with Ivan Milat.

The CHAIR: And you're satisfied that that's true.

JOE DOUEIHI: We are satisfied there, and the information about the bones that were located—they turned out to be animal bones.

The CHAIR: How was that established?

JOE DOUEIHI: Someone had contacted Crime Stoppers and gave information that they'd been in the property and seen some bones. Police attended, located the bones. They were examined and found to be animal bones.

The CHAIR: And you're certain that the person that's living at that property at Rickard Road is not Ivan Milat's stepson, Jason Ivan Milat.

JOE DOUEIHI: From inquiries we've made, we are confident that they are not related to Ivan Milat.

The CHAIR: There was a fellow who was assisting the police back in 1994, Phil Polglase. He agreed to wear a wire and to gather evidence from Richard Milat.

He apparently said in relation to that, "Don't be surprised if I'm dead soon." Phil Polglase was found dead in his car on 26 November 1994. Were there any suspicious circumstances relating to the death of Phil Polglase in 1994?

JOE DOUEIHI: That matter was investigated. It was deemed that there were no suspicious circumstances and the vehicle was not forced off the road, as suggested.

The CHAIR: Anja Habschied and Gabor Neugebauer flew into Australia from Kupang in West Timor on 20 November 1991. In the next four weeks, they went from Darwin to somewhere in South Australia, potentially —or at least Uluru—then to Cairns, then to Sydney. Anja and Gabor's families were told that they were travelling with a German speaker in a car towards Sydney. They weren't expected to go to Darwin. They said they were travelling with a man who had their money belt—they told family members that the man had control of their money belt. But they travelled very quickly across a vast part of Australia. Did the New South Wales police and Task Force Air ever establish who Gabor Neugebauer and Anja Habschied were travelling with prior to arriving in Sydney?

JOE DOUEIHI: No.

The CHAIR: How is that the case?

JOE DOUEIHI: I believe inquiries were conducted at the time. From the records that we have available to us now, there is no evidence that would show that they identified who that German-speaking person was.

The CHAIR: These two people go missing. It's international news. Their families come out. They've arrived in Darwin. They've managed to get from Darwin to Uluru, across the Northern Territory, all the way to Cairns, then back down to Sydney with one person, who's a German speaker. They spend a month, essentially, with a person, and the police are never able to establish who they spent a month with prior to disappearing.

JOE DOUEIHI: From the records we've reviewed to date, we have not been able to establish that. But I say again, 400 boxes of archive material—there may be something there. We haven't had an opportunity to go through them.

The CHAIR: Was Ivan Milat's nephew Henry Shipsey a person of interest in the backpacker murders?

JOE DOUEIHI: I will have to take that on notice.

The CHAIR: Were the police ever given intelligence that Anja Habschied's head was in the possession of Henry Shipsey?

JOE DOUEIHI: Again, I'll take that on notice.

The CHAIR: Did the New South Wales police ever search Henry Shipsey's property with cadaver dogs?

JOE DOUEIHI: I will take that on notice.

The CHAIR: In terms of questioning of Ivan Milat by police, I've seen a TV clip of Ivan Milat being interviewed, just before he died, by senior police asking him if there was anything he wanted to get off his chest. Other than that, was Ivan Milat ever formally interviewed by police in relation to any other unsolved homicide or long-term missing persons case?

JOE DOUEIHI: Yes, he was. He was required to give evidence at the coronial inquest in Task Force Fenwick in relation to those matters, where he gave evidence and denied any involvement in those matters.

The CHAIR: But by the New South Wales police, not the Coroner?

JOE DOUEIHI: No, no. He gave evidence before the Coroner.

The CHAIR: Yes, but did the New South Wales police ever interview him or seek to interview him in relation to any other unsolved homicide or missing persons case?

JOE DOUEIHI: I'd have to take that on notice.

The CHAIR: Regarding the abduction of Gillian Jamieson and Deborah Balken specifically, I think the Committee would be interested to know whether or not he was ever interviewed in relation to those disappearances from the Tollgate Hotel on 12 July 1980. Did the New South Wales police ever receive a statement from a person identifying Ivan Milat as drinking at the Tollgate Hotel with Gillian Jamieson and Deborah Balken on 12 July 1980? Was he ever identified by someone and a statement given to police at that time?

JOE DOUEIHI: I will take that on notice.

The CHAIR: Ivan Milat shared a cell with convicted felon George Savvas in Maitland Gaol, and apparently they were planning an escape in 1998. Corrective Services became aware of it. Ivan and George Savvas were separated. Ivan was moved out of the jail and—in the next day or so, I'm led to believe—George Savvas committed suicide. Why was Ivan Milat never charged by police for attempting to escape from jail?

JOE DOUEIHI: I will take that on notice.

The CHAIR: Karen Duck and her family allege that Ivan Milat attempted a few times to burn down their house—one time partially successfully—once they'd separated. Why was Ivan Milat never charged or investigated for the arson of his former partner's parents' home?

JOE DOUEIHI: I am aware that we do have some material in relation to that. I just don't remember it at the moment, so I'll take that on notice as well.

The CHAIR: Margaret Milat, Ivan's sister, died in a car accident, allegedly in, I think, February 1971. There are differing accounts of how Ivan's sister died. The various brothers give differing accounts at different times, which is remarkable. You'd think you'd get your story straight when your sister has just died in front of you. They tell different stories about the nature of the accident—how it happened et cetera and so forth. The two brothers of Ivan walked away from the accident, but Margaret had very serious injuries and died shortly after the accident. Was there ever a police report done into the death of Margaret Milat, and would the New South Wales police be prepared to share that with the Committee?

JOE DOUEIHI: I will take that on notice as well.

The CHAIR: Thank you, Mr Doueihi and Mr Dickinson, for your attendance. We greatly appreciate you taking the little bit of extra time to appear today. We understand it's a big effort from you guys in terms of this inquiry. It's of enormous interest to the Committee, the Parliament and the people of New South Wales. Again, I genuinely thank you for the work you do for the people of New South Wales and for your participation and evidence in this inquiry. The secretariat will be in contact in due course with any questions taken on notice.

(The witnesses withdrew.)

The Committee adjourned at 16:20.