

**INQUIRY INTO CORONIAL JURISDICTION IN NEW
SOUTH WALES**

Name: Name suppressed

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Partially
Confidential

Submission into the coronial jurisdiction in New South Wales

Nine (9) court attendances commencing on 7 Sept 1998 and concluding on 28 May 1999 with the Coroner's Findings.

Nine days attendance due to the number of witnesses, some pretending that they did not speak or understand English and the detective in charge having to interview missed witnesses and/or reinterview.

I have listed several points where I ask questions and make suggestions or are subjects of discussion.

1. Language

As a layperson and as with most who attend the Coroner's Court or any Court, I believe the language spoken by the Barristers, the Assistant to the Coroner could be more professional.

The Coroner's assistant - "Your Worship, **I think my friends** got an application to make before we start."

Qu. 1 Are the assistant and the barrister friends? I understand that this might be polite practice but to court attendees especially the family, who have just lost a family member, nobody is friends. Perhaps a simple approach but nonetheless it is stated in black & white.

And again, as it was not only quoted by the Coroner's Assistant but the Barrister representing the prime suspect. "With respect **of my friend**, your Worship....."

On the first day of the Inquest, it was stated by the Coroner 'Much of the work of these Courts sadly, involves what may be termed "unsolved homicides", though here in this case there is really a threshold issue and that is, of course, that.....is in fact dead.'

Qu. 2 Would it be reasonable to state this at the conclusion of the findings and not at the beginning? The family are distraught before the court commences, then upon hearing this from the Coroner, it will be an unsolved homicide, then why are we here?

2. Forensic Expert

On 20 January 1998 the forensic specialist made a statement describing his findings **four (4) years** after the victim's death. Dr Allan Cala reviewed black & white polaroid photographs and gave his expert opinion. Dr Alan Cala DID NOT examine the prime suspect.

Qu. 3 Would it be reasonable to **firstly examine the prime suspect** and secondly not wait years to look at black & white photographs?

The photographs were taken by a Detective not a Forensic Specialist Photographer.

Qu. 4 If the Coroner wants to call the inquest an 'Unsolved Homicide' before the inquest commences then would it be fitting that, two forensic experts are called to give their expert opinion and not just one, especially noting below?

Dr Allan Cala "Forensic expert is found guilty."

Dr Cala determined the deaths in 2000 of Bill and Pam Weightman had been accidental, asserting their injuries were consistent with a road accident, a belief also shared by investigating police. Mrs Weightman's sister, Meg Urwin and her husband Alan, fought for nearly six years to prove the couple was murdered by their adopted son David Weightman. The couple obtained a confession from David themselves, four years after police and Dr Cala initially closed the case and wrote it off as an accident.

The Hon TJ Stephens

I have been advised that there have been serious allegations of incompetence regarding our state's pathologist, Dr Allan Cala. Dr Cala's case was featured on Channel 7's Today Tonight program last evening.

[View video - 4 August 2006 - Channel 7 Today Tonight \(Adelaide\) - Dr Cala defended by the DPP Summary](#)

3. Attitude / discrimination

Attitudes and discrimination in this inquest played a large part of this investigation. The profession, the ethnicity, the gender, the religion of a missing person / deceased should have been totally irrelevant. The investigation should proceed without bias, unfortunately in this case it did not, and the profession of the deceased was botched by an ineffective and incompetent officer.

Qu. 5 How much authority does the Coroner have to instruct police to return to interviews paying particular attention to details that were originally missed, or is it about budget and time issue? Is there a case restriction where only a certain amount of time can be given to any one case?

4. The entitled

The barrister for the family was seconded from Legal Aid. The barrister for the prime suspect paid thousands so he could sit in the witness box and repeat "No Comment." The employer of the deceased paid thousands so he could sit in the witness box and repeat "I don't speak English."

Qu. 6 Why do we bring a witness into Court if they remain silent? Why waste everyone's time and frustrate not only the Coroner, but the police and the family? Is there a better way?

Qu. 7 Out of no fault of their own, the family is put in a position to fund their own defence, as retirees there was no choice but to sell their home to engage a reputable barrister or use the services of legal aid. On this occasion the family chose to keep their home, would it be fair that comparable barristers to those of prime suspect and the employer be afforded to the family without losing everything they own?

5. Homicide Standard Operating Procedures (SOP)

Standard Operating Procedures for the Police is dated 1999. It has been 22 yrs since these procedures were updated. Out of frustration and with any unsolved homicide the family expect everything from the police. When things are missed there is no one to blame except those in charge of the investigation.

<file:///C:/Users/relax/Downloads/homicide%20investigation%20standard%20operating%20procedures%201999.pdf>

Qu. 8 In this inquest the SOPs were not followed because the investigating officer believed it to be just a Missing Person. **At which point does an investigation change from a Missing Person to a Homicide?** The timing of this is vital to resolve a case.

It is understood that every case is different but due to the number of Unsolved Homicides in NSW and particularly this case, the Standard Operating Procedures were followed, if they were it could have resulted in an entirely different outcome. The answer to this question may not sit with the Coroner but it is extremely relevant to any unsolved crime.

6. Coroner's Authority

Many times, it has been said "if only", and the Coroner used the words "It's a case of catch-up".

Qu. 9 If the Coroner believes that the investigation is below standard, can the Coroner authorise the police to reinvestigate from beginning to end during the inquest? The case is only as good as the investigating officer and if it is bungled from the beginning then it will remain unsolved.

7. The Media

Without the media most unsolved homicide cases will never be told and the only hope that families have in keeping the memory alive is the media.

Police protect information that doesn't need to be public knowledge but lately one such journalist 'Annette Sharp' posted on 30 May 2021 in the Sunday Daily Telegraph '**1m reward loose change for rich clients**' not only did this post disrespect the fathers and sons of the eastern suburbs but has also degraded the 1m Reward for every family of a Missing or Murdered person in the country.

If Ministers are going to take an interest in what happens in the Coronial Court, then may I suggest reading what journalists are writing and how destructive some of the behaviour can be.

Qu. 10 Does the Coroner have any power to hold these journalists to account?

Qu. 11 Can a Minister **act in response** to journalists for the protection of our Government Rewards?

The Coroner made mention of untold damage the media can do to people, Annette Sharp is one such person.

How much authority does the Coroner have in instructing the media to stick to the facts and not bounce off what they feel, to quote Annette Sharp "as a sometimes-good story."

In this investigation the main person of interest fled to another state to get away from the attention they received, once crossed the border, no one knew anything about them.

We constantly sit on our hands and keep a tight rein on what information crosses the states yet allow main suspects to roam free around the country.

8. Police Records & Retirement

Understandably officers retire from positions, yet the Coroners Court is legally obliged to hold onto records.

Qu. 12 Record keeping by the Coroner's Court is critical, why isn't it the same for police? From day one every piece of information collected should be contained in a secure location, why can't the same rules apply to the police? Instead of being scattered around a local police station uncovered and unprotected.

9. Political Changes

Over the last 27 years, numerous letters have been written by the family to Police Ministers, Police Commissioners, Heads of Unsolved Homicide and not until recently has a reward been upgraded.

Qu. 13 Why is it left up to the family to plead with the police and others to continually push for a case to be reviewed, when in fact, it was quoted by the Coroner "*I think that there will be regular reviews of this case simply because it's an open matter.*"

Qu. 14 Does the Court consider every 10 years regular? Keeping in mind that the parents of the missing / murdered person were in retirement at the time.

Qu. 15 Time is the ultimate enemy in any investigation and as a minister cannot speak on any particular case without the knowledge of police, who is accountable for regularly reviewing these cases? What can the Coroner do in this situation?

10. Rewards

It is my belief that the Coroner should set time frames for rewards, for example time limits on rewards should be adhered to by the police, right now the police have full control over unsolved homicide cases, which get reviewed and which are left.

My suggestion and question –

- The first 5 yrs - \$250k
- 5 – 10 yrs - \$500k
- 10 yrs - \$1mil
- 20 yrs plus - \$2mil

Qu. 16 The Coroner has the authority to ask for more information from witnesses and officers, would it be appropriate that he takes on the responsibility of making sure these cases are reviewed in a timely manner?

I believe there are approx. over 750 cold cases, most of these cases will never be solved because the family will die off and no one will be pushing for answers.

11. Family Contact Sheet

A simple administration procedure to attach a cover sheet to each case file. The Coroner should insist that the family are contacted on a **regular basis**, he “did not say this case will be reviewed every decade”.

Date	Officer	Spoke to	Comments	Follow Up	Discussion
12 June 1999	DI Brown	Sam	Father & Mother passed only surviving family member sister.	30 days 60 days 6 mths	POI left state.

Qu. 16 Can the Coroner insist on some simple administration skills?

(Regularly; occurring in regular time intervals or patterns)

There is nothing positive about this investigation, what was overlooked by the investigating officer suffocated further enquiries. The result, a cold case 27 yrs on.

If you are going to make changes then please do so for the betterment of the Courts and the families who are left behind and not just in NSW but for the entire country. Media reports should cross borders as should laws, if you are going to trial something in another state (Deck of Cards), trial it in all states.

You will eventually leave your positions, retire, and/or move on to different portfolio's and this will be a distant memory but to the family still hoping for answers, there is no moving on, we are constantly stuck in limbo.

The lack lustre approach to this investigation was appalling and no doubt many other families will be left in the same situation.

I would prefer not to see this on some government website or any other media outlet.

This submission relates to the Missing Person and subsequent murder of _____ on
1994.