

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**

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At Peppers Craigieburn, Bowral, on Thursday 11 June 2026

The Committee met at 9:30.

PRESENT

The Hon. Jeremy Buckingham (Chair)

The Hon. Robert Borsak (Deputy Chair)

The Hon. Stephen Lawrence

The Hon. Rachel Merton

The Hon. Bob Nanva

PRESENT VIA VIDEOCONFERENCE

The Hon. Aileen MacDonald

The Hon. Damien Tudehope

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The CHAIR: Welcome to the first hearing of the Committee's inquiry into unsolved murders and long-term missing persons cases in New South Wales between 1965 and 2010. Firstly, I acknowledge the Gundungurra and Dharawal people, 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 or online today. My name Jeremy Buckingham and I am the Chair of the Committee.

I ask everyone in the room to please turn their mobile phones to silent. This is very important for everyone: 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. For witnesses appearing from outside New South Wales, the protection with respect to the evidence they give is more limited. I urge witnesses to be careful about the comments they make during their evidence and to avoid making adverse reflections about others. In addition, the Legislative Council has adopted rules to provide procedural fairness for inquiry participants. I encourage Committee members and witnesses to be mindful of these procedures.

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Mr KEVIN DOCHERTY, Brother of Kay Docherty, sworn and examined

Mr JEFF DAKERS, Individual, sworn and examined

The CHAIR: Thank you for making the time and effort to give evidence here today. Would either or both of you like to make some introductory remarks?

KEVIN DOCHERTY: Yes, thank you. First of all, I've just put a little bit of an impact statement together. Is that okay?

The CHAIR: Yes, that's perfectly fine.

KEVIN DOCHERTY: I'd like to start with, first of all, a big heartfelt thank you to the Hon. Jeremy Buckingham and all the Committee here that's involved, not to forget the honourable New South Wales Premier, Mr Chris Minns, a man true to his word. I met him last year with Jeremy. To me, he seems such a genuine gentleman, as is the legend over here, Jeremy Buckingham. I'd also like to acknowledge criminologist Xanthe and her offsider Tim, who are here today. I stand here with mixed emotions, but I'm grateful, very apprehensive, a little anxious and also relieved and excited that finally—47 years after my twin sister went missing—we're being listened to and not just heard. I'm not overexcited as I don't want to set myself up for disappointment, but this is the first thing that's virtually come our way in 47 years to get some answers. Also, a big thanks to all the media that have played a role over many years and now Anne and Dimity from *60 Minutes* here today.

My twin sister was tragically taken from a quiet, loving family at the age of 15 years and 10 months old in 1979. This changed our family's lives forever, especially for my loving parents. It has to be the worst case scenario for any parent to lose their child and even worse when you don't know what's happened or where they are. For me, it was like part of me was missing as a twin. I felt like I didn't want to be around anymore either. When someone dies, most people get to have a funeral, a grieving process, then you can slowly get your life back together and eventually move on. In our situation—as with many hundreds of others, and some of them here today—we didn't get that privilege. We live with hope 24/7 and, at the end of the day, the hope gradually fades but the despair and anger deepen. It's a tragic life for any family to go through. It tears good families apart, something you would not wish on your worst enemy. Anyone would just have to spend a day walking in our shoes to realise what we endure on a daily basis, minute by minute. No matter how much we want this to end, the pain is so very raw, even 47 years down the track.

My sister and I, we had a good upbringing. We had a close-knit family. It was only Mum, Dad, my twin sister and myself. For the police back in the '70s to say she was a runaway was not taken real kindly by my parents as this would be totally out of character for my sister and this was so hard to accept. Kay was scared of the dark. She didn't like to be alone after dark. In saying that, the constable on shift that night—when Mum and Dad walked into the police station to report my sister missing—was this gentleman beside me, Mr Jeff Dakers, who 47 years later is on a mission to help find some answers or even a body. If it wasn't for his commitment and dedication towards our family, neither of us would be here in this position today. Jeff, you're a bloody good man. My heartfelt thanks goes out to you, my friend—and we have become friends over the years. As Mum always said, when she went to the police station that night there was one good cop and there was one bad cop, who she wanted to punch in the mouth. To hear that coming from my Mum—a little five foot two Scottish woman who never had a mean bone in her body and was never violent—it was such a surprise for me. When one of them said they were runaways, you can only imagine the thought from there.

The culture back then, it was horrendous and it still has a lot to be desired. Without saying too much more on that, I have experienced this over and over again, and only just last week on a different matter. So 30 years later we get a knock on the door from detectives, saying they have been allocated to our case. Remember, this is the first contact besides death in 30 years. To be honest, at the time—I don't know why—but I used to make excuses for the police: they don't have the numbers, they don't have the resources, they don't have the finances to pursue this case. We sat back and we said nothing for too long. Now it's time we were heard.

In saying that, our search never stopped. Our search continued day after day, year after year. Yesterday I was just showing a *60 Minutes* reporter the notes and untold pages of records my poor Mum had written over the years to every charity group, chapels, cults et cetera, et cetera to try and find her daughter. It was honestly heartbreaking for me to watch as a young child, to say the least. Everything was dated to a T with the time. She kept phenomenal records. For Mum, our family and friends—and other missing person families can relate to what we had to do—we had to play detectives ourselves. When you're dealing with the loss and the heartbreak, you can only imagine the misery and the terrible gut feeling building up inside you because you just kept hitting a wall or a dead end. This was not our job. Families do this for their loved ones so, honestly, I really think this became common knowledge not only for the police but for the wider community.

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This totally destroyed our family and the faith we had in those who were supposed to protect us from evil. The faith was slowly dwindling. What else could we think? But in saying that, we grew up on courtesy, honesty and manners, so we always respected the law and those who upheld it. I guess that's why we stayed quiet for so long. Our family had that much love for each other and created a special bond, especially between my mum and myself. It was unconditional. It was very special. No money or material item can match the good values and love that our parents have shown towards us. To watch them suffer in silence until the day they died virtually ripped my heart out as a young child. Both my parents went to an early grave without answers or even knowing what had happened to their only daughter. My mum actually died in my arms—the hardest thing I have ever experienced. Twelve years later, you can see the emotion is still very raw. You can only imagine the last thing I said to her. It was a promise I knew I couldn't keep, and that was that I would continue the search for Kay and try and find answers. By then, Mum's time was coming to an unforeseen and abrupt end, as she virtually said to me, "Son, go on and live your life. You don't deserve this. Look at the toll it has taken on your father and I."

Yes, they virtually both died of a broken heart eight years apart. I am the last of my family, so it is in my DNA to continue my parents' legacy, as they deserved so much better. Last but not least, not only did this change my parents' way of life; it thrust me into the unknown as a twin at such a young age, with the spotlight on me for all the wrong reasons. I had to quit my career. I gave up a relationship. I had to forgo an opportunity to have a family of my own due to the fact that my mum became ill and all I wanted to do was help her feel comfortable in her last years. So I became her full-time carer. For me this was not a hard decision, as my mum carried me and my twin so I felt it was an obligation and an honour to give something back to her. The sacrifices were not even a consideration at that time, as my mum needed me without even saying it. I was brought up well and with good values, so I knew this was my calling: to give back to her and be there for her when she needed me in her last days.

I ended up marrying late in life. I took a mortgage out, which I never thought possible, in my fifties. It disrupts your life so much. My mum was my world. She didn't deserve this destruction and she didn't choose it. They were the cards we were dealt, so we had no choice but to deal with it the best way we knew how. There was no book or help; no-one could show us the way. It was all based on trial and error. The police weren't much help at the time. It was the worst imaginable heartbreak ever. For you, all this impact statement is very brief. I'm sorry if you thought it was too long, because I have only just touched the edges of this. This is a silent killer to all the poor families who live with this, and there are thousands out there. Stepping back in 2009, when the detectives first came to my door, we soon realised our case was going to the Coroners Court to determine the outcome. The two detectives that I admired and put hope in were virtually clutching at straws, looking for a needle in a haystack because three decades had passed before anything was done.

They did the best with what they had, but at the end of the day we were let down and we had enormous suffering for those 30 years, which has now continued to 47 years. We have a witness who has come forward recently regarding our case, and we have had many come forward and contact the police and Crime Stoppers. Nothing has been done; no-one has been replied to—not even a simple email to acknowledge that they had contacted them. The amount of people that's come forward to me since the police won't do anything, the amount of messages and letters and everything else I have, has made us start playing police. In saying that, some of the information was astonishing. Who do you believe? Who don't you believe? But we can't write anyone off. In saying that, I'm very grateful to be here today.

The CHAIR: Mr Dakers, have you got some introductory remarks to make?

JEFF DAKERS: Yes, and I'd secondly like to say to the Hon. Jeremy Buckingham, thanks very much, mate, for what you're doing, and the MLCs. It's long overdue. From the evidence here today and other witnesses, we're positive it's going to be a step forward in the right direction. As Kevin said, I was the original constable back in 1979 looking for Kay and Toni, with another guy. We searched all that shift, came back the next day, continued on. The protocol back then—you do an occurrence PED entry, detectives take it over and you go back to your general duties, whatever you were doing, and life goes on.

My police career got cut short because of a horrific motor vehicle accident with injuries. I ended up leaving that and going into ministry and becoming an ordained pastor. Ironically enough, I know quite a few even ex-sergeants who have gone down the same path, because I suppose the inner thing in us is we all want to help people. Through the years, I founded a charity which became one of the biggest in the State at that time in Wollongong, distributing 58 tonne of food a week. We got community group for the whole State in 2017, and the ACT—83 per cent success rate with long-term unemployed, getting them jobs. We even had ScoMo onsite a couple of times, and other politicians. It was a great charity before we ended up moving on and retiring.

During that time, I met a chap who'd come along to collect some of our scrap metal—our used shopping trolleys and that sort of thing. One day I was sitting down discussing this case and he says to me, "You wouldn't

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believe it—I was living along Windang Road and I went down to the sand dunes, which was the track, Bakers Lane, opposite where I used to live at the end of the golf course. A guy was standing there one day and two girls were screaming out, 'He's going to kill us; he's going to kill us!'. He was a smart alec kid; he was about 12 or 13. He said, "Run in different directions". He didn't realise who he was talking to was Milat, at that time, because Milat's notoriety hadn't become proficient until into the '80s. Milat, obviously with a witness staring at him, let the girls go and they ran into a house opposite, across the road.

A time after that, he was back down there again and he'd seen a ute reverse up onto a sand dune and he'd seen Milat, the same guy, come over the top of the sand dune with a shovel. He also found a shed down there, of which the shed floor was covered in blood. You don't have to be a genius detective to work this stuff out. Today I am going to table an *Illawarra Mercury* thing—I've got 10 copies here I want to table—about that same article. It's incredible how disappointed I am personally about the lack of police action. I've done a YouTube presentation, as well, about the whole case. I've had a map drawn. The witness—at that time he didn't like the police and didn't want to be involved, so I organised a detective which I knew to come to my house and interview him.

After that interview, we went down and had a bit of a walk around. The thing which is the problem down there—it's that overgrown with lantana down there, even the tracks are all covered up and we can't get to them. At this period of time, I'm going backwards and forwards with the police and saying, "What's going on?" You'll hear other evidence here today about the complacency and lack of performance by police, not only in New South Wales but in a lot of different areas and States. It's very frustrating why they're sitting on their hands when we've got a designated site—a circle drawn on a map of a location that they won't investigate. I think it's appalling.

I've been in contact—Kevin and I have both been to see a detective inspector a couple of times—and we're still very frustrated. Even recently Kevin's been in touch with a detective in the Oak Flats-Illawarra command and I've been emailing him. I asked him, "When can we meet up?" He doesn't want to meet up. He's saying that this will probably have to go to a coronial inquiry to get permission to do a dig there or clear land et cetera. Our witness has got his own excavators. He's got a couple of machines. He's said, "I'll go out there and do it for free." Police cannot have the excuse, "We don't have the resources." We've got many volunteers who would love to go and assist. I've even told the police, "Look, just give us permission to go down there and clear an area."

I was also involved with Search Dogs Sydney—they're here today—who have got special dogs that are able to detect bones that have been underground for even hundreds of years. Police dogs cannot do that. We've been trying to get permission to go down there. I've heard all the excuses, "Oh, because it's near an Aboriginal employment service, maybe it's under Aboriginal lands council." I went to see them and no, it's not, it's Crown land. All I'm doing is hitting brick walls all the way along with everything I'm doing. In part of this thing I'm going to submit today I've got an application to go and see Ivan Milat when he got transferred from Goulburn to Long Bay. And on there it says as an ordained minister.

I rang them up and I said, "How come I haven't got an appointment?" He said, "We've got our own chaplain, so you don't need to come." I said, "I'm also ex-police and there are other things I want to speak to Ivan Milat about", and they said, "No, we won't let you come." Another brick wall. I said, "You've got no idea, as a minister, how many people have confessed all sorts of things to you." Just the opportunity to go and visit him. He hasn't said no; Long Bay jail has said no. So this is the frustration of being able to go forward with all sorts of different inquiries, being able to solve some of these things, and we're at the tip of the iceberg and I'm just so grateful we're here today to be able to do what we need to get done.

The CHAIR: Thanks very much, Mr Dakers. I appreciate that. We can circulate those documents and consider tabling those so we'll consider those in due course. We'll now turn to some questions. What can you tell us about the initial search, those first couple of hours and days after Kay and Toni Cavanagh disappeared? Was there a big search? Was there a big effort from the police? How long did it last? Did it taper off? Can you tell us what you remember of those events?

JEFF DAKERS: We went around and located—because there were no mobile phones back in the day. We had to go house to house, get a list of Kay and Toni's friends and go and knock on doors. If they're not home, you find out when they're going to be home and go, "Have you seen them? Have you heard from them?" Basically just standard type things. It was just a preliminary investigation and to touch base with all the friends and all the possibilities of where they could possibly be. Then, as I said, you hand it over to the detectives as you go to the next day and they still haven't come home over a 24-hour period. After that we need to really get to that point of going, "Okay, how do we step up?" And because I'm on general duties, I'm not a detective there, it's out of my league basically. We just had to wait and see what the detectives were going to do.

The CHAIR: How long after that was your family essentially told, Mr Docherty, that they thought Kay was just a runaway?

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KEVIN DOCHERTY: We were told on the night. My mum and dad were told on the night that they reported it. I think it was Jeff's offside at the time. I don't know if Jeff can remember that, but my mum clearly remembers it. We were told that straightaway. From that point on, there was no more contact, unless my mum went to the police station or Jeff dropped in on his way home. I heard he did that once—I wasn't there—to see Mum.

The CHAIR: There was just no contact from then—

KEVIN DOCHERTY: No contact, nothing.

The CHAIR: —until a coronial inquest in 2009?

KEVIN DOCHERTY: Which was 30 years later.

JEFF DAKERS: I used to see Kevin's father. He used always come into the police station: "Have you found my daughter? Have you found my daughter?" It used to break my heart, actually. I just didn't have the answers.

The CHAIR: One of the alarming things, on top of all the other things, was the family received correspondence from Kay in the weeks after, didn't they?

KEVIN DOCHERTY: Yes, we did, actually.

The CHAIR: Tell us about that. You got handwritten letters from her in the weeks after that caused you some concern.

KEVIN DOCHERTY: Yes, we had two handwritten letters one week apart. She went missing on the 27th. Her first letter was on 30 July and we got one, I think, on 8 August. It was virtually within two weeks of it all happening. The letters—one just said, "We've gone away with friends. We'll be back soon. The job has fallen through, blah, blah, blah. Love you very much. I'll be home soon." I'm just going by memory here; I'm not 100 per cent correct, but I've got copies of the letters there. The next one was very similar. The police took the letters. Well, actually, the first thing they did was send cadaver dogs under my house and tested me for DNA, so we were victims and pretty soon we felt like we were being tested as criminals. They took the letters away. They said they had to send them away to get some DNA done. I can't remember how long it took. They come back and I still remember it was night-time. Detective Sergeant Kelly and Cathy Flood knocked on our door. I answered the door. Mum was sitting in the lounge room and they said, "We're just returning the letter"—letter. We gave them two letters. They had lost one of the letters.

The CHAIR: Those letters were postmarked from Sydney, weren't they? Darlinghurst.

KEVIN DOCHERTY: They were postmarked from Darlinghurst, yes. That's where Mum and Dad spent a lot of their time with their friends, searching the streets of Darlinghurst for weeks and months.

The CHAIR: Kings Cross.

KEVIN DOCHERTY: And Kings Cross, yes. They tested the handwriting. They seemed to think it was her handwriting. I compared it with handwriting in my sister's book just recently from school. It wasn't even close to her handwriting. There was a spelling error there which everyone had picked up on and Mum picked up on. She was a bit brighter than me at school, so there wasn't many spelling mistakes. That was the letters.

The CHAIR: How did you come to learn that Ivan Milat may have been working in the area at the time of your sister's and Toni's disappearance? When did you learn of that?

KEVIN DOCHERTY: The detectives come on to the scene in 2009. I think they were only around until 2010, so it was during that period. During their investigation they had the understanding that Milat was working on a road gang in Kiama.

The CHAIR: It was the police that told you that?

KEVIN DOCHERTY: That was the detectives that told us that at the time. Just recently someone has come forward and said they were picked up by Ivan Milat. They didn't know it was him at the time.

The CHAIR: This is your neighbour who has made a submission to the inquiry, who said that they were picked up at the same bus top that your sister and Toni disappeared from a few years later, and was abducted by Milat and he was stopped by police during that attempted abduction.

KEVIN DOCHERTY: Correct. He was stopped for speeding just at a place called Windang. There's Warilla, Windang and Primbee. This is all within the vicinity of where we're talking about where they think there could be some remains. The boy said when he got pulled over they reckoned he didn't have a licence, but they

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didn't know too much—they were only young at the time—and he's virtually let them out probably a few hundred metres past the police. It's something they never forgot because they felt very uncomfortable from the time they got into the car.

JEFF DAKERS: When I did that YouTube release—that was about five years ago—I had a knock on my door. The guy had seen the YouTube thing about the case. He said, "I was in the house where those first two girls ran." I said, "Wow!" He'd moved to Bundaberg and moved back to Wollongong. He was that traumatised by it, he went to the police in Bundaberg and gave them a five-page statement of what actually happened. They actually stopped Milat's car. Because the girls were hitchhiking—everyone used to hitchhike back in the day—to Nowra to go to a party and they had all their stuff in his car. This guy and his two mates stopped the car—it was driving up this Bakers Lane—so the girls could get their stuff back, which they did. They got their stuff back. They didn't know him at the time, in 1979, but he had the handlebar moustache. They said, "Yes". Then they realised years later that was Ivan Milat. There are two people who have matured. My first witness has grown into a businessman. He employs about eight people. These people are credible witnesses. For us to do nothing? That's shameful.

The Hon. ROBERT BORSAK: I'm just reading Mr Docherty's statement—and you mentioned it, too, Mr Dakers—about the sandhill where you believe these bodies may be buried. How big an area is it that you're talking about?

JEFF DAKERS: There's a map in front of you there.

The Hon. ROBERT BORSAK: Yes, I can see the map.

JEFF DAKERS: That's just a section of the map. There used to be roads that ran right along there. That turned into walking tracks. They're hardly accessible now because of the overgrowth.

The Hon. ROBERT BORSAK: That's what I'm talking about. Are you talking about one acre, 10 acres or more?

JEFF DAKERS: What do you reckon, 10 acres down there?

KEVIN DOCHERTY: I don't know. Mr Chris D'Arcy, any idea?

The CHAIR: You can take that on notice.

The Hon. ROBERT BORSAK: Take it on notice. I think your request that the area should be controlled is completely rational and reasonable.

JEFF DAKERS: Yes.

KEVIN DOCHERTY: Thank you.

The Hon. ROBERT BORSAK: If that can be done, I think it's something that should be thought about, in terms of a recommendation.

JEFF DAKERS: Because it's Crown land, that could be seen as a community service. We will be opening it and re-establishing walking tracks for the community out there.

KEVIN DOCHERTY: Who knows? If there's one there, there's going to be more than one. If there's not, we haven't died in vain trying.

The Hon. ROBERT BORSAK: Mr Dakers, I noticed in your statement, although it doesn't exactly relate to your evidence just now—why do you think at that time their investigation failed? Was it just because they were treating them as missing persons, and they weren't particularly interested?

JEFF DAKERS: I think it's part and parcel of them having their own policies and procedures for how far they go with things like that. We're all subject to a person's ability. We see that across the board now. We've seen that detective from Melbourne, who was called "the good cop", who was solving a lot of murders and stuff like that because of his abilities to look at things differently. That's the whole thing. I've got another submission here. It's called a missing persons system, and the recommendation for that is so we can go forward to do something different and have an answer. Do you want me to read that out to you?

The CHAIR: Would you table it? We don't have a lot of time. If you table that, that would be very—

JEFF DAKERS: Just briefly, it's a special investigation missing persons unit with former New South Wales police. I've got a lot of volunteers who would love to be involved with that, to come forward and to help. There's 2,279 vacancies. We're down in strength in New South Wales police.

The Hon. ROBERT BORSAK: Do you have a view in relation to currently why they're not open to opening up these cases again—your sister's case, Mr Docherty?

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KEVIN DOCHERTY: Like I say, I always used to say they were under-resourced. That probably is the main focal point, but I just think because Ivan Milat is not here anymore, they just think he's gone, he's done and it's over. For us it's never over. I just think they don't want to backtrack. They don't want to be held accountable. I guess they probably haven't got a lot of answers, the police these days. We're talking at least 40 years ago. Times were different back then, I guess. I guess it's just going to open up a can of worms.

JEFF DAKERS: I've been emailing a detective recently at Oak Flats in Illawarra command, and also the previous inspector up in forensics. His opinion is we don't have a location. I said, "That's a complete fabrication. That's a lie. You were given maps." Even on my YouTube video I cited a map twice during that presentation of a location that the witness had circled. I said, "We do have a site." It's very frustrating.

The Hon. STEPHEN LAWRENCE: For you, Kevin, I am just curious—does your family believe that those letters came from your sister?

KEVIN DOCHERTY: No. We studied them pretty thoroughly. Mum said, "That's not my daughter. That's not my daughter's writing." Unless it was done under duress; writing could change. Someone else could have been writing it on her behalf. It's a tough one.

JEFF DAKERS: I was called back in to an inquiry in the '90s. I'd moved to Queensland for 13 years so I went and returned in the early '90s. I got a call from a detective who said they are having a re-look at this case. I went down and in the interview, I say, "Okay, what have you got?" He said nothing. I said, "What do you mean, nothing?". He said, "We lost everything." I said, "Wow, okay." That was it. As far as it went—"We have lost everything."

The Hon. STEPHEN LAWRENCE: How far from where your sister was last seen is this piece of land that you want to search?

KEVIN DOCHERTY: Two kilometres, maybe.

JEFF DAKERS: In the video, I added a part at the end of it. From the bus stop and the drive up to the turn-off, that's only a few minutes. At the time, in the video, I state because he was on the road work gangs, they could have been doing primitive bypass back then with the street signs. As I said in the video, all that he's got to say is, "Oh the road's probably blocked up ahead. I know a shortcut." Bang, down the lane. Done. It's that easy.

KEVIN DOCHERTY: There's like a laneway off the main road—

JEFF DAKERS: Off the main road, down to the dunes there.

The Hon. STEPHEN LAWRENCE: So if you assume the letter was not sent by your sister, have you thought over the years about how the person who sent the letter would have known the address and so forth? Was your family's name published in the media in that time period?

KEVIN DOCHERTY: Were we in the media at that time? I don't really know. I don't think so around that time so that's a fair question. I will probably take that on notice.

The Hon. STEPHEN LAWRENCE: I suppose you would suspect that if the letters were fake, the person who sent them had a motive to do that—maybe to, for example, create a false impression that your sister was somewhere that she wasn't, or that she was still alive, if she wasn't still alive.

KEVIN DOCHERTY: A hundred per cent. That's what I believe. I hear there's other situations in similar cases where they have received letters. I'd like to get all of the letters together and compare them for a bit of comparison and have a look at the writing and to see the wording—

The Hon. STEPHEN LAWRENCE: So you've heard of similar situations where missing people, their families, have received letters?

KEVIN DOCHERTY: Yes. Jeremy can confirm that.

The CHAIR: There is a number of cases: Linda Davie and Marion Sandford, who disappeared at the same time and wrote very similar letters.

KEVIN DOCHERTY: And the letters were all from Darlinghurst, no?

The CHAIR: They left notes. Some left letters, some left notes. There was a similar framing in the letters in all 1979 and 1980.

JEFF DAKERS: Have the detectives done any comparison handwriting with Milat in regard to letters? I don't think that's even happened?

KEVIN DOCHERTY: That's another thing.

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JEFF DAKERS: It's basic detective work.

KEVIN DOCHERTY: I had people on Facebook sending me Ivan Milat's writing and saying, "Is this any good to you? Do you want to compare this to what they say was your sister's letter?" If it wasn't for the community, I tell you what, we wouldn't be sitting here today.

The Hon. BOB NANVA: Mr Dakers, you referred in your opening statement to hitting a number of brick walls in relation to these matters. What's your best assessment of why you think you did hit brick walls as you tried to progress things?

JEFF DAKERS: Bureaucracy, complacency and lack of interest. I think, unfortunately, even with an inspector that Kevin and I were talking to, he goes, "I'm going to retire in the next couple of years." They just get in that cruise mode; don't rock the boat. We'll have other police here today giving evidence. When you get a big body of people and you get a real big cross-section of different people's personalities, their gifts and their abilities and all sorts of different things, they're the brick walls that you hit. There are some former police who I had worked with who had to leave the job because they were just incompetent. It was obvious. Some people are under the radar. This is what happens as well. The whole thing—and this is why this inquiry is so important—there needs to be an overhaul.

The Hon. BOB NANVA: Did you ever get the sense that there was resentment that you might be intruding on their work or second-guessing their conclusions or efforts?

JEFF DAKERS: Yes, it does come across a little bit like that. It's like, "Go away. I've got an excuse. I've been seconded here or seconded there," or "I'm busy. I haven't got time." There's always excuses. They had a big book of excuses, unfortunately.

The Hon. RACHEL MERTON: Mr Dakers, just to confirm following that response, in terms of the identified site as marked on the map here and the evidence that you have provided which leads you to think that that warrants investigation, there has been no specific search or investigation on that identified site?

JEFF DAKERS: No.

The Hon. RACHEL MERTON: Not by Sydney Search Dogs?

JEFF DAKERS: They came down, but we couldn't get onto the site.

The Hon. RACHEL MERTON: Mr Docherty, in your opening remarks you made reference to witnesses coming forward to the police and there being no response. Could you share with us what one of those incidents may be? Who would have been the last witness coming forward to the police and providing evidence relating to this?

KEVIN DOCHERTY: There are so many and it's so hard to remember them all over the years. I do have some in my phone. I do have notes. I do have letters. The recent ones have virtually been the witness Mr Dakers was talking about and my neighbour. He was picked up a couple of years before it from the same area.

The Hon. RACHEL MERTON: Just step us through the process that people are following on this. If they've got evidence—they're a witness—on what they saw, what are they doing? Are they presenting to the police?

KEVIN DOCHERTY: They've all been to the police except this one witness who didn't want to go to the police, who spoke with us and he's been over to the site several times with us. Every one of them that has said something to me or sent something to me had been in contact with either the local police or Crime Stoppers and never got any reply.

The Hon. RACHEL MERTON: Is there possibly a receipt or a recording that that witness has made evidence available, or possibly just a given that a report was made, full stop?

KEVIN DOCHERTY: I probably couldn't answer that.

JEFF DAKERS: The first witness, yes. He was interviewed at my house and he gave a statement, so yes—and the five-page statement from the other guy I forwarded to detectives as well.

The Hon. RACHEL MERTON: Mr Dakers, further on that point and your recent comment, you became aware that the police file on this case was presented to be empty?

JEFF DAKERS: Yes.

The Hon. RACHEL MERTON: Despite what we've heard today about the number of witnesses that have gone forward.

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JEFF DAKERS: This was in the '90s, yes. Obviously now I don't know what they've got.

The CHAIR: Before we conclude, can you tell us about the coronial inquest? In 2009 you were approached by the police. Were they coronial advocates or were they just New South Wales detectives doing their work? Tell us about the coronial inquest—what happened during and after that—if you could in a couple of minutes, Mr Docherty.

KEVIN DOCHERTY: I guess it wasn't long once the detectives came on board that we started to realise through their talk that there were a lot of cold cases that need to be solved or closed. We realised pretty early—around 2009, 2010—it was going to a coronial inquest. When it went to a coronial inquest in 2009, he virtually was going to close the case. I virtually stood up and I just spoke on behalf of Mum and all I said was "If there's no evidence and there's no body, why are you going to close this case?" They left it open until 2013. That's when we went back for the second inquest. At that time they just said my sister had been murdered shortly after she disappeared—still no evidence, no proof. By that time, there wasn't much more we could say. My mum virtually fell very ill in the court at that time, and she died several months later.

The CHAIR: At those inquests, was anyone mentioned as a person of interest?

KEVIN DOCHERTY: No.

The CHAIR: They had no leads whatsoever?

KEVIN DOCHERTY: No.

JEFF DAKERS: That's the difference between an inquest and an inquiry. An inquiry is ongoing. The inquest is just a conclusion, basically. That's what you'll see.

The CHAIR: Thank you very much. We deeply appreciate your submissions and your testimony here today. It is very useful to the inquiry. Our deepest sympathies go to you, of course, in these terrible circumstances. We deeply appreciate your submission and your courage in coming forward here to give evidence today. Thank you very much.

JEFF DAKERS: We're available for ongoing as well.

The CHAIR: No problem. If there are any questions, the secretariat and the members will be in contact in due course. Thank you very much.

(The witnesses withdrew.)

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Mr STEVE ROWLAND, Brother of Keren Rowland, sworn and examined

Mr HUGH HUGHES, Family of Keren Rowland, sworn and examined

Dr ANDREA HUGHES, Cousin of Keren Rowland, before the Committee via videoconference, sworn and examined

The CHAIR: Welcome, and thank you very much. Before we turn to some questions, do you have some introductory remarks you'd like to make?

STEVE ROWLAND: Yes, if I may. On behalf of the Rowland family, I'd like to firstly thank everyone at the inquiry for their attendance and to have us here. We really appreciate it. It's been 55 years since we lost my sister and her baby. We've got a very large and close family and we're still looking for answers. Unfortunately, my mum and dad have passed not knowing what happened to Keren and her bub. But with unwavering support and help from family, we have and will continue to search for answers. We are finding it incredibly difficult to get the same support and help from the investigating authorities, unfortunately.

After sitting down with my cousins Andrea and Hugh in February 2017, we decided that after 46 years of no success we would look into this ourselves as far as we can. What we've discovered has been nothing short of devastating. We found that the investigating body has very little or no information, connected notes or evidence left from February 1971. To further the situation, it appears that it is not prepared to allow access to or help the family with any information, even when it's been offered and made available from other jurisdictions. We consider there can only be two reasons for this, one being an attempt to cover up the sort of gross mismanagement and mistakes that were made in the investigation, and/or an attempt to hide something possibly more sinister from the public. Either way, this has been extremely difficult for our family and friends, and we feel more could and should be done in the quest to find justice for Keren, her mum and our family.

HUGH HUGHES: Since 2017 we have been reviewing the case using all source materials available. The answers we have been getting from the police do not make sense to me. I'm an experienced police officer with 30 years of experience, most of it on CID investigating or working on numerous incident rooms and with an experience in crime intelligence. Towards the latter end of my career I was working in strategic development for the investigation of missing persons, and sitting on an advisory panel for the whole of the south-east of England, with a population of 18 million. So I have a little bit of an idea of what I'm talking about. The responses we were getting from the AFP did not make sense. Based on the information from the police, and the family's experience of that, the only hypothesis I can draw is that the police are hiding something.

We've reviewed our experience along the lines of a Daniel Morgan case in the United Kingdom, where Morgan was found with an axe in his head in 1987, and the police originally said it was suicide. Like the Morgan case, the term "institutional corruption" is the only description I can come up with that fits the facts of our experience. The term means that the current organisation and its people are trying to cover up errors they made in the past. Unfortunately, as it stands today, I can't rule that out. In fact, the detective, through our experience, said to Steve, "We've really dropped the ball on this one." Therefore, the lack of response from them, or the appropriate detailed response from them, strongly suggests institutional corruption and trying to protect the reputation of previous colleagues, and of the organisation.

I also asked experienced, retired United Kingdom senior investigation officers to independently review the material that I had got. Both of them don't know each other, but I know the two of them worked independently. All three of us have come to the conclusion that the response we're getting does not make sense, and therefore we smell a rat. Unfortunately, this is where I struggle. I am hoping all they're doing is trying to cover up incompetencies. That's bad enough. But I can't rule out there is something more sinister than that going on, that they're trying to hide something even greater with regard to corruption than just trying to cover up for incompetencies.

ANDREA HUGHES: Thank you very much. I don't really have a great deal to add to what Steve and Hugh have said. We have worked on this case for the last eight years as a trio, but with good family support behind us. No family should have to go through what we have done. Steve and his immediate family have had 55 years to experience the lack of support, ignorance, poor leadership, parochialism, arrogance, and perhaps lack of care of the work that police do in relation to the investigation. I think now is the time for all the organisations to take appropriate responsibility for what they've done. I support the challenge regarding the Daniel Morgan case regarding institutional corruption. We're very pleased to have this inquiry and we hopefully will have some acceptance of responsibility.

The Hon. STEPHEN LAWRENCE: Thanks for your evidence and for travelling. To your knowledge, have police attributed Kay's murder to any other person, potentially?

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HUGH HUGHES: Keren.

The Hon. STEPHEN LAWRENCE: Sorry, Keren.

HUGH HUGHES: No idea. We have no idea. We've asked that question. I certainly had a meeting in 2019 with Clive Small. He presented me with a New South Wales police document which he wouldn't let me keep but he allowed me to review. It set out a number of reasons why and it clearly showed that in 1994-1995, Task Force Air, after reviewing the material which the AFP held on Keren's case, had deduced that Milat was certainly a person of interest, if not a suspect, for Keren's case. To use Clive's own words, at that time, he was the only suspect the AFP had in relation to Keren.

The Hon. STEPHEN LAWRENCE: To your knowledge, there's no other serial killer who's known to have been operating at that time who's been actively considered as a suspect?

HUGH HUGHES: To my knowledge, no. We've asked the question and we've had no answer to that. I would love it if that was—would I love it? No. It would be a relief if we knew there was an active line of investigation going on in relation to somebody else, but I don't believe there is.

The Hon. STEPHEN LAWRENCE: In terms of Ivan Milat, was anything shared with you over the years about his movements at that particular time, his presence in that area or anything like that?

HUGH HUGHES: On that document—and Clive Small, in his book that he published in 2014, sets out that Ivan Milat was working in the Queanbeyan area immediately before Keren went missing.

The CHAIR: There are other elements of Keren's homicide that bear the hallmarks of Ivan Milat. I know it's difficult, but could you expand on those and what you know about the circumstances and manner of her death that cause you to think that they have similarities to the modus operandi of Ivan Milat?

HUGH HUGHES: I haven't seen the crime scene photographs but, again, in speaking to Clive Small, he is saying the area in which Keren's body was found—it's in a pine plantation between Canberra and Queanbeyan. The area is very similar, so he says, to the Belanglo forest findings. The position of the body and the way the body was hidden with shrubbery was very similar. There was also a brown beer bottle found near the body that is similar to a number of other cases that have been proved. There are similarities there. And there is a suggestion that Keren's body had been interfered with.

The CHAIR: Which is similar to the Belanglo.

HUGH HUGHES: Yes.

The CHAIR: You mentioned in your opening address that you've been blocked from obtaining information. In your submission, there's a considerable body of information that you can't access through the archives. Could you elaborate on that?

HUGH HUGHES: Really good story there. I'd obviously got this information from Clive Small. We went back to the Australian Federal Police, or the ACT police, who handled Keren's investigation. I like to double-check everything, so even though Clive had told me that, I wanted to corroborate that, so we went back to them and said, "Look, this what we've been told." We were told—it was absolutely clear—"Clive shouldn't have shown you that. No, it's totally wrong. It doesn't exist. It's totally wrong and Clive should never have told you that." Then, two years later, we were at a forensic science conference here in Sydney. My wife approached Karen Webb, the then commissioner, and said she'd be writing to her. She wrote to Karen Webb and I've got to give my thanks to Karen Webb for what she did next. She then got officers within the unsolved homicide team to contact Andrea. They contacted her with some of the details about Ivan's working patterns and confirmed that he was working for the water authority two weeks before Keren went missing, but didn't confirm the area, but said, "We have an eight-page document that we're happy to share with you, but you'll need to apply under GIPAA." We applied under GIPAA.

The CHAIR: In the ACT?

HUGH HUGHES: No, we applied under GIPAA in New South Wales. Everything was going smoothly, everything was going fine, and then we get a phone call to say, "One of our partner agencies has objected and therefore we can't share it with you." We asked who that was and they said, "It's the AFP." To this date we don't know why the AFP has prevented us having access to that document.

The Hon. ROBERT BORSAK: That leads me to thinking about what you said in your evidence before in relation to institutional corruption. I gather you were talking there about the AFP?

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HUGH HUGHES: Yes. With our family's experience to date, I've got nothing but praise for members of New South Wales police. Those that can—Clive Small, Karen Webb—have tried to do what they can, but they seem to have had their hands tied by a partner agency, being the AFP.

The Hon. ROBERT BORSAK: Getting some perspective on it, really the primary investigation back then wasn't done by the New South Wales police, was it?

HUGH HUGHES: No, it wasn't. It was done by the Commonwealth police, I think it was back then.

The Hon. ROBERT BORSAK: By the AFP, so the New South Wales police didn't have any hand other than most recently in relation to Karen Webb, or was there involvement through Mr Small earlier than that?

HUGH HUGHES: Like I say, I'm led to believe Task Force Air reviewed all of Keren's material in 1994. I've got the exact date, and I think it's in the submission, when detectives from Task Force Air visited the AFP and were given access to all bar one file—and again we don't know why they weren't given access to that one file—in relation to Keren Rowland's case. That's how they've produced this eight-page document where they say that there's no further written lines of evidence, but we cannot rule Ivan Milat out. That's where it stopped in '94-'95.

The Hon. ROBERT BORSAK: What do you think AFP are hiding?

HUGH HUGHES: I don't know. I have no idea. Like I say, I'm hoping—

The Hon. ROBERT BORSAK: Is it just incompetence?

HUGH HUGHES: That's what I'm hoping. I don't know what's in those files. I'd love to see what's in the files and you'll see in our submission there was a set of nine files that were filed within the National Archives, some of them classified as top secret. I've never seen murder investigations classified as top secret, so I don't know what was going on there. We've asked the questions why. Nobody has any answers. It just doesn't ring true. Keren's was the only unsolved homicide paperwork filed at the National Archives. Why was it filed there? We've asked the question. We hit a brick wall. No answers.

The Hon. ROBERT BORSAK: The National Archives actually disclose who files it.

HUGH HUGHES: Yes, they did. It was the AFP.

The Hon. ROBERT BORSAK: So they filed it there to hide it?

HUGH HUGHES: I don't know. They filed it there. It was open. We made inquiries. They closed it and they've removed it.

STEVE ROWLAND: And, to our knowledge, it's highly unusual that a murder case that's still current would be filed in the archives. There's no-one else where it has been.

The Hon. ROBERT BORSAK: I found archived files of my family arriving from Europe, but I've never heard of murder being filed in there until I saw your evidence.

STEVE ROWLAND: It's unusual.

HUGH HUGHES: We've asked the questions and tried to get answers to that, and we just draw a blank. The interesting part is, of course, is the original, those files being deposited in the National Archives happened 18 months after Ivan Milat lost any chance of appeal. I don't know whether they were being held onto by the police in case Ivan had been successful in the appeal. I don't know. These are just speculations. I've got no facts to support that.

The Hon. ROBERT BORSAK: The AFP have never said to you that they lost files, have they?

HUGH HUGHES: They've said they've lost material and forensic evidence, yes.

The CHAIR: As an experienced police investigator, Mr Hughes, I will ask you to reflect on what it means if you accept that Ivan Milat was potentially capable of murder in 1971 and his behaviours going forward. If he was capable of the murder of Keren Rowland in 1971, what does that say about the period that then leads to your understanding of the behaviours of people who are serial killers, his behaviour in the intervening period in the 1970s and '80s until he is found guilty of a number of homicides in the 1990s?

HUGH HUGHES: First of all, I'll start with a standpoint. I would like nothing more than to rule out Milat had been unable to do that to date. If I accept that it was Ivan Milat there are certain trigger points that I believe led to his offending in relation to Keren, the main one being the death of his sister in a road traffic accident two weeks before Keren went missing. We see with the other offences that he's been convicted of that an issue with his personal life or with a significant female in his life happens quite soon before he goes on and offends. I think

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with Keren, I think he picked Keren up and was sexually motivated in picking her up. He didn't pick up with the intention of "I'm going to pick up a girl and kill her."

There is some evidence of somebody cruising on Constitution Avenue three days before Keren went missing in a New South Wales car. The AFP have done very little with regards to that, which I still think today could be an active line of inquiry. Somebody cruising around for young girls, I think he was sexually motivated there. I think Keren put up a fight, if we are going to follow that line, outside the Gun Gates. I think he strangled her there and had a shock, he was surprised that he'd got a body with him. He went to the first logical place, which was where she is dumped, and dumps the body. I think he's got a thrill from that and then he has gone on—as we've seen with numerous serial killers around the world, they start off with petty thefts and things like that, move on to sexual assaults, get over the threshold of killing, get a buzz from it and they carry on.

The CHAIR: So they build capacity in terms of their criminality over time?

HUGH HUGHES: Absolutely, and you've got far better experienced expert witnesses presenting to you today that will, I'm pretty certain, agree with what I'm saying.

The Hon. RACHEL MERTON: Thank you very much to both of you. If I could just pick up the issue relating to a confession located in the Canberra dead-letter office, I'm wondering if you might be able to just elucidate about that.

HUGH HUGHES: Steve may come in on this. We were contacted by a lady who claimed that in I think it was 1997-98 was covering maternity cover and she worked in the dead-letter office at the main post office—

STEVE ROWLAND: In Ainslie.

HUGH HUGHES: In Ainslie in the ACT. A letter turned up where it purported to be from the killer of Keren Rowland who knew an awful lot about the case. Unfortunately, the lady didn't keep a copy of it. She didn't take any notice of it but she clearly remembered the subject that was within the letter. She claimed she phoned the detectives within ACT Policing to say that she had this letter, and she was told, "It's probably a hoax. Throw it in the bin." She thought about it overnight, decided that wasn't the right thing to do, and then phoned up the next day and they said, "Well, post it in to us," which is what she did. She has provided an affidavit to the family in relation to that. I see no reason why she would come forward and say that, and go into a Magistrates Court to swear an affidavit, if there isn't any truth in that. We again have asked the AFP, "Have you got a copy of this letter that was supposedly posted into you?" They have no record of the letter.

STEVE ROWLAND: They had nothing.

HUGH HUGHES: What's interesting is, from a number of media articles, I understand there were a number of letters prior to that, that had been sent in to the police in relation to Keren's case. Again we are told the police have no record of those.

The Hon. RACHEL MERTON: Mr Hughes, just to confirm, this letter, along with other evidence that you stated, was provided to police, but this evidence is missing from the file?

HUGH HUGHES: Yes. They've got no record of it.

The Hon. RACHEL MERTON: In terms of the content of the reported Canberra dead letter, were there details in terms of confession relating to the murder?

HUGH HUGHES: I would have to take that on notice and go back to the affidavit we've got and perhaps share that with you.

The CHAIR: What would your recommendation to the inquiry be? If both of you could expand on this, what would you like to see happen going forward, in terms of the unsolved homicide related to Keren?

HUGH HUGHES: I would like to see a responsibility put on all Australian police forces to perhaps take the College of Policing model with regard to placing a duty of candour on the police, that when they've made mistakes, when things have gone wrong, they have a duty to be open, honest and transparent with inquiries, with the public and with the victims of crime and their families. I'm very mindful of the writings above the Old Bailey in the United Kingdom. I've got it on my tie here. It says, "Defend the children of the poor and punish the wrongdoers." It's not just the police that have that responsibility; it is the courts and it is yourselves as the politicians.

We all have a responsibility. The police need to learn to be open, honest and transparent and own mistakes. We're not out here to slate the police—me least so. But if they've made mistakes, families deserve to know. We can't do anything about those mistakes—they've happened—but at least it helps the family understand what has

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happened, rather than being told absolutely nothing. All you can deduce from that is there's something more sinister going on. I'm not sure there is, but the families deserve better. Australia deserves better.

STEVE ROWLAND: In relation to Keren's case, in particular, I would like the AFP to come forward with the information, or any information they may have. They maintain that, for whatever reason, they have lost everything in relation to evidence of any sort of Keren's. I also particularly question the inquest, inasmuch as we've been told from a number of sources that it was very well carried out, but after having looked through it—things were obviously different 55 years ago; however, there are so many little bits and pieces. In fact, the post-mortem after this inquest, the first they canvassed was possible suicide. The way Keren was found, it's just impossible. I just don't know how they can come back with that in mind. It's just ludicrous really.

They've since rearranged and changed their idea and their verdict on it to "death by misadventure", obviously. Because of that, there are things where there were notes taken by one of the chief constables, or the sergeant there, saying that they had checked every local pervert—that was the way he put it. They checked all these people to see where they were at the time; if there was a possibility of them. I've asked them if we can find out or see what those names were on that. There has been absolutely no answer, which is normal from what we've got in the past from the AFP. But all I want to know is if Ivan Milat's name is on that list, and if it isn't then why isn't it. When you consider that he was brought in for a rape two or three weeks after Keren went missing.

The CHAIR: He was charged for a rape on the Hume Highway just two weeks later, wasn't he?

STEVE ROWLAND: Correct.

The CHAIR: Dr Hughes, would you like to respond to that? What would you like to see happen going forward?

ANDREA HUGHES: The submission has highlighted, in as much detail as we could possibly include, the timeline of all the experiences that we have had. From what we have garnered, as Hugh and Steve have said, we genuinely believe that Keren's case is absolutely pivotal to this inquiry. I am mindful of my location and therefore I refer the Committee specifically to page 3, where we think that there were opportunities that have been missed in relation to Ivan Milat. It's already been alluded to with Margaret and Greta being abducted in 1971, and one of the girls raped at Goulburn—he then absconded. So on page 3, we consider that there were "opportunities" and why wasn't he considered:

1. April 1971 when Milat was arrested for the abduction and rape of one of the two women, near Goulburn;
2. 1974, when Milat went to trial and was acquitted for the 1971 rape;
3. 1974 when he was considered then excluded for the murder of Bronwynne Richardson, at Albany, NSW;

The CHAIR: Albury? Sorry, was that Albury?

The Hon. RACHEL MERTON: Albany.

HUGH HUGHES: It's written "Albany" in the submission. It is Albury.

The CHAIR: Yes, in New South Wales.

ANDREA HUGHES: I beg your pardon. Then in 1995, when Task Force Air reviewed, keeping in mind, every box except one. If that's true, it would sound to me—I hypothesize: Did Task Force Air absolutely have all the possible information available to them from the AFP in order to undertake their inquiries for Task Force Air? That box might have nothing in it. It might be completely irrelevant but, until we find out what was in that box, we do not know even that Task Force Air may not have been completed appropriately and completely. Keren was included for the suspect for the disappearance of Peter Letcher, as well, and Dianne Pennacchio.

In 2008, he lost his appeals and then in 2014, Clive Small and Tom Gilling's book was published. Then in 2018 there were the final interviews and that was the last opportunity to put anything to Milat. We have had information that actually suggests strongly that some of the questions for the interviews that were undertaken for Ivan Milat may very well have been designed by a journalist. If that is true, and that needs to be answered by NSW Police and by ACT Police, then I am absolutely dumbfounded that the police did not design all of the questions. He was interviewed by men. It was well known—and Tim Watson-Munro will be able to expand on this later on—that he needed to be confronted about things in a particular way because of the type of person that he was.

All the way through his trial with the backpacker murders he professed his innocence. We don't know whether he actually had a cognitive interview put to him about Keren or the other people that Clive Small considered were most likely to be attributed to Ivan Milat. Those are questions for New South Wales police. But in our submission we've identified six opportunities where we think Ivan Milat could have been stopped and at

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least a few of those—1971 and 1974—were before the backpacker murders. That's something that this inquiry needs to bottom out and find out what happened for the sake of all the other people coming along after us in this inquiry.

The Hon. STEPHEN LAWRENCE: Just to confirm, coming out of the written submission that you provided, effectively ACT Policing or the AFP have lost all the exhibits that were found where Keren's body was found?

HUGH HUGHES: That's what they've told us.

STEVE ROWLAND: They're claiming that.

HUGH HUGHES: They don't know where they are.

The Hon. STEPHEN LAWRENCE: That includes a beer bottle that was at the scene?

HUGH HUGHES: Yes, that does.

The Hon. STEPHEN LAWRENCE: You would assume that if those things were still retained, they could be DNA tested or fingerprint tested?

HUGH HUGHES: Absolutely they could.

STEVE ROWLAND: Were they fingerprinted at the time? That's what we'd like to know.

HUGH HUGHES: They could still be fingerprinted. Something to throw into this inquiry that you may choose to consider as well is that Ivan Milat was in a gold Ford Fairmont when he abducted and raped the two girls in 1971. Certainly if I was investigating the case back then, even back in 1971, I would want that car forensically examined and tapings taken for hair or whatever. Was that ever done? That's a question for New South Wales police. If it was done, are those tapings still in existence? I know of a number of cases where those tapings have been found in cold cases and where they've led to identification of a victim being in a vehicle or all sorts. Again, those questions have been asked and we've got no answers.

The Hon. STEPHEN LAWRENCE: Have you been given any explanation for the loss of all those exhibits?

HUGH HUGHES: No, just, "Oh, well, it's just happened over time."

The Hon. STEPHEN LAWRENCE: One of the recommendations that you seek is for indefinite retention of exhibits.

HUGH HUGHES: Absolutely, yes, certainly in unsolved cases. And better management of exhibits. A number of times, cases are lost because police do not handle exhibits correctly. They take shortcuts, and there are no shortcuts to be taken with exhibits, as you well know. Do it properly.

The Hon. STEPHEN LAWRENCE: In terms of the other Milat crime that he was arrested for around that time not being connected to this one at the time, has there been any suggestion that that was because obviously ACT Policing or the AFP were investigating Keren's disappearance initially, whereas the other one was a New South Wales matter? Has it been suggested that they weren't sharing information?

HUGH HUGHES: We've had no answer. We have asked that question. We note from press cuttings that I think in May 1971 ACT police officers go to Goulburn to interview somebody. We know, because of press cuttings again, that ACT police report that they've been to Sydney to consider somebody and that they don't consider their suspect could be the same person responsible for Bronwynne Richardson. So we know there must be some communications going on there. It's just we're not getting any straight answers.

STEVE ROWLAND: Yes, we've been stymied totally—just nothing.

The Hon. STEPHEN LAWRENCE: I suppose a lot would have changed between 1971 and now in terms of information sharing, capacity, even artificial intelligence now—

HUGH HUGHES: Yes, one would hope.

The Hon. STEPHEN LAWRENCE: —to ensure those things are almost cross-referenced in real time.

STEVE ROWLAND: What hasn't changed now is the sharing of information with families, and just wanting to know—a little bit of clarity. We just get a total, "I'm sorry, we can't help you" or "I don't know." There's things that we've been looking at ourselves, particularly through press clippings et cetera—my dad kept everything, of course—but we need more answers. There would be answers. Most of the police that I am talking

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to today, most of them weren't born when Keren died. However, they are then given to the family to look after this and they have no idea about what they are doing.

The Hon. STEPHEN LAWRENCE: In terms of the missing exhibits, have you been assured that exhaustive searches have been undertaken, that they've turned the place upside down?

STEVE ROWLAND: There was the case of Keren's handbag. Her clothing, I believe, was never returned. They told me it was probably destroyed. Her handbag with the contents in it—with her pay from the day, or from the day before—was all intact. They maintained that was presented back to my father in 1974. I asked, "Is that the normal thing that you do in an unsolved homicide case, to give that sort of stuff back to the family?" Their answer to that was that they had no idea what they did in 1974, so that must be what's happened. I have asked since for a receipt to see that we did receive it. They did supply me an A4 page with some detail on it and it definitely had my father's signature on it. However—

The Hon. STEPHEN LAWRENCE: It seems curious that they would have that record but not the other exhibits.

STEVE ROWLAND: It is. Isn't it funny?

HUGH HUGHES: Absolutely.

The Hon. STEPHEN LAWRENCE: It suggests they've got some storage system of their own.

STEVE ROWLAND: However, what gets worse is, it is definitely my father's signature. I'd know it anywhere. However it was photostatted on at an odd angle just on the side of the page, which is nothing; he would never have signed a piece of paper like that. He was very, very particular with that sort of thing.

The Hon. STEPHEN LAWRENCE: In terms of physical exhibits like beer bottles, things that you pick up at a crime scene, have you been told by ACT Policing, the AFP, that they don't have any such exhibits at all in relation to any case from that time?

STEVE ROWLAND: Yes.

The Hon. STEPHEN LAWRENCE: Or do they have some still stored but not for this case?

HUGH HUGHES: No. We know that they've got some from that time because, again, picking it up out there in the media, there is the Allen Redston case which happened before Keren. I am aware that, it was probably about five years ago, they were taking—

STEVE ROWLAND: 1966.

HUGH HUGHES: About five or six years ago they took strappings that they'd got from the body of Allen Redston and sent them over to the UK for DNA analysis. So they've certainly got his exhibits but they don't appear to have Keren Rowland's exhibits, and no explanation has been given.

The Hon. STEPHEN LAWRENCE: No explanation has been given.

HUGH HUGHES: We were promised by Neil Gaughan, the Chief Officer of Police, in 2019 that they were going to carry out a full cold case review and that it would be shared with us. To date we haven't received that. One of the senior investigating officers that I worked with back in the UK, who headed up Thames Valley's unsolved or cold case review team, offered to come over to ACT and do a cold case for them on Keren's case. He said it would take at maximum no more than three months to do a full cold case review. We are now seven years down the line and that review still hasn't happened.

The Hon. STEPHEN LAWRENCE: You have not been told what particular efforts the AFP has made to ascertain whether those exhibits are anywhere at all?

HUGH HUGHES: No.

The CHAIR: Just before we conclude, I have a specific question. Have you ever sought Ivan Milat's work records from the New South Wales police, or in that document that Clive Small—

HUGH HUGHES: Yes.

The CHAIR: What has been the response from the New South Wales police in relation to that, in terms of establishing his whereabouts at that time?

HUGH HUGHES: We have an email from a detective inspector with unsolved homicide that sets out partial details of Ivan Milat's work records, specifically around the dates leading up to Keren going missing. He's confirmed that. He's given us the box file number of where Ivan Milat's work records are, and we've got that file

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number. He said that we'd be able to apply for the report that they've written and specific dates around his work file under GIPAA. That's as far as we got applying for that, and then stopped.

The CHAIR: So you've been told those work records exist?

HUGH HUGHES: Exist. Yes, we have.

The CHAIR: But you haven't been able to access them—

HUGH HUGHES: Yes.

The CHAIR: —in terms of the detailed dates.

HUGH HUGHES: Absolutely.

The CHAIR: Thank you very much. We could ask some more questions, but that's the time we have. To all of you, again, our deepest sympathies on your loss. Thank you very much for your efforts in pursuing justice for your family member, and also in coming here today to give evidence. It's been incredibly useful and interesting. I'm sure members will have supplementary questions, which we will put forward for written answer. I don't think you've taken anything on notice, but if you have, the secretariat will be in contact in due course in that regard. Thank you again for your attendance here today. The Committee and the Parliament thank you very much.

HUGH HUGHES: Thank you all for what you're doing in bringing this to the forefront. You are doing some really sterling work here. Thank you.

(The witnesses withdrew.)

(Short adjournment)

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Mr PAUL GRIMMER, Brother of Cheryl Grimmer, sworn and examined

Mr RICKI NASH, Brother of Cheryl Grimmer, sworn and examined

The CHAIR: Thank you to our next witnesses. I understand you both have some introductory remarks.

PAUL GRIMMER: Firstly, I'd like to thank the Hon. Jeremy Buckingham, the Deputy Chair and the MLCs for allowing us to do this. I'm the brother of Cheryl Grimmer and I'm here today to give personal insight into being a family member of a long-term missing person. I've put in my submission for change and transparency for the way the families are treated and made to feel different by the different agencies.

RICKI NASH: I reiterate those words. Thank you for today; we are grateful to be here. I will read my impact statement and the 74 questions that I have tabled for the Committee. For more than 50 years, our family have lived with the consequences of failures that should never have happened; failures that denied our little sister, Cheryl, the dignity that she deserved and denied us the truth we should have been given in 1971. Today is not just about grief; it is about accountability, especially after listening to your first two guests. It's about asking how those entrusted to protect Cheryl could let her and all of us down so completely. If those entrusted to protect my sister had simply done their job properly in 1971, I truly believe our family would have known the truth more than 50 years ago.

In the days following Cheryl's abduction, a ransom note was received—one that police believed to be genuine and assessed as being written by a 14- to 15-year-old. Yet in a decision that defies all logic, that note was broadcast on national television just two days before the ransom was supposed to be collected. Police publicly announced where and when it would happen, turning what should have been a controlled, careful operation into a public spectacle. Fifteen months later, a 17-year-old male came forward and confessed in graphic detail to abducting, wanting to rape our little sister and then murdering her because she had the courage to fight back—a detailed confession, an opportunity to find Cheryl, to uncover the truth and give our family answers when it mattered most. That opportunity was not taken. The area the offender led police to was not thoroughly searched. Vital leads were not pursued with the urgency or care they deserved.

Even now it is impossible to comprehend how such a critical chain of events was so badly mishandled. Because of these failures, that confession—our chance at the truth—was left to gather dust for over four decades and our family has spent more than half a century living with unanswered questions, unimaginable grief and the knowledge that the truth may have been within reach all along. We are left with the unbearable reality that this did not have to be our story. If the authorities had simply followed through, if they had done their job with care, professionalism and the urgency my sister deserved, we firmly believe we would have known the truth all those years ago. We would not be here today, and our lives, every part of them, would have been different.

I want to tell you a little bit about Cheryl. Cheryl was not a case file. She was an amazing, funny little girl. Cheryl was cheeky, bubbly and beautiful. She was a daughter and our sister, who was only just beginning her life. Her life should have been filled with love, exciting adventures and family memories. Cheryl was mischievous. She loved teasing me and my brothers and then running straight to our parents, hiding behind them and laughing, because she knew mum and dad were her safe place. She would peek out from behind them and laugh at us, knowing she had won. Come to think of that, Cheryl was always laughing, always smiling—something I'm sure many of you see in your own children and grandchildren today. That was Cheryl. A little girl full of life, a little girl who should have grown up, a little girl who should still be here today.

On 12 January 1970 our family went to Fairy Meadow Beach. It was meant to be a normal Australian summer day, a day at the beach with family, but that day changed our lives forever. Cheryl disappeared from Fairy Meadow Beach change rooms. One moment she was there and, as my brother said in the past, the next minute she was gone. Searches began in the hours thereafter. Police investigations followed. The community rallied around our family. But Cheryl was never found and our family was left with a question that has followed us for more than 50 years: What happened to Cheryl?

For me personally, that day has never left me because I was the brother that left her alone in the change room. That is something I've carried with me my entire life. For more than five decades I've asked myself the same questions, over and over. What if I'd stayed? What if I'd waited a little bit longer? Would Cheryl still be here today? The truth is, if it had to be one of us that day, I wish it would have been me. I have lived more than 50 years asking myself why was it Cheryl and not me? No brother should ever have to live with that, that their little sister might still be alive today if I'd made a different choice. She was tougher than me. But that is the weight that I've carried for more than five decades. That guilt never truly leaves you. It shapes how you see yourself. It shapes how you live your life. It stays with you forever, no matter how many people try to help.

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Despite all of that guilt, there was one thing that helped me get through life: hope. For many years I held onto hope that one day Cheryl would just knock on the door, that she would stand there smiling and say, "Hey, big brother, it's me. What's been happening?" As unrealistic as that may hope sound, it was something that helped me keep going through life. It allowed me to believe that just maybe Cheryl had survived. But in 2016, that hope was taken away from me. I received a phone call from Detective Damian Loone. He told me that police had a suspect in the murder of my sister, Cheryl. That was the first time in 46 years that anyone had ever used the word "murder" in relation to my sister's disappearance. Hearing those words felt like losing Cheryl all over again. That phone call ripped a heart not only in my life but in our family's life, again. That dream that had kept me going was gone.

The loss of Cheryl placed an enormous strain on our family. Grief affects people in many different ways. Sometimes it brings families together. Other times it fractures relationships and leaves emotional scars. In our home, the grief was overwhelming. Arguments became common. Pain surfaced in ways that were very difficult for a child to understand. When I was 13 years old, I experienced a moment that changed my understanding of my family forever. During an argument between my mother and Vince Grimmer—the man I believed was my father—I supported his side of the argument. He laughed and said to my mother, "There you go. He's not even my son." That was the moment I discovered that Vince Grimmer—Cheryl's father—was not my biological father. Until that moment, I had no idea he was my stepfather.

Hearing those words at 13 years old, during an argument already filled with grief and anger, was devastating. But over time, I began to understand something else: In his moments of deep grief over losing Cheryl, I was sometimes the one who carried the blame for leaving her alone that day. Some days growing up after Cheryl disappeared was brutal, and those years have left scars that I will carry for the rest of my life. Our parents spent the rest of their lives wondering what happened to Cheryl, their beautiful little girl. They never stopped hoping that one day she would come home or they would hear the truth. But both of them passed away without ever knowing what really happened to their daughter. No parent should die without those answers. In 1971, a young man known as Mercury—I've been warned not to do this.

PAUL GRIMMER: Then don't do it.

The CHAIR: I have to warn you, Mr Nash, you don't have the protection of Parliament. The advice from the clerks is you do not have the protection of parliamentary privilege and so you would be, potentially, in breach of a statute if you were to name that person. So, with sanctions attached to it, I strongly advise you not to name anyone whose name has been suppressed by a court at this point.

RICKI NASH: I hope out of this inquiry, you protect the victims as well as you protect the perpetrators.

PAUL GRIMMER: Leave it at that.

RICKI NASH: In 1971, a young man known as Mercury provided a detailed confession claiming responsibility for Cheryl's abduction and murder. That confession described disturbing details of abducting, wanting to rape and then killing a three-year-old little girl. Yet despite the seriousness of that confession, my parents were never told. They were never informed that someone had confessed to killing their daughter, in graphic detail. They lived the rest of their lives believing that no-one had ever confessed—there was no-one of interest. How is it possible that such a detailed confession sat gathering dust in the archives for more than 45 years? Why was Mercury never re-interviewed and challenged about how he knew the details he described in his confession? Why was he never pressed to explain exactly what he claimed to have seen and done? Why was he never placed in an identification line-up while Cheryl's disappearance was still fresh in the minds of witnesses—we're talking only 14 months later—who may have seen him at Fairy Meadow Beach? Why were there no video recordings or photographs taken during the police walk-through he later participated in? These are basic investigative steps that could have provided crucial evidence, yet they appear to have never been taken.

Another troubling issue concerns the ransom note sent to Bulli police station, demanding \$10,000. Detective Lynch appeared on national television displaying the ransom note just two days before that money was supposed to be collected. Police handwriting experts publicly stated that the note appeared to have been written by a teenager, approximately 15 years old, yet 14 months later a 17-year-old male confessed in graphic detail to abducting and murdering Cheryl. Why was Mercury's handwriting never compared to the ransom note? Another striking detail is the language used in the note. The author demanded a pardon—terminology far more common in England than Australia. Mercury himself was a recent immigrant from England. Those connections deserved to be thoroughly investigated and were not. During the 2011 coronial inquest, 41 years later—that's absurd—Detective James Dark informed the coroner that the author of the confession could not be located, yet in 2016 a single detective located Mercury in approximately one hour. That raises a very serious question: Was the coroner misled about the efforts made to locate him? I would say so. Or were proper resources simply not allocated to finding him?

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Before Mercury ever spoke to police, he had already spoken to someone he trusted. While residing at the Metropolitan Children's Shelter in Sydney, Mercury told his carer, Mr Leckie, that one day he would have to answer for something he had done when he escaped from a juvenile institution. Mercury told Mr Leckie that he had killed a guard wearing a blue shirt—very explicit. Our family believes this statement deserves much closer examination, because Cheryl was wearing a blue swimsuit the day she disappeared. We believe Mercury may have been attempting to distort what he was trying to confess to. That statement, along with other concerning information he provided, led Mr Leckie to feel strongly that police needed to be informed. This was his carer. He contacted police and invited them into the Metropolitan Children's Shelter to speak with Mercury—invitation. During the conversation, Mercury began to disclose details of Cheryl's abduction and murder, while surrounded by his carers, providing adult supervision. The police were asked to attend and speak with him. They did not coerce/manipulate the situation. Mercury's disclosure was voluntary and initiated by him in a safe, supervised environment.

Four days after giving his confession, Mercury voluntarily participated in a police walk-through at Fairy Meadow Beach. During the walk-through, he directed police to an area near the corner of Brokers Road and Balgownie Road. He indicated that this was the location where he had left Cheryl's body. That was not information suggested by police; that was information provided by Mercury himself. Yet despite the significance of that walk-through, there appears no video or graphic record of it. Once again, our family is asking why. This is something else that deeply troubles our family. When Mercury was arrested decades later, he spent approximately two years in custody before being released. He had every opportunity to publicly declare that his confession was false. He had every opportunity to say he had lied. He had every opportunity to fight to clear his name, yet he has never publicly told the media, our family or the Australian public that his confession was untrue.

Anyone who had falsely confessed to abducting and murdering a little three-year-old child would be expected to fight relentlessly to clear his name, but there has been just silence. That silence raises questions that cannot simply be ignored. During Mercury's first hearing at Wollongong Supreme Court in 2017, Crown prosecutor Andrew McMaster informed my brothers and I, and our sister-in-law Linda, that the man they had arrested was the person responsible for Cheryl's abduction and murder. He also told us something deeply troubling. He said to us that during proceedings, we are going to hear about the many mistakes that had been made since Cheryl disappeared. If mistakes were made, we deserve to know what they were and who made them. Before I finish, I want to acknowledge who helped make this moment possible: a BBC podcast *Fairy Meadow*. I would urge you to listen to it. There's a lot of information in there.

For many years our family tried to have Cheryl's case properly examined again but our voices often felt unheard. One person listened: Mr Jeremy Buckingham. Without his willingness to stand up for families like ours, Cheryl's voice may have never reached this Parliament. For that, my family and I are deeply grateful. I also want to acknowledge the work of Director of Public Prosecutions for New South Wales, Sally Downing, SC. I am grateful for her office's consideration to review Cheryl's case and that the DPP is awaiting further findings from New South Wales homicide, which did not happen. We gave New South Wales homicide seven lines of inquiry. Of those, two lines—one was speaking to witnesses and one was speaking to five informants that had come forward. None of them have been spoken to to this day. We asked Sally and the DPP to move forward with their review. We've received a letter back stating that that has already commenced. Another opportunity is missed.

My parents died without ever knowing the truth. What happened to their little girl? My brother and I stand here today carrying Cheryl's voice for them, for our family and for all of us that seek justice. For more than 50 years my family have lived with unanswered questions about what happened to Cheryl. No family should ever have to endure this. We're not asking for your sympathy. We are asking for transparency, we're asking for accountability, because somewhere within the history of this investigation lies the truth of what happened to Cheryl. After more than 50 years that truth must finally be allowed to come to light—for Cheryl, for our family and for every family searching for answers. Thank you for listening to what I had to say.

The CHAIR: Thank you very much, Mr Nash. You said—and I didn't know this—that at the coronial inquest in 2011 the confession by Mercury was known.

RICKI NASH: It was raised.

The CHAIR: Was your family told of the confession then?

RICKI NASH: No, it was just raised during the inquest. My mother was frail then and quite ill. My brother—my other brother Stephen—was at the inquest, but it was just brushed over that there was a confession. My mother didn't ask any questions. Detective Dark just said the author of the confession could not be located. If that's the case, why would the coroner not ask for a death certificate? They knew who he was. They know today who he is.

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The CHAIR: In 2016, when Detective Damian Loone contacted your family, how long had it been since the police had had contact with the family in relation to any investigation of Cheryl's abduction and murder?

PAUL GRIMMER: That was the first time. That's the first time we've heard from the police.

The CHAIR: Since the 1970s, nearly 50 years before?

PAUL GRIMMER: Yes.

RICKI NASH: They'd never contact us. Unless we're trying to get in contact with them to seek answers, they never reach out to us. A thing was said the other day to me by just a public member, "We see the anguish, we see your story, we feel your pain," yet no-one from authorities in New South Wales—I believe you've got programs that are meant to help families like ours. We never get spoken to.

The CHAIR: The current situation is the New South Wales ODPP is reviewing their decision to drop the case, essentially.

RICKI NASH: Correct.

The CHAIR: You've been calling on the New South Wales police to pursue other lines of inquiry to strengthen a potential case?

PAUL GRIMMER: That's correct.

The CHAIR: What has the response been from the New South Wales police?

PAUL GRIMMER: We haven't got any response. My cousin Michael Grimmer in England, the one that's done a lot of research for our family, has kept emailing them and asking their findings on what we put forward to them, with no response. They've received it, they've got the email, but there's no response. We've only just found out that the head of homicide, Inspector Laidlaw, has now been taken off the case, which has happened from day one when the DPP took us into the room at Wollongong courts to explain to my brothers and I about the pain that we're going to hear and all that, about the confession and everything like that, and then two weeks later he's taken off the case. Detective Loone and Detective Sanvitale have done everything by the book to proceed with the trial and, next minute, they're taken off the case.

The CHAIR: And no explanation given to you?

PAUL GRIMMER: No explanation to us whatsoever. Someone at the top is either hiding something or is very scared of something. Every time someone gets close to my sister's case, they get taken off the case and we've got no explanation why. We would love to know why. Give us an explanation so we can understand why these people that keep saying, "We will be here until the end of this case is solved," are taken off the case.

RICKI NASH: If I may, Jeremy, I have tabled 74 questions but I condensed into four questions that I'd really like to ask and have the Committee hear. Question one: We are seeking answers as to how and why we have reached this point when the circumstances surrounding Cheryl's disappearance and murder were known to police and relevant authorities decades ago. Information and evidence that should have been properly investigated appears to have remained unaddressed or overlooked for more than 40 years. Why did that occur? Who was responsible for ensuring that these matters were properly examined at the time? We want to know who is responsible. Question two: At the initial hearing in 2017, Andrew McMaster referred to mistakes that had been made during the investigation and the handling of Cheryl's case. Can those mistakes be specifically identified and explained to our family? What were the nature of those errors? He obviously knew them. He told us about them. When did they occur? Who was responsible for them? And what impact did they have on the investigation and subsequent legal proceedings?

Question three: Why did the Director of Public Prosecutions and the senior legal team approve an arrest warrant and extradition process in relation to a 46-year-old cold case only to discontinue that prosecution in less than 90 minutes? After proceedings had commenced, furthermore, why was there apparently no meaningful consultation with arresting investigators regarding available evidence, possible legal pathways forward, or options to address any concerns raised by the court before the matter was abandoned? I'm at a loss. In addition, Mercury spent two years in custody following his arrest. During this period, did he ever formally withdraw, challenge or repudiate the confession he had previously acknowledged and re-signed in 2017? If not, what weight was given to that fact? Despite ample opportunity over an extended period of incarceration, he did not publicly or formally claim that the confession was false or that he had committed the acts he described within. He describes in his confession to wanting to rape and have sex with our little sister. One thing is confessing to murder, but to confess to that is sickness.

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The Hon. RACHEL MERTON: Thank you very much to both of you today. If I could just pick up, we had 1971, as noted here, Mercury provided confession for Cheryl's abduction and murder. Is that correct according to your evidence and time frame?

RICKI NASH: That's correct.

The Hon. RACHEL MERTON: That was 1971. What police action or investigation followed that confession that you may be aware of?

RICKI NASH: We are aware that he then participated in a walk-through. Such a detailed confession—one of the officers that actually typed up that confession and was obviously present while Mercury was speaking said at the end of the confession he would have charged him, and that's Detective Findlay. Detective Parrington decided not to charge. In 2020, at the unveiling of Cheryl's plaque, Sergeant Findlay, now retired, said he would have charged that day. They had enough evidence. The only investigation that we are aware of after he confessed in such graphic detail was the walk-through. He was then discarded as a fantasist and there was no further investigation. Nothing. No follow-up for over 40 years. You give such a detailed confession, and you put it in a box? You put Cheryl in a box?

The Hon. RACHEL MERTON: Mr Nash, you reported there was a walk-through in terms of the site. That was possibly at the request of the police for Mercury to walk-through the scene of the admission of the abduction?

RICKI NASH: Yes, I believe so.

The Hon. RACHEL MERTON: There's nothing further than that?

RICKI NASH: They didn't search the site. They've got such a detailed confession, and one officer is saying he would have charged. It was only recently that the site has been searched. That's not in detail. It's only a couple of days. Even going back to last year, we had a volunteer group, Search Dogs Sydney, assist with the search for a couple of days. We're very grateful for that. Police brought up a search dog for 40 minutes. They say they found some chicken bones. What a joke.

The Hon. ROBERT BORSAK: Just a quick one, and I think you probably covered it in your detailed presentation. After the case against Mercury failed, or collapsed, what was behind the police motivation not to continue?

RICKI NASH: The two previous families that sat up here—what's going on inside your organisations? What is broken? There's something seriously broken. There's something sinister, evil. Why are the people making these decisions? How is it that you've got Australia's oldest cold case now before the courts? You've arrested a person, you've extradited him, you've charged him some 46 years later, but all the chess pieces have moved off the board. The first Crown prosecutor, Andrew McMaster, bumped into our family the night before the first hearing and introduced himself. We knew who he was, but he introduced himself and said, "Don't worry. I will be on this case from the start to the finish. It may take a couple of years, boys. I just want you to know that."

Yet, all of a sudden, two weeks later he's given a promotion and taken off the case. The two arresting officers—the two lead detectives on the case—are separated. This is only weeks after the first hearing. You've got a guy locked up. You've taken his life away now. You've locked him in a cage, where he should have been in 1971. Yet you've moved all the pieces. They can't progress their investigation. That needs to be looked into. Who made those decisions? I recently reached out to Damian Loone and said, "Why were you transferred to Kogarah a couple of weeks after the first hearing?" He goes, "Ricki, we were at a loss. It was disruptive to Cheryl's case." It was not required. They had another four senior sergeants there. His boss, who happened to be a friend of his, said, "What are you doing here, Damian?"

The Hon. ROBERT BORSAK: Is it your view this was done by design?

RICKI NASH: By design, absolutely. They don't want the truth to come out. They don't want the mistakes heard. We're not going to shut up until we hear those mistakes.

The Hon. STEPHEN LAWRENCE: Thanks so much for your evidence, both of you. The inquiry is really important. In terms of what police have told you about why this individual wasn't charged at the time, were you told, in essence, that police didn't believe his confession, considered him a fantasist?

PAUL GRIMMER: Yes.

RICKI NASH: I disagree with that. They haven't told us anything. Other than what we read, we presume—how do you just let a guy walk away? You've taken his life away for two years. The psychologist that appeared at the 2019 hearing had access to him for two years. The Crown prosecution psychologist shows up. He

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hadn't read the confession; he hadn't spoken to Mercury. He had two years to go and chat to him and see why, how. He gets him to court. He didn't even read the confession. He didn't know anything about the case. He had two years to prep. This is the Crown prosecution's legal advice on his wellness and his thought process—nothing.

The Hon. STEPHEN LAWRENCE: Paul, what's your view about that? Have you received somewhat different information? Or is that just a different impression that you've gleaned?

PAUL GRIMMER: Yes, I think it's just a little bit different. We have said, they did think he was a fantasist back then. Because he did actually mention, I haven't got it with us, but he confessed and thought he murdered someone in blue, like a security guard or something like that. We believe that it was Cheryl because she had a blue swimsuit. They thought he was a fantasist. When they couldn't find the cattle grid—he said he had walked across a cattle grid. We had proof that the cattle grid was there from the farmer's son, who was saying the cattle grid did not get removed until late '71 going into '72 because the farm was being sold for development. Because they couldn't find a few things like that, they thought he was a fantasist.

The Hon. STEPHEN LAWRENCE: There was a practice that was prevalent at that time and maybe continued until the late '80s when they introduced electronic recording of interviews where police would sometimes verbal people, to provide information and then essentially pretend that it was a confession. In fact, it was actually authored by the police. That wouldn't seem to be a plausible theory here, though, would it? He wasn't actually charged at the time and police didn't act on it.

PAUL GRIMMER: No, he wasn't charged.

RICKI NASH: No.

The Hon. STEPHEN LAWRENCE: You would seem to be able to discount that the police were the source of the information in the confession. Would you agree with that?

PAUL GRIMMER: Yes.

RICKI NASH: Yes.

The Hon. STEPHEN LAWRENCE: In terms of the existence of the confession at the time—and I note that the statement from you, Mr Grimmer, talks about the lost opportunity for the family and friends who wanted to search the area. Have you ever been told by New South Wales police why the family wasn't told for decades that there had in fact been a detailed confession?

PAUL GRIMMER: No. Personally, I didn't know about the confession until detectives Loone and Sanvitale found the confession in an archive box. And that was 2016-17, around about that date. Up until then, I didn't know anything about the confession.

The Hon. STEPHEN LAWRENCE: Have they talked to you about not being able to talk to people who were around at the time to find out why? Has there been any attempt to do that?

PAUL GRIMMER: No.

The Hon. STEPHEN LAWRENCE: I am just interested about why that didn't happen and what the police have told you about why it didn't happen?

PAUL GRIMMER: They haven't told us anything. Like I said in my impact statement, if they would have told us about a confession at the time—whether it was true or false, my father would have had his army friends and colleagues go up to Brokers and search that area with a fine toothcomb. We weren't told. I know it was over a year later, but possibly then we might have found remains of some sort where we could have put our sister to rest. Because of them not doing that, like we said, when we were growing up it was hard because mum and dad went to their graves without even knowing there was a confession. And when you watch your mother for a week dying in a hospital bed and then she gives you a little smile when you say, "Mum, I promise you we'll keep looking for Cheryl." She had a little smile. I ducked out to ring my wife, Linda. I come back. She was gone. If they would have told her about the confession, at least our lives might have been a bit easier. It still would have hurt, but it might have been a little bit easier. We weren't allowed to do things. The decision that they made back then was wrong and it didn't give my parents the opportunity to grieve.

The Hon. STEPHEN LAWRENCE: Are you broadly aware of what, if any, new evidence came into the possession of the police in the intervening decades that led to the decision to charge Mercury? Was there anything new, apart from the confession?

PAUL GRIMMER: No, just the confession that detectives found in the archive box.

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RICKI NASH: That confession hadn't been relooked at—supposedly looked at in 2011 during the inquest, but I suggest not. But it hadn't been looked at for over 40 years. It just sat in a box.

The CHAIR: It's true to say that confession was deemed inadmissible because of the nature of—

PAUL GRIMMER: A retrospective law.

The CHAIR: Because there was a retrospective application of a more recent statute.

PAUL GRIMMER: Where did the retrospective law come from? Back in the day when Mercury was questioned, he willingly gave his information about the confession. He was actually told to slow down because the detective couldn't type fast enough. But there was no law then until I think it was '87 that the law came in about children under the age of 18 being questioned by police. But we still to this day cannot find out about who was in that room that day. Surely it wasn't just the two detectives. The carers aren't going to leave a 17, almost 18-year-old to confess to something without being there. That's one. But why did Justice Hulme bring it back to a retrospective law when it didn't exist at the time?

The Hon. STEPHEN LAWRENCE: I think it's probably because the law applies at the point in time when a confession is sought to be admitted into evidence. I can see why you would say it's retrospective because this occurred in 1971. But I think the law speaks to the point in time when you're trying to put it into evidence. It's slightly technical, but it's not a law that governs how police interact with children; it's a law that governs how prosecutors can put things into evidence at the time that they do it. I think that might be the answer.

PAUL GRIMMER: My recommendation would be then to change that law. It was given back then. They can't now today—like 45, 50 years later—say, "Okay, we're going to bring this law in, because it's in now, back to what happened then." That would be one of my recommendations, to have that changed. We'd like Cheryl's law brought in. We've been fighting to have Cheryl's law brought in where this can't happen. Other families don't have to go through what we've been through if Cheryl's law was brought in. It's just crazy how that can be brought in to something that happened 50 years ago.

RICKI NASH: Police in 1971 were invited—Mercury wasn't on their radar. He wasn't a person of interest. They were invited in by a carer that was concerned that he had information in relation to Cheryl's disappearance. That's all it was. Then when police go there—they were in no hurry to go there, by the way; it took them a few hours, apparently, to arrive—they asked him did he have information. There's a running sheet on it with the bare questions, and the questions open up as just generic questions, "We believe you have information you want to share with us." "Yes, I do." It's not an interview. It's just a chat, by the way.

The Hon. STEPHEN LAWRENCE: There's no suggestion of coercion or verballing or anything?

RICKI NASH: It goes into a confession. He rolls into a confession, surrounded by his carers. The police done nothing wrong—everything by the book. When he started to confess, they stopped him and cautioned him. They done everything correct. Roll forward 46 years to 2017—detectives Loone and Sanvitale. He was contacted and told to come down to Frankston police station. They couldn't go and arrest him. They warned him to come down with a legal representative. He shows up again with no legal representative. He comes in cool as a cucumber, apparently. They take him through his confession, page by page, question by question. "Is this what you said?" He signs the page. They roll on, roll on, roll on. He signs every page again. This is videoed. This is a video interview. He signs every page. Now, if you didn't do it and it was false, would you not simply say, "I didn't do it. It was false"? No. He accepts it all again and signs again. The only thing that the detectives have told us is that he said at the end of it, "I've never been to Fairy Meadow Beach." That's when they knew they had their man. Didn't say, "I didn't do it". "Never been to Fairy Meadow Beach"—a lie. First lie, only lie. Everything in that confession is true. His silence tells us all that it's true. Do you know how tough that is, as a family, as us two, not to do the wrong thing? Not to take justice into our own hands? We know where he lives.

The Hon. STEPHEN LAWRENCE: I can't imagine.

The CHAIR: Mr Nash, we have the deepest sympathy with you. Unfortunately, we have run out of time. We deeply appreciate the efforts you've made over many decades to pursue justice for your sister, and the efforts you made to come here from interstate and internationally to give evidence today. It's been of enormous interest and benefit to the Committee. You've made a large submission, which we will consider in due course when we are considering our findings and recommendations. Again, our deepest sympathies go to you and we thank you very much for your attendance and your evidence today on behalf of the Committee and the Parliament and people of New South Wales.

(The witnesses withdrew.)

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Mr TIM WATSON-MUNRO, Criminal Psychologist and Co-host, *Motive and Method* Podcast, affirmed and examined

Associate Professor XANTHE WESTON, Central Queensland University, Co-host, *Motive and Method* Podcast, affirmed and examined

The CHAIR: Good afternoon to our next witnesses. In relation to our terms of reference, do either or both of you have some introductory remarks you'd like to make?

TIM WATSON-MUNRO: We thought, to save on time, Dr Weston would speak to the submission and then I will be available to answer questions and to interject appropriately. But in terms of my introduction, I'm a criminal psychologist. I have 49 years experience of assessing very serious offenders. I've had a longstanding interest in the case of Ivan Milat in particular, and serial killers. Dr Weston and I started working on the Milat case probably six years ago, just around about the time of COVID. We produced a documentary called *Buried Secrets*, looking at possible other murders which Milat had committed. Out of that there has been a snowballing effect in terms of leading to this inquiry. I would like to take the opportunity to thank you, Mr Chairman, the Hon. Jeremy Buckingham and the Premier and the Committee members for affording us the opportunity to speak today.

XANTHE WESTON: I would mirror Tim; we are very grateful for the opportunity to be part of this process. I got involved initially with the Rowland family around seven or eight years ago now, when they were looking for assistance. Obviously we've heard from them today that they were struggling to engage the police. With my background as a forensic scientist and criminologist, they reached out to me. I worked for the University of Newcastle at the time running a justice clinic. I've been involved in these cases. I know a number of the families now. This is very close to my heart as well, to see these cases progressed. If this suits you, Chairman, we have a report I have submitted to you. I won't read the whole thing and it won't take that long, but I thought there would be some key elements that would really help set the scene for today.

I do want to start by saying that the report contains references to individuals whose deaths or disappearances remain unsolved. All analytical assessments regarding the possible offender linkages are based on publicly available information and established criminological principles. Nothing in this report constitutes a finding of fact, allegation against any person or legal determination. I'll skip forward through some of the summary of Milat, because we know about his seven victims, and move to point 5, and begin to look at Milat and his offending profile. What we did, subsequent to that, is look at the 18 cases that are the subject of this inquiry, and put them into groups as to whether we thought that they would be linked. I would highlight again that Tim and I have worked simply off what is publicly available. We haven't seen the police files. Should they be made available to us, we would be very open to assisting the police in any way that we could in progressing these cases.

Ivan Milat was convicted in 1996 of the murders of seven backpackers, whose remains were discovered in Belanglo State Forest in New South Wales Southern Highlands. He then died at the Prince of Wales Hospital in 2019 from oesophageal cancer. His seven confirmed victims were Deborah Everist, James Gibson, Simone Schmidl, Gabor Neugebauer, Anja Habschied, Joanne Walters and Caroline Clarke. What is important to know about Milat, when you're trying to determine whether he could be responsible for any of these other cases, is to really look at his modus operandi. All of his victims were young travellers, hitchhikers or backpackers, generally aged between 19 and 22. His confirmed offending involved transport-based victim selection and movement into remote bushland. The victims were killed with a .22 calibre firearm and/or knife, and the remains were concealed in Belanglo State Forest.

The primary confirmed corridor runs between Sydney and the Southern Highlands along the Hume Highway, and any proposed linkages outside the core profile should be treated as investigative hypotheses only, requiring corroboration from case files, forensic exhibits, timelines, vehicle evidence and witness statements. Now to Task Force Air and the 58-case list. New South Wales police established Task Force Air in the '90s to consider whether additional disappearances or murders may be linked to Ivan Milat. Public reporting and parliamentary material indicate that a 58-case list has been placed before Parliament and the inquiry terms of references referred to Task Force Fenwick in this broader cold-case context.

This report recommends that any public or parliamentary list be reconciled directly against police holdings before any conclusions are drawn. Of the 18 cases that we're looking at, we determined a number are potentially consistent with the Milat profile and warranting of comparative review. The following cases share one or more features with Milat's confirmed offending or suspected extended pattern. Inclusion does not constitute an allegation; it merely identifies cases warranting comparative investigative review. Amongst these we've listed Robyn Hickie, Amanda Robinson, Joy Hodgins, Anni Tominak, Peter Letcher, Gordana Kotevski, Joanne Lacey and Leslie Toshack.

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Those not found to be consistent with the Milat profile—these cases have been assessed as unlikely to be Milat related on the basis of victim age, circumstance, geography or modus operandi. This does not diminish the gravity of these cases; it indicates that a different offender typology is more plausible on the currently available information. These include Marianne Schmidt, Christine Sharrock, Cheryl Grimmer, Kay Docherty, Toni Cavanagh and Leanne Goodall. Cases with insufficient public information for assessment—the following named cases should not be categorised as either consistent or inconsistent with the police file review. The cases require file access before any reliable profile assessment can be made. These include Michelle Pope, Stephen Laphorne, Gillian Jamieson, Deborah Balken, Carmen Verheyden and Dianne Pennacchio.

We performed a cluster analysis of the likely offenders and frameworks. The cluster methodology applied in a formal report that I produced with a colleague at Newcastle identified geographic and temporal clusters along parts of the New South Wales north corridor. Of 72 cases reviewed between 1977 and 2024—so we took it forward—four clusters require further investigation and a fifth is considered likely to reflect a common offender. We looked at Wanda Beach—Christine Sharrock and Marianne Schmidt. These remain among New South Wales' longest running unsolved homicide cases. The attack on two girls at a populated beach suggests a very different offender from Ivan Milat's confirmed traveller-targeting pattern. Investigation should focus on persons present at or connected to Wanda Beach on 11 January 1965 as well as historic witness accounts and any retained forensic material. Cheryl Grimmer, 1970—the abduction of a three-year-old from a change room precinct is consistent with a child abduction offender typology, entirely distinct from Milat's confirmed offending. Investigation should focus on persons with access to the pool precinct, historical local knowledge, any prior admissions and forensic or archival exhibits capable of modern review.

The Newcastle cluster, which includes cases between 1978 and 1980: Six young women form a provisional geographic and temporal cluster in the Newcastle region. These include Joy Hodgins, Anni Tominac, Leanne Goodall and Amanda Zolis, Robyn Hickie and Amanda Robinson. The drive from Newcastle to Swansea is around 30 minutes, a distance consistent with a single offender's comfort zone. Hickie and Robinson should be treated as anchor cases. Both were reportedly reviewed by Task Force Air and any linkage to a broader cluster confirmed through police file review of individual case circumstance. It remains possible that not all six cases represent a single offender. The Illawarra cases in 1979 of Kay Docherty and Toni Cavanagh—Kay Docherty and Toni Cavanagh disappeared from Warilla in 1979. Their cases should be treated as a linked pair and assessed separately from Milat unless police material reveals specific travel, vehicle, forensic or suspect evidence connecting them to a broader offending pattern.

As to the Stockrington cluster in 1993-1994, there are four cases in the Hunter Valley region plotting a triangle across the following locations: Allison Newstead in Cessnock, Melissa Astill in Awaba, Melissa Hunt in Stockrington and Gordana Kotevski in Charlestown. This cluster is analytically relevant because of the time frame, 1993-1994, and its geography. It falls within Milat's confirmed offending window and is in a region where he has documented connections. The Committee is encouraged to obtain Task Force Air and Task Force Fenwick material on this cluster specifically, however, should avoid implying Milat is responsible without corroborative evidence. Carrington Cluster—Lisa Varagnola, Susan Kay and Joanne Teterin. These women represent a cluster of similar age who were murdered within 17 minutes drive of each other. This cluster postdates Milat's arrest in 1994 and likely reflects a separate offender. The similar ages and close geography warrant further investigation as a linked series. I then have 10 recommendations, if you would be interested.

The CHAIR: Yes, please go through them.

XANTHE WESTON: They are only short. Recommendation 1: Release and cross-reference the full Task Force Air list. The 58 cases should be listed or referred to in Parliament and should be cross-referenced with all 18 named cases and additional cases the Committee identifies. Those appearing on multiple lists should be prioritised for structured review. Recommendation 2: There needs to be a prioritisation of the Stockrington and Hunter Valley cluster, with specific Task Force Fenwick attention, because of its time frame, geography and potential overlap with Ivan Milat-related inquiries. Three, treat the Wanda Beach and Cheryl Grimmer cases separately. Four, obtain the full files for Hickie and Robinson.

Five, commission geographic profiling across relevant periods. A formal geographic profiling analysis of unsolved New South Wales cases within relevant periods could be conducted to assess whether spatial patterns support or undermine potential linkages. Six, extend the highway corridor beyond the female victims. Seven, apply current DNA and digital forensic technologies to biological matter or exhibits that have been collected and retained, including modern DNA dating, forensic genealogy and, where lawful and appropriate, digital reconstruction and exhibit re-examination should be considered. Eight, broaden the review to adjacent jurisdictions. We've heard from Keren Rowland's family today, and I think those jurisdictions around New South Wales should also be included as Milat's potential hunting grounds.

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Finally, recommendation 9 is to commission AI-assisted cold case analysis. AI-driven crime analysis systems are capable of processing multidimensional data, including historical records, geospatial patterns, social media and police databases. These offer significant potential to extend pattern recognition and linkages across the New South Wales cold case dataset. Spatiotemporal clustering, graph-based AI and natural language processing tools have demonstrated capability to uncover previously undetected case connections. The Committee should recommend that New South Wales police evaluate AI-assisted investigative tools as part of Task Force Fenwick's ongoing work. And I added a final one—just listening to the evidence this morning. It would be useful to compare the handwriting and language use across all of the letters received by their families to see if there is anything a forensic linguistics expert could determine from those. I will leave that there.

TIM WATSON-MUNRO: Questions?

The CHAIR: What do we know, Mr Watson-Munro, about the backgrounds of these perpetrators? Are there commonalities that we see across what are colloquially known as serial killers that—

TIM WATSON-MUNRO: You're speaking in a generic sense?

The CHAIR: I am speaking in a generic sense. Are there things that link their backgrounds that may be causal in them going on to become the people and the perpetrators that they are?

TIM WATSON-MUNRO: I think the common theme, of course, is that they're—in old parlance—psychopaths. They're bad; they're not mad. Their behaviour is purposive. They know what they're doing. It's often preceded by prodromal behaviour. In the case of Milat, it's highly unlikely that one day he just erupted and decided that he was going to abduct, murder and rape people. There is generally a build-up. In terms of the generic issues, often there is a history of family violence, sexual abuse, bullying and major trauma in the family. One of the earlier witnesses this morning spoke about Milat's sister dying about two days or two weeks before the disappearance of Keren Rowland. They are the common themes. They are individuals who have no empathy for their victims. They have no remorse, and what tends to happen is, once it escalates to the point of abduction and murder and they are not apprehended, they become empowered by that. They become delusional, in a sense, and they keep going because they find it very exciting and powerful to continue with that type of behaviour. What do you think?

XANTHE WESTON: Yes, absolutely. Having looked at a number of serial offenders across the years—not just serial killers but sexual offenders as well—we see an escalation in those behaviours. I think that's certainly something that we witnessed across the potential Milat victims.

The CHAIR: What about the modus operandi of these serial killers? Does that evolve over time, or do they settle in on a behaviour initially? And does that stay consistent, or does that change over time?

TIM WATSON-MUNRO: I think it's a bit of both. Certainly, in Milat's case, he could be best described, I think, as a marauding serial killer. We certainly know that the Hume Highway was his hunting ground, and it was easy for him. He would drive up and down the Hume freeway. He would pick up hitchhikers. He had a designated murder ground and a burial ground for these individuals. Other individuals may vary in terms of where they strike, how they dispose of the bodies and so on. The one thing I think one can say with some certainty is that they tend to escalate with the passage of time. They become empowered and more confident.

The CHAIR: How does that escalation manifest?

TIM WATSON-MUNRO: It may progress from rape to rape and murder. It may progress in the frequency. The temporal frequency may escalate and increase, so there's less time between offences and so on. We know with Milat, for example, he was charged with rape matters. He was acquitted of those, and in many ways it is regrettable that that wasn't seen to a final conclusion because that's an example, I think, of becoming empowered by the process, being able to play the system. Of course, he then moved on, as we know, to much more serious crimes, in terms of murder.

XANTHE WESTON: They also improve, just like anyone who does something repeatedly. Their methods change as they learn how to do it more efficiently and effectively. We certainly saw that with Ivan Milat. He started using knives, for example, when trying to abduct, and then moved on to guns. Especially when you're trying to abduct couples, a gun is going to be used much more easily to control people. There will be certain things that will be potential signatures. We saw that, again, with Ivan Milat. He kept items of clothing and different personal items from his victims as mementos. That's very common for serial killers. But then he also learnt how to be more efficient and cover his tracks as well.

TIM WATSON-MUNRO: And there was evidence of him taking mementos in terms of T-shirts and clothing that he'd given to girlfriends and so on. For these individuals—at a generic level, again, but I think it's applicable to Milat—by taking these mementos they can relive the experience, the thrill, the excitement of what

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they went through. This is not uncommon, either in Australia or fairly notorious overseas cases involving serial killers.

The CHAIR: If you look at the Belanglo and Southern Highlands cluster, which I put to you includes the Belanglo seven and potentially Peter Letcher and Dianne Pennacchio—Peter Letcher's body being the first one found; he had been shot, stabbed and sexually assaulted—how likely or unlikely is it that that's how someone would begin their criminality in this regard?

TIM WATSON-MUNRO: My view on this, and it's not—I mean, it's a different jurisdiction. We spent a bit of time with the Rowland family. We looked at the murder of Keren Rowland. We did a view in the ACT-Queanbeyan area, where her body was discovered. I can say, looking at that crime scene, looking at Belanglo, looking at the Jenolan State Forest, where Peter's body was discovered, it was almost like parallel universes in terms of the topography—pine forest, eucalypt forest, shallow graves and so on. So, to answer your question, I think that once they start—once they have an area where they can get away with a crime, where it's convenient to dispose of the body and escape the crime scene—they will keep doing it, because they don't want to be caught.

The CHAIR: There has been a suggestion from the police investigation that at some of these crime scenes bodies have been interfered with or revisited post-mortem, potentially suggesting necrophilia. How rare is that in terms of these types of killers? Is that relatively common? How rare is that?

TIM WATSON-MUNRO: I'd defer to Dr Weston, but certainly there's been some well-documented cases of individual serial killers who keep body parts, sexual body parts. They keep them in the fridge. They become enlivened at certain times of the month or the year, where they retrieve those body parts and relive the thrill of it all. Whether they're all involved in necrophilia, what does the research say on that?

XANTHE WESTON: There's not much data around necrophilia specifically. Especially when people have been outside for a long time, it's very difficult to tell what level of interference there's been. But, certainly, returning to crime scenes is common. Again, it goes back to that reliving the experience. We certainly know that Ivan Milat did that, because one of the later victims he had a T-shirt from, one of the females, that was found at an earlier victim's scene. So we absolutely know that he must have gone back there and left that item of clothing. The fact he did absolutely return to those scenes—as Tim said, that's not uncommon at all.

The Hon. STEPHEN LAWRENCE: The first of Ivan Milat's confirmed murders took place in 1989, when he would have been 44, I think—I'm just doing a quick google. I'm just wondering how common it would be for a serial killer or psychopath to first commit a murder at that age. I note, in the context of that question, that he seems to have been 26 when he was accused of rape. I know that he was acquitted, but in light of subsequent events you can maybe assume that he did commit those rapes. I think that is a reasonable thing to say. How common would it be in the spectrum of behaviour to already be raping people in your mid-twenties but then not to kill until you're in your mid-forties?

TIM WATSON-MUNRO: With respect, it's a very good question. I think it's uncommon. I'm not of the view that, as I said in my evidence, one day he woke up and he thought he'd become a serial killer. I think that his behaviour was probably ongoing from an early age. It may not have involved murder and abduction, but certainly rape. The typical career trajectory of these people is they start with masturbatory fantasies, and they then want to act on those fantasies. They then might see what it's like to abduct and rape someone. In itself, that is not sufficiently satisfying, so they then escalate to abduct, rape and murder. I'm not convinced that there was this big gap between the dates that you mentioned where he didn't offend at all. I think it is more probable that he wasn't detected.

XANTHE WESTON: I would absolutely agree with that. To give some context to the alleged rape that he was acquitted of, he actually admitted to having sex with one of the women, in court, but it was found that it was consensual. That's what the jury found. It wasn't, "He did not have sex with us." That's an established fact. I would absolutely agree that he didn't go from 0 to 100 and the seven backpackers. There was a long trajectory building up to that. We have some evidence that began as early as 1971.

The Hon. STEPHEN LAWRENCE: I think Jeremy Buckingham might have asked this question, but to put it in a slightly different way: If you assume that he killed Keren Rowland in 1971 and then you assume that he kills the seven backpackers between '89 and '93, are you able to reasonably speculate about the frequency of killing in between 1971 and 1989?

TIM WATSON-MUNRO: We don't have any data on that. I would just say, on the basis of nearly 50 years experience dealing with these individuals, that it's highly likely that he was reoffending and reoffending—perhaps not killing people, but certainly raping people. As we know, quite often rapes are not reported. Quite often people are frightened to go to the police. It beggars belief for me that there was this huge

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temporal gap where nothing occurred. I think it's quite likely that he was offending during that period but not detected.

XANTHE WESTON: I would add to that that of the cases that I listed under those most requiring comparative review, they cover two in '79, Robyn Hickie and Amanda Robinson. Then there is '78; and another in '79, '87, '94, 1981. They would fill, in essence, some of those gaps if we accept that they could potentially be additional victims.

The Hon. STEPHEN LAWRENCE: Lastly from me, he has been convicted of seven murders where the bodies were all found in one particular place. How common is it for a serial killer to operate in multiple locations?

TIM WATSON-MUNRO: Again, it's a good question. They have a preferred hunting ground and burial site. There has been well-documented cases of people changing jurisdiction. If you look at the Golden State Killer in California, for example, he moved all around the USA. The Hillside Stranglers moved from California to Oregon. If it gets a bit hot in the kitchen, they'll move to another jurisdiction. It's not unusual. It is generally more common, from my understanding, that they have a preferred hunting ground, killing ground and burial ground.

The Hon. STEPHEN LAWRENCE: He was someone who moved around a lot, I think because of his employment but maybe on account of other reasons too. In terms of the homicidal urges that he would have experienced, is it something where they would generally plan the act well in advance or is it something where an urge comes upon them and he might be elsewhere outside of where he lived—in the south-west of the Southern Highlands—and then he acts on that urge on the spot, if you like?

XANTHE WESTON: I would say a combination. Somebody like Milat is planning these things in advance. They have often what we call kill kits in their cars, so that may be the gun, the knife, items to restrain people, for example. They're ready. And then there's often a trigger. Again, we've seen that with Milat. We see that in a lot of cases—that there's something that actually causes some sort of psychological distress, and they feel the need to go and kill as a relief to that. There's the planning, the trigger and then there's the situational factors that often the victims are random and they just happen to be available to them. They go out hunting. To speak to your what are those kind of comfort zones, as we call them, criminologically—with somebody like Ivan Milat, who travelled up and down those highways, his comfort zones were actually quite broad, and he knew those areas well. Somebody else who has always lived in a really tiny rural or regional town may only work within that space and may not deviate from it because that's their comfort zone. A comfort zone is very specific to an offender depending on what their life experience is.

TIM WATSON-MUNRO: The thing I would add to that—we did a lot of views when we were doing our documentary, and one of the things we did was to go down the western highway and then to turn left to go up through Oberon to go to the Jenolan State Forest, where Peter Letcher was found. Paul Onions gave very compelling evidence about having been picked up by Milat—he believed it was Milat—turning left onto that road. There was a road going there, and he got out of the car. It's a very short drive from there up through Oberon to the Jenolan State Forest. My view on that is that, as I say, he was marauding. In all likelihood, the Hume Highway was his preferred hunting ground, but if work took him further west and the opportunity presented itself, he would act upon it. Do they fantasise about it? Do they rehearse it in their minds? Absolutely. They think about it a lot of the time, but they wait for the opportunity. Then, as Dr Mallett has said, there can be some trigger factor—some psychological stress—in their lives. It may be the loss of a sister, in his case. It might be some other factor in their life. They decompensate. They unravel. And the way that they cope with that psychological distress is to go out, hunt and kill. I think that's what was going on with him.

The Hon. STEPHEN LAWRENCE: Is that an attempt to regain a sense of control? Is that what is driving that psychologically, as reaction to distress?

TIM WATSON-MUNRO: I think it's all about a sick fusion, if I could put it that way, between libido and the need for power and control. But it's also a form of distraction for them. Some people gamble when they're stressed. Some people use drugs. Some people use prostitutes. I think for him, subject to what Dr Weston thinks, in some ways, it was a compensatory thing—almost an addiction, at times. When he was stressed, he would hit the road and find victims.

XANTHE WESTON: I think control is a big part of it, though, because the psychological stresses in Milat's case were about control—the loss of his sister, the breakdown of a relationship. When he lost control in his personal life, he then compensated by taking control by killing somebody—abducting and killing.

The Hon. ROBERT BORSAK: There has been some suggestion that he may have had assistance in relation to some of these kidnappings and murders. What's your view on that? You're talking in terms of the psychology of a serial killer, and most of them—you're talking about the Golden Gate and others like that—were

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loners. Do you have a view in relation to the possibility of him having offsidars, assistants—family members, for example?

TIM WATSON-MUNRO: I don't have a reliable view on that. I know there's been a lot of discussion around that. My view, intuitively, is that he was a lone wolf operator. What do you feel?

XANTHE WESTON: He was, yes, extremely egocentric. I am not convinced that he would have shared those experiences with somebody else. From the evidence that we do have of those who are known to have escaped Ivan Milat—Paul Onions, for example, who later identified him and was key in his arrest and prosecution—everyone who escaped Ivan Milat said he was on his own. There's nobody that he actually interacted with that saw him with someone else. There has been a lot of debate, but I haven't seen any evidence to suggest that there were two. And the fact that two weapons were used at the scenes—guns and knives—just speaks to, I think, part of his MO, rather than suggesting another person.

TIM WATSON-MUNRO: I would add to that—again, it's speculative—you couldn't rule out significant others being accessories after the fact, in terms of having some knowledge of his behaviour and covering for him. But it's speculative—we don't know.

The CHAIR: Ivan Milat was known to be a fantasist in terms of dressing up as a cowboy and a police officer. He engraved his guns. He had a "kill kit" with a mask that had "KGB" and "die" written on it. Could you expand on that? How unusual is that? Why would someone be doing that if they've got this proclivity?

TIM WATSON-MUNRO: I think he had a rich fantasy life. He saw himself as a cowboy. He saw himself as an all-powerful individual. He liked to dress up. There's no argument he was psychologically troubled but, as I said earlier, I think he was "bad, not mad". There's no evidence that he had any diagnosable psychiatric condition. He wasn't schizophrenic. He didn't suffer bipolar disorder, as I understand it. He knew what he was doing. He never admitted to what he was doing, and he kept his secrets to the grave. You're dealing with an individual who had a narcissistic, psychopathic personality disorder, if I was to diagnose him at a distance.

The Hon. RACHEL MERTON: In terms of victim vulnerability and the scene of hitchhiking or being isolated, what do we know about that?

XANTHE WESTON: In terms of the victims he chose?

The Hon. RACHEL MERTON: Yes.

XANTHE WESTON: They are particularly vulnerable. We know that hitchhiking is a very vulnerable activity. I think Ivan Milat simply sought out situational opportunities. He knew that, at the time when these people were hitchhiking, they didn't have mobile phones and weren't in constant contact with the world like people are now, so I think they were particularly open to this type of victimisation. Certainly Ivan Milat would have been very well aware of that—that any people that he did murder, it was going to potentially take longer for anyone to discover who they were and exactly where they'd been et cetera.

TIM WATSON-MUNRO: Particularly for people offshore. I read somewhere that he may have asked people who had gotten away whether anyone knew if they were hitchhiking and where they were from and "How long since you've seen your family?" So he was able to target his victims. There may have been other individuals who were picked up on the Hume Highway who weren't abducted or assaulted in any way because they didn't fit that profile of vulnerability.

XANTHE WESTON: Which would have been too risky for him.

The Hon. RACHEL MERTON: In terms of the Milat cases and what we know in terms patterns of binding and restraining victims and bodies being discovered face down, is there anything further on that?

XANTHE WESTON: I think the binding of the victims—remember, a lot of these were couples. They were male and female. Binding would be part of the control but also, when you're trying to literally manage two people, that's going to be problematic. I think the shooting in the spine is an indicator of that, as well: that you can actually prevent somebody from escaping by obviously incapacitating them.

TIM WATSON-MUNRO: Severing the spinal cord.

XANTHE WESTON: So it could have been part of his fantasy or it could have been for logistical regions or a combination of both.

The CHAIR: That concludes our questions. We have run out of time. I'm mindful that you sent that report through, but somehow the rest of the Committee don't yet have that. If you could table that, I'll make sure that they get a copy of that in due course. If there are any supplementary questions, we will send them through to you.

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Thank you for making the effort to get here today, and for your evidence and your report. We deeply appreciate it.

TIM WATSON-MUNRO: Thank you for the opportunity. I know you've put a lot of energy into this, and I know the families are grateful. We hope that there are some positive outcomes arising from this.

The CHAIR: There will be. We'll consider your recommendations in due course, and there are some really good ones there.

(The witnesses withdrew.)

(Luncheon adjournment)

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Ms ADELE JAGO, Co-founder, Search Dogs Sydney Inc., affirmed and examined

Mr CHRIS D'ARCY, President, Search Dogs Sydney Inc., affirmed and examined

The CHAIR: Welcome to our next witnesses. Would either of you like to make some introductory remarks?

ADELE JAGO: Good afternoon, everyone, and thank you for having us here today. For the past 10 years our organisation has been involved in searching for, and locating, missing persons, both alive and deceased. Over that 10 years, our organisation has developed from simply being a search dog organisation to a missing persons unit. This has been based on the needs of the hundreds of families that have requested our assistance. When we commenced Search Dogs in 2016, there were approximately 37,000 people a year reported missing. Jump up to last year, and that number was more than 69,000 people. That's an almost doubling in a decade. Here in New South Wales, there are more than 11,000 people reported missing every year. Sadly, more than 500 of those located had been found deceased.

That number is higher than our State's road toll, yet we spend and invest hundreds of millions of dollars in programs aimed at reducing the road toll by improving our roads, increasing advertising of double-point pains, and increasing police operations over high-risk periods. Yet we do nothing to improve the prospects of persons that are reported missing. If anything, we tend to victim-blame or assume they have gone missing by their own choices. The general public aren't even privy to the statistics for rates and locations of missing persons. Over the years, New South Wales police have been shown to close the missing persons unit and create the missing persons registry, and taken away cold cases from being a dedicated squad to now being spread to local area commands right across the State. That has had a strong detrimental effect on the chance of any of those cases being resolved quickly and methodically.

Whilst the New South Wales police are certified under the intergovernmental agreement to manage search and rescue here in New South Wales, their ability to undertake these complex investigations has been brought into question by the sheer magnitude of long-term missing persons. The vast majority of missing persons are not located by the police but by other members of the public and organisations. The amount of unsolved bodies that remain across the State, the unidentified human remains held in government facilities and the lack of resources that are allocated to those investigations, so too the disjointed and fragmented approach by the New South Wales police to undertake these investigations thoroughly and comprehensively, need to be thoroughly investigated by this Committee.

It's difficult to watch families wait so long to receive answers in a coronial inquest and to see recommendations made by the respected coroners, only to have the NSW Police Force put their files into the too-hard basket and wait for an additional five years, just in case some other evidence comes to light. That's not investigating; that's misfeasance. That's no way to treat these families that are suffering and have been living with this pain, heartbreak and ambiguity every single day. We can and we must do better.

CHRIS D'ARCY: Search Dogs Sydney has developed Search (NSW), an organisation that is dedicated to searching for and locating our missing loved ones and an organisation that is dedicated to locating the remains of those unsolved homicides. Whilst the police have done some amazing work in locking up and prosecuting the criminals that were involved in these heinous acts, sadly, once that jail key is turned, the families don't get answers as to where their loved ones are. Search (NSW) wants to change that, because every family deserves answers. A lot of our learnings came about when we hosted the National Missing Persons Symposium in November 2024, the first of its kind held in Australia. We got hundreds of families together. We consulted with them and sought their views about what had occurred to them with their missing persons and their loved ones, and how we could make things better.

It was here that the sheer magnitude of the misfeasance by the New South Wales police in undertaking their mandate of missing persons was highlighted. What we have found is it's not only about fixing up those problems of the past; it's about changing what's going to occur in the future. We need oversight of our current investigations to make sure that the evidence is getting collected straightaway. We need oversight to make sure that the best resources are deployed according to the needs of the missing person, and oversight that our loved ones' families are receiving the support that they deserve.

We need to improve our training and our assessment standards for everybody that is involved in going out looking for a missing person, whether that be police, emergency services, volunteer organisations or even spontaneous volunteers. We can change that. We must change that, or our numbers of missing persons and unsolved homicides are just going to get worse. We have access to state-of-the-art equipment, tools and technology in order to bring our loved ones home quicker, to help reduce the impact on our healthcare systems

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and to provide families with the empathy and support that they require and so rightly deserve when they're going through such a traumatic event.

Our police officers are already stretched. Let's provide them with a pressure relief by allowing Search (NSW) to look after the near 2,000 cases that are currently unresolved. Missing persons and unsolved homicides in New South Wales require urgent reform—not just the bandaid fix that we've seen over the last 50, 60 or 70 years, but serious systemic reform. That's where Search (NSW) and the associated legislation, in conjunction with the secured funding under the proceeds of crime, will make sure that every family receives the investigation that they deserve, that every family receives the support that they require, that every possible avenue is exhausted in locating their missing loved ones and that the pressures currently experienced by our investigating police receive the assistance that they require.

The CHAIR: Thank you very much for your evidence today and the submission you've given, and for the assistance you've clearly been to so many families of the murdered and missing. Can you expand on the proposal for Search (NSW), and what are the tools and technology you think we require to do better in this space? Could you also elucidate your answer in regard to the proceeds of crime? It's a novel approach. Could you expand on those elements of your submission?

CHRIS D'ARCY: Certainly. At the present moment in time, we see that the police get involved when a person goes missing and then, if they're unlocated, it gets sent to the Coroner for a coronial inquest. The Coroner's task is with actually determining if a crime had been committed and the cause and manner of death, but what is not occurring is that the body is getting located. That's where we'd like to see Search (NSW) be provided with the legislative ability to actually go and investigate these crimes and to go and investigate these missing persons to assist them in locating them. That would involve more than 50 retired and former police or AFP or ADF members that have already come to light with us and want to investigate these cold cases and these long-term missing persons cases. They would assist us with having an inquiry-type system.

This inquiry is looking at the 20 cases. There are more than 2,000 bodies that are unidentified across New South Wales that we need to look at further. We've put a lot of people into jail and we're relying on the "no body, no parole" laws to keep them in jail unless we find somebody. We're not physically out there searching. That's where Search (NSW) has a two-pronged approach, in the fact that we would be utilising the technology which is old-school—the cadaver dogs that are properly trained to search for and locate the long-term human remains, for which over the last 10 years we've definitely proved that those dogs do work with several of the finds that we've had—but it would also allow for the modern technology of the drones and the artificial intelligence. What was mentioned earlier with Xanthe was the fact of utilising the AI investigative models. That's putting all of this information together to assist us to figure out search locations. At the present moment in time, Search Dogs Sydney has two trained and certified cadaver dogs—human remains detection dogs. We need 40 of those dogs in this State to assist and to continue to be out there searching six days a week, looking for our missing loved ones.

The CHAIR: To be clear, you're proposing a new standalone agency. There isn't a standalone agency responsible for coordinating searches in New South Wales. Is that correct?

CHRIS D'ARCY: At the moment there is a standalone agency; it's the New South Wales police. However, we've got the SES, we've got the VRA and we've got the RFS. None of them can act and actually go out and undertake a search on behalf of the families without the police's support. When it comes to road crash rescue, we have multiple agencies that can respond to a road crash. When it comes to flood rescues, we've got multiple agencies that can respond to flood rescues. When it comes to fires, we've got Fire and Rescue as well as the RFS. But when it comes to missing persons, we rely on one agency and one agency alone, and that does not help us when it comes to having the secrecy that is required. When it comes to looking for a missing person, we're not able to consult with the police to find out more information—in actual fact, it's quite the opposite.

The CHAIR: In your submission you describe general-purpose and dual-purpose police dogs as unsuitable for missing persons and urban search and rescue. Why is that? Do you know what percentage of New South Wales police dogs are dual purpose? What type of training and specialisation do your dogs have now?

CHRIS D'ARCY: I'll refer to our dogs to start with. Our dogs are single-purpose trained. They are trained to either find somebody that is alive or they are trained to find somebody that is deceased. Our training is based on urban search and rescue, because that is our background—USAR Cat 2 specialists. It is our job to train dogs to look for and locate persons missing in disasters. In a disaster zone, we do not know how many people are missing. Hence we cannot use a specific scent source to train those dogs. There might be one victim, there might be 30 victims in a particular area. Hence, that's why we train our dogs to find any human scent in that area and not locate anything that may contain human scent, such as a jumper, a pillow, an item of clothing that a person has been wearing.

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That is the difference between our dogs and the other dogs, which are GP dogs that are currently utilised to search for and locate missing persons, which are usually scent-specific trained dogs. They're actually given a scent article. In the example of an absconding criminal that has stolen a car, they'll be able to get a scent that might have been on the car seat or the passenger seat or something from the evidence. Those dogs are trained to locate evidence that is discarded by the offender, as well as that missing person or the person that is absconding. Those particular dogs are also trained to apprehend a person when they locate them, because generally, from what we've seen, the New South Wales police dog squad operate on a single basis. So an officer and a dog is a team. That dog is trained to protect its handler at all costs, no matter what. But that doesn't help us when it actually does come down to using those dogs to search for and locate a missing person, especially somebody with mental health issues who may not know how to react or respond to those dogs that are looking for them.

I do know of a case up in Mount Kuring-gai, north of Sydney. I won't give the exact location. But a dog squad officer attended to a search for a man up there. This man was suffering from mental health issues and, sadly, he was hospitalised for seven weeks after getting located by a police dog. So too was the senior sergeant dog handler that also received facial injuries from this dog. We can't be sending those dogs out that are trained—that we really do need to apprehend those criminals—for our missing persons. We do need to really think about how we need to do it. That is quite clearly written in the national search and rescue manual, that police forces should not be doing and sending out those dogs. They should be utilising a separate dog completely.

The CHAIR: Those general purpose dogs, to be clear, have multiple purposes. They search for drugs, explosives, particular individuals. They're not particularly well trained when it comes to searching for human remains or an individual person.

CHRIS D'ARCY: Yes. The dogs are trained for multiple purposes because of budgetary restraints. We do know of a particular dog that was deployed to the Surry Hills building fire just a few years ago, where this dog was also a trained drug dog. We did actually raise questions in the LECC about this dog because of the fact that the Surry Hills building fire was an abandoned building and it was known to be a drug den. In the event that this dog did alert to anything that it had found, was the dog actually alerting to the drugs that it was finding on a day-to-day basis or was it finding the human remains of somebody that needed to be found?

The CHAIR: You're an independent charity. You're basically operating as an NGO and a charity. What has been the attitude of the police to your organisation and the assistance you may provide in these searches? Is it a collaborative approach or is it less so?

CHRIS D'ARCY: Many years ago we attended Byron Bay police when we were coming through town from a training exercise up in Queensland and the family of Théo Hayez requested our assistance. We knocked on the police door at Byron Bay police station and we offered our assistance, advised who we are and that we had a specialised dog in the area that was available. We asked them if they had any search areas that they had in mind that they would like us to look at, and the response from the officer in charge was, "Do whatever you want. Knock yourself out." Those were his exact words. We've then approached police officers on other occasions where the general response has been, "We have our own dogs, but they only find balls and sticks, and I can't use you." Whilst there are police out there that do want to utilise our services, many of them are warned against using anything external from New South Wales police.

The CHAIR: How much demand is there out there for your services? I know that you've been utilised in the Grimmer matter and in the search for the remains, I think, of Bronwyn Winfield on the North Coast. Can you tell us a little about how much demand there is and what it means when you actually do go out on the ground?

CHRIS D'ARCY: Our demand has just been growing in the last 12 months. Prior to that, we used to be busy; now it is ridiculously busy. We currently have five active cases of missing persons that are currently missing, one being from our local area, another being from Kariong on the Central Coast, as well as our long-term missing persons cases that do number quite a lot. If we could be doing this and we had funding, and I didn't have bills to pay myself, then we'd be doing this seven days a week, 365 days a year. However, because we're a charity, we are extremely limited in our budget. We get a very, very small allowance. Most of it's paid for by the volunteers in order to undertake these searches.

The CHAIR: In the case on the North Coast and the disappearance of Bronwyn Winfield, you were brought in to search in that area. What was the outcome there?

CHRIS D'ARCY: Yes. We were brought in by Hedley Thomas the podcaster. He requested specific sonar assistance, which is what my previous training has been back in the 1990s and early 2000s. We sonar searched the lake. We do travel. I am a cadaver dog handler, or a human remains detection dog handler with Rufus, so wherever I go, so does my dog. We then undertook a sonar search and put divers down at six particular locations. At the time, we found a few little items of evidence that were put aside. Weather conditions weren't prevalent to

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us to actually run our dog at the time, but later on as the time progressed we were able to run search dog Rufus, and he alerted us to an area of interest where we believe human remains now exist. We then drew up our GPS map and provided that evidence to the New South Wales police. That's coming up to near two years ago, and still nothing has been actioned.

The CHAIR: So they didn't take any action on the basis of that?

CHRIS D'ARCY: No.

The CHAIR: What's your knowledge of how the search was conducted in the Belanglo homicides? Do you have any understanding of that? Could you elaborate on that and how you think that search was conducted and could have been better progressed potentially?

CHRIS D'ARCY: I've seen a little bit about the search that occurred in Belanglo. I believe the police did a very thorough search of the areas at the time. I've not investigated it, so I cannot answer that to any specific detail. I am aware of a private dog that came down with cadaver capabilities from Queensland because at the time I don't believe police had access to a cadaver dog. There are a lot of areas still in that area that do need to be covered and need to be searched quite thoroughly. Yes, there should be a full-time dog out there covering it and looking for these cases based on the information.

The CHAIR: How far back can a properly trained cadaver dog potentially find human remains? Is it years or is it decades?

CHRIS D'ARCY: It comes down to what the actual dog is exposed to. Our dogs are exposed to long-term human remains. As well as that, we have access to soil samples of where bodies have been laying for a long time. Search Dogs Sydney utilises the information provided from our sister unit, Jefferson County Search Dog Association over in Kentucky. We are watching their studies, and they're also utilising searches for dogs that are currently looking for graves from the Civil War. We're utilising that information that they're training with to train our dogs. We're very lucky in the fact that we have a good donation program to train our cadaver dogs—to train our human remains dogs—that allows us to access and provide the dogs with access to training materials on an almost daily basis.

The CHAIR: What about access to land to conduct searches? A lot of these searches may be on privately owned land. They might be Crown land. They might have different tenures. Tell us about that. How difficult is it to actually get access and approval in some cases?

CHRIS D'ARCY: For the most part, getting access to search areas is relatively easy. We can knock on doors if it's a private property. If it's a farmland, we can access that just by knocking on the door, asking them and explaining our situation. What we've tried to do is try to be respectful when it comes to Aboriginal sites that are owned by the land councils. However, our recent activities have meant that we haven't got access to those sites to search for some of the long-term missing persons. But we've also got access to national parks. We've spoken with National Parks many years ago, knowing that as long as our dogs have got GPS collars, as long as our dogs have got their harnesses on, clearly designating them as a search dog, and that we are not training and are on an active search, then we are permitted in national parks.

The CHAIR: What about State forests? Can you just turn up and conduct a search in State forests, or do you have to have approvals?

CHRIS D'ARCY: Generally, if a State forest is open, yes, we will do that. However, we need to also look at managing whether or not the area has been baited with 1080 baits or they're doing some sort of animal control in the area. We need to just be mindful of that.

The Hon. RACHEL MERTON: Thank you very much to you both for being here and contributing. If I could go back to the question that Mr Buckingham raised about the interaction or relationship between Search Dogs Sydney and New South Wales police dogs, is there a history? Have we ever worked together?

CHRIS D'ARCY: We've never actually worked together. We met whilst crossing over and doing demonstrations at the Sydney Royal Easter Show, where we spoke to many of the dog squad handlers. My card was handed out and they were offered training facilities—specific urban search-and-rescue training facilities that we developed and built in Kemps Creek. Nothing ever occurred out of that. The only other interaction that we've had with the New South Wales police dog squad was at the Surry Hills building fire, where the State Crime Command requested our assistance because apparently the dog squad was not available. We then spent the next three days using our drone and investigating potential areas prior to it being demolished. Then, on the actual day of the search, that's when the New South Wales police dog squad did turn up and what I believe was pulled rank and took over the scene. We were subsequently stood down.

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The Hon. RACHEL MERTON: If I could take you to the Cheryl Grimmer case, in terms of some of the findings there, if you might be able to elucidate on what role Search Dogs Sydney might've played in that case.

CHRIS D'ARCY: Certainly. In August last year I was approached by the former detective that extradited Mercury back from Victoria, who advised me that he was no longer a police officer and that he had search areas that he would like investigated because he wasn't able to get that activity occurring whilst he was a police officer. We then sat down and, on 1 and 2 October last year, we undertook search areas to search the areas, depending on what was in the confession. He explained it in detail—the confession and what was explained in there. We subsequently went there and spent two days searching the area, where two dogs showed an interest. Two separate cadaver dogs showed an interest in a particular area. There was nothing visual to be seen. We couldn't see what it was, so we then contacted Wollongong police. There was no answer from Wollongong police, so we then contacted Crime Stoppers.

Crime Stoppers then reached out and the police turned up about two hours later, I believe. The local officers determined that, yes, it was potentially a crime scene, based on the information that I had provided, and that they would have teams there either that evening or the next day. We arrived the next day, 3 October, on request of the family, to assist them, to find that it wasn't a crime scene. In actual fact, New South Wales police media was in attendance on their own and the police were a number of hours away. Three or four hours later, the police have turned up en masse from Wollongong Police Station with a dog team. Funnily enough, this had two dog handlers with one dog. They then searched an area for 40 minutes where they claimed that they located an animal bone. Subsequently, two or three hours later, they did a media release advising that, in fact, we were incorrect, we found nothing, and there was nothing to find in this area.

We then spoke with the University of Technology Sydney for their forensics capabilities. We also spoke with an organisation in the UK as well as some other organisations in order to get the sample shipped over to the UK. It's come back—which I'll table to Parliament here today—that, in actual fact, the dogs were correct. It appears that, based on UTS's forensic investigation, there are traces of alleles. However, the UTS—Dr Alicia Haines was the person who did the testing. She has reached out to New South Wales police forensics, who also advised her that there is no protocol for testing for DNA in soil and that she was to actually commence her own protocols in testing that. She is now looking at providing a PhD study to confirm what our dogs have found or not found in regard to Cheryl Grimmer.

Yes, in two particular locations—and we've attached the map as well—we believe that there are human remains in that particular area. We already knew that human remains were in that area, and that was because a witness had come forward on that day advising us that a stillborn child had been cremated and then spread in the general area where we were searching. This particular testing has proven that it is not, in fact, that child; it is somebody else. Without further DNA testing and scientific study, we're yet to confirm but we do believe that there are human remains in that area that were missed by the police dog.

The Hon. RACHEL MERTON: In terms of access arrangements to permit searching, earlier today we were hearing about Kay Docherty, and we were provided with maps of an identified site that remained unsearched. I think Sydney Search Dogs may have been made reference to in terms of that. What were the barriers to that?

CHRIS D'ARCY: The barriers were that it was overgrown. There is a lot of lantana in that area. It is very thick and, in order to undertake a proper search through there, it was our determination that there needed to be a back-burn. A back-burn would quickly remove any of that growth and allow a comprehensive search to occur, and then we can go into it. Having said that, we've also done the research to find out whether or not a back-burn would actually affect what the dogs are smelling, and this research was undertaken back in 2019-20 when it was found that, in actual fact, bushfires or any back-burns would have no effect or implications on the search dog capability.

The Hon. RACHEL MERTON: So, given the constraint of the environment, it was your decision, in terms of responsible dog access, not to search those lands as they presented?

CHRIS D'ARCY: That's correct, yes.

The Hon. RACHEL MERTON: And the proposal about backburning, clearing the land, making it accessible, was anything resolved?

CHRIS D'ARCY: No. I know that emails have been sent through Mr Dakers and Mr Docherty. I know I've made many approaches to several different RFS members, trying to find a way forward. At the moment, no way forward has occurred. It'd be nice to be able to simplify that bureaucracy for clearing search areas.

The CHAIR: Thank you very much for your comprehensive submission. It will be considered in detail by the Committee. Do you have any concluding remarks that you'd like to make before we wrap up?

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CHRIS D'ARCY: We do need to have some urgent reform in regard to missing persons investigations. Our police are struggling; we know that for a fact. The police need support. Our families need support. I urge you to really look at the legislation that we have got proposed. As we said, we believe that with the right budget we can actually take a lot of the workload from our New South Wales police and cover a lot of the issues that you currently face. You've seen jurisdiction issues today with regard to ACT police and New South Wales. You'll read in the submissions that there are issues between Queensland and Victoria. This legislation will assist us to provide those families with an alternative route apart from the New South Wales police in searching for and locating these missing loved ones. I believe that those two organisations do need to work in symmetry to assist in those cases.

The CHAIR: Thank you, Mr D'Arcy. We very much appreciate your submission, the work you do here in New South Wales and you taking the time to come down and give evidence today. Thank you very much for your attendance. It is deeply appreciated.

(The witnesses withdrew.)

(Short adjournment)

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Detective Superintendent JOE DOUEIHI, Commander, Homicide Squad, NSW Police Force, sworn and examined

The CHAIR: We will now recommence the inquiry. Thank you for your attendance, Commander. We appreciate it. Would you like to make some introductory remarks in response to the terms of reference?

JOE DOUEIHI: Absolutely. I start by saying that I thank the Committee for the invitation for me to be here today to represent the NSW Police Force. I want to make it known that it is the intention of the New South Wales police to fully cooperate with the Committee and assist the Committee as much as we can. I want to take this opportunity to thank the victims' families—the Dochertys, Grimmers and Rowlands—for participating in this. I also acknowledge the loss, pain and suffering that they've had to endure over the last five decades.

The CHAIR: That will be well received. Is that it?

JOE DOUEIHI: That's it.

The CHAIR: In 2020 the special commission of inquiry into gay hate crimes made 15 recommendations directed towards police. In response, the New South Wales police initiated Task Force Atlas to respond to the SCOI and to review 213 cold cases. Can you update the Committee on how the review of the cold cases is progressing and how the response to the recommendations is proceeding?

JOE DOUEIHI: I can indicate, out of the 213 cold cases that we reviewed, there is only 43 that remain outstanding, and there are ongoing reviews. I anticipate by the end of this year we should have those 43 completed and reviewed. In relation to the remainder of the recommendations, I am certain that most of them have been completed and done.

The CHAIR: Could you expand on what a "review" means in terms of the process you go through, and what your operating procedures mean to the layperson in terms of a review?

JOE DOUEIHI: As a result of the Special Commission of Inquiry into LGBTIQ hate crimes, it was identified that there were 213 unsolved homicides or long-term suspicious missing persons that had not been reviewed for some time. A review of a standard unsolved homicide investigation requires a single investigator to obtain the original records of that investigation from the time it occurred; prepare a chronology of events; review all of the evidence that was obtained over the entirety, from the day the event occurred to the day it is being reviewed; look at opportunities with technical advances and forensic advances; and look at opportunities where new information that had been obtained but was not available at the time of the original offence has since come onboard that may create opportunities for the investigators to pursue.

Things such as availability of forensic evidence, availability of witnesses who may have given statements but may not still be alive or may not be willing to give evidence, suspect availability—that's a very important aspect there to look at. Is our suspect still alive? Are there opportunities there to progress that investigation in relation to that suspect that were not explored during the initial investigation? We look at the Coroner's findings—what the Coroner may have said or recommendations the Coroner made—and look at potential opportunities to progress that investigation.

The CHAIR: Could you explain to the Committee how someone goes to be on the NSW Missing Persons Registry and then may actually come to the attention or become a case before the Unsolved Homicide Unit? Can you talk about that process?

JOE DOUEIHI: There's a clear distinction between a missing person and a suspicious missing person. A missing person is someone that has gone missing under no suspicious circumstances. That matter is recorded on the Missing Persons Register, and those matters remain investigated by local police—PACs and PDs. Local police stations investigate those matters. Those matters ultimately may end up at the Coroners Court, if the police believe that the missing person is deceased, and then a coroner will hand out a finding. Where a long-term missing person is suspected to have met foul play or have been murdered, and their remains have not been located, that is a matter that is investigated as a homicide investigation. It may not occur from the beginning or from the onset of that investigation, but it may develop down the track that circumstances change and the investigators believe that the missing person has met foul play or may have been murdered. That then falls into the arena of a homicide investigation, which then comes to my office, ultimately.

The CHAIR: Is there any statutory or regulatory or operational procedure which dictates when a coronial inquest should occur or must occur, and has that changed over time? We've heard evidence from some people today, and through submissions, that sometimes the coronial inquest can happen within years or even months, but sometimes it's decades. Why is there that difference? Is that defined now, more so than it was in the past?

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JOE DOUEIHI: Absolutely. As times evolved, as a result of prior matters that had not ended up at inquest, our policies, procedures and protocols have changed. It's absolutely mandatory now that if a missing person investigation has commenced, and police are of the belief that that person is deceased, they must report that matter to the Coroner. As soon as that report is made to the Coroner, police are then obliged to, at some stage, form a brief of evidence for the Coroner. Back in the 1970s and 1980s, I don't think that was the case, but we have certainly evolved from those days. Now I can indicate that we have really strong standard operating procedures and guidelines around this sort of thing.

The CHAIR: The Coroner has coronial advocates, which are police officers attached to them. That's correct, isn't it?

JOE DOUEIHI: The Coroner has advocates who are police officers, but also the Coroner has the option to use independent advocates such as the Crown Solicitor's Office or DCJ.

The CHAIR: Do you think that the coroners are adequately resourced when it comes to those police officers?

JOE DOUEIHI: In relation to the advocates?

The CHAIR: Yes, in terms of the advocates.

JOE DOUEIHI: I can't comment on that. I know that the Coroners Court in general is overloaded, and there is a delay in how long it takes to get matters before the Coroner.

The CHAIR: Is it the case that if there is a coronial inquest, that police won't pick up the matter, as it were, for some period of time after the coronial inquest? Is it still the case that there can be a five-year pause on a reinvestigation if there has been a coronial inquest? If that's the case, why is that the case?

JOE DOUEIHI: In my space—in the homicide space—if a matter goes before the Coroner and the Coroner makes a recommendation that that homicide be referred to the Unsolved Homicide Squad, which is quite common these days—we're averaging approximately 10 cases a year that are coming to us from the Coroner—that matter comes to us. It's assessed. It's put on our tracking files. We don't necessarily conduct a new investigation or review, because that matter has just finalised. It has been through a process through the Coroners Court. If there was anything that wasn't completed or done properly, the Coroner would mention that in their recommendation, and we would probably follow that up. But, generally speaking, when a matter comes to the unsolved homicide unit from the Coroner, it has been thoroughly investigated at that point. That is the reason why we don't fall into another investigation there and then, because everything has been done.

The CHAIR: Of course, if more information came to light, you'd be acting upon it.

JOE DOUEIHI: That's right. I can indicate that part of the special commission of inquiry was a recommendation that we review all unsolved homicides every two years. That has been implemented now as part of our policies in our new standard operating procedures. We have close to 700 or 700 unsolved homicides on our books. That is an enormous task for anyone—for any law enforcement agency—to manage and then review every two years.

The Hon. STEPHEN LAWRENCE: What time period do they go back to?

JOE DOUEIHI: 1970.

The CHAIR: Is that because of the record keeping prior to that or just that the fact that the matters before that have not been in the public interest to put resources into?

JOE DOUEIHI: The 1970 date?

The CHAIR: Yes.

JOE DOUEIHI: We do go back. We have hand selected a number of cases from 1960 to 1970 that are on our tracking files but, generally speaking, that 1970 date was a decision that was made by police at the time that we created the unsolved homicide unit. I know from Task Force Air that they also used that as a threshold when they looked at matters. They used the 1970 date as a commencement date. It does relate to our records probably not being as good as they should be prior to 1970.

The CHAIR: In terms of personnel and the resourcing you have, could you inform the Committee and the Parliament of the division of labour between the resourcing that the police put into unsolved homicides compared to other or more recent homicides?

JOE DOUEIHI: I have a squad of about 125 sworn officers. My unsolved homicide team has 36 sworn officers. That comprises of three inspectors, six sergeants and the remaining investigators. Within that team, I have

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an assessment and review team. That is now the team that is responsible for reviewing and managing all the unsolved homicides that we have. That, I can say, was implemented recently as a result of the SCOI recommendations. That team has a strict job description in relation to reviewing those 700 cases I mentioned, and preparing them for assessment or a prioritisation committee to assess those matters.

The unsolved homicide investigation teams probably carry 30 investigations between them. I want to make it clear that an unsolved homicide investigation is not like a contemporary investigation where you have a team of 10, 12 or 15 detectives working on that investigation; it is a one-man show reviewing and investigating it. When planned operations are required, the team will pull together and work on a particular job during essential stages of that investigation. Each investigator at the unsolved homicide unit carries about one investigation. It's a really slow burn. Our results are slow. Since the history of the unsolved homicide squad commenced in 2008, we've resolved 32 cases. That is significant for us.

The CHAIR: Is that a good result?

JOE DOUEIHI: That is a good result because a significant amount of work goes in each case. In relation to my operational teams, I have six operational teams that do the current homicide investigations. The team comprises of a detective inspector, investigations coordinator—who are very experienced police officers in the field of homicide investigation. Each team has three supervisor detective sergeants and six investigators. I have six teams of that make-up. They are responsible for an on-call response to every homicide in the State of New South Wales that we deem requires an on-call response. When a team or a strike force is created to investigate a current homicide, the general make-up is a combination of Homicide Squad staff and local staff from the local area. They form a team and work from the location until that matter is resolved.

I have a coronial support team who work at the Coroners Court and they consist of an inspector, sergeant, five sworn officers and three unsworn officers. They manage all reports to the Coroner for the whole of New South Wales. It is a massive task. They are overworked. They have to read every report of a death to the Coroner on a daily basis and ensure it's ready to go for the Coroner to process. That's the make-up of my team. I have an intelligence support team that works within the Homicide Squad. However, they sit under the State Intelligence Command. That's a team of about 20 officers combined, sworn and unsworn.

The CHAIR: The New South Wales police's Task Force Fenwick was formed in 1998 and investigated a number of unsolved homicides in the North Sydney and Newcastle areas in the 1970s, '80s and '90s. Is it true to say that this taskforce and then the findings of Coroner Abernethy led to the formation of the New South Wales police's now operational Unsolved Homicide Unit?

JOE DOUEIHI: Yes, so Fenwick was stood up in '98 to investigate approximately 10 long-term missing persons across the northern regions. As a result of that, that went to inquest in 2002 before Mr Abernethy, and he made some recommendations that the New South Wales police should put more resources into long-term missing person investigations. As a result of that, several years later was the formation of the unsolved homicide team in 2004.

The CHAIR: That came out of the police themselves?

JOE DOUEIHI: Correct. That came as a result of that particular inquiry. The unsolved homicide team commenced as a review team only—just reviewing old homicides—and then in 2008 it developed with an investigation capacity.

The Hon. STEPHEN LAWRENCE: Just a couple of questions quickly about Ivan Milat. We've taken evidence this morning from two psychologists and we've got other evidence before us about the possible extent of Mr Milat's crimes. Have you got an opinion about the probability that he committed other murders apart from the seven that he's been found guilty of?

JOE DOUEIHI: I know that Task Force Air at the time did a national review of a whole number of long-term missing persons and unsolved homicides, and they categorised what they believed Milat was involved in—as in possible, unlikely and highly possible. I know that they indicated that he was highly likely involved in three unsolved homicides.

The Hon. STEPHEN LAWRENCE: What was the intensity of that investigation? We've heard evidence about a possible—and maybe understandable—lack of information sharing at different periods, and police maybe not detecting a pattern of connection between crimes that might appear not to be connected. What was the intensity of that investigation in terms of how many unsolved murders were the focus of it and how much resources were put into working out the possible full extent of his crimes?

JOE DOUEIHI: Task Force Air?

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The Hon. STEPHEN LAWRENCE: Yes.

JOE DOUEIHI: It was a massive investigation. It was one of the biggest investigations that New South Wales police have ever run. They considered all these other—as I indicated, 50 or so other matters that they reviewed and considered.

The Hon. STEPHEN LAWRENCE: But how much of the focus of Task Force Air was the seven bodies in the forest, and how much of it was the focus of other unsolved murders?

JOE DOUEIHI: The criminal investigation in relation to the prosecution obviously focused on those seven matters. I am aware that a number of other matters might have gone to the DPP for consideration. The DPP chose to run with those seven cases.

The CHAIR: Other possible homicides?

JOE DOUEIHI: I think; I'm not absolutely certain. The DPP may have looked at other matters and there was insufficient evidence to continue with the prosecution.

The CHAIR: You said before that Task Force Air looked at some matters and I think you categorised them as "unlikely", "likely" and "highly likely". In briefings that Assistant Commissioner Scott Cook has provided, he used the number of 11. He said that there were 11 homicides that probably fell into the category of "likely" or "unlikely". Do you know who those 11 homicides or long-term missing person cases are?

JOE DOUEIHI: Yes. We have supplied those names to our counsel, who I believe are going to supply them to the Committee.

The CHAIR: We deeply appreciate that and that will be very interesting. In terms of the Task Force Air list of the 59, how was that list put together? I have a number of questions around this. Did you use a profiler to look at the MO for that list? When I say "you", I mean the taskforce. How did the taskforce interact with other jurisdictions, such as the AFP in Canberra, Queensland, Victoria or wherever else?

JOE DOUEIHI: The search criteria for similar offences or incidents was based on the following: It was nationwide, it was between the period of 1970 and 1994, it looked at victims between the ages of 15 and 40, and it looked at hitchhikers, backpackers, overseas tourists, travellers and public transport users. That was the criteria that was searched. From that, they identified 36 missing person incidents which involved 43 persons—so, some were couples—and 11 unsolved homicides that involved 16 persons. How they interacted with interstate police, I can't answer that question.

The CHAIR: Fair enough. Maybe that's something in due course we might take on notice. Former New South Wales police assistant commissioner, the late Clive Small—who at one time led Task Force Air into what became known as the backpacker murders—was of the view, on the public record, that he thought that Ivan Milat may have been at least a person of interest but potentially responsible for the murder of Keren Rowland in the ACT in 1971. Is that a view shared currently by the New South Wales police?

JOE DOUEIHI: I'll say from the outset that is not a New South Wales police investigation. Our only involvement in that investigation was Task Force Air reviewing it in 1994 because it had similarities—similar hallmarks—to Milat's MO. We were involved with, I believe, the family and, at some stage in the last couple of years, in relation to representations they made to the Commissioner of Police. But that is not an investigation that falls under my jurisdiction, so I really cannot comment on that. All I can say is what you said—it was considered by Air and it was considered highly likely that Milat may have been involved in it, due to that similar MO and so on.

The CHAIR: I'm interested in that. In the circumstance that the AFP are not taking action in a particular matter, what is the protocol in New South Wales? You may be of the view that someone is a person of interest in a homicide and that person lives in New South Wales. What was the protocol then? What is the protocol now?

JOE DOUEIHI: The protocol is simply that we do not have jurisdiction to investigate a homicide that occurred in another State. We would pass our information on. We would share that information with that law enforcement agency, and that's all we could do.

The Hon. DAMIEN TUDEHOPE: Thanks, Inspector, for coming along today. How long have you spent preparing for today's hearing?

JOE DOUEIHI: In man-hours? Hundreds, if not more. Not me—I'm talking about my whole team.

The Hon. DAMIEN TUDEHOPE: Would you be of the view that you've had to take resources from other areas of policing to prepare for today?

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JOE DOUEIHI: I've been using my staff from the assessment and review team. That unit's role is to cater for matters like this, but, yes, they would be better served conducting other investigations.

The Hon. DAMIEN TUDEHOPE: Would you be of the view that in Sydney at the moment there are significant issues relating to potential gangland violence and gangland murders?

JOE DOUEIHI: Yes, certainly.

The Hon. DAMIEN TUDEHOPE: So removing you, potentially, from your duties relating to those investigations probably is not the best use of resources?

The Hon. STEPHEN LAWRENCE: Point of order: I think that raises a question that comes up a lot at estimates, which is, fundamentally, seeking an opinion on a question of policy. This Committee has been established. As I understand it, the Government and the NSW Police Force are cooperating with it. These questions are really a veiled attempt to elicit an opinion contrary to that, I would have thought.

The CHAIR: Yes, I think it clearly is, Mr Tudehope.

The Hon. DAMIEN TUDEHOPE: To the point of order: We've now got before us today the most senior homicide detective in this State giving evidence in relation to Ivan Milat issues in circumstances where there are very serious other issues going on, and the use of the resources of this Committee—

The Hon. STEPHEN LAWRENCE: This is not to the point of order. This is just restating the opinion.

The CHAIR: I'm sorry, Mr Tudehope. That's not to the point of order. That's a debating point. I uphold the point of order. We can't ask the witness to offer opinions on this matter. Mr Tudehope, if you could ask a question, that would be very useful.

The Hon. DAMIEN TUDEHOPE: How many files would you have had to review for the purpose of preparing for today?

JOE DOUEIHI: We have had to call 150 archive boxes. Those matters we've had to review relate to the particular cases identified in the terms of reference, and my investigators have had to review that material.

The Hon. DAMIEN TUDEHOPE: In circumstances where I think your evidence is that they are regularly reviewed on a two-yearly basis, in any event. Is that not the case?

JOE DOUEIHI: That is a protocol that has commenced November last year. We now will attempt to review every case every two years.

The Hon. DAMIEN TUDEHOPE: What would you be doing today if you weren't here for this hearing?

The Hon. STEPHEN LAWRENCE: Point of order—

The Hon. BOB NANVA: Point of order: Chair, I don't think that question is even remotely in line with the terms of reference of this inquiry.

The CHAIR: It's not, and it's also a hypothetical. I uphold—

The Hon. DAMIEN TUDEHOPE: The inspector can answer that question of what he would be doing if he wasn't here.

The CHAIR: Sorry, Mr Tudehope, but not if it's out of order, and it is out of order. If you'd like to ask a question that's in line with the terms of reference, that would be deeply appreciated.

The Hon. DAMIEN TUDEHOPE: Can you outline, inspector, some of the investigations which you are currently conducting?

The Hon. BOB NANVA: Point of order: I'm sorry, Chair, but I don't know how that relates to unsolved murders and long-term missing person cases in New South Wales between 1965 and 2010, which is the key point of the terms of reference.

The Hon. STEPHEN LAWRENCE: It's too general.

The CHAIR: Yes, I don't think it does. It may be caught by "any other related matters", but I think that that's quite tenuous. It would be much preferable, Mr Tudehope, if you could ask a question specifically aimed at the key elements of the terms of reference.

The Hon. DAMIEN TUDEHOPE: In terms of the work which you do, could you outline for the Committee the work which you are currently doing in respect of trying to solve existing homicides which you are investigating?

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JOE DOUEIHI: As I indicated earlier, our unsolved homicides unit is currently actively investigating approximately 30 cases. I won't go into those particular cases, for obvious reasons, but that's 30 investigations that we are investigating just in the unsolved space.

The CHAIR: Commander, was Ivan Milat ever a person of interest in the unsolved homicides of Alex Rees and Ray Hill in Newcastle in January 1970, to the best of your knowledge? If you don't have that at hand, I'm quite happy for you to take it on notice.

JOE DOUEIHI: I didn't prepare for that because I thought we were just covering those couple of matters from down here so, no, I can't answer that at the moment.

The CHAIR: Were the New South Wales police ever asked by the AFP to assist them in establishing Ivan Milat's whereabouts at the time of Keren Rowland's murder in 1971?

JOE DOUEIHI: Again, I cannot answer that question. We would have to go through the records.

The CHAIR: You'd have to take that on notice?

JOE DOUEIHI: Yes.

The CHAIR: Do the New South Wales police hold Ivan Milat's work records, especially for the periods of the 1970s and 1980s? If you do, to what extent?

JOE DOUEIHI: Yes, we do. As a result of your request, we have compiled all his work records and all his criminal history, and that will be served to the Committee shortly.

The CHAIR: That's deeply appreciated. In 1971 Ivan Milat was charged with two armed robberies in Sydney, one of a bank and the other of what was called a delicatessen. The other co-accused in these matters, including Ivan Milat's brother Michael, were ultimately convicted and sentenced to lengthy custodial terms. How is it that Ivan Milat was not convicted when he eventually faced court in 1974 for his part in these crimes? Do you have any knowledge of how he was not convicted for these crimes?

JOE DOUEIHI: No, sorry, I'm not familiar with that matter or the circumstances as to why he was acquitted.

The CHAIR: Would you be prepared to take that one on notice?

JOE DOUEIHI: Yes.

The Hon. DAMIEN TUDEHOPE: Point of order: In relation to that, asking the inspector to form an opinion on why a court would not convict someone clearly is outside the knowledge of the inspector.

The CHAIR: I'll take that as a comment.

The Hon. DAMIEN TUDEHOPE: If you want to invite the judge to come and give the evidence—

The CHAIR: Thank you, Mr Tudehope. In 1971 Ivan Milat was facing charges of rape and the aforementioned armed robberies, and allegedly absconded to New Zealand for a period. Do the New South Wales police know how long Ivan Milat was in New Zealand?

JOE DOUEIHI: I'll have to take that on notice as well.

The CHAIR: How did the New South Wales police establish Ivan Milat was in New Zealand? Did the New South Wales police have any intelligence that Ivan Milat may have come to the attention of New Zealand authorities in his time there?

JOE DOUEIHI: I'll take that on notice.

The CHAIR: In September and October 1973, Jeanette Hannington in Gympie, Gabriel Jahnke and Michelle Riley on the Gold Coast, and Bronwynne Richardson in Albury were all found murdered—all unsolved homicides. No-one was convicted. At any time did New South Wales police or police in other jurisdictions believe that these homicides could be linked? Was Ivan Milat ever a person of interest or interviewed by New South Wales police in relation to these matters?

JOE DOUEIHI: As I indicated earlier, Air considered in a nationwide search—and considered 36 missing persons incidences and 14 unsolved homicides. Whether those matters fall within those, I would need to check my records.

The CHAIR: Definitely Gabriel Jahnke and Michelle Riley were. Jeanette Hannington and Bronwynne Richardson weren't. If you're happy to take that on notice—

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The Hon. DAMIEN TUDEHOPE: Point of order: If the Chair wants to give evidence—

The CHAIR: Order! It's not a court. This is an inquiry.

The Hon. DAMIEN TUDEHOPE: That's the point.

The CHAIR: It's an iterative process. I call you to order, Mr Tudehope. Mr Doueihi, in 1974 Ivan Milat was re-arrested to face the 1971 rape and armed robbery charges. Was Ivan Milat remanded in custody in Long Bay jail? Do the police have any intelligence as to whether or not he shared a cell in this time with a Mr Noel Manning?

JOE DOUEIHI: I don't have the information. I am not familiar with Ivan Milat's background from the 1970s. I'm not aware of who he shared a cell with, times of imprisonment. All those records have been prepared and supplied and will be supplied to you shortly. You may have the information within those documents.

The CHAIR: One of the key things that the Committee would like to know is that Mr Manning allegedly made a report to the police in 1976 regarding his concerns around Ivan Milat's possible involvement in homicides. If the police have any knowledge of that or any statements Mr Manning made, we'd definitely be interested in those. Do the New South Wales police know if Ivan Milat ever worked on the Kings Cross Tunnel?

JOE DOUEIHI: I will have to take that on notice as well. As I said, I don't have that information readily available to me at the moment.

The Hon. STEPHEN LAWRENCE: In relation to Mr Milat and the early 1970s, his former solicitor John Marsden I think in his autobiography attributed Ivan Milat winning those armed robbery charges to police corruption. He doesn't give additional details about that. Are you aware of anything about that issue broadly—of Ivan Milat beating those charges because of police corruption?

JOE DOUEIHI: No, I'm not.

The Hon. STEPHEN LAWRENCE: Is that something you could take on notice?

JOE DOUEIHI: Yes, I can take that on notice.

The CHAIR: In relation to the death of Keren Rowland, a woman Mary Bertram was found murdered in 1974 on Sutton Road, and I think it may have just fallen inside the New South Wales border. Was Ivan Milat ever a person of interest in her homicide?

JOE DOUEIHI: Sorry, what was her name?

The CHAIR: Mary Bertram.

JOE DOUEIHI: From my records, I cannot see her name. No, I don't have that name. She may have been one of the 36 missing persons reports. I don't have that before me at the moment. No, I can't answer that. I'll take that on notice.

The CHAIR: This is the last one of these ones. Joan Wech in 1971, Lynette White in 1973, Maria Smith in 1974, Carol Prasad in 1976 and Annette Morgan in 1977 were all sexually assaulted and brutally murdered in inner Sydney. Was Ivan Milat ever a person of interest in these homicides?

JOE DOUEIHI: I'll take that on notice as well. I can say that, as I said earlier, Task Force Air was one of the biggest investigations that the NSW Police Force ever did. It was very thorough and comprehensive, and I am absolutely certain that if the investigators of the day had found evidence that implicated Mr Milat in any other murder, they would've done their absolute best to convict him and put him before the courts.

The CHAIR: It's appreciated. Other than the matters for which Ivan Milat was convicted in the 1960s and the 1990s, and the 1971 charges for rape and armed robbery for which he wasn't convicted, was Ivan Milat ever charged with any other offence in New South Wales?

JOE DOUEIHI: I have to take that on notice. That information will be in those criminal records that we will supply.

The CHAIR: Narelle Cox disappeared around Grafton in 1977 attempting to hitchhike to Noosa. Her family have said that Task Force Air investigators contacted them and ruled Ivan Milat out as a suspect in her disappearance. How and why did they do that?

JOE DOUEIHI: I'm not familiar with the circumstances of that matter. I'd have to take that on notice.

The CHAIR: Kay Docherty and Toni Cavanagh disappeared from South Wollongong in 1979. We've had a submission to the inquiry from a person who says that they were abducted by Ivan Milat at the same time and

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Milat was caught speeding in that area at that time. Have New South Wales police looked at Ivan Milat's traffic and driving record and compared that to some of the matters that are the subject of the inquiry into unsolved homicides around the State?

JOE DOUEIHI: In relation to that matter, I can say that Milat was considered but deemed to be unlikely involved in that matter by Task Force Air.

The CHAIR: Is that a view that New South Wales police still hold?

JOE DOUEIHI: Yes.

The CHAIR: In 1980 Thomas Cooper was shot and killed by a man wearing a cowboy hat in Beaumaris in Melbourne's southern suburbs. The media described the assailant as the "cowboy killer". Did Victoria Police ever contact New South Wales police in relation to the possibility of Ivan Milat's involvement in that crime?

JOE DOUEIHI: Again, I'll have to take that on notice. I apologise for not being able to answer these questions. I came here today under the impression that I was just going to be asked about the Grimmer, Docherty and Cavanagh matters, not all these other matters, so I haven't prepared for these matters.

The CHAIR: I appreciate that. I did not know that. That must have been a miscommunication. I'll turn to the matter of Cheryl Grimmer. In terms of the prosecution that the police pursued, why was it that after the first hearing, the police who were conducting that investigation were taken off that case?

JOE DOUEIHI: I heard that evidence earlier today. I don't know the circumstances in relation to why those officers were moved. Are you referring to Damian Loone and Sanvitale? Are they the officers?

The CHAIR: Yes, I am.

JOE DOUEIHI: I can't answer that question. I don't know. I can say that police move locations occasionally due to whatever reason. That should not impact the progress of that investigation. Investigations are not owned by individual police officers. They're owned by the command of where the offence occurred or a specialist command. That command is responsible for that investigation. If that officer is transferred and that officer doesn't have capacity or capability to continue that investigation, it falls back on that original command to make sure those resources are available. It should not have impacted the progress of that investigation if that officer moved locations.

The CHAIR: In relation to Ivan Milat again, did New South Wales police ever pursue, identify and then forensically analyse Ivan Milat's cars that he was known to use, were registered in his name or were owned by him?

JOE DOUEIHI: Yes, I believe so.

The CHAIR: How comprehensively did they do that? How many cars did they identify?

JOE DOUEIHI: I can't tell you the exact cars and details, but they would have examined them to the standard of the day, with the capabilities and capacity they had.

The CHAIR: Historically, did they analyse the cars he owned at the time of his arrest? Did they identify cars that he had then potentially disposed of?

JOE DOUEIHI: I know, in relation to the sexual assault matter, that vehicle that was used in that offence was examined at the time.

The CHAIR: In the 1971 one?

JOE DOUEIHI: In the 1971 matter, yes. I'm aware of that. In relation to Task Force Air, I am not sure. I can't answer whether they examined previously owned vehicles by him.

The CHAIR: Would you be prepared to take that one on notice?

JOE DOUEIHI: Yes.

The CHAIR: Is there any evidence that New South Wales police hold that Ivan Milat was involved in organised crime or serious drug trafficking?

JOE DOUEIHI: I am not aware of any evidence from what I have seen, but I can't be absolutely certain on that.

The CHAIR: Was Ivan Milat ever an associate of Abraham Saffron or his long-term partner Rita Hagenfelds, to the best of your knowledge?

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JOE DOUEIHI: I can't answer that question.

The CHAIR: Could you take that one on notice?

JOE DOUEIHI: I will take it on notice, but I don't know how I can respond to it—same with all the other questions. We'll have to go through the records and see if we can find anything. I can tell you now that the Task Force Air records are in over 400 archive boxes. What you're asking me to do is going to use substantial resources for my staff to go through and get these responses for you. I'm not saying we won't do it. We are happy to assist and cooperate, but it is a massive job that you're asking.

The CHAIR: That's appreciated.

The Hon. DAMIEN TUDEHOPE: Just in relation to that, when you say it's a massive job, how many members of your squad, and potentially yourself, will be involved in reviewing that matter for the purposes of providing these answers?

JOE DOUEIHI: We would have to retrieve 400 archive boxes. We would have to go through them. It's a 12-month job with 12 investigators minimum to answer some of these questions that you've asked.

The CHAIR: Do you think that's a waste of time?

JOE DOUEIHI: Yes, I do.

The CHAIR: Fair enough. In terms of the Task Force Air list, there are some cases there that fall out of some of the criteria that you listed at the beginning, in terms of younger people, people hitchhiking and those types of things. In particular, there is a woman, Carmen Verheyden, who disappeared from the Crossroads Hotel in 1991. Do you know why she was included on that list?

JOE DOUEIHI: I would say because that criteria may have been consistent with the circumstances of her disappearance.

The CHAIR: There was a backpacker on the Task Force Air list who disappeared from Coober Pedy, Anna Liva, in 1991. Was Ivan Milat ever a suspect in her disappearance, and did the taskforce ever establish whether or not Ivan Milat had travelled to the Northern Territory and South Australia in 1990-91?

JOE DOUEIHI: You have indicated she was on that list?

The CHAIR: Yes.

JOE DOUEIHI: If she was on that list, Ivan Milat was considered as a person of interest in that matter. However, unfortunately, it didn't progress to a standard of any evidence that would continue with a prosecution.

The CHAIR: Do the police understand why the DPP did not proceed with the prosecution of Ivan Milat regarding the murder of Peter Letcher in Bathurst or Jenolan Caves in 1988?

JOE DOUEIHI: No, you'd have to get that from the DPP.

The CHAIR: Colleagues, do you have any more questions? Mr Tudehope?

The Hon. DAMIEN TUDEHOPE: No, but I thank the inspector for being here. In considering a time for him to provide answers to questions taken on notice, I hope you take into consideration his observations that it will take 12 months to provide that material.

The CHAIR: I do take that into consideration. I have said—and I think it is the view of the Committee—that this will be a long, iterative process. We are in no screaming hurry. We do not want to derail any of the investigations that police are running at the moment. Many of the families who have been party to this inquiry and have given evidence have been waiting 50 years for justice. I'm sure they are prepared to wait a little longer. It is about the outcome. I will take that as a comment, Mr Tudehope.

The Hon. DAMIEN TUDEHOPE: As I will take your observations as a comment, Chair.

The Hon. STEPHEN LAWRENCE: On the comments front, I will say this, Chair: It's a matter for the police how they answer questions, and it is a matter for the police as to what resources they deploy in respect of a particular question. I'm sure the officer will go away and consider, for example, whether he does need to comb through 400 boxes. He said that here, but he may, upon reflection, in respect to particular questions, form the view that he does not have to do that. It's a matter, fundamentally, for the witness.

The CHAIR: That is true. A few questions were taken on notice and we will hear from you in due course. There may also be supplementary questions from Committee members. We thank you for the work you do on

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behalf of the people of New South Wales, and we mean that sincerely. We appreciate you taking the time to appear at this hearing. It has been most informative.

(The witness withdrew.)

The Committee adjourned at 15:15.