



**CORONERS COURT
OF NEW SOUTH WALES**

Inquest:	Inquest into the death of Bronwynne Anne Richardson
File number:	2010/00435506
Hearing dates:	16-18 February 2021
Date of findings:	25 October 2021
Place of findings:	Albury Local Court
Findings of:	Deputy State Coroner Carmel Forbes
Catchwords:	Mandatory inquest- homicide by known persons since deceased-s.78
Representation:	Ms S Dowling SC, with Mr M Dalla-Pozza, Counsel Assisting, instructed by Ms L Nash, NSW Crown Solicitor's Office
Findings:	Findings pursuant to s 81 (1) Coroners Act 2009 <i>Identity</i> The person who died was Ms Bronwynne Anne Richardson.

	<p><i>Date of death</i></p> <p>Ms Richardson died on 12 or 13 October 1973.</p> <p><i>Place of death</i></p> <p>Ms Richardson died in the waters of Horseshoe Lagoon, a body of water adjacent to the Murray River South of Albury, NSW.</p> <p><i>Cause of death</i></p> <p>Ms Richardson died as a result of the combination of pressure to the neck and drowning.</p> <p><i>Manner of Death</i></p> <p>Ms Richardson died after she was abducted and physically and sexually assaulted by a group of men. I am satisfied on the balance of probabilities that two of the men included in that group were Mr Colin Newey and Mr Maxwell Martin.</p>

NON-PUBLICATION ORDERS

1. Pursuant to s. 74 of *the Coroners Act 2009* there is to be no publication of the evidence received from [REDACTED] [REDACTED] except to:
 - a. the Deputy State Coroner presiding over this inquest and those assisting;
 - b. the witnesses [REDACTED] and their legal representative; and
 - c. the family of the deceased and their legal representatives.

2. Pursuant to s. 74 of the *Coroners Act 2009* there is to be no publication of the following documents:
 - a. statement of OIC DS Steven Morgan, dated 16 June 2020 (completed 28 January 2021) except to:
 - b. the Deputy State Coroner presiding over this inquest and those assisting;
 - c. the witnesses [REDACTED] and their legal representative; and
 - d. the family of the deceased and their legal representatives

3. Pursuant to s. 74 of the *Coroners Act 2009*, there is to be no publication of the true identity of "Witness M" including:
 - a. any visual or other description or depiction of the physical appearance or other identifying features of "Witness M";
 - b. any document or information that confirms or tends to confirm the identity of "Witness M";
 - c. any document or information that identifies the correctional centre where "Witness M" is presently incarcerated;
 - d. any evidence, submission, discussion, or document that would facilitate identification of the true identity of "Witness M"; and
 - e. notes written by Witness M by hand.

4. Pursuant to s. 74 of the *Coroners Act 2009*, there is to be no publication of the true identities of the civilian witnesses who participated in the police operations:

- a. carried out on 23 July 2009 at Murray Bridge, South Australia;
 - b. carried out on 20 July 2012 at Murray Bridge, South Australia; and
 - c. carried out on 16 October 2014 at Parklea Correctional Centre, NSW.
5. Pursuant to s. 74 of the *Coroners Act 2009*, there is to be no publication of the true identity of the name of witness WS including:
- a. any visual or other description or depiction of the physical appearance or other identifying features of WS;
 - b. any document or information that confirms or tends to confirm the identity of WS;
 - c. any evidence, submission, discussion, or document that would facilitate identification of the true identity of WS; and
 - d. notes written by WS by hand.

REASONS FOR DECISION

INTRODUCTION

1. This is the third inquest into the extremely sad and tragic death of Bronwynne Anne Richardson. Ms Richardson was found deceased in the waters of Horseshoe Lagoon, a body of water off the Murray River near the town of Albury on Sunday, 14 October 1973. She was aged just 17 at the time of her death.
2. She had last been seen on the early evening of Friday 12 October 1973 in Smollett Street in Albury. She died from a combination of compression injuries to her neck and drowning. Before she died, Ms Richardson was physically and sexually assaulted.
3. Ms Richardson's death has been the subject of two previous inquests, one which was conducted on 18 March 1975, and a further Inquest in November and December 2011.
4. For almost 50 years, Ms Richardson's family has been living with the heartbreaking uncertainty about who was responsible for Ms Richardson's death.
5. Lengthy and substantial investigative efforts have resulted in additional information coming to light over the years. Additional information that came to light in the 2011 inquest changed the investigative focus.
6. There are five men who have been the particular focus of suspicion. Their involvement, or lack of involvement, is the focus of this present inquest. Those 5 men are:

- a. Colin Newey;
 - b. Maxwell Martin;
 - c. Kevin Newman;
 - d. Ross Eames; and
 - e. Geoffrey Charles Brown.
7. An inquest is a public examination of the circumstances of a death. Section 81 of the *Coroner's Act 2009* (The 'Act') requires a Coroner, at the conclusion of the inquest, to make findings as to:
- a. The identity of the deceased person;
 - b. The date and place of the person's death; and
 - c. The manner and cause of the person's death.
8. Section 78 of the Act requires a Coroner who forms an opinion that the evidence is capable of satisfying a jury beyond reasonable doubt that a known person has committed an indictable offence in respect of the death, to refer the matter to the Director of Public Prosecutions.
9. Mr Newey, Mr Martin and Mr Newman are now deceased. The fact that s.78 is no longer applicable to them does not detract from the importance of making available findings in relation to the circumstances surrounding Ms Richardson's death.
10. There have been difficulties for the investigation resulting from the passage of time, and also the possible contaminating effect that the airing of a television program *Murder Lies and Alibis* has had on the recollection of important witnesses.
11. A detailed summary of the lengthy investigation has been presented by Counsel Assisting and I adopt that summary into these findings.

PRELIMINARY ISSUES

12. Before findings are made as to what the evidence reveals in regard to each of the five men who have been suspects at various stages of the investigation, it is necessary to address a few preliminary matters which are common to each.

(a) Timing of events on 12 October 1973

13. The first issue is the timing of relevant events on 12 October 1973:

- i. The time Ms Richardson was abducted;
- ii. The time the assault on Ms Richardson commenced (by which time, she had been taken to Horseshoe Lagoon); and
- iii. The time Ms Richardson was killed.

i. The time when Ms Richardson was abducted

14. Ms Richardson's abduction occurred very shortly after 7:15pm on 12 October 1973. She is reliably placed at Coles in the afternoon of 12 October 1973 and was seen by numerous people waiting near Coles between 6pm and 7pm. There is no sighting of her at any point after 7:15pm on 12 October 1973. The time when her watch stopped (7:26pm) and the reason it stopped (the entry of fine grit to the mechanism) is reliable evidence that Ms Richardson had been abducted by 7:26pm that evening and that the assault on her had commenced by that time.

15. There are two witnesses of particular importance in this regard: Mr Stanley Thomson and Mr Wayne Leitch.

16. Mr Thomson has given evidence that he saw Ms Richardson on Smollett Street at around 7:15pm on 12 October 1973¹. Although, due to his death, Mr Thomson's evidence has not recently been tested (in either the 2011 or 2021 hearings of this inquest), Mr Thomson's account can be regarded as reliable. It is a relatively contemporaneous account (being given on 19

¹ Statement of John Stanley Thomson, 19 October 1973| 2011 Brief Vol 2, tab 121.

October 1973). In addition, Mr Thomson was able to identify this time by reference to objectively verifiable events (by reference to the time when the television show “Temptation” was on air²).

17. Mr Leitch is the other witness who may have seen Ms Richardson on 12 October 1973 at a time around when she must have been abducted³. Indeed, Mr Leitch claims to have witnessed a woman being abducted from Smollett Street on the evening of 12 October 1973 (although he was not able to positively identify the woman as Ms Richardson). Mr Leitch said that he reached out to investigating Police in 1973 but they informed him that they did not feel the need to take a statement from him.⁴ By the time Mr Leitch came forward in 2009, a reward had been offered. The prospect that this motivated him into giving evidence cannot be discounted.
18. There is no satisfactory explanation as to why Police in 1973 would not have made further inquiries with this apparent eyewitness. This is especially so given the open findings returned in the 1975 inquest. The net result is that the very significant period of time that elapsed between Ms Richardson’s abduction and the taking of his statement affects the reliability of it.
19. In his statement dated 15 May 2009, Mr Leitch said that he saw a woman being forced into the car on a Friday night.⁵ During evidence in the 2011 inquest, he first said that this occurred at 8:00pm, but that it could have been at 7:30pm; Mr Leitch said he knows this because he had been listening to the trotting races at the time. He stated that he thought that the trotting races started at 7:00pm and therefore agreed that it was possible that he may have witnessed these things at an earlier time, although not earlier than 7:00pm.⁶ As such, this evidence is not inconsistent with what Mr Thomson’s said he observed occurring at around 7:15pm.

2 Ibid.

3 Statement of Wayne Leitch, 15 May 2009; 2011 Brief Vol 2, Tab 123.

4 Ibid at [17].

5 Ibid at [5].

6 Transcript, Inquest into the death of Bronwynne Richardson, 29 November 2011, p. 66, l. 9: 2011 Brief, vol 6, tab 363.

20. I am satisfied on the balance of probabilities that the time that Ms Richardson was abducted was around 7:15pm on 12 October 1973.

ii. The time the assault commenced

21. The time Ms Richardson's wrist watch stopped is a reliable indicator that the assault had commenced by 7:26pm and that Ms Richardson and her killers were at Horseshoe Lagoon by that time. Although there is no evidence that the watch distinguished ante and postmeridian time (and it probably did not), the surrounding circumstances suggest that the assault must have occurred during the hours of darkness, making a postmeridian time more plausible. Further, the watch was half wound, suggesting it had not run down (and therefore that it stopped at 7.26am). In addition, the short distance between Horseshoe Lagoon and Smollett Street, makes this timing consistent with the evidence provided by Mr Thomson and is reconcilable with the evidence of Mr Leitch.

iii. The time of Ms Richardson's Death

22. The evidence does not permit any conclusive findings that 7:26pm was the time the assault concluded (that is, the time when Ms Richardson was thrown into the water either after her death or shortly before her death).

23. The watch mechanism was found on the river bank, detached from the watchband (which remained on Ms Richardson's wrist).⁷ It is possible that the circumstances which caused the mechanism to stop occurred during the violence inflicted on Ms Richardson. This conclusion better fits with the autopsy evidence which is consistent with the assault occurring over a prolonged period of time.

24. On balance, the available evidence is that Ms Richardson died at a time later than 7:26pm, perhaps significantly later than that time. It is also possible that Ms Richardson died in the early hours of the following day.

⁷ Report of occurrence re Hans Sedlag, 18 October 1973; 2011 Brief, vol 2, tab 158.

(b) The vehicle used in the abduction

25. Identifying the vehicle has been a particular focus of investigative efforts and has informed the various theories in relation to each of the five principal suspects.

i. A green wagon

26. The key witnesses to give an account of the vehicles observed in close proximity to Ms Richardson in Smollett Street at around the time when she must have been abducted are Mr Thomson and Mr Leitch.

27. Mr Thomson describes seeing an FB Holden; either a station wagon or sedan (preferring that it was a sedan) and that it was a Tuscan yellow with a Grecian white flash). He said that the base colour assumed a greenish tint under the prevailing light conditions.⁸ Mr Thomson did not actually witness Ms Richardson being abducted; rather, he said that he saw a woman (who he later identified as Ms Richardson) standing near the driver's door of a car and talking to its two occupants. His evidence does not permit a finding to be made with certainty that the vehicle he saw was the one used in the abduction.

28. As has been already noted, Mr Leitch was not interviewed by Police until 2009. He gave two statements dated 15 May 2009 and 4 June 2009. The significant period of time between what he saw and the taking of his statements obliges a degree of caution in regarding aspects of his evidence. Furthermore, in his May 2009 statement, Mr Leitch said that his night time vision was not good as he did not have his glasses back then.⁹ During the 2011 inquest, he admitted that he now wears glasses but did not when he witnessed these events. He also said that when he witnessed those events, his eyes were about 50% as strong as what they were at the time of the 2011 inquest.¹⁰ There is, therefore, evidence that Mr Leitch's eyesight may

⁸ Statement of John Stanley Thomson, 19 October 1973, p.2; 2011 Brief, vol 2, tab 121.

⁹ Statement of Wayne Leitch, 15 May 2009, [5]; 2011 brief vol 2, tab 123.

¹⁰ Transcript, Inquest into the death of Bronwynne Richardson, 29 November 2011 p. 70; 2011 Brief, vol 6, tab 363

have been impaired; this additional factor compounds to the caution with which his observations, as to the vehicle he saw, must be treated.

29. Mr Leitch describes the car as a yellow, four door Holden sedan. Mr Leitch admits that the prevailing lighting conditions could have distorted the colour of the car.¹¹ During the 2011 inquest, he conceded the possibility that it could have been a station wagon but preferred that it was a sedan.¹²
30. Both Mr Thomson and Mr Leitch identify a yellow vehicle (although both admit that the lighting conditions may have affected what they perceived). Both prefer that it was a sedan (although both concede a possibility that it could have been a station wagon).
31. These accounts do not entirely fit with an account of an anonymous caller in 1989 that a green station wagon was used in the abduction. That call was understandably treated by Police in 1989 as significant new evidence. This anonymous call will be discussed in detail further. At this stage it is sufficient to say, much of the information provided by the anonymous caller was calculated misinformation provided by Mr Colin Newey for the purposes of falsely implicating Mr Ross Eames as having some involvement in Ms Richardson's abduction, assault and killing. A regrettable consequence of the provision of this deliberate misinformation is that it has caused the subsequent investigation to have focussed on identifying a green station wagon when the best objective evidence indicates that this may not have been the colour and type of vehicle used.
32. Witness M¹³ claimed that Mr Colin Newey told him that a green wagon was used. Witness M's evidence will also be discussed at a later point, suffice to say, this aspect of Witness M's account may be unreliable.

¹¹ Ibid, [19]

¹² Transcript, Inquest into the death of Bronwynne Richardson, 29 November 2011, p. 79, l. 17; 2011 Brief, vol 6, tab 363

¹³ A non-publication order, first made during the 2011 inquest, was renewed and continued in the present inquest. That order was over information that would enable the identification of Witness M.

33. For these reasons, I find that the stronger view is that a green wagon may not have been used in the abduction, and that this part of the anonymous call is to be regarded as false.

ii. Garrie Richardson's vehicle

34. During the 2021 inquest, a fresh line of inquiry into the vehicle used to abduct Ms Richardson emerged. I heard evidence from Mr Garrie Richardson (Ms Richardson's brother) that it is possible that his vehicle - an FB Holden sedan, two tone colour, green with a white roof - may have been used during the abduction.

35. Mr Richardson has provided a statement.¹⁴ In it, he said that on 12 October 1973 this vehicle was parked outside his home at 2/210 Plummer Street, Albury. It could be opened from the outside as the passenger side quarter window was broken and it could be started without a key.¹⁵ He said that this was common knowledge amongst his associates, who included both Mr Peter Newey and Mr Colin Newey.

36. After having had his memory prompted by Police showing him a running sheet created on 28 October 1973,¹⁶ Mr Richardson said that he gave his neighbour Mr Kevin Renshaw permission to use his vehicle during the day of 12 October 1973 whilst he, Mr Richardson, was away doing deliveries for his work. Mr Richardson said that he and his girlfriend spent the Friday night with friends at Myrtleford.

37. Mr Richardson said that when he returned on the Saturday, the vehicle was in the carport. The fuel gauge in the vehicle always showed empty and there is no evidence as to how much fuel was in the tank. A full one gallon drum of fuel in the boot was found to be empty.

¹⁴ Statement of Garrie Richardson, 2 February 2021; 2021 brief, vol 1, tab 6A.

¹⁵ Ibid at [20]-[21].

¹⁶ Running sheet no 331.

38. Running sheet no 331 reveals that investigators in 1973 also spoke to Mr Renshaw. It records that Mr Renshaw had said to Police that he had used the car to drive to work that day, had run out of petrol and filled it up with half a gallon from the drum. Investigators have been unable to take a statement from Mr Renshaw in recent times.
39. Mr Renshaw did not clearly say that he used only half of the fuel in the drum (rather he said that he used half a gallon of fuel). This leaves a range of possibilities open (for example, that Mr Richardson was mistaken when he thought the drum was full, or that either Mr Renshaw or Mr Richardson were mistaken as to the capacity of the drum). There is also no way of eliminating the possibility that the remaining half gallon disappeared some other way (through spillage or evaporation perhaps caused by Mr Renshaw not properly sealing the drum).
40. At its highest, this evidence shows that there was a half a gallon of fuel from the drum which is unaccounted for. Whilst this permits an inference that a person other than Mr Renshaw may have used the vehicle whilst Mr Richardson and his girlfriend were away in Myrtleford, it does no more than that. In particular, there is no suggestion as to who may have taken the vehicle or for what purpose.
41. In conclusion, the lack of detail in the evidence of Mr Richardson regarding the use of his vehicle on 12 October 1973 does not permit me to make a finding that his vehicle was the one that was used in the abduction of Ms Richardson.

(c) The identity of the anonymous caller

42. A person made anonymous phone calls to Murray Bridge Police Station on 10 October 1989 providing information as to who was responsible for Ms Richardson's attack.
43. The identity of that caller is a question which has both shaped and confounded all subsequent investigative efforts. It is the principal piece of

evidence that informed the previous investigative theory that Mr Geoffrey Brown was involved in Ms Richardson's death; it is the only probative piece of evidence that Mr Ross Eames was involved; and it is the most probative evidence that Mr Kevin Newman was involved.

44. For the reasons set out below, I am satisfied on the balance of probabilities that Mr Colin Newey was the anonymous caller.

i. Background Matters

a. The Hinch Program, 9 October 1989

45. The day before the anonymous call was made, a program dealing with Ms Richardson's unsolved killing, presented by the well-known journalist, Mr Derryn Hinch, went to air. That program raised the possibility that a notorious convicted rapist and double murderer, Mr Raymond Edmunds (known as "Mr Stinky") may have played some part in Ms Richardson's disappearance. That program went to air on the evening of 9 October 1989 in both South Australia and New South Wales.

b. The content of the anonymous call

46. On 10 October 1989, at about 12:23pm, Constable Paul Friend from Murray Bridge Police Station (SA) answered a call from a person who wished to remain anonymous. The caller claimed to have witnessed the Hinch program and to have information about Ms Richardson's death. The caller was at pains to note that the coppers were telling the family "*a heap of bullshit*" and he just wanted them to "*know what happened*".¹⁷
47. The anonymous caller claimed to know this because he had been present at the time Ms Richardson died and had seen her being sexually assaulted and killed (although the caller denied that he had taken part in the assaults or Ms Richardson's death).

¹⁷ Statement of Constable Paul Robert Friend, 11 October 1989; 2011 Brief, vol 4, tab 251

48. The caller said he was a member of a group of four men, who were travelling in a green and white FB Holden station wagon. The vehicle came from Red Bluff near Huon (Red Bluff is approximately 32 kilometres away from Albury).¹⁸
49. The caller stated that the vehicle was owned by a Mr Les Murphy. Mr Murphy, together with his wife Janice Murphy, were foster carers for Mr Eames in 1973. Furthermore, in what appears to have been one of a series of remarkable coincidences in this matter, the Murphys first took in Mr Eames on 12 October 1973, picking him up from Albury Court House after Mr Eames was released on charges of being an unruly child.
50. The caller stated that the other persons present were “*Puppy Newman*”, “*Brownie*” and either “*Max*” or “*Reg*” “*Martin*”. The caller stated he was aged 14 at the time and Mr Newman was aged 15. He said that, like him, Mr Newman, whilst present, played no part in Ms Richardson’s rape or killing.
51. Around 15 minutes later, the anonymous caller made a second call to Murray Bridge Police Station. The caller clarified that the vehicle he had described was actually registered to Mr Murphy’s wife, Ms Janice Murphy. The caller explained that the group picked up Ms Richardson after she finished work at about 5:25pm. Mr Martin was driving and Ms Richardson got into the front seat between him and Mr Brown. They drove towards Horseshoe Lagoon.
52. The caller added that the group never weighed down Ms Richardson (it appears that Police had previously publicly reported that the body was weighed down with pipes and padlocks that had been located in Horseshoe Lagoon). At this point, the caller repeated that Police had told the family “*a heap of lies*”.
53. Those calls were found to have originated from a public telephone booth on Kintore Avenue, Murray Bridge, SA. The evidence regarding the timing of

¹⁸ Updated statement of Detective Sergeant Steven Morgan, 24 August 2020 at [411]; 2021 Brief, vol 1, tab 1.

this trace is unclear as to precisely when it occurred, although the account given of it by Constable Tina-Marie Friend suggests that the trace was performed by the local Telecom office that day (being 10 October 1989).¹⁹

c. The account given by Mr Eames to Detective Sergeant Smith and other Police

54. Given the specific information linking the vehicle used in Ms Richardson's abduction to the Murphys and their connection to Mr Eames, unsurprisingly, Police identified Mr Eames as the anonymous caller.
55. On 15 February 1990, Detective Sergeant John Smith, Detective Constable Lynda Summers and Detective Senior Constable Lester Martin interviewed Mr Eames. These Police officers say that during this interview Mr Eames admitted being the anonymous caller and adopted the record of the conversation with the anonymous caller that had been made by Constable Friend. Detective Sergeant Smith records Mr Eames saying that, on 12 September 1973, he had been released into Mr Murphy's custody and they had driven to Brady's Hotel (a hotel in Albury). He describes the car used as green and white. Whilst Mr Murphy was in the hotel, Mr Maxwell Martin (also referred to as "Reg" or "Max" Martin) had started the FB Holden using a screwdriver.
56. What has been attributed to Mr Eames was recorded in the form of a notebook statement made by Detective Sergeant Smith dated 22 February 1990.²⁰ Detective Constable Summers²¹ and Detective Senior Constable Martin²² of the Major Crime Squad of the South Australian Police have also provided a statement corroborating what Detective Sergeant Smith had said that Mr Eames told him.
57. Detective Sergeant Smith further records Mr Eames as saying that, after Ms Richardson had died, Mr Martin returned the green station wagon to the

19 Statement of Constable Tina-Marie Friend, 22 March 1993, p. 3; 2011 Brief, tab 253, vol 4

20 Statement of Detective Sergeant Neville John Smith, 23 February 1990, at [3]; 2011 Brief, tab 259, vol 4

21 Statement of Detective Constable Lydia Summers 18 January 1991 at [7]; 2011 Brief, tab 268, vol 4

22 Statement of Detective Senior Constable Lester Martin, 29 May 1990, at [10]; 2011 Brief, tab 256, vol 4

Brady's Hotel. Mr Murphy was still there. Consequently, Mr Murphy did not even know that the vehicle had been taken.

58. Significantly, Mr Eames did not sign the notebook statement.

d. The committal proceedings for Mr Brown

59. The theory that Mr Eames was the anonymous caller was first tested in 1991 during the committal proceedings of Mr Brown after he was charged with Ms Richardson's murder.
60. During these proceedings, Mr Eames said that the account attributed to him in the record of interview taken by Detective Sergeant Smith was "*what the Police threatened me to say*".²³ He said he had identified Mr Brown, Mr Newman and Mr Martin to investigators after being shown a series of photographs by Police because these were "*blokes that he knew*".²⁴ Mr Eames nominated Mr Colin Newey as the maker of the anonymous phone calls. He said that Mr Colin Newey had admitted this to him.²⁵

e. Proceedings alleging Misprision of a Felony

61. Following Mr Eames' failure to meet his proof, Police then charged Mr Eames (together with Mr Newman) with misprision of a felony, alleging their involvement in concealing matters related to Ms Richardson's abduction, assault and death.
62. Detective Sergeant Smith²⁶ and Detective Constable Summers²⁷ both gave evidence at the committal hearing for Mr Newman and Mr Eames (which took place on 23 May 1991). Both adopted the evidence they had given in their 1990 statements (Mr Eames and Mr Newman were committed but a directed acquittal was made at trial).

²³ R v Brown (transcript of committal proceedings), 27 September 1990, at p. 3; 2011 Brief, vol 6, tab 354

²⁴ Ibid, at p. 5

²⁵ Ibid, at p. 4

²⁶ Ibid, at pp. 29-33

²⁷ Ibid, at pp. 50-54

f. Evidence given in the 2011 inquest

63. Mr Eames gave evidence during the 2011 inquest. He denied (in emphatic terms) being the anonymous caller.²⁸
64. Detective Sergeant Smith also gave evidence at the 2011 inquest. He adopted his 22 February 1990 statement.²⁹

ii. Matters suggesting that Colin Newey was the anonymous caller

65. Despite the initial identification by Police of Mr Eames as the anonymous caller, the following matters, suggest that Mr Colin Newey made the anonymous phone call and the information he provided was calculated to falsely implicate Mr Eames.

a. The specific information provided about the vehicle used in the abduction

66. As noted above, the anonymous caller provided specific information about the vehicle used, in particular, that it was a green and white 1963 Holden station wagon. The caller went to some pain to point out to whom the car was registered initially saying it was registered to Mr Murphy before phoning Police back to say that it was actually registered to Ms Murphy, Mr Murphy's wife.
67. The anonymous caller also put himself in the vehicle, implicating himself in the events resulting in Ms Richardson's assault and death in the event that his identity could be ascertained.
68. As has been noted, Mr and Ms Murphy were the foster carers for Mr Eames.
69. It is most unlikely that Mr Eames (assuming his intention was to remain anonymous) would have provided the level of detail provided by the

28 Transcript, Inquest into the death of Bronwynne Richardson, 28 November 2011, p. 35, l. 13; 2011 Brief, vol 6, tab 362

29 Transcript, Inquest into the death of Bronwyn Richardson, 30 November 2011, p. 115, l. 48; 2011 Brief, vol 6, tab 364

anonymous caller. This is especially so with respect to the description of the vehicle and the volunteering of first Mr and then Ms Murphy as its registered owner. It must have been apparent to Mr Eames in 1990 that this information would have readily allowed Police to identify him. In particular, it appears that the information was deliberately provided to suggest that Mr Eames was the caller.

70. A motivation for the caller making such representations would be to set up Mr Eames. As set out below, Mr Colin Newey had both the opportunity and the motivation to frame Mr Eames.

b. Mr Colin Newey had the opportunity and motivation to set up Mr Eames

71. Mr Colin Newey and Mr Ross Eames were neighbours at Murray Bridge in 1989, at the time the anonymous call was made. It appears they were in frequent contact during that period. In particular, Mr Colin Newey admits to speaking to Mr Eames about a murder³⁰ and, more specifically, to talking to him about Ms Richardson's murder after witnessing the Hinch program.³¹
72. During this period, Mr Ross Eames had told Mr Colin Newey details of the green wagon being registered to Ms Murphy. Police had searched the wagon registered to Ms Murphy in 1973 or 1974.³² In the committal proceedings for Mr Brown, Mr Ross Eames gave evidence that he had spoken to the Neweys and that he told them "*about getting pulled over in Ms Murphy's car and the car getting searched*". He adds that the Neweys asked him what kind of car it was.³³ Accordingly, the evidence suggests that Mr Ross Eames had told Mr Peter and Mr Colin Newey of details of the wagon registered to Ms Murphy, meaning that Mr Newey would have

30 ERISP interview with Colin Michael Newey at Murray Bridge Police Station, 22 July 2012, at q. 104; 2021 Brief, vol 1, tab 10

31 Ibid, q. 118

32 Statement of Janice Murphy, 22 March 2010; 2011 Brief, vol 4, tab 272; Statement of Paul Murphy, 21 March 2010; 2011 Brief, vol 4, tab 273

33 R v Brown (transcript of committal proceedings), 27 September 1990, p. 4; 2011 Brief, vol 6, tab 354

possession of information of the sort that was provided by the anonymous caller.

73. The gap between the two calls made by the anonymous caller is consistent with Mr Colin Newey checking the details as to the vehicle's registration with Mr Ross Eames in the intervening period, finding that the vehicle was registered to Ms Murphy, not Mr Murphy, and correcting this so as to ensure that Police were able to (incorrectly) identify Mr Ross Eames as the anonymous caller.
74. This is potentially supported by the account of Mr Peter Newey. Mr Peter Newey has given accounts of an occasion where Mr Ross Eames had been to speak to he and Mr Colin Newey about the death of Ms Richardson. However, it is noted that he appears to be a little confused about these events; Mr Peter Newey said in his May 1990 interview³⁴ that when Mr Ross Eames came over to Mr Colin Newey's house (where Mr Peter Newey was living at the time), he told them he had been arrested; this, of course, did not occur until February 1990, some months after the Hinch program went to air. Mr Peter Newey clarified in his 2 December 2011 interview that the incident that he was referring to may have occurred sometime later.³⁵ Regardless of this confusion, Mr Peter Newey's account shows, at least, that Mr Eames and Mr Colin Newey were in the habit of discussing matters relating to Ms Richardson's death.

c. Mr Eames was not present in Albury at the time the abduction occurred

75. In addition, perhaps most compellingly, the objective evidence suggests that it would simply have been impossible for Mr Eames to have been the anonymous caller. The anonymous caller needed to be in Albury at the time Ms Richardson was abducted. There is very good evidence putting Mr

³⁴ Interview with Peter John Newey, 31 May 1990, at q. 104; 2011 Brief vol 5, tab 333

³⁵ Ibid, at q. 423

Eames in Red Bluff (32 kilometres away from Albury) at the time proximate to when the abduction and assault of Ms Richardson must have occurred.

76. Mr Murphy, from whom statements were taken (one of which is not presently available), and who gave evidence in Mr Eames' committal proceeding, gives the following version of events as to what occurred on 12 October 1973:

- a. He picked up Mr Eames from Albury Police station or Albury Court house in the early afternoon of 12 October 1973;³⁶
- b. He took Mr Eames to the Murphys' property at Red Bluff;³⁷
- c. He and Mr Eames were involved in feeding stock at the property at Red Bluff commencing from about 4:30pm. The process of stock feeding typically took around two hours,³⁸ and
- d. Mr Eames then had had tea with Mr and Ms Murphy that evening.³⁹

77. Mr Murphy particularly denies going to Brady's Hotel on 12 October 1973. He said that he seldom drank in hotels, referring to one time that he drank in the Albion Hotel in terms that suggested that this was an exceptional occurrence⁴⁰. This account of Mr Murphy's drinking habits is confirmed by others. In her statement (taken in 2010), Ms Murphy confirms that Mr Murphy was not a drinker and did not normally frequent hotels.⁴¹ In his 2010 statement, their son, Mr Paul Murphy, has a similar recollection of his father's drinking habits.⁴²

36 R v Kevin John Newman and Ross John Eames (transcript of committal proceedings), 26 September 1991, at p. 67, 69; 2011 Brief, vol 6, tab 352

37 Ibid, at p. 67

38 Ibid, at p. 68

39 Ibid, at p. 69

40 Statement of Leslie John Murphy, 20 March 1990, at [6];]2011 Brief, vol 4, tab 271

41 Statement of Janice Marie Murphy, 22 March 2010, at [23]; 2011 Brief, vol 4, tab 272

42 Statement of Paul Benjamin Murphy, 21 March 2010, at [16]; 2011 Brief, vol 4, tab 273

78. It is not possible to reconcile this evidence with the account attributed to Mr Eames by Detective Sergeant Smith (which holds that the green station wagon was stolen whilst Mr Murphy was in Brady's Hotel).
79. It is most unlikely that Mr Eames was involved in the abduction of Ms Richardson. On 12 October 1973, the Murphys had met Mr Eames for the first time, he was only 14 years of age. Mr and Ms Murphy were well aware that Mr Eames had a criminal history. It might be expected that the Murphys would have kept a particularly close eye on Mr Eames that night, given his young age and circumstances as to how he came to be with the Murphys. It is unlikely that the Murphys would have allowed Mr Eames an opportunity to steal the green station wagon from the property. Further, even if he had, it is likely that the Murphys would have noticed that Mr Eames and the vehicle were missing. This is an impression that is supported by Ms Murphy's evidence that, as she had a young child at home at that time, she would be unlikely to have left the property during that evening.⁴³ Finally, Mr Murphy is also quite adamant that there is no way Mr Eames could have left the property at Red Bluff.
80. Further, during the committal proceedings, Mr Murphy also said that Mr Eames could not drive. This of course means that he could not have stolen the vehicle and have driven back to Albury. In particular, Mr Murphy said that Mr Eames was "*completely useless to be blunt*" not only at driving but also at "*doing most things*".⁴⁴
81. The tone evident of this last remark suggests that Mr Murphy and Mr Eames did not enjoy a particularly warm relationship. It is an impression that is reinforced by other comments Mr Murphy made during the course of his evidence. For example, Mr Murphy refers to being "*talked into*" taking in Mr Eames, implying that he had since come to regret the decision. To similar effect, Ms Murphy speaks of a strained relationship that developed between Mr Murphy and Mr Eames, recounting particularly, an instance when Mr

43 Statement of Janice Murphy at [27]; 2011 Brief, vol 4, tab 272

44 R v Kevin John Newman and Ross John Eames (transcript of committal proceedings), 26 September 1991, p. 66

Murphy gave Mr Eames a thrashing after Mr Eames had been caught shoplifting. After this incident, the Murphys asked Mr Eames to leave their home. This occurred no more than four months after the Murphys had taken Mr Eames in.⁴⁵ In a similar vein, Mr Paul Murphy remembers his father saying, with reference to the boys he had taken in, that “*Eames was the worst of them*” and that his father had called Mr Eames a “*bad bugger*”.⁴⁶

82. This aspect of their relationship evidences against the view that Mr Murphy would 17 years later give false evidence to protect Mr Eames. I find that the evidence of Mr Murphy placing Mr Eames in Red Bluff rather than in Albury on the evening of 12 October 1973 is reliable.
83. Moreover, even accepting, contrary to what Mr Murphy said, that Mr Eames could drive, it is somewhat implausible that, as a 14 year old, he could have driven the 32 kilometres or so to Albury, at night, and given that he presumably had never been there before, it is to be held in consideration that navigation was much more difficult and was reliant on maps.

d. Other implausibilities in the account of the anonymous call and the account attributed to Mr Eames

84. There is, for example, considerable evidence Mr Murphy was driving his other vehicle, an international truck, when he picked up Mr Eames on 12 October 1973. In statements that were taken in March 2010, Ms Murphy and Mr Paul Murphy both confirm that Mr Murphy owned an international truck at the time. In his evidence during the 2011 inquest, Mr Eames said that Mr Murphy was driving the international truck when he picked him up from Court on 12 October 1973.⁴⁷ In a statement taken on 30 September 2009, Mr Eames’ mother, Ms Noni Eames, who had taken Mr Eames to Court on 12 October 1973 and met Mr Murphy at that time, said that Mr Murphy was

45 Statement of Janice Murphy at [18]; 2011 Brief, vol 4, tab 272

46 Statement of Paul Murphy at [15];]; 2011 Brief, vol 4, tab 273

47 Transcript of 2011 Inquest, 28 November 2011, p. 32, l. 32; 2011 Brief, vol 6, tab 362

driving “a small truck” (she could not identify the colour as she is colour blind).⁴⁸

85. Mr Murphy also said that he had noticed no damage to the ignition of the green station wagon. This is inconsistent with the proposition, which appears in the account that Mr Eames supposedly provided to Detective Sergeant Smith, that the ignition was forced by using a screwdriver without his knowledge.
86. The evidence does not enable any identification of precisely where the information about the screwdriver came from, if it was not provided by Mr Eames (it is not one of the matters which Constable Friend recorded the anonymous caller as saying). Whilst this matter does provide some support for a theory that Mr Eames did provide the account ascribed to him by Detective Sergeant Smith (and so, was the anonymous caller), this one matter does not overcome the various difficulties already referred to. Furthermore, as I have already noted, the evidence suggests that Mr Colin Newey and Mr Eames were in frequent contact around the time the anonymous call was made; it is plausible that this detail passed between them at this time.
87. Further, even if Mr Eames had an opportunity to steal the car from the property at Red Bluff and found his way to Albury, this differs significantly from the account supposedly provided by Mr Eames to Detective Sergeant Smith (which is that the car was stolen by Mr Martin whilst Mr Murphy was at Brady’s Hotel). Whilst it is possible that Mr Eames, when speaking to Detective Sergeant Smith lied about this aspect to conceal that it was he, rather than Mr Martin, who had stolen the vehicle, the better conclusion is that the admissions recorded by Detective Sergeant Smith cannot reliably be attributed to Mr Eames.
88. I find the likelihood that the 14 year old Ross Eames stole a car, made his way to Albury, committed the attack and then made his way back to a

⁴⁸ Statement of Noni Elaine Eames, 30 September 2009, at [6]; 2011 Brief, vol 4, tab 270

property he had never been to before and returned the car without his carers noticing is remote.

e. Colin Newey bragging about making a phone call setting up Mr Eames

89. Further evidence suggesting that Mr Colin Newey was the anonymous caller is the account of Ms Saddington that she heard Mr Colin Newey brag about making an anonymous call about Mr Eames.
90. This suggestion initially came from Ms Saddington during her evidence at the 2011 inquest.
91. Over the course of the investigation, Ms Saddington has given a number of accounts of this incident. It is noted that these accounts have not been entirely consistent.
92. Ms Saddington gave a statement on 1 December 2011 (at a time when the 2011 inquest was still on foot).⁴⁹ In that statement, Ms Saddington said that Mr Colin Newey had bragged to a group of people who included “Tamer”, Graham White and her current husband, Eric Saddington.⁵⁰ She particularly said that Mr Colin Newey said that he had been to a public telephone booth in Murray Bridge and had made a phone call about Mr Eames. Ms Saddington reports that Mr Colin Newey said that he had placed a hankie over the receiver when making that phone call.⁵¹ Ms Saddington puts this event as occurring at around August 1990.⁵²
93. Of this group of people, it appears that Police were only able to locate “Tamer”; being Tamer Demir. A statement was taken from him on 1 March 2015.⁵³ Mr Demir recalls an occasion where he was together with “Whitey” at Mr Colin Newey’s house. He recalls Mr Colin Newey saying something like “I’m glad that’s over and done with”. He said that Mr Colin Newey went

49 Statement of Michelle Saddington, 1 December 2011; 2021 Brief, vol 2, tab 24

50 Ibid, at [6]

51 Ibid, at [7]

52 Ibid, at [6]

53 Statement of Tamer Demir, 1 March 2015; 2021 Brief, vol 2 tab 25

on to say that he had made a phone call and either that he had “put someone off” or “was sorting it out” or something along those lines. He describes Mr Colin Newey as being “blasé” when saying these things.⁵⁴

94. Mr Demir’s evidence provides some support for the account provided by Ms Saddington, although the lack of detail given by Mr Demir means that his statement does not significantly corroborate Ms Saddington’s account.
95. In her evidence at the 2011 inquest, Ms Saddington adopted her 1 December 2011 statement. She said that, in around August 1990, she was at Mr Colin Newey’s home together with several other persons, possibly including Mr Peter Newey.⁵⁵ Witness M stated on that occasion, Mr Colin Newey, who had been drinking, bragged about making the phone call.⁵⁶
96. It is important to note that Ms Saddington was one of a number of persons who was interviewed in the *Murders Lies and Alibis* program. That program went to air during 2019. During that program, Ms Saddington gave an account of not only hearing Mr Colin Newey bragging about making the phone call but also of accompanying him to the phone box when it was made.
97. On 10 February 2021 Ms Saddington gave a further statement⁵⁷ in which she said that when the Hinch program was broadcast Ms Saddington was at Mr Colin Newey’s house and Mr Peter Newey was also present.⁵⁸ Ms Saddington said that Mr Eames attended that evening and Ms Saddington overheard him and Mr Colin Newey discussing the Hinch program. This developed into an argument; Ms Saddington perceived Mr Colin Newey to be furious with Mr Eames. Ms Saddington overheard Mr Colin Newey shouting “they got it wrong”. Ms Saddington also overheard the name “Maxie” being used, but noted not overhearing all of the conversation

54 Ibid, at [10]

55 Transcript, Inquest into the death of Bronwynne Richardson, 1 December 2011, at p. 210, l. 35; 2011 Brief, vol 6, tab 365

56 Ibid, at p. 213, l. 15

57 Statement of Michelle Saddington, 10 February 2021, 2021 Brief, Vol , Tab 24A

58 Ibid at [9]-[12]

because, at some point, together with Mr Peter Newey, she left the home and went to a caravan belonging to Mr Peter Newey that was parked on the property.

98. Ms Saddington said that she later returned to the house. She observed Mr Colin Newey still to be angry.⁵⁹ Ms Saddington said that she and Mr Colin Newey then (that is, still that same evening) both went to a phone box in Kintore Avenue where Mr Newey made a phone call. Ms Saddington heard Mr Colin Newey mention the name Bronwynne Richardson during the phone call.⁶⁰ Ms Saddington describes that Mr Colin Newey had run to the phone box and was puffing by the time he reached there.
99. Ms Saddington said that, the following morning, Mr Peter Newey and Mr Colin Newey were again discussing the Hinch program.⁶¹ Ms Saddington said that Mr Colin Newey had gone somewhere on foot. He returned puffing heavily and sweating and was out of breath. Ms Saddington said that, within half an hour, Police attended and asked for Mr Colin Newey. Ms Saddington did not overhear this conversation.
100. Ms Saddington said that the reason why she did not provide this information in 2011 was because she had been fearful of Mr Colin Newey.⁶² Ms Saddington added that the reason why she was providing this information now was because she no longer held such fears, given Mr Colin Newey's passing. It is to be noted that this concern did not prevent Ms Saddington from speaking fully and publicly to the *Murders Lies and Alibis* program at a time when Mr Colin Newey was still alive.
101. Ms Saddington gave oral evidence in the most recent inquest. When it was pointed out to her that, in her 2011 statement, she had not given an account of being present at the phone box, Ms Saddington explained that there had

59 Ibid at [13]

60 Ibid at [14]

61 Ibid at [17]

62 Ibid at [21]

been many phone calls, adding that she was aware that Mr Eames had also made phone calls to Police about Mr Colin Newey.

102. The explanation Ms Saddington gave in oral evidence, that when she mentioned accompanying Mr Colin Newey to a phone booth after hearing him bragging about implicating Mr Eames (which she said occurred in August 1990) she had been referring to a different phone call is not completely implausible.
103. In particular, aspects of Ms Saddington's latest statement bears a similarity to some of the information that was provided by Mr Peter Newey. In particular, in his 2011 interview, Mr Peter Newey recalls an incident at a time when he was living in the caravan at the back of Mr Colin Newey's house in Murray Bridge, where Mr Colin Newey returned to the house puffing as though he had been running. Mr Colin Newey then went out to the verandah and had a cigarette.
104. Whilst Mr Colin Newey was out on the verandah, Mr Peter Newey saw Police attend and heard them ask Mr Colin Newey questions about why his feet were red. He also overheard something about a phone call being made.⁶³
105. Mr Peter Newey also recalls an occasion where Mr Colin Newey had been bragging about making a telephone call. It is noted, however, that his evidence in this regard is probably best understood as Mr Peter Newey having heard this second-hand rather than actually hearing Mr Colin Newey saying these things.⁶⁴
106. Ms Saddington's evidence needs to be approached with a degree of caution. Regrettably, Ms Saddington's evidence may have been contaminated by her participation in the *Murders Lies and Alibis* program. In particular, the reason why Ms Saddington did not disclose that she was present when the phone call was made, has not been satisfactorily explained. She impresses as an

63 Recorded Interview with Peter John Newey, 2 December 2011, at qq. 574, 588, 601, 605; 2021 Brief, vol 2, tab 28

64 Ibid, at q. 574

intelligent person and would most likely have been well aware of the significance of this information to investigators in 2011.

107. From the evidence, one plausible inference as to why Ms Saddington did not initially provide this information to investigators is that during the process of her participation in the *Murder Lies and Alibis* program, Ms Saddington learned information which caused her to embellish her account.
108. Further, what Ms Saddington now said about the incident on the following morning where Mr Colin Newey was apparently spoken to by Police, has the appearance of collusion or contamination with the evidence of Mr Peter Newey. Again, there is no explanation as to why Ms Saddington did not provide this information, which is clearly corroborative of Mr Peter Newey's subsequently provided account in 2011. It is possible that the two discussed these events in the period after Mr Peter Newey had given this account to investigators in 2011.
109. There are also aspects of Ms Saddington's account that are implausible. On her (and Mr Peter Newey's) account, Police, by around August 1990, must have suspected that Mr Colin Newey may have made the phone call; otherwise, they would have had no reason to attend his house and to have asked him questions about a phone call he made. Accepting what Ms Saddington said in this regard would also require acceptance of the proposition that Police, on 10 October 1989, had sufficiently credible information suggesting that Mr Colin Newey may have been the caller to warrant speaking to him about it at his home, but chose to do nothing with that information (or even to record it).
110. There is no satisfactory explanation as to why, if Police had that sort of information, they would have continued to pursue a theory that Mr Eames was the anonymous caller. Whilst there are a number of aspects of the earlier stages of the Police investigation that are problematic, such markedly poor investigative practice is unlikely. The more probable explanation is, instead, that the occasion recalled by Mr Peter Newey was an entirely separate incident (that is, Mr Colin Newey had been spoken to Police about

an entirely different event, at an entirely different time). Then, as a result of Mr Peter Newey and Ms Saddington discussing the matter, Ms Saddington conflated these events.

f. Similarities in Mr Colin Newey's and the anonymous caller's reactions to the suggestion that Ms Richardson's body was weighed down

111. A further matter suggesting that Mr Colin Newey was the anonymous caller (a matter to which Detective Sergeant Morgan attaches particular significance) is the similarities in some of the reactions of the anonymous caller with reactions Mr Colin Newey subsequently gave when interviewed by Police.
112. As noted above, the anonymous caller appears to have gone to considerable pains to disavow the suggestion that Ms Richardson's body had been weighed down. Whilst it is difficult to capture tone from the transcription of the call captured by Constable Friend, from what was transcribed, I am satisfied that the anonymous caller reacted with some umbrage to the suggestion that Ms Richardson's body had been weighed down.
113. During his 22 July 2012 interview, Mr Colin Newey reacted in apparently quite a similar way to suggestions that Ms Richardson had been weighed down (as already mentioned, by describing it as "bullshit").⁶⁵
114. A comparison of these reactions provides some further support that Mr Colin Newey was the anonymous caller.

g. The covertly recorded conversation between Witness A and Mr Eames

⁶⁵ Recorded interview with Colin Newey, 22 July 2012, q. 858; 2021 Brief, vol 1, tab 10

115. A further matter that suggests that Mr Colin Newey was the anonymous caller exists in the form of a covertly recorded call⁶⁶ between Mr Eames and Witness A.
116. On 23 July 2009, investigators recruited Witness A to use a listening device to obtain additional evidence about Ms Richardson's death.⁶⁷ Witness A had a conversation with Mr Eames, which was covertly recorded. A statement was taken from Witness A on 25 November 2009.
117. During that conversation, Mr Eames told Witness A that "Colin" (that is, Mr Colin Newey) had made the phone call.⁶⁸
118. Mr Eames gave evidence about this during the 2011 inquest. During that evidence, he admitted being aware of the fact that Witness A was recording their conversation of 23 July 2009.⁶⁹
119. In light of this evidence, what Mr Eames said to witness A can be regarded, to some degree, as a self-serving statement on Mr Eames' part. It nevertheless provides some limited additional support that Mr Colin Newey was the anonymous caller.

h. Admissions made by Mr Newey during the 2011 inquest

120. A more significant piece of evidence was given by Mr Colin Newey during the 2011 inquest.
121. Mr Colin Newey was asked whether he had rung the South Australian Police in 1989 following the screening of the 1989 Hinch program. Mr Colin Newey gave the following answer:⁷⁰

66 A non-publication order, first made during the 2011 inquest, was renewed and continued in the present inquest.

That order was over information that would enable the identification of Witness A in the context of her participation in the covert operation in which that phone call was covertly recorded

67 Transcript of listening device, 2011 brief, tab 358, vol 6

68 Ibid, at p. 7

69 Transcript, Inquest into the death of Bronwynne Richardson, 28 November 2011, 2011 Brief vol 6, tab 362, p. 35, l. 24

70 Transcript, Inquest into the death of Bronwynne Richardson, 30 November 2011, 2011 Brief vol 6, tab 364, p. 148, l. 23

“No, I’m not sure. I may have called them. I’m not sure. I can’t recall the define [as said] of what happened over the years. I’ve had a lot of other things go on in my mind and I can’t - I can recall certain spots [as said] now of it because you - he’s reading from the scripts of it but some of it’s clear and some of it’s not. I am not sure whether I did ring them or not.”

ii. Material suggesting that Mr Colin Newey may not have been the anonymous caller

a. The lack of any reason for Mr Colin Newey to have made the call

122. It is important to acknowledge that Mr Colin Newey’s motivation for making the anonymous call is not entirely clear. In 1989, Mr Colin Newey was not the object of any particular suspicion, and the making of the anonymous call is not readily explicable as a strategy to deflect attention away from him.
123. Certainly, there is considerable evidence (provided most recently by Ms Saddington in her statement of 10 February 2021⁷¹) that Mr Eames and Mr Colin Newey had some sort of dispute going on during that period; this could explain Mr Colin Newey’s desire to damage Mr Eames. However, it does not really address the anterior question of why he would do so by suggesting that Mr Eames was implicated in Ms Richardson’s death. There would almost certainly have been easier and, from Mr Colin Newey’s perspective, far less risky ways of attempting to implicate Mr Eames in criminal activity, given Mr Eames’ own criminal history).
124. Again, this may be a question which is impossible to answer. There may have been some psychological condition on Mr Colin Newey’s part that inclined or compelled him to disclose part of what he knew about the crime. Certainly, he appears to have reacted strongly to the false suggestion that padlocks and pipes were used to weigh down Ms Richardson’s body. Perhaps a sense of guilt or a devotion (of sorts) to his family, required Mr Colin Newey to invent an explanation in order to bring closure to Ms

71 Ibid at [20]

Richardson's family. The anonymous caller requested that the family received the truth rather than the "lies" fed to them by Police.

b. The evidence of Detective Sergeant Smith and other Police that Mr Eames admitted being the anonymous caller

125. The principal difficulty in finding that Mr Colin Newey, rather than Mr Eames, was the anonymous caller is the sworn evidence of the Police officers (particularly Detective Sergeant Smith but also Detective Constable Summers and Detective Senior Constable Martin who have corroborated Detective Sergeant Smith's version of events). As has already been noted, both have given statements and sworn evidence to the effect that Mr Eames had admitted being the anonymous caller during the course of Mr Eames' committal proceedings and Detective Sergeant Smith repeated this evidence under oath during the 2011 inquest.

126. This is an aspect of the evidence which it is not possible to satisfactorily explain, given the amount of time that has elapsed. However, I find that the version given by Detective Sergeant Smith does not sit with the objective evidence and cannot be accepted as accurate. In this regard, it is particularly significant that Mr Eames never signed a statement that adopts what is recorded in the notebook statement.

c. The evidence of Mr Newman on his arrest for the misprision of a felony

127. A further matter that suggests that the anonymous caller may have been Mr Eames (and not Mr Colin Newey) is the account of Mr Newman, upon his arrest on 19 February 1990 for misprision of a felony.

128. Mr Newman's account shall be referred to in detail in examining the findings that ought to be made in relation to him, Mr Eames and Mr Brown. For present purposes, it is enough to note that Mr Newman's account upon his arrest for the Misprision of a Felony is broadly similar to the account provided by the anonymous caller.

129. However, in my view, Mr Newman's account is not sufficient to enable me to conclude that Mr Eames was the anonymous caller.
130. In this regard, it is noted that, on 6 April 1993, in directing the jury to acquit Mr Newman, Solomon DCJ heard evidence that Mr Newman had an IQ of 79 on the Wechsler Adult intelligence scale. That score, as his Honour noted, made Mr Newman "borderline mentally retarded".⁷² In the result, his Honour directed Mr Newman to be acquitted, as his Honour was satisfied that Mr Newman did not have the capacity to understand some of the questions in his record of interview (including whether he understood that he was not obliged to saying anything or answer questions, and as to whether any inducement had been held out to him).
131. The same set of circumstance which had caused Detective Sergeant Smith and other Police to incorrectly dispute the version to Mr Eames that is recorded in Detective Sergeant Smith's notebook, could also explain why the above-mentioned version of events was attributed to Mr Newman. Further, Mr Newman's limited intelligence could explain why he signed the record of interview (whilst Mr Eames, who was of greater intelligence, did not). Either way, I find that any possible inferences as to the identity of the anonymous caller that I could draw from Mr Newman's accounts to police simply does not overcome the difficulties with placing Mr Eames in Albury at the time when Ms Richardson was abducted, in circumstances where he reliably can be placed 32 kms away in Red Bluff.

iii. Conclusion

132. I am satisfied on the balance of probabilities that Mr Colin Newey was the person who made the anonymous phone calls to Murray Bridge Police Station on 10 October 1989 providing information as to the persons who were responsible for Ms Richardson's abduction and homicide.

⁷² Transcript, R v Kevin John Newman and Ross John Eames, Solomon DCJ. 6 April 1993, at p. 12; 2011 Brief vol 6, tab 353

THE FIVE PRINCIPAL SUSPECTS

(a) Mr Colin Newey

133. There are undoubtedly inconsistencies in the evidence, including material which would appear to be exculpatory of Mr Colin Newey. Inevitably, given the age of the investigations, it is not always possible to satisfactorily explain these inconsistencies or this exculpatory material. Nevertheless, I am satisfied that the preponderance of the evidence permits a finding that Mr Colin Newey had some involvement in the abduction and homicide of Ms Richardson. However the evidence does not go so far as to permit me to make a findings as to precisely what the role was.

134. The following matters indicate that Mr Colin Newey was involved in Ms Richardson's abduction, assault and death.

i. Mr Newey was in Smollett Street on 12 October 1973 at around the time Ms Richardson was abducted

135. The available evidence puts Mr Colin Newey in the vicinity of Smollett Street near St Patrick's church on 12 October 1973 at around the time that Ms Richardson must have been abducted.

136. Before turning to the specific evidence in this regard, it is necessary to refer to what the best evidence reveals as to when a couple of key events took place. These key events are the date Mr Peter Newey was discharged from hospital and the date of his (and Colin Newey's) sister Rosemary's birthday party.

ii. The objective evidence as to the date Mr Peter Newey was discharged from hospital

137. Hospital records indicate that Mr Peter Newey was admitted to hospital with a broken leg and (in yet a further coincidence) was discharged on the day Ms Richardson was abducted, that is, on 12 October 1973.

iii. The best evidence as to the date of Rosemary's birthday party

138. The best available evidence suggests that Ms Rosemary Newey (now Ms Rosemary Fry) had a birthday party at around this time. The best available evidence indicates that this party occurred on Saturday, 13 October 1973. Ms Fry confirms in her statement of 30 October 2012 that her birthday fell on the Saturday and recalls thinking that Ms Richardson's disappearance "was a real dampener on what was meant to be a good day for me".⁷³ As it was her birthday and a day of particular significance to her, it is likely that Ms Fry's recollection is more reliable than the recollection of others (specifically Colin and Peter Newey) that the birthday party was held a day earlier, on Friday 12 October 1973.

iv. The accounts of Peter Newey as to Colin's movements on 12 October 1973

139. During his 2011 interview,⁷⁴ Mr Peter Newey said to investigators that on 12 October 1973, he had been discharged from hospital after suffering an injury to his leg. Upon his discharge, he was taken to his stepmother's (Ms Mary Stock) property at 512 George Street, Albury. He recalls Mr Colin Newey arriving at those premises at dinner time, which he recalls as being at about 5:00-5:30pm.⁷⁵ He said that Mr Martin⁷⁶ and Mr William Flack⁷⁷ also arrived at the house. Mr Peter Newey said that later that afternoon/early evening Mr Colin Newey, Mr Flack and Mr Martin left the George Street property together.

140. Mr Peter Newey initially said that his brother left the Stock's residence at around 8:00 pm⁷⁸ but he later agreed that it was around the time it was getting dark.⁷⁹ At that time of year, noting that this was prior to the implementation of daylight savings time, sunset would have been around

73 Statement of Rosemary Fry, 30 October 2012, at [9]; 2021 Brief, vol 2, tab 22

74 Recorded Interview with Peter John Newey, 2 December 2011; 2021 Brief, vol 2, tab 28

75 Ibid, at q. 663

76 Ibid, at q. 695

77 Ibid, at q. 686

78 Ibid, at q. 673

79 Ibid, at qq. 700-705

6:30pm. This accords more closely with a departure time from the Stock's residence of approximately 7:00pm.

141. It appears that some aspects of Mr Peter Newey's accounts are confused. However, this confusion does not inevitably infect the parts of Mr Peter Newey's account that deal with his brother being present at the Stock's residence on Friday, 12 October 1973.

v. The accounts of William Flack and Rosemary Fry as to Colin's movements on 12 October 1973

142. In any event, Mr Peter Newey's account in this regard is corroborated by others. Mr Flack also puts Mr Colin Newey at the Stock's premises on 12 October 1973, saying that Mr Colin Newey arrived at the Stocks residence at 6:00pm together with Mr Martin and that the two men were still there when he (Mr Flack) left some 10 minutes later.⁸⁰ Ms Fry also recalls Mr Colin Newey being present on the day that Mr Peter Newey returned from hospital.⁸¹

vi. The accounts of Colin Newey as to his movements on 12 October 1973

143. Further, in his 22 July 2012 interview with Police,⁸² Mr Colin Newey admits that he went to the Stock's premises on the afternoon of 12 October 1973.⁸³ He said that it was possible that Mr Martin and Mr Flack were also there.⁸⁴ However, he denies leaving with them and said that he went to an army bivouac (this is an alibi that he has consistently offered since first being interviewed by Police in 1976).⁸⁵ At a later point in the interview, Mr Colin Newey appears to admit leaving the Stock's residence at around 7:00pm.⁸⁶

80 Statement of William Charles Flack, 21 October 2012, at [15]-[16]; 2021 Brief, vol 3, tab 62

81 Statement of Rosemary Fry, 30 October 2012, at [7];]2021 Brief, vol 2, tab 22

82 Recorded interview with Colin Newey, 22 July 2012; 2021 Brief, vol 1, tab 10

83 Ibid, at q. 406

84 Ibid, at q. 548

85 Ibid, at q. 744

86 Ibid, at q. 760

144. In his 30 July 2014 interview, Mr Newey again admits to being at the Stock's premises and leaving there at around 7:00pm (he said to go to the army barracks).⁸⁷

The accounts of Colin Newey as to his movements on 12 October 1973 and evidence showing Mr Colin Newey's alibi to be false

145. There is compelling evidence that the alibi Mr Colin Newey has consistently given to Police is false.

vii. The bivouac alibi

146. The versions given by Mr Colin Newey as to being on an army bivouac from 12 October 1973 are listed below:

- a. In his interview of 17 June 1976⁸⁸ (the first time he was spoken to by Police), Mr Colin Newey said that he had gone on a bivouac with the 8/13th Victorian Mounted Rifle Regiment (of which he was a member) to the Chiltern State Forest from 12 October 1973, but that it was possible that he mixed up his weekends
- b. The next time he was spoken to by Police (in his interview of 30 May 1990⁸⁹), Mr Colin Newey said that he attended a bivouac on the weekend beginning 12 October 1973 and attended the barracks at about 5:45 or 6:00pm on the Friday (he added that he had to sign in for that purpose).⁹⁰
- c. When interviewed on 12 May 2009,⁹¹ Mr Colin Newey said that, from Friday 12 October 1973, he had been at a weekend bivouac at either Gerogery or the Chiltern State Forest.⁹² In particular, he said that he had attended army training at some

87 Recorded interview with Colin Newey, 30 July 2014, at q. 35; 2021 Brief, vol 1, tab 8

88 Synopsis of interview with Colin Newey, 3 September 1976; 2011 Brief, vol 5, tab 337

89 Record of interview with Colin Newey, 30 May 1990; 2011 Brief, vol 5, tab 338

90 Ibid, at q. 101

91 Record of interview with Colin Newey, 12 May 2009; 2011 Brief, vol 5, tab 339

92 Ibid, at q. 44

point on the Friday between 6-7:00pm, probably at 6:30pm. He denied returning to Albury over the course of the weekend.⁹³

- d. In a covertly recorded conversation with Witness J,⁹⁴ Mr Colin Newey said that he could not have attended Ms Fry's birthday party on the Saturday (13 October 1973) as he was away over the weekend on a bivouac.⁹⁵
- e. In his 22 July 2012 interview with Police, Mr Colin Newey said that on 12 October 1973, after Ms Richardson did not turn up for their dinner plans they had made earlier that day, he went to the barracks and attended a weekend bivouac.⁹⁶ He said that he only found out about Ms Richardson's death after he had returned. He also said that he wore his army uniform to Court, which he had attended that morning and claimed to have worn it throughout the day.⁹⁷
- f. In his last interview (2014), Mr Colin Newey described the bivouac as a "*weekend romp*".⁹⁸ He said that on 12 October 1973, he told Ms Richardson he would be away for the weekend when he spoke to her during the course of the day.⁹⁹ He wore his army uniform during the day.¹⁰⁰

147. As noted below, there are a number of elements of this account which are inconsistent with the objective evidence.

93 Ibid, at qq. 44, 49

94 A non-publication order, first made during the 2011 inquest, was renewed and continued in the present inquest.

That order was over information that would enable the identification of Witness J in the context of his participation in the covert operation in which that conversation was covertly recorded.

95 Transcript of recorded covert conversation, 20 July 2012, at pp. 44, 46; 2021 Brief, vol 1, tab 14

96 Recorded interview with Colin Newey, 22 July 2012, qq. 167, 263; 2021 Brief, vol 1, tab 10

97 Ibid, at qq. 197, 199

98 Recorded interview with Colin Newey, 30 July 2014; 2021 Brief, vol 1, tab 8, q. 44

99 Ibid, at q. 50

100 Ibid, at qq. 47, 63, 199-203, 224, 227, 256

a. Evidence placing Mr Newey in Albury over the weekend of 12- 14 October 1973

148. First, there is considerable evidence putting Mr Colin Newey in Albury on 12 and 13 October 1973.
149. I have already noted the evidence that puts Mr Colin Newey at the Stock's premises on the evening of 12 October 1973 (that is, on the Friday).
150. In addition, there is considerable evidence that places Mr Colin Newey in Albury on the Saturday as well, which is inconsistent with his claims to have been away the entire weekend on an army bivouac.
151. I have noted above that the best evidence is that a birthday party was held for Mr Colin Newey's sister Ms Fry on 13 October 1973.
152. There is considerable evidence to suggest that Mr Colin Newey was at that party and so was in Albury on the Saturday. Mr Peter Newey has consistently stated that his brother was at Ms Fry's party. Further, Mr Peter Newey's recollection is buttressed by reference to a particular, readily memorable event, namely the fact that this was he rode Mr Colin Newey's motorbike around the backyard of the Stock's premises with his broken, plastered leg propped up over the handlebars.¹⁰¹ (I note that, in one of these accounts, Mr Peter Newey also recalls falling from the bike and breaking his plaster cast once the bike had come to a stop. He said that Mr Colin Newey had helped him up onto the bike and then left him to go inside meaning that he could not dismount from the bike).
153. This occurrence would have made the event particularly memorable to Mr Peter Newey.
154. There are also the admissions made by Mr Colin Newey to Witness J in a covertly recorded conversation. In particular, at one point during that

¹⁰¹ Interview with Peter John Newey, 31 May 1990, at q. 533; 2011 Brief, vol 5, tab 333: Evidence of Peter Newey at 2011 inquest, at p. 166; 2011 Brief, vol 6, tab 364: Recorded Interview with Peter John Newey, 2 December 2011, at qq. 186, 504; 2021 Brief, vol 2, tab 2

conversation, Mr Colin Newey admitted to Witness J that he had ridden his motorbike to Ms Fry's party.¹⁰²

155. It seems unlikely that Mr Newey would have been granted a leave of absence from an army bivouac simply to attend his teenage sister's birthday party.

156. I am satisfied on balance that Mr Colin Newey was in Albury at the relevant time, which is inconsistent with his alibi that he was away for the entire weekend.

b. Confusion in the accounts of Peter and Colin Newey as to what occurred on the Friday and what occurred on the Saturday

157. It is acknowledged that there is some confusion on the part of both Mr Peter and Colin Newey as to the chronology of key dates. In particular, both men confuse events that the objective evidence suggests must have occurred on Friday 12 October 1973 with events that must have occurred on Saturday 13 October 1973.

158. In particular, during his 1990 interview,¹⁰³ Mr Peter Newey said that the birthday party for his sister Rosemary (Ms Fry) occurred on the day after he had been discharged from hospital. This is consistent with the hospital records and places the party on the Saturday.¹⁰⁴

159. Mr Peter Newey initially said the same thing in the course of the 2011 inquest.¹⁰⁵ However, at a later point in his evidence, he said that he was discharged from hospital on a Saturday.¹⁰⁶ On this version, Rosemary's birthday party would have been on the Sunday. At a later point in that

102 Transcript of covert recorded conversation, 20 July 2012, p. 22; 2021 Brief, vol 1, tab 14

103 Interview with Peter John Newey, 31 May 1990, at q. 53; 2011 Brief, vol 5, tab 333

104 Hospital records for Peter Newey; 2011 Brief, tab 334, vol 5

105 Evidence of Peter Newey at 2011 inquest, at p. 164, l. 1; 2011 Brief, vol 6, tab 364

106 Ibid, at p. 164, l. 20

evidence, after this had been pointed out to him, Mr Peter Newey accepted that he was discharged on a Friday.¹⁰⁷

160. In his December 2011 interview, Mr Peter Newey maintained that Ms Fry's birthday party occurred on the day after he had been released from hospital,¹⁰⁸ but again, at various points, he again conflated what must have occurred on the Friday with what must have occurred on the Saturday.¹⁰⁹

161. These inconsistencies are of minor importance. The real significance of Mr Peter Newey's evidence about his discharge from hospital and Ms Fry's birthday party is that he places Mr Colin Newey (and also Mr Martin) present at that party. Provided that these events occurred at some point over the weekend of 12-14 October 1973, Mr Peter Newey's evidence refutes Mr Colin Newey's long-standing claim to have been on a bivouac over that weekend. It is also evidence that refutes Mr Martin's claims to have been in Wagga Wagga that weekend.

162. In his 2012 interview, like his brother, Mr Colin Newey suggests that Ms Fry's birthday party occurred on the Friday.¹¹⁰ When speaking of his movements on the day Ms Richardson was abducted, he admitted to being at 512 George Street (the Stocks residence) at his sister's birthday party together with Mr Martin and leaving there at 7:00pm.^{111 112}

163. It is not apparent whether this confusion was inadvertent or part of a deliberate design of Mr Colin Newey to confound or confuse others. In either case, the evidence strongly indicates that both Mr Colin Newey and Mr Martin were at Ms Fry's party and were in Albury over the weekend of 12-14 October 1973.

¹⁰⁷ Ibid, at p. 165, l. 20

¹⁰⁸ Recorded Interview with Peter John Newey, 2 December 2011, at q. 783; 2021 Brief, vol 2, tab 28

¹⁰⁹ Ibid at qq. 521, 777

¹¹⁰ Recorded interview with Colin Newey, 22 July 2012, at qq. 443, 552, 786; 2021 Brief, vol 1, tab 10

¹¹¹ A non-publication order, first made during the 2011 inquest, was renewed and continued in the present inquest. That order was over information that would enable the identification of Witness C in the context of the covert operation in which that conversation was recorded.

¹¹² Recorded Covert Conversation, at pp. 3-4; 2021 Brief, tab 13, vol 1

c. Evidence that Mr Newey was not wearing an army uniform on 12 October 1973

164. In addition, the fact that no-one has ever recalled Mr Colin Newey wearing a military uniform on the Friday undermines his, at times quite strident, accounts that he wore a uniform all that weekend.
165. In particular, Mr Flack is “*absolutely certain*” that Mr Colin Newey was not wearing an army uniform that afternoon and added that he had never seen Mr Colin Newey wearing any sort of army uniform.¹¹³ Ms Fry also does not recall Mr Colin Newey wearing his army uniform on that occasion.¹¹⁴ She adds that this is something that would have stood out to her if he had.
166. Further, Mr Colin Newey attended court on 12 October 1973 after facing firearms charges. Detective Sergeant Morgan observed¹¹⁵ that had he attended court whilst wearing a military uniform, this would constitute a serious breach of military regulations then in force. This provides further support for the view that Mr Colin Newey has invented the account of wearing his uniform during the day.
167. For the above reasons, there is a strong inference that the wearing of a military uniform is a detail that was invented by Mr Colin Newey to give credence to his alibi.

d. Other matters suggesting the alibi is false

168. There are other aspects of Mr Colin Newey’s alibi that appear implausible.
169. It is unlikely that Mr Colin Newey would have organised to have an evening meal with Ms Richardson if he knew that he was due to attend a bivouac and army training that evening (Mr Colin Newey made the claim that he had arranged dinner with Ms Richardson on the following occasions: in his 30

¹¹³ Statement of William Charles Flack, 21 October 2012, at [15]; 2021 Brief, vol 3, tab 62

¹¹⁴ Statement of Rosemary Fry, 30 October 2012, at [8]; 2021 Brief, vol 2, tab 22

¹¹⁵ Updated statement of Detective Sergeant Steven Morgan, 24 August 2020, at [561];]2021 Brief vol 1, tab 1,

May 1990 interview;¹¹⁶ in his 2009 interview;¹¹⁷ in evidence during the 2011 inquest;¹¹⁸ in his 2012 interview¹¹⁹ and in his 2014 interview).¹²⁰ Mr Colin Newey's explanation at q 225 of the 2009 interview¹²¹ that, when he gave those answers, he was referring to catching up with Ms Richardson on the Sunday, must be rejected from the preponderance of the evidence (to which I have already referred) which clearly suggests that Mr Colin Newey claimed that he intended to meet with Ms Richardson on the Friday evening.

170. The fact that during his 1976 interview Mr Colin Newey conceded the possibility that he might have gotten the weekend when he attended the army bivouac mixed up is capable of suggesting that Mr Colin Newey has never been certain of the date of his bivouac. To that extent, this evidence suggests that Mr Newey's initial recollection of his whereabouts on the weekend of Ms Richardson's abduction and killing was imperfect; a state of affairs which must undermine his subsequent (more firmly expressed) accounts that the bivouac was held on that same weekend. More likely, however, it suggests that, in his initial account, Mr Colin Newey was concerned to give himself plausible deniability in the event that investigators were able to obtain records from the Regiment confirming that he was not on a bivouac over that weekend. By his 2012 interview, at a time when he was more confident that investigators did not have (or could not access) such records, Mr Colin Newey was emboldened to double down on his story, which explains his invitation to investigators to produce such records.¹²²

viii. Inconsistencies and implausibilities in versions provided by Mr Colin Newey

116 Record of interview with Colin Newey, 30 May 1990, at q. 95; 2011 Brief, vol 5, tab 338

117 Record of interview with Colin Newey, 12 May 2009, at q. 80; 2011 Brief, vol 5, tab 339

118 2011 Brief vol 6, tab 364, at p. 140, l. 19

119 ERISP interview with Colin Michael Newey at Murray Bridge Police Station, 22 July 2012, at qq. 167, 273; 2021 Brief, vol 1, tab 10

120 Recorded interview with Colin Newey, 30 July 2014, at q. 50; 2021 Brief, vol 1, tab 8

121 Record of interview with Colin Newey, 12 May 2009, at q. 80; 2011 Brief, vol 5, tab 339

122 ERISP interview with Colin Michael Newey at Murray Bridge Police Station, 22 July 2012, at qq. 744, 747, 752-765, 1005; 2021 Brief, vol 1, tab 10

171. There are other difficulties in the various accounts given by Mr Colin Newey of his movements and plans on 12 October 1973.
172. As the years have passed, Mr Colin Newey has provided accounts that have placed him ever closer to Ms Richardson at the time of her abduction. In his initial interview (which as previously noted, occurred in 1976), he said that he had not seen Ms Richardson for a week prior to her disappearance. However, in every account Mr Colin Newey has given since 1990 (the time when he was next interviewed) he admits that he had seen and spoken to Ms Richardson on the day of her abduction.
173. It should be recalled that Ms Richardson was Mr Colin Newey's second cousin and her death was a matter of great notoriety in the Albury community. It must have been apparent to Mr Colin Newey that his contact with Ms Richardson on the day of her abduction would have been of very considerable interest to investigators. It is hard to accept any innocent explanation for Mr Colin Newey failing to come forward with this information in 1973 or refer to it in his interview in 1976.
174. In addition, Mr Colin Newey's accounts of his movements and meetings with Ms Richardson on 12 October 1973 is confused and inconsistent and is suggestive of invention. For example:
- a. In his 1990 interview, Mr Colin Newey said that he had lunch with Ms Richardson on 12 October 1973.¹²³ Notably, he also said that Mr Martin was present.¹²⁴
 - b. In his 2009 interview, Mr Colin Newey said that not only did he have lunch with Ms Richardson on 12 October 1973,¹²⁵ but also that he saw her again after she had finished work.¹²⁶

¹²³ Record of interview with Colin Newey, 30 May 1990, at q. 34; 2011 Brief, vol 5, tab 338

¹²⁴ Ibid, at q. 35

¹²⁵ Record of interview with Colin Newey, 12 May 2009, at q. 82; 2011 Brief, vol 5, tab 339

¹²⁶ Ibid, at q. 85

- c. In the covertly recorded conversation with witness J, Mr Newey reports speaking to Ms Richardson in the evening of 12 October 1973¹²⁷ before she walked off towards the church.¹²⁸
- d. In his 2012, interview, Mr Newey reports meeting Ms Richardson during the day, making arrangements to meet her at around 5:00pm¹²⁹ and attending Coles to meet her at about 4:30pm.¹³⁰ He initially said that he did not see Ms Richardson again.¹³¹ When investigators pointed out to him that he had previously said that he again met with Ms Richardson in the afternoon or early evening of 12 October 1973, Mr Colin Newey agreed that this had occurred. He said that he went to the Stocks' premises that afternoon and that he met with Ms Richardson a second time after that.¹³²
- e. In his 2014 interview, Mr Colin Newey said that he only saw Ms Richardson on the one occasion at around 4:00pm at the Coles Cafeteria. This is when he asked Ms Richardson out to dinner. He said that he did not see her again as he went back to barracks.¹³³

175. Furthermore, I have previously made the finding that Mr Colin Newey was the maker of the anonymous call to Murray Bridge Police station in 1989. Such a finding would necessarily implicate Mr Colin Newey, because the anonymous caller appears to have been reasonably familiar with the circumstances leading to Ms Richardson's death and to have personal knowledge of these events.

127 Transcript of recorded covert conversation, 20 July 2012, at p. 7; 2021 Brief, vol 1, tab 14

128 Ibid, at p. 9

129 ERISP interview with Colin Michael Newey at Murray Bridge Police Station, 22 July 2012, at q. 80; 2021 Brief, vol 1, tab 10

130 Ibid, at q. 88

131 Ibid, at q. 167

132 Ibid, at qq. 333, 379

133 Recorded interview with Colin Newey, 30 July 2014, at qq. 83-90, 179; 2021 Brief, vol 1, tab 8

x. The evidence of Witness M

176. The most compelling new evidence in this inquest is the evidence of Witness M.
177. Witness M was in custody with Mr Colin Newey when he was on remand in 2014 charged with Ms Richardson's murder. Witness M said that Mr Colin Newey made certain admissions to him relating to his involvement in Ms Richardson's abduction, assault and homicide.
178. Witness M first made contact with State Crime Command. In February 2018, Witness M was interviewed by Police [REDACTED]

a. Account of Witness M to Police, February 2018

179. In his account to Police in February 2018, Witness M advised that he had information about the murder of Ms Richardson. He said that he knew that this occurred in Albury (although he did not know in what year).¹³⁴
180. Witness M said that he had met Mr Colin Newey whilst both he and Witness M were inmates in Parklea Gaol.¹³⁵ He said that he and Mr Colin Newey had several conversations over a period of time. During these conversations, Mr Colin Newey had told Witness M that he had been charged with the murder of a girl named "Bronwynne".¹³⁶
181. Mr Colin Newey also mentioned to Witness M that he had been involved in the National Services and that, at the time of the murder, he was on leave from a bivouac.¹³⁷ At a later point in the interview, Witness M clarified that he thought Mr Colin Newey was in the army but that Mr Colin Newey had not mentioned his regiment.¹³⁸

134 ERISP Transcript with witness "M", 7 February 2018, qq. 25-28; 2021 Brief vol 5, tab

96 135 Ibid, at q. 34

136 Ibid at q. 43

137 Ibid, at q. 44

138 Ibid, at q. 76

182. Witness M mentioned that Mr Colin Newey told him that on the day of Ms Richardson's murder, he had met her at a café in town. There they had had a general conversation about what Ms Richardson was doing for a living and she told him that she was working in a grocery store.¹³⁹
183. Witness M claims to have made notes of the conversations he had with Mr Colin Newey.¹⁴⁰ He provided a copy to investigators. The notes provided were a summary of a series of notes Witness M had earlier taken after his conversations with Mr Colin Newey; Witness M claims not to have kept a copy of the original notes.¹⁴¹
184. Using the notes as an aide memoire, Witness M told investigators that Mr Colin Newey had told him that "Bronwynne" had a boyfriend by the name of O'Bryant who had owned a panel van. That van was not involved in the events of the evening of Ms Richardson's abduction and murder.¹⁴² At a later point in the interview, Witness M mentioned that the wagon used in the abduction had come from Wodonga,¹⁴³ its keys were on the floor and that its owner often worked away.¹⁴⁴
185. Witness M said that the night before the night of Ms Richardson's abduction and murder, there was a party at Mr Colin Newey's place to do with his younger sister. Ms Richardson was not present at the party. Mr Colin Newey mentioned a brother of his riding his motorbike with his foot or his leg in plaster. Mr Colin Newey also described leaving the party in the company of a mate.¹⁴⁵ Witness M clarified that the name "Eames" was mentioned, but later agreed with the suggestion put to him that Mr Eames may not have been at the party.¹⁴⁶

139 Ibid, at q. 43

140 Ibid, at q. 57

141 Ibid, at q. 94

142 Ibid at qq. 61-62

143 Ibid, at q. 141

144 Ibid, qq. 146-147

145 Ibid, at q. 60

146 Ibid at qq. 61-62

186. Witness M said that the wagon used in the abduction was light green, which Mr Colin Newey had demonstrated by reference to a towel. Witness M had cut out a segment from this towel, which he provided to investigators.¹⁴⁷
187. Witness M mentioned that Mr Colin Newey told him that, when she was abducted by Mr Colin Newey, Ms Richardson “*wasn’t waiting in the street or anything like that*”. Witness M said that Mr Colin Newey said a word beginning with “L”, which Witness M was unable to hear, as being the point where Ms Richardson was picked up.¹⁴⁸ He mentioned that Ms Richardson had “changed” at the point when she was picked up, which Witness M took to mean changed clothing.¹⁴⁹ Mr Colin Newey reported that Ms Richardson had entered the vehicle willingly.¹⁵⁰
188. Witness M reported that Mr Colin Newey said that he took Ms Richardson to a place called Horseshoe Bay. When they arrived there, Mr Colin Newey went to “have a leak” and Ms Richardson started skipping stones. He said that they were there for an hour, or an hour and half to two hours during which time they went for a walk.
189. When they returned to the wagon, Mr Colin Newey grabbed Ms Richardson. She started screaming and Mr Colin Newey started trying to take her clothes off. Mr Colin Newey grabbed her around the neck and struck her on a number of occasions using a “*back hand sort of motion*”.¹⁵¹ Witness M specifically stated that Mr Colin Newey described the striking as giving Ms Richardson “*a couple of clips*”.¹⁵² Mr Colin Newey mentioned dumping Ms Richardson’s body into the water where it was shallow.¹⁵³ He said that Ms Richardson was already dead by this time.¹⁵⁴

147 Ibid, at q. 63

148 Ibid, at qq. 76-78

149 Ibid, at q. 78

150 Ibid, at q. 144

151 Ibid, at q. 79

152 Ibid, at qq. 80-81

153 Ibid, at q. 81

154 Ibid, at q. 82

190. Witness M reports that Mr Colin Newey reported no-one else apart from himself was involved in Ms Richardson’s abduction, rape and murder.¹⁵⁵
191. Witness M mentioned that Ms Richardson’s father was named “Stan”.¹⁵⁶
192. Witness M reported that Mr Colin Newey had said that Ms Richardson was not found until a phone call was made and that he had used a phone that was near his home, a few hundred metres away.¹⁵⁷
193. Witness M reported Mr Colin Newey saying something about “*shorties*” or “*shotties*” (a reference which Witness M did not understand). He noted that Mr Colin Newey had threatened to break Ms Richardson’s neck, that when he dunked her in the water, Ms Richardson was naked from the waist down and that the time Ms Richardson was forced into the water was between midnight and 2:00am.¹⁵⁸ Mr Colin Newey added that Ms Richardson did not have a handbag or purse, and specifically informed Witness M that he had never taken Ms Richardson’s bra off.¹⁵⁹ He said that Mr Colin Newey mentioned forcing his fingers inside Ms Richardson, which he took to mean inside of her private parts.¹⁶⁰
194. Witness M claimed to have no prior knowledge of Ms Richardson’s murder.¹⁶¹

[REDACTED]

[REDACTED]

[REDACTED]

155 Ibid, at qq. 142-144
156 Ibid, at q. 81
157 Ibid, at q. 84
158 Ibid, at q. 85
159 Ibid at q. 86
160 Ibid at q. 130
161 Ibid, at q. 51

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

200. [REDACTED]

163 Ibid, at p. 10, l. 20
164 Ibid at p. 10, ll. 22-31
165 Ibid, at p. 10 l. 46
166 Ibid, at p. 49, l. 16
167 Ibid, at p. 16
168 Ibid, at p. 18
169 Ibid, at p. 19 ll. 12-15
170 Ibid, at p. 15, l. 10
171 Ibid, at p. 15, l. 14

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

172 Ibid, at p. 18, l. 29
173 Ibid, at p. 20, l. 8
174 Ibid, at p. 20 l. 20
175 Ibid, at p. 22, ll. 20-23
176 Ibid, at p. 20, l. 30
177 Ibid, at p. 20, l. 32
178 Ibid, at p. 21, ll. 1-6
179 Ibid, at p. 23 l. 12
180 Ibid, at p. 24, l. 42
181 Ibid, at p. 24, l. 49
182 Ibid, at p. 25, l. 19

[Redacted text block]

[Redacted text block]

[Redacted text block]

[Redacted text block]

183 Ibid, at p. 26, l. 17
184 Ibid, at p. 27, l. 4
185 Ibid, at p. 27 l. 17
186 Ibid, at p. 28, l. 45
187 Ibid, at p. 30, l. 11
188 Ibid, at p. 30, l. 17
189 Ibid, at p. 30, l. 26
190 Ibid, at p. 47, l. 22

208. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] 0

191 Ibid, at p. 32, l. 10
192 Ibid, at p. 32
193 Ibid, at p. 32, l. 46
194 Ibid, at p. 33, ll. 10-25
195 Ibid, at p. 33, ll. 46-50
196 Ibid, at p. 34 l. 50
197 Ibid, at p. 36, l. 7
198 Ibid, at p. 36, l. 31
199 Ibid, at p. 36, l. 16
200 Ibid, at p. 29, ll. 26-29

212. [REDACTED]
[REDACTED]

[REDACTED]
[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

c. The reliability of Witness M generally

201 Ibid, at p. 37, l. 46
202 Ibid, at p. 35, l. 46
203 Ibid, at p. 37, l. 24
204 Ibid, at p. 44, l. 24
205 Ibid, at p. 51, ll. 40-55
206 Ibid, at p. 53, l. 42
207 Ibid, at p. 55
208 Ibid, at p. 56

218. It must be born in mind that Witness M's evidence may be motivated by self-interest, namely seeking a reduction to the sentence he is serving. [REDACTED]

[REDACTED]

The prospect that he is motivated by receiving all or part of the Government reward also cannot be discounted.

219. In addition, there is a strong possibility that each of the accounts given by Witness M *after* the airing of the *Murder, Lies and Alibis* program in 2019 is compromised. This affects the reliability [REDACTED] his evidence generally.

220. However, at least some of the information that Witness M provided should be accepted as reliable. There is a considerable degree of detail in Witness M's initial account provided to Police in February 2018 about which Witness M was unlikely to have prior knowledge. It is very likely that in relation to his account to Police in 2018, Witness M was passing on information that Mr Colin Newey had told him.

d. Inconsistencies between Witness M's account to Police in February 2018 and other evidence

221. However, I do not uncritically accept Witness M's account to police in February 1998. There are numerous inconsistencies in the various accounts provided by Mr Colin Newey (particularly as to his meetings with Ms Richardson on the day of the death). Moreover, by the time he was speaking to Witness M, Mr Colin Newey was talking of events that had occurred over 40 years ago. Mr Colin Newey does not impress as a reliable historian and appears to have a tendency to disseminate deliberate misinformation. Accordingly, there is a real likelihood that Mr Colin Newey fed Witness M some inaccurate information which Witness M then relayed to investigators.

222. In particular there are three matters in Witness M's initial account to Police that appear to be inconsistent with the objective evidence.

223. The first is his account of Mr Colin Newey reporting that the abduction and the assault occurred on the same evening as Ms Fry's birthday. This can be explained with reference to the aforementioned 2012 interview and in the course of the covertly recorded conversation with Witness C, where Mr Colin Newey has given an account of events which is suggestive of Ms Fry's birthday party occurring on the Friday. His brother Mr Peter Newey has evidenced a similar confusion. Mr Colin Newey could easily have repeated the mistake or deliberate obfuscation when he was speaking to Witness M.
224. The second inconsistency in Witness M's account relates to the vehicle used in the abduction. Witness M said that Colin Newey told him that it was a light green wagon. This is consistent with what was described by the anonymous caller but, arguably not consistent with the vehicle described by Mr Thomson or Mr Leitch (either in terms of make or colour). I observe, however, that this does not necessarily detract from the reliability of the account provided by Witness M, where both Mr Leitch and Mr Thomson admit the possibility of the vehicle being a wagon and Mr Thomson, at least, of the possibility of it being green.
225. In this regard, I consider it more probable than not that, at various points, Mr Colin Newey deliberately provided Witness M with misleading information. There is compelling evidence that Mr Colin Newey was concerned to implicate Mr Eames in the involvement in Ms Richardson's death. There is no reason to suppose that, by 2014, Mr Colin Newey was no longer similarly motivated.
226. The third inconsistency is in Witness M's account that Mr Colin Newey said that Mr Eames was at Ms Fry's birthday party, which was on the same day as the abduction. As previously noted, the better view is that the party was held on Saturday 12 October 1973 and there is no support for the assertion that Mr Eames was present. This also could have been deliberate misinformation provided by Mr Colin Newey to Witness M, in furtherance of Mr Colin Newey's aim of falsely implicating Mr Eames in involvement in Ms Richardson's death. At the time of the February 2018 interview, when

pressed, Witness M was not certain that Mr Eames was present at the party

[REDACTED]

227. In his account to Police, Witness M refers to Ms Richardson not being found until a phone call to Police was made from a payphone a few hundred metres away.²⁰⁹ This is inconsistent with the objective evidence but bears some similarity to the anonymous call to Murray Bridge Police station made 17 years later. This may be regarded as an admission by Mr Colin Newey to Witness M that he made the anonymous call, or it may be that Witness M misunderstood what Mr Colin Newey was telling him and conflated the two events.

[REDACTED]

[REDACTED]

[REDACTED]

²⁰⁹ ERISP Transcript with witness "M", 7 February 2018, q. 84-85; 2021 Brief vol 5, tab 96

230.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

210 Ibid, qq. 142-143

211 [REDACTED]

212 Ibid, p. 26 l. 18

213 Ibid, p. 20, l. 7; p. 29, l. 26; p. 33, l. 35

d. [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]

214 ERISP Transcript with witness "M", 7 February 2018, q. 144; 2021 Brief, vol 5, tab 96

216 ERISP Transcript with witness "M", 7 February 2018, q. 62; 2021 Brief, vol 5, tab 96,

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

f. Conclusions as to the reliability of Witness M's evidence

238. I find that the initial accounts provided by Witness M to Police are broadly reliable (noting that Mr Colin Newey may have fed Witness M some deliberate misinformation, including information calculated to falsely implicate Mr Eames). That information, considered in conjunction with the balance of the information to which I have already referred, provides cogent evidence that Mr Colin Newey had some involvement in Ms Richardson's abduction, assault and homicide.

239. From a careful consideration, I find that little to no weight can be attributed to subsequent accounts provided by Witness M.

xi. Conclusions as to the findings that should be made in relation to Mr Colin Newey

240. For the reasons set out above, I find that Mr Colin Newey had some involvement in Ms Richardson's abduction, assaults and death. However, the evidence does not permit a finding to be made as to the precise nature of that role.

(b) Mr Maxwell Martin

i. Mr Martin was in Albury over the weekend of 12-14 October 1973

241. For the same reasons referred to above in relation to Mr Colin Newey, I am satisfied that on Friday 12 October 1973 and Saturday 13 October 1973, Mr Martin was in Albury and in the company of Mr Colin Newey.
242. Mr Martin was released from Goulburn Gaol on the morning of 12 October 1973. He claims that he went straight from Goulburn Gaol to his parents' place at Wagga Wagga.
243. The evidence that refutes Mr Martin's alibi in this regard has largely already been referred to above. Mr Peter Newey has, at various points, described Mr Martin visiting him in hospital in the week of 9-12 October 1973 as well as Mr Martin driving him home from the hospital.²²⁰
244. Not all of this evidence is entirely reliable. Mr Peter Newey's recollection about Mr Martin visiting him prior to Friday must be faulty; in yet another coincidence, custodial records indicate that Mr Martin was not released from Goulburn Gaol until the morning of 12 October 1973. Further, Mr Peter Newey has given a number of conflicting accounts as to whether it was Mr Martin or a nurse, who drove him home from hospital after his discharge.²²¹
245. In this regard, it is possible that Mr Peter Newey is confounding his discharge on 12 October 1973 with a subsequent occasion when he was hospitalised²²² or, perhaps, with what occurred a few days later (Sunday 14 October 1973) on which occasion Mr Peter Newey has said that he was driven to the hospital by Mr Martin.²²³
246. Relevantly, Mr Peter Newey's evidence is significantly clearer when it comes to Mr Martin being at the Stocks' residence on the evening of 12 October

220 Interview with Peter John Newey, 31 May 1990 at q. 20; 2011 Brief, vol 5, tab 333: Interview with Peter John Newey, 31 May 2009, at q. 19; 2011 Brief, vol 5, tab 333: Evidence of Peter Newey at 2011 inquest, 30 November 2011, p. 213, l. 15; ;2011 Brief, vol 6, tab 364: Recorded Interview with Peter John Newey, 2 December 2011, q. 104; 2021 Brief, vol 2, tab 28

221 See, for example, recorded Interview with Peter John Newey, 2 December 2011, q. 500: 2021 Brief, vol 2, tab 28,

222 Recorded Interview with Peter John Newey, 2 December 2011, q. 495; 2021 Brief, vol 2, tab 28

223 Interview with Peter John Newey, 31 May 1990, at q. 29; 2011 Brief vol 5, tab 333,

1973. Mr Peter Newey unequivocally said this in his May 1990 interview²²⁴ and in his December 2011 interview.²²⁵

247. As already noted, this aspect of Mr Peter Newey's account is supported by Mr Flack²²⁶ and Ms Fry;²²⁷ in particular, Ms Fry said that she "thought" that Mr Martin was there on the day that Mr Peter Newey had been released from hospital.

248. Mr Colin Newey also places Mr Martin in his company during the day of 12 October 1973. He said:

- a. he saw Mr Martin when he met with Ms Richardson at the Coles Cafeteria on 12 October 1973²²⁸);
- b. he saw Mr Martin during the day of 12 October 1973 whilst shopping at Coles and that he possibly saw Mr Martin again that evening at either Ryan's Hotel or at some other licenced premises;²²⁹
- c. that he saw Mr Martin on 12 October 1973;²³⁰ and
- d. that he saw Mr Martin in Coles at around 5:00pm on 12 October 1973.²³¹

249. Although Mr Martin denied being in Albury on 12 October 1973, there is a cogent body of evidence that he was, and more particularly, that he was in town at around the time that Ms Richardson must have been abducted.

250. There is also considerable evidence to suggest that Mr Martin was in Albury on Saturday 13 October 1973 and attended Ms Fry's birthday party on that day. This evidence includes, for example, Mr Peter Newey's answers both

224 Interview with Peter John Newey, 31 May 1990; 2011 Brief, vol 5, tab 333, q. 27

225 Recorded Interview with Peter John Newey, 2 December 2011; 2021 Brief, vol 2, tab 28 qq. 685, 686

226 Statement of William Charles Flack, 21 October 2012 at [15]-[16]; 2021 Brief Vol 3, tab 62

227 Statement of Rosemary Fry, 30 October 2012 at [8]; 2021 Brief, vol 2, tab 22

228 Recorded interview with Colin Newey, 22 July 2012; 2021 Brief, vol 1, tab 10

229 Record of interview with Colin Newey, 12 May 2009, at qq. 60, 129; 2011 Brief, vol 5, tab 339

230 Transcript of 2011 Inquest, 30 November 2011, p. 140, l. 30; 2011 Brief vol 6, tab 364

231 Recorded interview with Colin Newey, 22 July 2012, q. 379; 2021 Brief, vol 1, tab 10

in his 31 May 1990 interview²³² (as well as in his 2 December 2011 interview.²³³ In addition, Mr Colin Newey stated that Mr Martin was present at the birthday party during his covertly recorded conversation with Witness J.²³⁴

251. The combined effect of the above evidence makes Mr Martin's claim that he was in Wagga Wagga on 12 October 1973 unacceptable.

ii. Evidence of a close association between the Neweys and Mr Martin

252. There is clear evidence of a close association between Mr Martin and the Newey brothers. Indeed, Mr Peter Newey was the best man at Mr Martin's wedding. The fact that Mr Martin denied any association with the Newey brothers in his interview with Police on 13 June 1990,²³⁵ suggests that he felt it necessary to hide his association with the Neweys. This is evidence consistent with a consciousness of guilt on Mr Martin's part.

iii. Mr Martin is also implicated by the anonymous caller

253. There is an additional cause for considering that Mr Martin may have had some involvement in Ms Richardson's abduction, assault and killing. That is because he was one of the persons named by the anonymous caller (together with Mr Brown, Mr Eames and Mr Newman).

254. In this regard, even though some of the information provided by the anonymous caller was clearly incorrect some of that information was accurate and it is apparent that the anonymous caller had first-hand knowledge of the circumstances of Ms Richardson's abduction, assault and killing. What is said by the anonymous caller about Mr Martin may well have been accurate.

iv. Conclusion as to the findings that should be made in relation to Mr Martin

232 Interview with Peter John Newey, 31 May 1990, at q. 51; 2011 Brief, vol 5, tab 333

233 Recorded Interview with Peter John Newey, 2 December 2011, q. 783; 2021 Brief, vol 2, tab 28

234 Transcript of recorded covert conversation, 20 July 2012, at p. 36; 2021 Brief, vol 1, tab 14

235 Interview with Maxwell Martin, 13 June 1990, q. 65; 2011 Brief, vol 5, tab 319

255. For the foregoing reasons, I am satisfied that Mr Martin had some involvement in Ms Richardson's abduction, assault and death, however the available evidence does not permit a finding to be made as to the precise nature of that role.

(c) Mr Ross Eames

256. For the reasons set out below, I find that Mr Eames could not have been involved in the events leading to Ms Richardson's death.

i. Mr Eames was not the anonymous caller as he was not present in Albury at the relevant time

257. Clearly, a corollary to a finding that Mr Colin Newey made the anonymous call and provided information as to the vehicle used as a deliberate strategy to set up Mr Eames, is that Mr Eames was not the anonymous caller.

258. Further, as noted above, there is compelling evidence that Mr Eames was not in Albury on the evening of 12 October 1973.

ii. Lack of any evidence of an association between Mr Eames and Mr Brown or Mr Martin

259. In addition, there is no evidence of any association between Mr Eames and Mr Brown or Mr Martin in 1973 or later, although Mr Eames is clearly an associate of the other person named by the anonymous caller, Mr Newman.

iii. The other evidence suggesting Mr Eames may have been involved is unreliable

a. The account of Mr Newman on his arrest in February 1990

260. Apart from the anonymous call which ought to be disregarded, insofar as it contains information implicating Mr Eames, there is very little reliable evidence implicating Mr Eames.

261. Some such evidence is provided by Mr Newman in his account to investigators when he was arrested and charged with Misprision of a Felony.

I find that this evidence is not reliable due to Mr Newman's significant level of intellectual impairment.

b. Account of Mr Newman to Ms Deborah Gormley

262. Certain information that Mr Newman provided to Ms Deborah Gormley implicates Mr Eames. This evidence is of limited probative value, for the reasons to be discussed below.

c. Accounts by Mr Eames and Mr Newman to Ms Marina Bouteris

263. In her statement of 25 March 2020,²³⁶ Ms Marina Bouteris said that in February 1990, within days of his arrest, Mr Eames told her that "I can get Kevin and all of them into a lot of trouble".²³⁷

264. This evidence is inconclusive on the question of whether Mr Eames had any involvement. It is highly ambiguous and not directly referable to the offences against Ms Richardson.

265. In her statement of 25 March 2020, Ms Bouteris also reports an occasion where Mr Newman had said to her something about Mr Eames having stolen a station wagon and he and Mr Eames going to a pub off the main street and picking up a girl. Once again, Mr Newman's limited intelligence must be taken into account, and this is evidence that cannot be considered to reliably inculcate Mr Eames.

d. Account of Witness M concerning Mr Eames

266. Witness M also suggested that Mr Eames had some involvement in the events proximate to Ms Richardson's death. As I have previously found, this is explicable as an intention on the part of Mr Colin Newey to continue his attempts to set up Mr Eames.

iv. Conclusion as to the findings that should be made in relation to Mr Eames

236 2021 Brief, vol 2, tab 38

237 Ibid, at [13]

267. None of the very limited evidence that suggests that Mr Eames may have been involved outweighs the other evidence as to the implausibility of Mr Eames being in Albury at the relevant time. I find that Mr Eames was not involved in Ms Richardson's abduction, assault and death.

(d) Mr Kevin Newman

268. The evidence regarding Mr Newman is mixed.

i. Evidence that suggests that Mr Newman was not involved

269. Most of the evidence which implicates Mr Newman, namely the account of the anonymous caller, his own account to Police when interviewed in February 1990, and the accounts he has given to Ms Gormley and Ms Bouteris, is, as I have already found, of little probative value in respect of Mr Eames. Those matters equally militate against the conclusion that Mr Newman was involved.

ii. Evidence that suggests that Mr Newman may have been involved

270. However, there is some evidence that Mr Newman may have had some involvement in Ms Richardson's abduction, assault and death. This evidence is not strong, but there is some ground for suspecting Mr Newman may have been involved in Ms Richardson's abduction and assault and homicide.

a. Evidence of WS

271. I have had the benefit of hearing evidence which potentially provides an additional basis for considering that Mr Newman may have been involved. This is the evidence of "WS".²³⁸

272. WS has provided a statement, dated (24 September 2019).²³⁹ In it, he said that in 1985, he was at the Boomerang Hotel in Lavington. WS said that he

²³⁸ A non-publication order was made during these proceedings over information that would enable the identification of WS.

²³⁹ 2021 Brief, vol 5, tab 73

cannot remember more details as to when in that year it was due to his post-traumatic stress disorder. He said that he overheard two men having a conversation about the abduction, rape and murder of Ms Richardson, which he was able to relay at length and in quite remarkable detail.²⁴⁰

273. WS recalled that about 10 years earlier, he attempted to provide this information to Police in Wodonga and showed them some handwritten notes he had made.²⁴¹ WS provided those notes to the inquest. He said that at the time, he had also mentioned to a friend of his wife, “Julie”, that he had spoken to Police. WS said that he had never reported these things earlier because he thought that no one would believe him.²⁴²

274. Following the airing of the *Murder Lies and Alibis* program, Julie asked WS if he had watched that program. WS said that he had not. He said that Julie showed him some photos from the program on her laptop of persons depicted in that program. WS identified Mr Newman as the person who had said these things he had overheard at the Boomerang Hotel.²⁴³

275. A more formal identification process by WS (using images of Mr Newman from the *Murder Lies and Alibis* program) was undertaken on 23 September 2019 and WS again identified Mr Newman.²⁴⁴

276. WS gave evidence at the most recent inquest. In his evidence, he said that he became fearful once he realised the serious nature of the conversation he overheard. This had affected the reliability of his memory. He described, in some detail, the fear he was in and the impression that the conversation had made on him.

277. I find that WS was not a reliable witness. His explanation for not having reported what he heard until 10 years ago is not convincing.

240 Ibid, at [13]-[15]

241 Ibid, at [5]

242 Ibid, at [17]

243 Ibid at [9]

244 Ibid at [23]

278. WS gave evidence that his memory was impaired by post-traumatic stress disorder or a similar condition.
279. In addition, as is the case with so many of the other witnesses, there is a real possibility that WS' recollection has been tainted by what he had seen in the *Murder Lies and Alibis* program. It is very likely that WS watched this program before speaking to investigators. Even if WS did not do so when the program went to air, it is quite unlikely that what Julie showed him on her laptop were "photographs" from the program, to do that, Julie would presumably have to have downloaded the program and used software to extract still images. It is more likely that she showed WS parts of the program dealing with Mr Newman.
280. In any event, the mere fact of Julie showing WS photographs in a context where WS knew them to be from the *Murder Lies and Alibis* program would of itself have contaminated his recollection as regards Mr Newman.
281. For these reasons, WS' evidence is not probative of any involvement by Mr Newman in Ms Richardson's abduction, rape and killing.

b. Mr Newman does not have an alibi

282. However, there is no evidence that makes it impossible (as with Mr Eames) or highly improbable (as with Mr Brown) that Mr Newman could have been in Smollett Street on 12 October 1973 at around the time that Ms Richardson must have been abducted. Indeed, there is no evidence apart from Mr Newman's account to investigators as to his whereabouts on 12 October 1973.

c. Mr Newman signed and adopted his record of interview

283. In addition, unlike Mr Eames, Mr Newman signed a copy of the record of his interview. He also gave evidence during the committal of Mr Brown that the record of interview was accurately recorded, and accurately reflected the answers he gave. This provides some support to a theory that he was involved.

d. Admissions attributed to Mr Newman

284. Further, there are a number of inculpatory statements that are alleged to have been made by Mr Newman.

285. The evidence of Ms Gormley and Ms Bouteris regarding the alleged admissions made by Mr Newman is of little persuasive value. This is principally a consequence of Mr Newman's significant intellectual impairment and the possibility that what has been attributed by Police to Mr Newman does not reflect what he actually told them.

286. There is some other evidence which implicates Mr Newman. This includes:

- a. Mr Newman's ambiguous admission to Ms Gayle Thomson (recorded in her 2009 statement) that he "*would never get caught for what [he had] done*";²⁴⁵
- b. Mr Newman's admissions to Ms Stacy McCausland (recorded in her statement of 1 October 2009) that he "*fucked [Ms Richardson] but didn't kill her*";²⁴⁶ and
- c. The evidence of Mr Matthew Rule²⁴⁷ and Ms Maree Chatfield²⁴⁸ as to admissions Mr Newman is said to have made to Mr Trevor Rule whilst both were patients at the same hospital.

287. The evidence of Ms Thomson is highly ambiguous and suffers the same problem as that of Ms Bouteris and Ms Gormley (by reason of Mr Newman's significant intellectual impairment).

288. Ms McCausland's evidence, on its face is inculpatory of Mr Newman. However, there is very little detail provided and Mr Newman's intellectual impairment also should be taken into account.

245 2011 Brief, vol 4, tab 306

246 2011 Brief, vol 4, tab 292

247 2011 Brief, vol 4, tab 302

248 2011 Brief, vol 4, tab 289

289. The evidence of Mr Rule and Ms Chatfield is extremely weak and can be dealt with briefly. It is second hand and vague. Even if Mr Newman said what has been attributed to him, it too may be explained by Mr Newman's limited intelligence.

iii. Conclusions as to the findings that should be made in relation to Mr Newman

290. The available evidence is not of the nature that would permit me to make a finding that Mr Newman had some involvement in Ms Richardson's abduction, assault and homicide.

. (e) Mr Geoffrey Brown

291. Although the evidence does not support a finding that it is impossible that Mr Brown was involved in Ms Richardson's abduction and homicide it is extremely unlikely that he was so involved.

292. Mr Brown was initially suspected of Ms Richardson's assault, abduction and homicide because of his history of harassment of Ms Richardson in the period after their relationship ceased. Mr Brown was clearly fixated with Ms Richardson and after she broke off their relationship, he had threatened her, including likely saying the words "*Bronnie, you're going to die*" to her according to the statement of Kathleen Richardson, 8 July 2009.²⁴⁹

293. However, the objective evidence points against Mr Brown being involved.

i. Matters that suggest that Mr Brown was not involved

a. Mr Brown's distance from Albury at the relevant time

294. The central piece of objective evidence is the timing of Mr Brown's movements on 12 October 1973 relative to the time of Ms Richardson's death.

249 2011 Brief, vol 1, tab 17, at [9]

295. There is (and has been since the 1973) the following evidence as to Mr Brown's movements on 12 October 1973:

- a. He was at the Groch's farm (which was 4 or 5 miles out of Walla Walla) until around 6:00pm (according to the statement of Donald Groch²⁵⁰).
- b. He was at the Walla Walla Hotel until around 6:30pm (according to the statement of Mr Garry Scholz²⁵¹);
- c. He was at the Burrumbuttock Hotel shortly after 8:00pm (Ms Patricia Filliponi, the publican of the Burrumbuttock Hotel said Mr Brown arrived at that establishment at around 8:10pm;²⁵² a further witness, Mr Peter Gogoll, places Mr Geoffrey Brown there by around 8:15pm²⁵³).

296. The following are the approximate drive times between these venues of interest:

- a. The drive from Walla Walla Hotel to Smollett Street is approximately 27 minutes. (These tests were conducted quite recently; it is possible that it could have taken slightly longer to drive this distance in 1973 due to different road conditions and motor vehicle performance at that time);
- b. The driving time from Horsefells Lane to the Burrumbuttock Hotel is approximately 30 minutes (with the same caveat referred to above).

297. Accordingly, it is feasible for Mr Brown to have left the Walla Walla Hotel at 6:30 pm and to have made it to Smollett Street by around 7:15pm. However, such a theory assumes that Mr Brown knew Ms Richardson's location

250 2011 Brief, vol 3, tab 199

251 2011 Brief, vol 3, tab 208

252 2011 Brief, vol 3, tab 213

253 2011 Brief, vol 3, tab 216

almost immediately upon arriving in Albury. Mr Brown had no way of knowing where Ms Richardson was on that evening.

298. If the assault of Ms Richardson concluded at 7:26pm (as was assumed in the previous inquests), it is also technically possible that Mr Brown could have, after hurriedly raping and then murdering Ms Richardson, driven to the Burrumbuttock Hotel so as to have arrived there by 8:10pm. Whilst this is physically possible, it is a very tight timeframe.
299. It appears quite implausible that, having just raped and killed the woman he was so evidently obsessed with, Mr Brown could almost immediately afterwards have displayed the level of composure, not only to drive to the Burrumbuttock Hotel but, as has been suggested by Mr Kenneth Heir, to deliberately make a point of being seen there.²⁵⁴
300. The suggestion of Mr Heir, made at [6] of his statement, that Mr Brown openly discussed with Mr Heir that he had concocted an alibi because he *“didn’t want to be accused of murder”* seems most unlikely and is suggestive of embellishment on Mr Heir’s part. Significantly, this detail is not included in any of Mr Heir’s earlier accounts.
301. In addition, an attack of the type that took place (on a sandy river bank by the water) is highly likely to have resulted in the perpetrator soiling his clothes. On the time frame suggested by the original investigation, for Mr Brown to appear, clean and composed at Burrumbuttock at 8.10pm, he would have had to have planned to commit these crimes. Given that Ms Richardson was not meant to be at Smollett St at 7pm on 12 October 1973, the possibility is remote.
302. Furthermore, as Ms Richardson died later than 7:26pm, the likelihood of Mr Brown having had any involvement in Ms Richardson’s death is further decreased. On the driving times referred to above, the latest possible time

²⁵⁴ Statement of Kenneth John Heir, 7 April 2009, 2011 Brief, vol 3, tab 203

which Mr Brown could have left Horseshoe Lagoon is 7:40 pm. The physical evidence suggests that the assault concluded considerably later than that.

303. These matters make it implausible that Mr Brown was involved.

b. Evidence as to Mr Brown's vehicle

304. A further matter that suggests that Mr Brown was not involved is that no vehicle matching a description of his vehicle was ever reliably seen in Smollett Street at the times when Ms Richardson must have been abducted. This would require Mr Brown to have changed his vehicle or to have left his vehicle and picked up Ms Richardson in another vehicle after driving to Albury.

305. The evidence (including Mr Brown's own account to investigators) makes it clear that his vehicle was a blue Holden Kingswood.

306. Upon the evidence, I could not positively find that a vehicle matching Mr Brown's blue Holden Kingswood was not used in the abduction, however, it is significant there is also no evidence that a blue Holden Kingswood was ever used or seen in the vicinity of Smollett Street at the relevant times. Such a vehicle does not match the description (in colour or in make) of the vehicles seen by the most reliable witnesses to the events preceding the abduction (Mr Thompson and Mr Leitch). They broadly described yellow vehicles although Thompson said that the yellow vehicle appeared green in the prevailing light conditions). In addition, Mr Thompson describes the vehicle as an FB Holden. As Detective Sergeant Morgan has pointed out, an FB Holden bears no resemblance to a Holden Kingswood.²⁵⁵

307. In this regard, it is noted that in the 2011 inquest, I heard evidence from Mr Ralph Treptow. Mr Treptow did put Mr Brown in a blue Holden Kingswood in Smollett Street on the evening of 12 October 1973.

²⁵⁵ Updated statement of Detective Sergeant Steven Morgan, 24 August 2020, at [324]; 2021 Brief, vol 1, tab 1

308. In particular, Mr Treptow, in his statement of 2 June 2009,²⁵⁶ said that on 12 October 1973, at around dusk, he was in a car on Wodonga Place facing north at the intersection of that Place and Smollett Street. He was stopped at the intersection preparing to do a right-hand turn into Smollett Street. He said that he saw a blue and white 1960 FB Holden Station Wagon travelling quickly through the intersection. He said he saw two people struggling in the back, a man and a woman.²⁵⁷ The driver was a man in his early twenties with dark hair which he recognised as a man he had seen before. He was later told that the man was called “Brownie” and believed his name was “Neville Brown”.²⁵⁸

309. Despite nearly 40 years having elapsed, in his 4 June 2009 statement, Mr Treptow was apparently able to identify the man from a series of photographs shown to him (unfortunately, those photographs are not in evidence).

310. During the 2011 inquest, Mr Treptow gave evidence. He confirmed that the car he saw was a blue and white 1960 Holden Station Wagon.²⁵⁹ He said that it was driving at “*fair speed*” down Smollett Street.²⁶⁰ He said that he was able to observe the blue and white Holden for around 20 seconds.²⁶¹ He disagreed with the proposition put to him during cross-examination by Mr Brown’s legal representative that he could not have observed the vehicle for more than 2 seconds given the speed the vehicle he observed was travelling.²⁶² He also disagreed with the proposition that he was only able to see the occupants for the period during which the blue and white Holden was illuminated by the headlights of his vehicle as it travelled across the intersection.²⁶³

256 Statement of Ralph Treptow, 2 June 2009, 2011 Brief, vol 2, tab 129

257 Ibid, at [8]

258 Ibid at [7]

259 Transcript, Inquest into the death of Bronwynne Richardson, 28 November 2011, p. 47, l. 8; 2011 Brief, vol 6 tab 362

260 Ibid, p. 46, l. 19

261 Ibid, p. 48, l. 43

262 Ibid p. 55, l. 22

263 Ibid p. 55, l. 44

311. Mr Treptow did not come forward with this information until 4 June 2009. There is no explanation for his delay in reporting. In any event, the considerable lapse of time affects the reliability of his memory and of his purported identification of “Brownie”.
312. Further, the vehicle described by Mr Treptow, whilst blue, does not otherwise match the description of Mr Brown’s vehicle (Mr Treptow describes a FB Holden rather than a Holden Kingswood).
313. It is also most unlikely that Mr Treptow could reliably have identified the driver in the prevailing conditions. It was going on dusk at the time and Mr Treptow had his headlights on. Mr Treptow was seeing the driver not only through his own windscreen but the windscreen or windows of the other vehicle where his headlights must have created some reflection.
314. Further, despite his denials of this during his cross-examination in the 2011 inquest, Mr Treptow’s opportunity for observing a vehicle travelling at “*fair speed*” across the area illuminated by his headlights, was most unlikely to have been 20 seconds (no matter how “broad and clear” the intersection was at that time).²⁶⁴ During cross-examination, Mr Treptow clarified that, although it was dusk, it was not dark. Even so, his only opportunity to see the driver was as the vehicle was approaching the intersection and as it crossed the intersection (through the side windows of that vehicle). Once the vehicle had passed the intersection, Mr Treptow’s view would have been obscured by the rear of the vehicle. On Mr Treptow’s account, the persons struggling in the back may further have obstructed his view and would likely have distracted his attention away from the driver, by which time, of course, the driver would, in any event, be facing away from Mr Treptow’s line of sight.
315. For these reasons, Mr Treptow’s evidence is not compelling.

²⁶⁴ Ibid, p. 54, l. 46

c. Mr Brown had no basis for believing that Ms Richardson would be in Smollett Street at the time when she was abducted

316. A further matter which suggests that Mr Brown was not involved in the abduction, assault and killing of Ms Richardson, is that Ms Richardson was not supposed to be in Smollett Street at the time she was abducted. As has been set out by Detective Sergeant Morgan, her plans that evening involved her being picked up by Mr John Kerr, a friend of her boyfriend, and taken to a dance in Coreen.

317. Due to a misunderstanding, Mr Kerr did not arrive to collect Ms Richardson until after she had been abducted.²⁶⁵

318. Accordingly, Mr Brown, who was in Walla Walla until 6:30pm, had no reason to believe that Ms Richardson would be in Smollett Street at around 7:00pm. If she and he were still communicating by that stage (which seems unlikely), or if someone else was keeping him aware of her plans, he would have thought that Ms Richardson was on her way to the dance at Coreen. Conversely, were Mr Brown not aware of Ms Richardson's plans that evening (which seems the more likely possibility), he would have had no way of knowing that she would be in Smollett Street at 7:00pm. At most, Mr Brown may, from his previous experience with Ms Richardson, have known what time she finished work at Coles, that, of course, was some 2 hours before she was abducted.

319. Therefore, irrespective of whether or not he knew of Ms Richardson's plans for the evening, Mr Brown would have had no motivation to have driven to Albury to attempt to find her.

ii. Evidence suggesting that Mr Brown may have been involved

a. The anonymous caller

²⁶⁵ Updated statement of Detective Sergeant Steven Morgan, 24 August 2020, at [23], [28]; 2021 Brief vol 1, tab 1

320. If the anonymous caller was Mr Eames, not Mr Colin Newey, this would make the information provided by the caller cogent evidence implicating Mr Brown. However, as I have already indicated, I am satisfied that the anonymous caller was, indeed, Mr Colin Newey.

b. Information from Mr Newman implicating Mr Brown

321. Mr Newman, when he was arrested for the misprision of a felony offence (February 1991), is said to have given an account which was similar to that provided by the anonymous caller.²⁶⁶ As noted earlier, aspects of Mr Newman's account clearly implicate Mr Brown.

322. Mr Newman told investigators that, in the afternoon of 12 October 1973, he had gone to Brady's Hotel for after work drinks. He said that he regularly went to that hotel on a Friday afternoon. He claimed to have been drinking with Mr Eames and that, at about 5.30pm, "Brownie" turned up. The three continued drinking together. After a while, Mr Brown left and returned with "Makka" or Max Martin.²⁶⁷

323. Mr Newman said to Police that the group continued drinking for a time, after which the four went for a drive around Albury. Mr Brown then said that he wanted to pick his girlfriend up. The group travelled to Smollett Street, where they saw Mr Brown's girlfriend standing in front of the church. Mr Brown was driving.²⁶⁸ Mr Brown told the woman to hop in, when she refused, he leaned over and pulled her into the car. The woman said she wanted to go home and she and Mr Brown had an argument. The car then travelled down a dirt road near a river or creek,²⁶⁹ where Mr Brown got out and pulled the woman out of the car. Mr Martin also got out. One of the men pushed the woman to the ground and then Mr Brown "started to fix her up" (Mr Newman clarified that he meant that Mr Brown was raping the woman).²⁷⁰ Mr Newman said that he was sitting in the back passenger side of the car with Mr Eames. He

266 Interview of Kevin John Newman, 19 February 1990, 2011 Brief, vol 4, tab 287

267 Ibid, at q. 5

268 Ibid, at q. 46

269 Ibid at q. 55

270 Ibid at q. 69

heard the girl scream.²⁷¹ Mr Newman stated that he did not think that the location was Horseshoe Lagoon.²⁷²

324. Mr Newman later took Police for a drive around the various locations he had referred to in his account. He was photographed standing at various locations of interest. Police involved in these events, Detective Barrett and retired Detective Sergeant McCann, have confirmed that Police did not direct Mr Newman where to stand during this process.

c. Mr Newman's signed a record of his interview

325. As mentioned above, in oral evidence given in the committal proceedings for Mr Brown, Mr Newman admitted signing the record of interview²⁷³ (and that he had given the answers it recorded to Police)²⁷⁴ but maintained that he did not know Mr Brown or Mr Martin in 1973 and was never in a car with them at any point in October 1973.²⁷⁵

326. Mr Newman also gave accounts to other persons, the effect of which was to implicate Mr Brown as having had had some involvement in Ms Richardson's abduction, assault and homicide.

327. For instance, Ms Gormley (from whom a statement was taken in 2009²⁷⁶) reports that, on one occasion in the early 1990s, Mr Newman rang her up at around 4:40am in an excited state and asked her to come to Albury Police station to tell Police that he had been with Ms Bouteris and her sister on a particular date. Ms Gormley did not do so.²⁷⁷ Later that morning, Ms Gormley heard on the radio that three men had been picked up in connection with Ms Richardson's death.²⁷⁸ She said that Mr Newman arrived at her home later that morning (at around 8:50am). Ms Gormley asked him whether he had been involved in Ms Richardson's murder and Mr Newman replied "Geoff

271 Ibid at q. 6

272 Ibid at q. 107

273 R v Brown (transcript of committal proceedings), 27 September 1990, p. 10; 2011 brief, vol 6, tab 354,

274 Ibid, p. 11

275 Ibid, p. 9

276 Statement of Deborah Louise Gormley, 3 June 2009, 2011 Brief, vol 4, tab 291

277 Ibid at [9]

278 Ibid at [10]

Brown, Ross Eames and Max Snow” were involved. Mr Newman said that the reason why he knew this because he had been there. He added that Mr Brown said, “*if he couldn’t have her have her, no- one will*”.²⁷⁹

328. Similarly, Ms Bouteris (from whom three separate statements have been taken during the course of the Police investigation) provided certain information that could be construed as admissions on the part of Mr Newman. In particular, in her statement of 23 September 1991,²⁸⁰ Ms Bouteris said that Mr Newman had once driven her to an area near the lagoon off Waterview Road (the present name for the road that was named Horsefells Lane in 1973). She said he would drive her there a number of times after that and would, on occasion, become agitated or distant when he was there. She also said that Mr Newman had told her that Mr Brown had killed Ms Richardson.²⁸¹ She also referred to an occasion where Mr Newman had told her “this wasn’t the spot where they put her in”, which she understood to relate to Ms Richardson.²⁸² She also found newspaper clippings relating to Ms Richardson’s death in Mr Newman’s room.²⁸³

329. I regard the above evidence to be of limited probative value.

330. In the first place, Mr Newman’s extremely limited intelligence is well capable of explaining the account Mr Newman is said to have given to Police, particularly when the inducement is considered. What Police put to him when he was being interviewed may then have contaminated Mr Newman’s accounts to Ms Gormley and Ms Bouteris. Given his limited intelligence, it is entirely possible that Mr Newman has confused things Police said to him with what he actually recalled happening. Alternatively, it is possible that Mr Newman may not have communicated himself clearly to Ms Gormley and Ms Bouteris, who misunderstood what they were being told. It is noted that the account Mr Newman provided to Ms Gormley in particular appears to

279 Ibid at [13]

280 Statement of Marina Bouteris, 24 September 1991, 2011 Brief, vol 5, tab 314

281 Ibid, at [10]

282 Ibid at [12]

283 Ibid at [11]

have been immediately after he was spoken to Police at a time when, presumably, he would have been quite distressed.

331. Ms Bouteris' observations of newspaper clippings is explicable by reference to the fact that Mr Newman's father and brother (Mr Peter Newman) were members of the volunteer lifeguard association that located Ms Richardson's body.
332. A further matter which undermines the probative value of the information provided by Mr Newman, is the apparent animosity that existed between the two men as a result of Mr Brown's involvement in the death of Mr Newman's son, Daniel Sim. In 1976 Mr Brown was charged with Daniel's murder, although he was ultimately convicted only of common assault.
333. In the course of the February 1990 interview, investigators asked Mr Newman whether the involvement of Mr Brown in the death of Daniel had influenced the answers he had given. Mr Newman said that the answers were the truth, but Daniel's death had given him more of a reason to say these things.²⁸⁴ However, evidence suggests that Mr Newman continued to harbour resentment towards Mr Brown. In the 2020 statement of Ms Bouteris. Ms Bouteris attributes Mr Newman saying, in relation to Mr Brown: *"payback is a real bitch"*.²⁸⁵
334. Given his clear resentment towards Mr Brown and perhaps also due to his own intellectual disability, Mr Newman seems to have had some difficulty disentangling what he said about Mr Brown's involvement in the death of Ms Richardson from the death of his son. For example, when discussing Mr Brown's apparent involvement in Ms Richardson's death with both Ms Gormley²⁸⁶ and Ms Bouteris,²⁸⁷ Mr Newman specifically raised Daniel Sim's death. This suggests that Mr Newman may have conflated Mr Brown's

284 Interview of Kevin John Newman, 19 February 1990, q. 26; 2011 Brief, vol 4, tab 287

285 Statement of Marina Bouteris, 25 March 2020, at [16]; 2021 Brief, vol 2, tab 38

286 Statement of Deborah Louise Gormley, 3 June 2009, at [15]; 2011 Brief, vol 4, tab 291

287 Statement of Marina Bouteris, 24 September 1991, at [8]; 2011 Brief, vol 5, tab 314

involvement in his son's death with what he said was Mr Brown's involvement in Ms Richardson's death.

335. Ms Gormley stated that Mr Newman told her that Mr Brown said words to the effect that if he couldn't have Ms Richardson, no-one could. Whilst this may be consistent with a theory that sexual jealousy was a possible motive for Mr Brown, ultimately, it is all second hand hearsay and in any event, is not sufficiently detailed to enable any meaningful inference as to Mr Brown's motivations to be drawn.

iii. Conclusion as to the findings that should be made relating to Mr Brown

336. The totality of the evidence suggests that it is highly unlikely that Mr Brown was involved in Ms Richardson's abduction, assault or death,

337. Detective Sergeant Morgan had, up until the 2011 inquest, been of the view that Mr Brown had involvement in Ms Richardson's abduction, rape and murder. In light of the additional evidence gathered in relation to Mr Colin Newey, he now no longer considers this to be the case. During his most recent evidence, Detective Sergeant Morgan was critical of a key aspect of the previous theory; namely that Mr Brown could, in the available time, have driven from Walla Walla to Albury and then to Horseshoe Lagoon in time to have been involved in the abduction, assault and killing of Ms Richardson, and then driven back from Horseshoe Lagoon to Burrumbuttock. Detective Sergeant Morgan's more recent view in relation to Mr Brown should be accepted.

338. Mr Brown was initially the prime suspect of being involved in Ms Richardson's abduction assault and murder. In more recent times, the airing of, and theories espoused in, the *Murders Lies and Alibis* program has re-enlivened community suspicions toward Mr Brown. No doubt, this has been a great burden to carry for Mr Brown and his family and the weight of suspicion has been considerable. However, these suspicions are at variance with what is revealed by the preponderance of the evidence. The available evidence does not support a finding that on the balance of

probabilities Mr Brown had any involvement in Ms Richardson's abduction, assault and homicide.

CONCLUDING REMARKS

339. Ms Richardson's family have clearly been deeply affected by their loss and by the unanswered questions. I acknowledge the painful and persistent uncertainty felt by them in not knowing what happened to Ms Richardson and the anguish around not being able to give her a proper burial and farewell.
340. I offer my sincere condolences to all of her family. Ms Richardson was clearly a beautiful young lady with a lot of potential and her cruel death is a real tragedy.
341. I would like to acknowledge and express my thanks to the officer in charge, Detective Sergeant Steven Morgan for his ongoing commitment to the investigation of this matter and for the ongoing support he gave Ms Richardson's family over the past 13 years.
342. Finally, I thank Counsel assisting Ms Sally Dowling SC, with Mr Michael Dalla-Pozza, and their instructing solicitor Ms Lena Nash of the NSW Crown Solicitor's Office for the tireless work they put into assisting me in this inquest.

Findings pursuant to s 81 (1) Coroners Act 2009

Identity

The person who died was Ms Bronwynne Anne Richardson.

Date of death

Ms Richardson died on 12 or 13 October 1973.

Place of death

Ms Richardson died in the waters of Horseshoe Lagoon, a body of water adjacent to the Murray River South of Albury, NSW.

Cause of death

Ms Richardson died as a result of the combination of pressure to the neck and drowning.

Manner of Death

Ms Richardson died after she was abducted and physically and sexually assaulted by a group of men. I am satisfied on the balance of probabilities that two of the men included in that group were Mr Colin Newey and Mr Maxwell Martin.

I close the inquest.

Magistrate Carmel Forbes

Deputy State Coroner

28 October 2021

NSW State Coroner's Court Lidcombe