

28 February 2003

The Committee Secretary,  
House of Representative Standing Committee  
On Legal and Constitutional Affairs,  
Parliament House,  
CANBERRA ACT 2600

Dear Sir/Ms,

Re Assault Diane Timothy 29 September 2000

I wish to make a submission to you over a coverup by the NSW police of a serious assault. The NSW Ombudsman is aware of this coverup and has used his 'investigation' as a coverup for the police. The NSW Government is also aware of the coverup and supports the police and the Ombudsman

I was assaulted by a female and a male persons who were regulars at a coffee shop in the Kings Cross area, as were the police ( two or three cars at any one time). I phoned the police and they arrived, in the persons of Constable Groves and Sharp (as she then was), approximately two hours later and identified the registered getaway vehicle from registration particulars and the description of the car I supplied. Having identified the registered owner of this vehicle the police then refused to take witness statements from the English girls who tried to assist me while I was being attacked or from the male cleaning staff member who witnessed the assaults also.

When I contacted Constable Groves during the following week I was told the getaway vehicle registration plates were 'bodgie'. I protested saying that Sharp identified them on the night. Groves then attempted to explain that 'bodgie' meant they were stolen.

Approximately one week after this contact I called the police again as the female offender was back at the coffee shop. The police, again in the persons of Constables Groves and Sharp, arrived about one hour later and came to my work place. They said 'if this person is not in the coffee shop, we will not come back'. I thought this odd and asked if they wanted me to identify her. They did not want me to identify her and said they knew her identity, she was 'Christine'. Hreszczuk states 'Christine' had left the premises. The police admit they did know the identity of the offenders.

14 October 2000. Leo Timothy contacted Constable Groves, who attempted to coverup the identity of the getaway vehicle by saying the registration plates were 'bodgie'.

I contacted Sharp on a number of occasions but she denied identifying the offenders.

28 October 2000. Leo Timothy spoke to Groves and again Groves said 'we cannot identify the vehicle'.

19 December 2000. Sharp phoned me and said "I have left messages on their answering service and they have not returned the calls, they live at Redfern".

7 January 2001. Inspector Hreszczuk identifies the offenders.

15 January 2001. Sharp omits witness evidence from statement

19 April 2001. In a phone call Hreszczuk denies the getaway vehicle has been identified.

22 April 2001. In a letter received from Hreszczuk he states 'Although he (the witness) corroborates your version of events, he states at no time did he see the female, 'Christine' or her male companion actually assault you'. At a later date Sergeant Dowson said he did not say that..She said it was a very selective statement.

24 June 2001. The Ombudsman admits to the coverup in his advice that it was six (6) months between the getaway vehicle being identified and the particulars being put into the police computer and 'commence the search for the driver'.

24 September 2001. Hreszczuk fabricates a conciliation report to the Ombudsman. Hreszczuk reports that getaway was not identified previously as Sharp put an "o" instead of a zero.

24 September 2001. The Ombudsman was aware the vehicle had been identified previously and closed the file on corrupt police behaviour.

2 October 2001. Commander Baines fabricated evidence stating that Mrs.Timothy was 'satisfied and agreeable to the outcome' of a conciliation which did not take place.

Sergeant Dowson admits drugs go through the place, in reference to Hernandez coffee shop where the police and the offenders were regulars.

Sergeant Dowson said 'Liz Sharp did not identify the vehicle on the night because it is in her notes that she made a mistake with the "o" or zero. This is a coverup by Sharp..

Since 10 October 2000 the offenders have not returned to the coffee shop nor have the police as before when they were regulars.

This is a taxpayer funded coverup by the Police, the Ombudsman and the NSW Government to protect the offenders of this criminal act.

Yours sincerely,

Diane J.Timothy.

28 February 2003

The Committee Secretary,  
House of Representative Standing Committee  
On Legal and Constitutional Affairs,  
Parliament House,  
CANBERRA ACT 2600

Dear Sir/Ms,

Re Assault Diane Timothy 29 September 2000

Three females entered the Backpackers Headquarters Hostel, 79 Bayswater Road Kings Cross and approached the reception desk and demanded that the older woman be allowed to use the hostel toilet facility. I said "we do not have a public toilet, you will have to go to the toilet up the road". The older large woman who appeared to be on narcotics and was very untidy and dirty began screaming that she was disabled. I was immediately on alert as two days previously an English girl who was working at Crazy Prices store in Kings Cross said a large middle aged woman had caused a commotion at the store while two younger females had escaped with two bags of stolen goods. I said "you are not disabled and in any case we do not have public toilets and you cannot have our security code". This person then began screaming that she had diarrhoea. I said "if you came from the coffee shop and you are disabled and have diarrhoea why didn't you use their toilet. What are you doing here? ". I ordered them to leave the premises, the younger persons left.

I told this person I would call the police. She said "call the police". I then told David Savage (cleaning staff) to call the police, which he did. This person then assaulted me by knocking me out of her way and pushed me into the kitchen cupboards. This person then went into the kitchen area just behind the office which is separated by a sliding door. Some backpackers came over and stood in that doorway, so when this person was unable to go through the doorway she turned and came back towards me. I went to the toilet area at the back of the dining room.

This person followed me and assaulted me again knocking me to the floor twice and locked herself in the male toilet. When she emerged from the toilet Savage told her she would have to stay and wait for the police to come. This person then got a mobile phone from the younger females, passed through the window while I again called the police. This person then announced that she had called her husband. The husband accessed the premises by following a guest in and he said to me "let my wife go". I said "no, she has to stay until the police come, she assaulted me". He then grabbed my arm and pushed me out of his way.

The large female person pushed past Savage who was standing at the alcove near the reception desk to stop her from leaving. The male again demanded that his wife be let go. I said "no, she has to wait for the police". He said "let her go, I am a solicitor, I have friends in the police force". I tried to stop them from leaving. I held the front door closed and they both attacked me. Eventually they both left after knocking me to the ground on the footpath outside. I followed the male to the getaway car and recorded the registration AFA-02B.

The police arrived in the persons of Constables Groves and Sharp. Sharp identified the getaway vehicle AFA-02B as a dark blue Camry registered to Bates. Groves and Sharp refused to take statements from witnesses after the car was identified. (At a later date I was informed by a witness, who has known Bates for years, that 'the Police treat Bates like royalty').

6 October 2000. I phoned Groves at Kings Cross police station to enquire about the development of this assault case. Groves said "we cannot identify the car, the plates are 'bodgie', he is a solicitor and that's what makes me suspicious". I then said "they are not 'bodgie'. Sharp identified them on the night". Groves then explained 'bodgie' as they are stolen. I have a witness who has known the offenders for some years. This witness saw me take the registration particulars of the offenders motor vehicle. This witness said "The police are lying to you that was their car, they treat him like royalty and they do know where to find him"..

10 October 2000. A witness alerted me that the large female offender was in Hernandez coffee shop in Kings Cross Road. I asked "how do you know it was her". The witness said "I couldn't forget 'cowpad'". I went to the coffee shop, which was full of people, to check that she was there. I called the police. The police arrived at approximately 6pm, about an hour later, in the persons of ,again, Constables Groves and Sharp, parking the police vehicle in Bayswater Road. The Constables came into the hostel immediately to tell me that "if the female is not in the coffee shop, we will not come back to see you". I said "do you need me to identify her". Sharp said "no, we have identified her". I said "how can you know who she is?". Sharp said "she is known as "Christine"". Groves and Sharp did not return. Hreszczwk acknowledges that they knew who they were looking for in 'Alternate Dispute Resolution Para 11'. "Christine had left the premises".

14 October 2000. Leo Timothy spoke to Groves re vehicle identification. Groves said "we have checked with the RTA they are 'bodgie' number plates. He is a solicitor 'that's what makes me think something strange is going on.

20 October 2000. Leo Timothy phoned Kings Cross police station and spoke to Constable Sharp asking what progress was being made on the assault investigation. Sharp said "I don't know what's happening, Constable Groves is handling it". Groves was unavailable.

19 October 2000, Contacted Kings Cross police, nothing had been done.

21 October 2000. Groves unavailable.

28 October 2000. Leo Timothy spoke to Groves, cannot identify vehicle, cannot find female.

22 November 2000. Leo Timothy delivered a letter to King Cross police, addressee Commander Baines.

19 December 2000. Constable Sharp phoned Diane Timothy and said 'are there any witnesses'? Timothy said "you know there were and you refused to take statements. David Savage is still at the hostel, the English girls, who you also refused to take statements from have gone home". Sharp said "they are backpackers, they cannot be used". Timothy said "Have you interviewed the offenders"? Sharp said "I have phoned them and left messages on their answering service and they have not got back to me. I will get the Redfern police to go around and see them. If they wont, I suppose we will have to. They live in Redfern".

23 December 2000. Leo Timothy said to Savage 'did you see an assault'. Savage said "I did not see her actually assaulted ". Timothy said "what did you see?". Savage said "I saw they both had her pinned up against the door". Timothy said "Isn't that assault"? Savage said "I suppose it is". Savage later confirmed this assault with a lawyer.

29 December 2000. Leo Timothy delivered a second letter to Kings cross police, adreesee, Commander Baines.

07 January 2001. Hreszczuk phone call to Diane Timothy and said "why do you want a written reply ". Timothy said "Because Groves said the number plates are 'bodgie' that 'they are stolen'. Hreszczuk said "somebody does own those number plates, they belong to Bates." "Phillip Bates, he lives at Waterloo"! Hreszczuk said "they are both druggies and they are wanted on other matters, they cannot be found. The female is the males de facto." Timothy said " Groves said he is a solicitor". Hreszczuk said "he is not a solicitor". Timothy said "Sharp said backpackers cannot be used as witnesses". Hreszczuk said "that is right, they cannot be used".

15 January 2001. Police take statement from Savage. Savage reports seeing both parties assault me . Police omit evidence.

01 March 2001 Sharp to interview occupants of getaway vehicle. Sharp said to Diane Timothy "Savage did not see her hit you". I said "Does he know what assault is"? Sharp said "Oh, how would I know". I said "I thought it was your job to know".

07 March 2001 Diane Timothy spoke to Savage re his police interview, Savage said "I did tell the police I saw you being attacked at the door by both parties.

12 March 2001 Letter to Commander Kings Cross police.

13 March 2001. I spoke to Savage in Darlinghurst Road, Kings Cross. I said "Why didn't you tell the Police what you told Leo 'that you did see me pinned up against the door'. Savage said "**I did tell them**".

28 March 2001. Constable Sharp phoned and said to Diane Timothy " I have sent a message to Redfern police to-night for them to contact the people involved in the assault".

29 March 2001 I spoke with the Premiers office and was told to write to the Ombudsman as he is responsible for the police.

On or about 11 April 2001 Diane Timothy phoned Constable Sharp, Sharp said "The Redfern police went to the offenders home and spoke to Phillip Bates who said his wife was not there, she has left him".

16 April 2001. I lodged a complaint with the Ombudsman that I had been assaulted and even though the registration details of the offenders vehicle were identified by police, I was told that the number plates were "bodgie". I requested that the Ombudsman assist in the resolution of this crime.

19 April 2001. I received a phone call from Inspector Hreszczuk who denied the getaway car had been identified. I said I wanted this in writing. The Ombudsman has stated that the vehicle particulars was not put into the police computer until 29 March 2001

19 April 2001 Letter from Hreszczuk. He stated that the whereabouts of "Christine" are presently unknown, she has been circulated as being wanted for interview. Hreszczuk would not put in writing that the vehicle was not identified.

29 May 2001. Letter from the Ombudsman suggesting that the best way to resolve this complaint is by conciliation and they had been in touch with Kings Cross police. The Ombudsman assured me that 'The matter will be allocated to a suitably trained officer who will contact you and discuss your complaint'. I spoke to the Ombudsman's office regarding my concerns of an unbiased hearing considering that the police had already denied identifying the getaway vehicle and the registered owner on the night of the assault. The Ombudsman's office said 'Our job is to find out why somebody has not been charged'.

22 June 2001. Letter to the Ombudsman requesting Grant McBride join me in this complaint.

22 June 2001. 2.48 pm. Hreszczuk phoned. He had been given the job of investigating himself in the matter after the Ombudsman assured me a suitably trained officer would conciliate this matter.. Hreszczuk accused me of promoting the attack and threatened to charge me if I continued with my complaint.

When I asked Hreszczuk 'what can be achieved by conciliation'. Hreszczuk said 'nothing. Neither party lives at the address at Darlington any longer, the female is the de facto of the the male'. The Inspector was lying. Refer ALTERNATE DISPUTE RESOLUTION Paragraph 15 Hreszczuk now states. 'Married to Christine'.

I said "you said in January they are both drug addicts'. Hreszczuk said "yes they are both druggies".

25 June 2001. Letter from Kings Cross police suggesting conciliation.

26 June 2001. I phoned Bates residence at Darlington and spoke to 'Christine'. Still living at that same address.

29 June 2001. I contacted the Ombudsman's office and spoke to Greta McDonald who said 'write to the Ombudsman and say you do not want anything more to do with Inspector Hreszczuk and we will look at it again'. I complied with this advice. The Ombudsman ignored my letter and request and supported this officer knowing that he fabricated the evidence to protect the criminals.

16 August 2001. Inspector Hreszczuk phoned and said " I was going to get back to you but I have been away. I will be working Monday night and Saturday night. I need to arrange a meeting, I will call you on Monday or Saturday. I never heard from Hreszczuk again. On 24 September 2001 Hreszczuk fabricated a report stating that he had successfully conciliated the matter. He said " Ms Timothy was satisfied and agreeable to this outcome".

10 October 2001. I received from Grant McBride a copy of a report from Commander Baines, Kings Cross police, that Hreszczuk 'had maintained frequent telephone contact (i.e. one call on 22 June 2001), that the matter had been 'successfully conciliated'. That Mrs. Timothy was **satisfied** and **agreeable** to the outcome. This is a fabrication by Commander Baines. Grant McBride assured me it was still under investigation by the Ombudsman

22 October 2001. I advised Grant McBride that there was no conciliation and that this was a further cover up. McBride said "the police have been lying to you from the beginning".

11 February 2002. I phoned the Ombudsmans office requesting advice o progress of my complaint. I was informed 'the file is closed'. I said "Why was I not informed of this. Is it not the Ombudsmans job to find out why somebody has not been charged". The Ombudsmans office said "no". I said "I was told, when I lodged this complaint, by your office that it was the Ombudsmans job to find out 'why someone has not been charged'".

12 February 2002. The Ombudsmans office phoned and said they had been in touch with the Kings Cross police and were told that Sergeant Carole Dowson was in charge of re-investigation and that 'this is not the same person who they told us before, was going to investigate the complaint'.

15 February 2002. Letter to McBride informing him my file had been closed. No response.

3 March 2002. Letter from the Ombudsman on the closure of my complaint file.

11 March 2002. Letter to the Ombudsmen requesting the date the report was to be completed by Dowson as this re-investigation began in November 2001.

18 March 2002. Applied to the Freedom of Information for a copy of Hreszczwk report on 'conciliation'.

19 March 2002. Dowson said "Liz Donohue(Sharp) did not identify the vehicle on the night of the assault because it is in her notes that she put an "o" instead of a zero. Dowson asked 'How did you know the identity of the offenders'. I said "Sharp identified them". I said "Hreszczwk said of the witness David Savage 'he at no time saw you being assaulted'". Dowson said "he did not say he did not see you being assaulted, it was a very selective statement. He could hear you and he did know what was happening".

25 March 2002. I phoned the Ombudsmen's office requesting an answer as to why somebody has not been charged.

25 March 2002. I phoned the PIC and spoke to 'Vicki'. I explained my case to her, she replied that 'even though yours is a very serious matter we would not look at it as we can only take on so many cases. You can send it in if you like but I am sure they will not take it on'.

16 May 2002. Received the report from FOI where Hreszczwk says **Paragraph 16** the 'explanation available for these particulars **not being identified previously** put an "o" instead of a zero' by Sharp. The registration was identified by Sharp on the night of 29 September 2000 as the RTA records show.

6 June 2002. Letter to the Ombudsman pointing out that this report was a fabrication as the RTA records show.

21 June 2002. Letter to the Minister of police.

24 June 2002. Reply from the Ombudsman. Ombudsman says it was six months between the time 'registration details were recorded in Constable Groves notebook and when Constable Sharp transferred these details to the Police computer and commence the search for the driver of the vehicle. As previously stated both Sharp and Groves did know the identity of the offenders as did Hreszczwk.

28 June 2002. Letter to the Premier advising him of Ombudsman closure of my file without explanation or resolution.

28 June 2002. Letter to Ombudsman requesting advice on results of RTA computer check on user ID's accessing registration AFA-02B.

4 August 2002. I lodged a complaint with the Ombudsman on the length of time taken to investigate this matter. That the file was closed in November 2001 and had to be re-opened in February 2002. That the file was closed when the Ombudsman was aware of the user ID who accessed the RTA information.

7 August 2002. Letter from the Ombudsman. Under pressure the Ombudsman finally acknowledges the police did identify the vehicle on 29 September 2000. The Ombudsman states the file remains closed. This is now an ongoing complaint without a file and the question remains unanswered 'why hasn't someone been charged'.

The Ombudsman says he has been **unable to locate** the police officer re-investigating the assault, for at least 4 months and then says 'I will maintain contact with Kings Cross police until such time as we receive final advice as to the outcome of Dowson's investigation'. I know there was no problem contacting Dowson

10 August 2002. Letter to the Ombudsman acknowledging his admission that the police did indeed identify the registered owner of the vehicle on 29 September 2000 and not 'bodgie' or stolen number plates as claimed previously.

12 August 2002. Letter to the Minister of police advising that the registered owner of this vehicle was identified in September 2000.

16 August 2002. Letter to the Premier.

I notified the Ombudsman that the police did identify the vehicle previously.

The Ombudsman then agreed with police 'the vehicle was not identified previously'. The Ombudsman claims that the search for the driver of the vehicle did not commence until 29 March 2001. **Refer Alternate Dispute Resolution Para 11.** On 10 October 2000 Police state "Christine had left the premises". The Ombudsman can not be believed as the police admit they knew who they were looking for.

I then asked the Ombudsman if he would deny that that the vehicle was identified previously when he was already aware of the user ID against the RTA records.

The Ombudsman then had to admit the truth, that the vehicle had been identified previously.

Nearly two and one half years have passed since this assault. The Ombudsman received this complaint six months after the assault.

The police and the Ombudsman have been aware of the identity of the offenders from day one!

The police say they have been unable to locate the criminals involved in their investigation.

The Ombudsman says he has been unable to locate the police officer involved in this investigation.

The Ombudsman and the Police have deliberately attempted to make this investigation dysfunctional.

September 2002. I lodged a complaint with Chris.Hartcher.

November 2002. I received a letter from the Police Minister's office in reply to that complaint supporting the coverup by the police and the Ombudsman.

27 January 2003. I have asked the police officer who is now investigating my assault, how many times the police computer accessed the RTA computer from 29 September 2000 until 29 March 2001 when the Ombudsman states the registration particulars AFA-02B were put into the the police computer. I request this information because those particulars were in the police computer when I spoke to Groves the week after the assault and when I spoke to Hreszczuk on 7 January 2001.

28 February 2003. There has been no response to this request.

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