Sue Neill-Fraser: an independent Inquiry can no longer be avoided

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REDACTED VERSION: 6 November 2025

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This paper is focussed upon the need for a Commission of Inquiry in Tasmania at which persons of interest can give evidence and have that evidence tested. Such evidence may put an innocent explanation upon events that, for the moment, raise suspicions.

Any person quoting from this report is asked to respect the rights of those who are mentioned. This includes not mentioning by name any person facing criminal proceedings.

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[1] Note, Barbara Etter was Sue Neill-Fraser's solicitor from October 2012 until June 2017, that is before the leave to appeal hearing.

Why you should read this paper

In late 2021 it seemed to all that Sue Neill-Fraser's (SNF) attempts to overturn her conviction for the 2009 Australia Day murder of her long-time partner Bob Chappell (Bob) had failed.

At the March 2021 appeal hearing her key witness, Ms Meaghan Vass (MV), recanted her prior sworn admissions to having been on the Four Winds yacht when Bob was killed.

A majority of the appeal court accepted that MV's DNA, found on the yacht deck, was likely deposited there days after the killing, when the scuttled yacht had been moved up river to CleanLift Marine in Negara Crescent Goodwood.

Game, set, match to the police and the prosecution.

But now there is mind-changing information. What is it?

There are five sound reasons for questioning the conviction in what was an entirely circumstantial case.

First, recent research, along with a Forensic Biology Report by a member of TASPOL's Forensic Science Service Tasmania (FSST), Paul Holloway, produced in 2020, but not considered by the 2021 appeal court, gives support to MV's DNA being left on the yacht deck on Australia Day 2009.

That objective scientific evidence, when combined with the lack of opportunity for her DNA to have been left at a later time, compels a review of her recantation at the appeal, especially as it corroborates her earlier sworn statements in 2017 and 2019 that she was on the yacht on Australia Day.

Second, in 2019 the issue of the MV DNA was referred by FSST to Dr Duncan Taylor,[2] Principal Scientist, Forensic Statistics Forensic Science SA (who is associated with Flinders University and has published extensively on DNA related issues[3]), for "activity level reporting case" which relates to the "when and how" regarding a DNA sample, as opposed to the "who".

[2] Dr Duncan Taylor - Flinders University

[3] See Duncan TAYLOR | Forensic Science South Australia, Adelaide | Department of Biology | Research profile

Dr Taylor's report/response[4] via email dated 7 June 2019 (and any associated material) has, so it seems, never been released beyond the ODPP.[5] Given that it was sought between the granting of leave to appeal in March 2019 and the 2021 appeal it is a reasonable assumption that if the contents were favourable to the police/prosecution case that they would have been disclosed to the appellant.

The non-disclosure prompts the hypothesis that the contents were not favourable to the police/prosecution case.

Contact with Forensic Science SA is not mentioned on the FSST running sheets also released under RTI in the same disclosure.[6] Dr Taylor's response or possible report does not get mentioned in subsequent FSST reports which refer to previous reports in the matter.[7]

The referral to Forensic Science SA regarding the MV DNA was not known by the authors until after an External Review by the Ombudsman this year (R2310-016) of the RTI disclosure (following an application by the Hon. Meg Webb dated 27 October

[4] The SA response (at pp.125-126) follows on from an email from Ms Pam Scott, Manager Forensic Biology, to Mr Thomas Sobieraj (who from an Internet search appears to be the Forensic Science SA Biology Manager) dated 30 May 2019 at IR Supp. pp.126-137 (completely redacted under s.31 RTI Act) and a direct email to Taylor from Scott on 6 June 2019 at p.126. It appears to attach a Tasmania Police Subject Report (v.6) which consists of 10 pages – see bottom of p.137.

[5] We know from the email exchange released that the SA response was shared with the ODPP (Shapiro and Coates) on 11 June 2019 and Sinnitt on 11 June 2019 (IR Supp. pp.123-124).
We wondered if all or part of Dr Taylor's response had been shared with the appellant's legal team. As of 21 July 2025 we have been advised that three senior counsel never saw or heard about it. The solicitor was making further checks but had no memory of it.

[6] See p.30 RTI 49/23, 56/23 and 87/23 IR Supp. provided to the Hon. Meg Webb in September 2023.

[7] See, for instance, the FBR dated 15 January 2021 at RTI 49/23, 56/23 and 87/23 Supplementary Internal Review at p.52. Mr Holloway did state in his June 2020 report at p.2 that his statement was based on information from the relevant FSST case file.

The Supplementary Internal Review (see letter dated 29 September 2023 from Inspector John King) found an additional 152 pages (including 15 emails exchanges relating to items 9 (the blue small towel), 94 and 95 (the possible vomit rags) between 2017 and 2022), but the pages appearing to relate to any SA report or response are completely redacted, other than for email headers and signature blocks. Within those headers there are references to Dr Taylor at p.125 (header for 7 June 2019), and p.126 (signature block and header for 6 June 2019). The email sent to Thomas Sobieraj is at pp.126 and is dated 30 May 2019.

2023). This led to a new set of documents with altered exemptions and additional information released.[8]

The Ombudsman held in his decision of 27 May 2025 that legal professional privilege did not attach to a document or email per se but to the communication recorded within it.[9] Therefore, his finding that s.31 was a valid exemption did not extend to information contained in the address lines, time stamps, signature blocks, salutations and confidentiality disclaimers contained in these emails.[10] The limited, but nevertheless revealing, new information was not provided by Tasmania Police until June 2025.

There is also a Tasmania Police Subject Report dated 3 June 2019 (v 6) headed "RE: CHAPPELL MURDER – DNA RESULT REGARDING MEAGHAN ELISABETH VASS".[11] It is 10 pages long and the content is completely redacted (other than header, signature block and version details) under s.31 of the *Right to Information Act 2009* which relates to legal professional privilege.[12]

These questions follow:

- What was Dr Taylor's opinion/s or advice?
- Why is his opinion or report not properly referenced in later FSST documents (including running sheets and the Holloway report)?
- Were Dr Taylor's opinion/s shared with anyone outside FSST, Police and the ODPP? If so, who and when?

Third, significant developments and published research, since the 2021 appeal, in the science of DNA Transfer, Persistence, Prevalence and Recovery (**DNA-TPPR**) and Time

[8] See schedule released by Inspector King in September 2023 as part of the Supplementary Internal Review. It indicates that pp.123-137 ("Email -Sinnitt") was fully exempt under s.31 and s.36(1). There were no headers in emails etc.

[9] That claim of legal privilege and the Ombudsman Office acceptance of that claim is concerning. It certainly applies in civil litigation. However, in criminal matters the duty of disclosure is ongoing, whether the "new" material assists or detracts from the police/prosecution case.

[10] See para.46 of Ombudsman External Review decision in R2310-016 dated 27 May 2025 at para.46 re application by the Hon. Meg Webb.

[11] RTI IR Supp. 49/23, 56/23 and 87/23 at pp.101-114. Note, the schedule of documents provided by Inspector King as part of the Supp. Internal Review in September 2023 for RTI 49/23 and 87/23 treats pp.92-114 as one document identified as an "Email – Sinnitt".

[12] This Subject Report appears at IR Supp. 49/23, 56/23 & 87/23 at pp.101-110 and pp.128-137. It is the same Police Subject Report i.e. v 6. See further details in the Chronology at Attachment C for 3 June 2019.

since Deposition **(TsD)** (see below).[13] It is ironic that critical research supporting our comments in this report regarding DNA persistence has been published by leading scientists/academics from Flinders University in South Australia in 2023.

Fourth, the police claimed that MV, her associates, or both, entered CleanLift Marine and that was when her DNA sample was left. Our recent review of the police records shows those claims to be farfetched. What's more, those same records show that if police ever thought that claim had legs, then they made no inquiries, open to them at the time and since, to verify that claim.

Fifth, drawing on the above, it is now more likely than not that MV was on the yacht on Australia Day 2009. If so, she was not alone. Others were with her. At no time has there been a suggestion that MV was capable of getting to the Four Winds on her own, let alone overpowering and killing Bob and disposing of his body. That said, it's a possibility that has to be raised with her at an Inquiry. The evidence (including the results of several years of RTI (aka FOI) applications to reluctant police[14]) demonstrates that the police had reason to suspect the involvement of others but chose not to properly investigate. In so far as they did make inquiries, it seems they failed to share that information with the prosecution and the court, a fundamental contravention of their duty.

It now seems, for instance, that there were two "Sam"s. There was also a well known boat thief at the time who should have been properly investigated. Then there are the comments of then Inspector Peter Powell about Vass' young male associates who were known to break into boatyards and steal things from boats.

Why did that failure to investigate and properly disclose information happen? Only an independent Inquiry with coercive powers, sufficiently broad Terms of Reference and

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[13] See Matteo Antonio Sacco et.al. "The Role of Molecular Investigations in Estimating the Time since Deposition (TSD) of Bloodstains: A Systematic Review of the Literature" *Int J Mol Sci.* 2024 8 July 25(13): 7469 at The Role of Molecular Investigations in Estimating the Time since Deposition (TSD) of Bloodstains: A Systematic Review of the Literature - PMC

[14] See, for example, the RTI application by Barbara Etter dated **17 June 2021** to Tasmania Police for information on Mara House records and other matters such as the additional testing of the red jacket and MV mobile phone records (RTI application 206/21) which involved delays in processing, alleged Return to Sender for hard copy correspondence, initial refusal under s.19 regarding what was considered to be a voluminous request, delays in refining of the scope and the eventual refusal to provide any information in a response by Police dated **4 October 2021**. Relevant information was located by police but the "majority of information" was in the custody of the ODPP (hence s.6 of the RTI re excluded bodies was said to have applied) and the remainder of the information sought then formed part of ongoing investigations which may be presented before a court at a future date. It was noted that the matter was under appeal. Section 30(1)(a)(i) and 30(1)(f) exemptions under the RTI Act were claimed – the information disclosed would be reasonably likely to prejudice the investigation and any subsequent court proceedings. No information at all was disclosed. The response had stated that over 1,000 pages of information had been initially located and that it was the Mara House associated portion of the request that required refinement.

with the resources to retain appropriate experts and skilled investigative and support staff, can give us a reliable answer to that question.

What follows is the information that, once understood, will upset the well settled views of those who are convinced that, "Sue Neill-Fraser did it".

MV's presence on the Four Winds on Australia Day 2009, now backed up by hard facts and analysis, post 2021 scientific research, the 2020 FSST Holloway report, and demonstrable inadequacies in the police investigation, is the key to exposing the 2010 wrongful conviction of Sue Neill-Fraser.

Assuming that MV was on the yacht with others then it is she and they, not SNF (who has always denied that she was on the boat at the relevant time), who need to explain what happened.

Bear in mind that the case against SNF was all circumstantial evidence, with no body, no weapon, no witnesses to the crime, no established cause of death, no forensic science linking Sue to the killing, and no persuasive motive.

Now there will be renewed doubts, significant not trivial, sufficient to require an independent Inquiry conducted by an interstate judge, with counsel assisting - both with prosecution and defence experience - and assisted by carefully selected and experienced detectives from an interstate police force.

Why do we look to interstate experience? The answer lies in our repeated experience and observations over more than a dozen years of local interests preferring to attack the messenger, rather than to engage openly with the material that shows a police investigation that lost its way, focused in a blinkered fashion on SNF, and which then misled lawyers, judges, jurors and the public.

The purpose of such an independent Inquiry is to answer these questions:

1. What is the evidence, available now, that would lead an appeal court to find the 2010 conviction unsafe?
2. In what respects did the TASPOL investigation into the death of Bob Chappell fall short of good or best practice investigative method or become improper?[15]
3. Was there a failure to disclose material information to the court? (See Attachment A)

[15] See, for example, the UK's 2021 *Major Crime Investigation Manual*: Major-Crime-Investigation-Manual-Nov-2021.pdf and the 2022 *Australian Government Investigations Standard* (AGIS): Australian Government Investigations Standard. These documents should be compared to the crime investigation sections of the current *Tasmanian Police Manual* (as at April 2024) at Part 04 Investigation Procedures Tasmania-Police-Manual.pdf. Crime is covered at pp.226-241. The paucity of information at 4.4.2 Investigation Procedures and 4.4.5 Major Crimes, coupled with exemptions under the *Right to Information Act 2009*, is disturbing.

4. Would the now available evidence, properly presented to an appeal court, likely lead to an acquittal, or would it lead to the setting aside of the conviction? (The latter outcome means that it is up to the DPP to decide whether or not to go to a retrial).

Let's turn to the detail that will persuade you too that such an independent Inquiry is the right step to take now in the interest of Tasmanians having confidence in their police, forensic science services, and the criminal justice system.

The information in this paper is presented in four parts:

First, a brief discussion of the legal framework. This is included because something more than a dossier of errors of fact finding is needed to overturn a conviction. We also look at the possible consequences from a revealing, independent Inquiry;

Second, how the DNA Transfer, Persistence, Prevalence and Recovery (**DNA-TPPR**) and Time since Deposition **(TsD)** science (based on recently published Australian and international research) now supports the assertion that MV was on the Four Winds yacht on Australia Day 2009, and not (as the police/prosecution have claimed) on a later day;

Third, that police records establish that neither MV nor her associates could have been aboard the Four Winds after it had been moved to CleanLift Marine at Goodwood and before the taking of the MV DNA sample; and

Fourth, an ignored, but essential line of inquiry into MV's associates that would either rule them out as persons of interest in the murder investigation, or lead to further inquiries.

The structure of the following discussion is therefore:

1. The Legal Framework
2. The DNA science and related issues
3. MV and her associates and their inability to board the yacht at CleanLift on 28/29 January 2009
4. The failure by police to investigate MV and her associates, her phone use, and their failure to reveal their search for the missing fire extinguisher two weeks after Bob's murder.
5. A basic Chronology of relevant events in this case which can be found at the end of this report.[16]

[16] See Attachment C. The Chronology is detailed in relation to relevant events pertaining to the issues raised in this paper.

1. The Legal Framework

Showing that there were errors and/or omissions during an investigation and in the conduct of a trial or an appeal – as we do in this paper - can cause dismay to fair minded people but that, of itself, may not be enough to have a conviction overturned.

Indeed, there is an important legal principle, known as “the proviso” which allows an appellate court to find error in what happened below, but then go on to dismiss the appeal because, in their opinion, the trial verdict of guilty remains the proper outcome (that is, it was open to the jury on the evidence before them to be satisfied beyond a reasonable doubt).

What this means for those seeking to call into question SNF’s conviction is that clear breaches of one or more legal principles must be shown, breach/es that entail that the conviction is regarded as “unsafe”. If that result is reached then an appeal court may quash the conviction and enter an acquittal, which has the same effect as a jury finding of “not guilty”, or it may choose to set it aside, and leave it to the DPP to decide whether or not to have a new trial.

We have chosen to package the errors and omissions that we discuss in this paper under the primary legal issue of the availability of a reasonable, credible hypothesis that the death on the Four Winds of Bob Chappell was not the result of SNF’s actions (that is the prosecution case), but was, as a reasonable, evidence based hypothesis, the result of interactions between Ms Vass and/or with one or more others known to her, with Bob Chappell.

There is a secondary complaint which, of itself, may (not ”will”) lead to the overturning of a conviction, namely the failure of police and/or the prosecution to abide by their disclosure obligations to such an extent that the court was deprived of important information, and the Defence was deprived of the chance to raise a credible, alternative hypothesis to that of the prosecution.

That point is also important for the appellant, SNF, satisfying a threshold test that the evidence being relied upon for any further appeal is “fresh”, and could not reasonably have been obtained by the appellant earlier. Such evidence is also required to be “compelling”. There must also have been a substantial miscarriage of justice.

In a nutshell, and explored below, this viable, alternative hypothesis has these compelling components:

1. Contrary to the evidence at trial, and as presented to the 2021 appeal court, Ms Vass’s DNA was, more likely than not, given the Forensic Biology Report by FSST

Paul Holloway dated 30 June 2020 and recent international research, deposited by her in her saliva onto the yacht deck late on Australia Day/early hours of 27 January 2009.

2. The failure of the 2021 appeal court to find that there was such a cogent claim to Ms Vass's DNA being deposited on Australia Day 2009 was the result of the lawyers for both parties to the appeal failing to call Mr Paul Holloway, or refer the appeal court to his 2020 DNA report that was in the DPP appeal papers;

3. The consequence of published national and international DNA research since 2021, and Mr Holloway's science-based evidence, is that Ms Vass's 2021 appeal retraction of her prior sworn statements to having been on the yacht should be revisited. That requires independent investigation;

4. Further support for that proposition comes from the analysis in this paper of the police records. This shows that there is no credible support for the police claim that Ms Vass or others carrying her DNA boarded the yacht days after Bob's death, when it was at CleanLift in Goodwood being assessed for damage and examined for forensic and other evidence;

5. At the time of Bob's death, the police had current knowledge of a young person, Mr xxxx (dob xxxx), who had the criminal history, the means, the motive and, likely (because it appears he has never been interviewed or his alibi checked about what he did and where he was on Australia Day 2009) the opportunity to board the Four Winds on Australia Day; (Note, as at September 2025 Mr xxxx is awaiting trial in xxxx).

6. Mr xxxx's ready access to dinghies meant that those who claimed to have seen a dinghy (of varying description) at the Four Winds in the late afternoon of Australia Day 2009 ought to have been shown the equivalent of a "line up of such boats" to see if any of them identified one that could have been used by Mr xxxx (as coming from xxxx up the river in Goodwood/Derwent Park[17]);

7. Despite their knowledge of Mr xxxx, and despite going so far as to execute a search warrant on 11 February 2009 (this date being important, as explained later) which apparently included looking for the yacht's missing fire extinguisher in Mr xxxx's bedroom (based on a sworn affidavit from 2017 from the then resident of that room), and possibly a police radio stolen from a nearby moored police vessel and reported that day,[18] the police failed to disclose that knowledge and their conduct to the prosecution and defence;[19]

[17] The xxx is named as the xxxx in police records. See Sinnitt investigation folder Application Book (AB) p.511.

[18] See OR 358438 released to the Hon. Kristie Johnston under RTI in 2022. RTI 451/21 pp.44-47.

[19] See the speech of the Hon. Mike Gaffney to the Tasmanian Legislative Council on 22 August 2023 (and 5 September 2023).

8. Ms Vass's disclosed associate, Mr Sam xxxx (No.1) (who also has a significant criminal history including personal violence[20]), has never (on the evidence available to the authors) been properly investigated as to his movements on Australia Day and 27 January 2009;

9. On Australia Day, 2009, Ms Vass verbally advised Mara House (the shelter where she was staying) about, and on her return completed a sleepover form for "Sam" at xxxx Place in xxxx. The only Sam in xxxx Place known to police was Mr Sam xxxx (No.2). The police never took a statement from him and so his name was not mentioned at the 2010 trial. They also did not acquire a copy of the critical sleepover form, as it was not included in the Sinnitt investigation folder;

10. If police had any information about links between and among Ms Vass, Sam No.1, Sam No. 2 and Mr xxxx and police operations concerning boating related crime they failed to properly disclose all such links and activities to the prosecution and the defence;[21]

11. If police had no such prior information, then the circumstances of the death of Bob Chappell, Ms Vass's DNA on the yacht, her advice and completed sleepover form at Mara House that she would be with, or was with "Sam", the recent spate of break ins onto moored yachts and stealing,[22] and the known and relevant criminal history of Mr xxxx, necessarily entailed that there be a sufficient investigation to either exclude or include them as persons of interest; and

12. These errors and omissions entailed that the prosecution, the SNF defence team, the jury, the judge and the public were unaware that there was a real possibility, not fanciful conjecture, that a person or persons, other than SNF, could have boarded the yacht with Ms Vass, while Bob was present, and be responsible in some manner for his death.

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[20] See leave to appeal hearing for 22 August 2018 at T 429 where Sinnitt was re-examined by Percy QC about Sam No.1's criminal history, which included an assault on a woman. Sinnitt also admitted that he had not checked Sam No.1's criminal history since around March-April 2010.

[21] Note, OR 360434 re the 20 hp Honda outboard motor found on 5 March 2009 at Gepp Parade at Goodwood mentions "**ORCA"**. There is also reference to "Linked Operations" in IDM Report 201010576 of 19 February 2010 (which relates to the arrest of MV on 18 February 2010 for shoplifting) to Operation **"SCUBA"** (added on 22 February 2010). What were Operations ORCA and SCUBA and did they refer to boat related offences? The names are suggestive of water-related activities. These are issues to be addressed by an Inquiry.

[22] *What TasPOL knew and ignored from late 2008 about Meaghan Vass and Her Associate xxxx. A saga of defective investigation, failure to disclose and why that matters* 4 August 2021. See https://www.parliament.tas.gov.au/legislative-council/tabled-papers/2021-50th-parliament/LCTP14_31_08_2021.pdf

As stated in the Etter/Selby papers tabled in the Legislative Council in 2021, the strength of the prosecution case was an illusion built upon poor investigation and non-disclosure.[23] A summary of non-disclosure issues known at that time was given by the Hon. Mike Gaffney in his subsequent speech to the Legislative Council on 22 August 2023 (See Attachment A). There may be another significant non-disclosure – an expert report or opinion of Dr Duncan Taylor from Forensic Science SA from mid 2019.

Importantly, as stated by Wood J in the 2021 appeal decision (at para.84):

> In relation to the content of the duty of disclosure on the prosecution in criminal proceedings, the duty is to disclose all material relevant to an accused's defence; it is a duty owed to the Court, not the accused. It is ongoing and includes, where appropriate, an obligation to make enquires (sic), and is imposed upon the Crown in its broadest sense. It may extend to material known to investigating police but not known to the prosecutor…

The applicable law on appeals has been clearly and succinctly stated by the High Court of Australia in its 2016 decision in *The Queen v Baden-Clay* [2016] HCA 35. Under the heading "Hypothesis consistent with innocence" a unanimous court (in paragraphs 46-47) set out as follows:

> The principles concerning cases that turn upon circumstantial evidence [as is the case against SNF] are well settled**.** In *Barca v The Queen*, Gibbs, Stephen and Mason JJ said:
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> "When the case against an accused person rests substantially upon circumstantial evidence the jury cannot return a verdict of guilty unless the circumstances are 'such as to be inconsistent with any reasonable hypothesis other than the guilt of the accused'. To enable a jury to be satisfied beyond reasonable doubt of the guilt of the accused it is necessary not only that his guilt should be a rational inference but that it should be 'the only rational inference that the circumstances would enable them to draw."
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> For an inference to be reasonable, it "must rest upon something more than *mere conjecture*. The bare possibility of innocence should not prevent a jury from finding the prisoner guilty, if the inference of guilt is the only inference open to reasonable men upon a consideration of all the facts in evidence". Further, "in considering a circumstantial case, *all of the*

[23] *What TasPOL knew and ignored from late 2008 about Meaghan Vass and Her Associate xxxx. A saga of defective investigation, failure to disclose and why that matters* 4 August 2021 at p.21. See tabled papers here: LCTP14_31_08_2021.pdf

> *circumstances* established by the evidence are to be considered and weighed in deciding whether there is an inference consistent with innocence reasonably open on the evidence." The evidence is not to be looked at in a piecemeal fashion, at trial or on appeal.

For completeness let us also share what the High Court had to say in *Penney v The Queen* [1998] HCA 51. Justice Callinan wrote the judgment with which the other four justices agreed. They dismissed Mr Penney's appeal. However, his Honour noted at para.18:

> Indeed there may be cases in which deficiencies in the investigation might be of such significance to a particular case as a whole that the accused will be entitled to an acquittal or a retrial. But that will all depend on the facts of the particular case.

You too may think that this case fits those requirements.

Consequences from showing a real possibility of a hypothesis consistent with Sue Neill-Fraser's innocence

Readers may recall that following her 2010 conviction, SNF appealed unsuccessfully. Thereafter leave to be allowed to make a second appeal was granted in 2019 based on a sworn affidavit of Meaghan Vass that she was on the Four Winds on Australia Day 2009. That led to SNF's unsuccessful March 2021 appeal.

In theory SNF could make another application for leave to appeal again. And, in theory, she might be successful.

However, that approach is to put the cart before the horse. What this paper demonstrates is errors and omissions, principally by police, but also by others.

First and foremost, there has been a failure of police investigation. Allowing that MV was on the yacht (a fact that now appears to be well based in science) on Australia Day, that she spent some unknown part of that day with either or both of Sam xxxx and Sam xxxx, and that xxxx had a lengthy criminal history of boat break-ins, is suggestive that she and one or more of her "associates" were together on the Four Winds and played a part in Bob Chappell's death.

We write "suggestive" because there may be another person, or persons, with whom MV was on the Four Winds. We don't know who "they" were because, to date, we

have had to rely upon what the police have disclosed. We can't know what material they may have withheld or why they have withheld it.[24]

This paper presents what we have been able to extract from the released and redacted records as to what the police knew, what they did, and some of what they didn't do with respect to a proper investigation of the possible involvement of any of those associates in Bob's death.

Such an investigation must now be done because it is the only way that the whole of the evidence, and deficiencies in the evidence (which should have been avoided in 2009 and 2010), can be uncovered.

The uncovering of such evidence, and omissions from it, will satisfy the legal test for fresh evidence for another appeal: that the evidence now being used to justify the appeal was not available (with reasonable due diligence) to the appellant, SNF, at any earlier date.

Moreover, the evidence in support of the alternative hypothesis is, we assert, compelling.

Access to appropriate scientific experts and exhibits will also be essential.[25]

The investigation must be done by skilled detectives who are independent of TASPOL, and under the direction of a past or present interstate Judicial Officer with prosecution and defence experience. If that judicial officer is assisted by an interstate "counsel assisting" with police, prosecuting and defending experience, so much the better. We know of such judicial officers and possible counsel assisting.

The results of such an Inquiry will influence the future actions of the Government, the DPP, and Legal Aid.

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[24] Such as Police Disclosure Folder 13 – see 2021 Etter/Selby papers.

[25] Including access to the small blue towel (Item No.9 in the Forensic Biology Report (FBR) of 1 July 2009). The blue towel was found on the deck of the yacht near the MV DNA sample. The results of any testing or examination of the towel disappeared from the FBR, without explanation, even to this day. It is known from RTI that the towel was in the DNA laboratory on 3 February 2009 (See DPFEM RTI 49/23 and 87/23 by the Hon. Meg Webb at p.24). Attempts to obtain examination/testing results for the towel from 2009 and 2021under RTI by the Hon. Meg Webb have failed, including through external review by the Ombudsman (R2405-016 & R2310-016). Attempts by Robert Richter KC to obtain the relevant records and to obtain access to the towel by an independent expert, for testing if required, have also been refused or not responded to. To be quite clear, the investigation into Bob Chappell's death did not raise issues of national security, nor long term investigations into organised crime. Therefore, there has to be suspicion about the bona fides of claimed exemptions and failures to bother to answer years after the investigation was concluded with a conviction.

For example, if the Inquiry confirmed the reasonableness of the Defence hypothesis, “not me, one or more of them”, then the DPP, or the Attorney-General could facilitate a fresh application for leave to appeal and then further facilitate Legal Aid running that appeal with the support of the Attorney-General/DPP.

They might even agree on whether the evidence supports a verdict of acquittal or a new trial.

There are other possible outcomes from an Inquiry; however, at the least, it will, once and for all, examine all the relevant evidence from an inquisitorial perspective, free from any blinkers or prejudice. Such an Inquiry will have the powers to compel answers that former lawyers (such as the authors of this paper) do not have.

2. DNA science now supports Meaghan Vass having been on the yacht on Australia Day, not days later.

At the 2010 trial Meaghan Vass denied having been on the Four Winds. She was 15 years old on 26 January 2009. The prosecution’s explanation for the finding of her DNA on the deck was that:

1. It was secondary transfer, that is her DNA was picked up by someone else, such as a police officer, who transferred it to the deck, for instance, via the sole of a shoe; or,
2. Alternatively, MV or one of her associates left the sample on the yacht several days later. This was a reasonable possibility - so it was claimed - because there was a “break-in” to the Four Winds at the boat yard to which the scuttled Four Winds was taken on 28 January 2009. That break-in must have occurred prior to the relevant sample or swab being taken from the deck in the early morning of 30 January 2009.

The second part of the prosecution explanation is dissected and wholly rebutted in the third part of this paper.

Justice Wood commented in her judgment at the 2021 appeal that FSST scientist Mr Grosser’s evidence at the 2010 trial of secondary transfer of the Meaghan Vass DNA was “highly contentious” on the appeal (para.27). Her Honour also acknowledged that the evidence of Maxwell Jones was central to SNF’s case on the appeal (para.44).

The following remarks by Justice Estcourt (who was in dissent in the 2021 appeal) bear repeating (para.444):

> … I am satisfied that in the context of the issues in dispute at the appellant's trial, it [being Mr Jones' evidence – see below] would have been highly probative of her case, based as it was on a contended hypothesis that Mr Chappell's death was caused by another person or persons boarding the yacht around the time of his disappearance. It would have cast significant doubt on Ms Vass's denials that she had ever been on board the vessel.

Estcourt J concluded that, having regard to the evidence at the trial and the closing address of counsel and the learned trial judge's summing up, and after taking into account what he considered as the fresh and compelling evidence of Mr Jones, that there had been a substantial miscarriage of justice (para.459). His Honour found that, had Mr Jones' evidence been before the jury in 2010, the Crown case could not have been left to the jury with the reasonable hypothesis raised by the defence as to MV being present on the yacht [at the time of the murder] being trivialised as a "red herring" (para.461).

We now have information (discussed in the fourth part of this paper) that shows that the investigating police knew the identities of possible others who went aboard on Australia Day, failed to properly investigate their location and alibis for the day of the murder, and preferred to discredit, first the suggestions that Ms Vass was on the yacht, and later her apparent belated truthfulness when, in affidavits, she recanted her trial evidence that she'd never been on the yacht, and stated that she had been on it.

Ms Vass then disavowed those admissions at the 2021 appeal hearing when, not appropriately supported, and with front page media coverage in *The Mercury* during her evidence (as to which see below), she fell apart.

The science, however, previously minimised and "explained away" by the police and prosecutors,[26] including as a "red herring", now corroborates that she was on the yacht when Bob Chappell died.

There is now credible evidence (based on the advancing knowledge as to how long DNA can persist, and "Time since Deposition") that she (not anyone else) left her DNA in saliva (rather than vomit as earlier thought and submitted to the court) on the deck of the yacht on Australia Day 2009. The best science (which includes published national and international research after the 2021 appeal) shows that the DNA could well have been there for some days.

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[26] And criticised by the Court of Appeal in its 30 November 2021 decision – per Wood J at paras.240-242 where it was found that the DPP's DNA scenario re the shoe in the closing address strayed away from evidence into conjecture. Her Honour stated that both closing addresses contained an element of "hyperbole and conjecture" and "exaggeration and theatre" at paras.245 and 247. See also para.270 per Wood J. See Estcourt J at para.455 about trivialising the defence hypothesis as a "red herring" – an analogy used by the DPP 48 times in his closing address. See also Estcourt J at para.461.

It was not as previously, conveniently claimed, left by someone else (via the sole of a shoe), or in transferred urine (which is not a source of DNA) as suggested by the trial judge. His Honour stated in summing up at trial at T 1530):

> Now if Meaghan Vass was homeless in the northern suburbs one of the possibilities that I'd suggest you ought to be considering is whether she'd spat – it's not a delicate subject, but had urinated or something like that somewhere where a policeman had trodden and then that officer had walked onto the deck or got into the car and driven to the boat and walked onto the deck, is it possible that that's the mechanism by which her DNA got there and that she wasn't there.

We can assume that the jurors would have paid close attention to the trial judge's suggestions as to what to consider on what is clearly a complex issue.

An important issue, particularly at the 2021 appeal, was the evidence from Victorian forensic scientist Max Jones that, in effect, the MV DNA sample from the deck of the yacht was so fresh that it could only have been deposited in the previous one to two days.[27]

The prosecution then argued that, if MV was on the boat, then it must have been at CleanLift Marine at Goodwood, that is, days after the murder.

The DNA sample had been taken by Ms McHoul from FSST at 1.40 am on 30 January 2009 at CleanLift.[28]

There was evidence of break-ins to boats and boatyards at Goodwood around the relevant time but no specific evidence/police documentation of a "break-in" to CleanLift between 28 January and 30 January 2009. This should have been a red flag, but it seems to have gone unnoticed even at the leave to appeal in 2017.[29]

Various police Offence Reports and related records such as IDM Reports (these are intelligence reports), Command and Control (dispatch) records were provided in the Sinnitt investigation folder disclosed to the defence only mid trial, during the cross-examination of Sinnitt by David Gunson SC.[30]

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[27] See evidence of Max Jones at leave to appeal hearing on 31 October 2017 at T 112-117.

[28] 2010 T 750. DPFEM RTI records (by way of the Forensic Continuity Label for Item 20) indicate that the exact time was 1.38 am. See RTI 444/23 pp.7-8. Note, the June 2020 report by Holloway at p.2 states 1.30 am.

[29] See evidence of Mr Chris Smith on 1 November 2017 at T 274-276. CleanLift is opposite and across the water/Bay from xxxx at Gepp Parade in Derwent Park – but at times referred to by police as Goodwood. Xxxx lived at times at xxxx and was known to steal from boats.

[30] Further materials were disclosed to the Hon. Kristie Johnston under RTI in 2022. References to the Sinnitt investigation folder and its disclosure can be found at T 752-755 during evidence from Sinnitt on 30 September 2010. The relevant reports regarding break ins at Goodwood and possible entry or

The prosecution argued at trial that Ms Neill-Fraser had complained about things going missing at Goodwood (T 1197, 1297, 1392 & 1407). This was used to strengthen the case for a break-in to the yacht.

The majority at the 2021 appeal accepted that Mr Jones's evidence supported a credible prosecution hypothesis that MV's DNA was left on the yacht by way of secondary or direct deposit when it was at CleanLift.[31]

In relation to the science aspect, the Sinnitt investigation folder contained an email from FSST scientist Mr Carl Grosser to police officer Sinnitt dated 18 March 2010 (that is months before the trial) in relation to the match with the MV DNA sample (Item 20 from the Forensic Biology Report of 1 July 2009). Mr Grosser stated:[32]

> Given the strong DNA profile that we obtained from this swab I'd suggest that this is indicative of the presence of a relatively large amount of DNA, which is more likely to come from body fluids (blood, saliva, etc) than a simple contact/touching event.

This email was never made available to the court at the trial and the Sinnitt investigation folder was never made an exhibit (we don't know why. It is in opposition to the prosecution's reliance upon a secondary transfer theory); however, the email was the subject of submissions and consideration at the 2021 appeal.

Mr Paul Holloway's FSST Forensic Biology report dated 30 June 2020, that is, before the appeal, states that the "more likely" source of the MV DNA was saliva (rather than blood, vomit or transfer from skin contact) and that it was "possible" that it had been deposited on 26 January 2009.[33]

Mr Holloway cites twenty articles as having been consulted in the writing of his report.

He specifically referred to the quantity of DNA measured. Previous references had been merely to a relatively large amount which had not been explained or elaborated

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stealing from boats can be found in the Application Book (AB) filed in the Supreme Court in September 2016 at pp.488-522 and referred to in court during the evidence of Sinnitt in 2018 (T 393). See the analysis at Attachment B.

[31] See for example, Wood J at paras.267-268 where she refers to the Jones' 1-2 day theory and states that this supports the proposition that the DNA was deposited at Goodwood. See also paras.271-272 and 313-314 per Wood J. See paras.534 and 540 per Pearce J.

[32] Page 444 of Application Book for the leave to appeal filed with the Supreme Court in September 2016.

[33] This June 2020 report states that it replaces the previous FBR issued for this case on 5 March 2020. The authors of this paper have not seen this document. Note, the original further appeal was meant to occur in March 2020 but was delayed and rescheduled. The 5 March 2020 report may have generated a meeting with the ODPP – see emails for 13 and 16 March 2020 between Jack Shapiro and Sinnitt at RTI 49/23, 56/23 & 87/23 Supp. Internal Review at pp.115-117.

upon.[34] However, the authors understand that the amount of the sample, of itself, is not conclusive as to it being primary or secondary.

Justice Wood noted (at para.201) that neither Mr Jones nor Mr Grosser had defined what they meant by a "relatively large quantity" of DNA.

From Mr Holloway's analysis (and Grosser's comment above), when combined with the following close look at the probable diminishing time gap between deposit and sample collection (as being less than the 4 days that was assumed for the purposes of an expert opinion), and the actual opportunity to board Four Winds at Goodwood (see below), primary deposit is at least as likely as transfer.

When was MV's saliva with DNA left on the deck? The 2021 appeal judges were not referred to Holloway's FSST report that was in the appeal papers and which "upset the proverbial prosecution apple cart".

Dealing with when the DNA was left on the deck Holloway stated at p.6:

> … the maximum time difference between possible times of deposition in the scenarios considered is only four days and controlled experiments looking at the persistence of DNA outdoors, such as in Raymond *et al.* **(2009)** (reference A), suggest **that if enough DNA is deposited, it would be possible to obtain a DNA profile like that from 0900608/20 after this time**. (emphasis added)

He concluded at p.6 that:

> It is possible that the DNA results … could have been obtained if DNA in sufficient amount and quality was deposited on the deck of the Four Winds on 26th of January 2009.

To spell out the implications: the trial court and the appeal courts were not properly advised as to the science. Holloway's report gives real cogency to the Defence hypothesis, "Not Sue, look at those other people".

Whilst a copy of the 8 page Holloway report was provided by the DPP in the DPP Appeal Book[35] it was not drawn to the attention of the Court or the public by any of those at the bar table. There is no reference to it in any of the judgments, nor could there be, because it did not become evidence.

It was hiding in plain sight.

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[34] Holloway at p.2 of his report refers to the DNA testing by Mr Grosser in relation to the quantity of DNA extracted from the sample. Those results gave an estimate of approximately 45ng of DNA present in the original 45ul sample. Holloway also stated that the amount of DNA that appeared to be present in the extract from this sample (approaching 45ng) was unusually high for a contact sample that typically yield less than 10ng (Raymond et. al. 2009).

[35] pages 53-60.

On Day 2 of the 2021 appeal, 2 March, the appellant's (SNF) counsel said:

> I've discussed the matter with my learned friends [that's the DPP] about Mr Holloway's availability. If it was particularly urgent that he give that evidence this afternoon, then that might be the case if it was so urgent. Otherwise we would ask that he be called tomorrow morning, if the court agreed. And I understand that – I don't think there's any opposition to that. (T 90-91)

He went on to say, "… my submission is that we will need to call Mr Holloway**"** (T 90-91).

The next morning he told the court, "we adjourned yesterday in anticipation that the forensic witness, Mr Holloway, would be called. Last night I was informed by … Mr Coates, that he's not calling Mr Holloway. It therefore means that the evidence is all closed" (T 97)**.**

It's trite law that a prosecution has a duty to call evidence in its control even when such evidence does not support its case.

The Holloway report was crucial evidence and it was in the possession of the prosecution. It had been written by a Forensic Scientist employed by the FSST.

We are unaware of any substantive law, or legal ethics basis, on which the DPP could not call Mr Holloway.

That said, we do not know, and will not guess, as to why SNF's counsel did not press for the DPP to call Mr Holloway, and as a back-up position, call him themselves. At worst they may have had to treat him as an adverse witness (that, on the face of his report, being most unlikely).

Holloway was a critical witness because he worked on whether the DNA in the saliva could last 4 days (that is from Australia Day to the time the forensic team collected the sample at CleanLift), but the time period in question is more like 3 days and some hours (as argued by Chris Carr SC for SNF at the 2021 appeal at T 146). For instance, if the deposition occurred around 1.40 am on 27 January 2009 (the night of Australia Day), it was only 3 days to the sampling at 1.40 am on 30 January 2009. If the deposition occurred around 6 pm on 26 January then the relevant time period is around 3 days and 8 hours. The use of 4 days as the relevant parameter is therefore too long.

Scientific advances since the 2021 appeal in the areas of DNA persistence **(DNA-TPPR)** and **Time since Deposition (TsD)** are critical factors in this case.[36] See, for example, a

[36] Hilary Arsenault, Agnieszka Kuffel, Niamh Nic Daeid, Alexander Gray "Trace DNA and its persistence on various surfaces: A long term study investigating the influence of surface type and environmental conditions – Part one, metals" *Forensic Science International: Genetics* 70 (2024) 103011 and Hilary Arsenault, Agnieszka Kuffel, Patricia Dugard, Niamh Nic Daeid, Alexander Gray "Trace DNA and its

2025 article Trace DNA and its persistence on various surfaces: A long term study investigating the influence of surface type and environmental conditions – Part two, non-metals - Forensic Science International: Genetics and a 2024 article involving metal surfaces:[37] Trace DNA and its persistence on various surfaces: A long term study investigating the influence of surface type and environmental conditions – Part one, metals - Forensic Science International: Genetics

In addition, there is the 2023 article "Nucleic Acids Persistence – Benefits and Limitations in Forensic Genetics" in *Genes*[38] from Poland which presents information on DNA persistence, depending on the chemical and physical factors affecting the genetic material integrity. One of the factors taken into account is the time elapsing to genetic material recovery. The article states that proper analysis of genetic material degradation can help determine **Time since Deposition (TsD),** which may play a role in criminal cases. See https://pmc.ncbi.nlm.nih.gov/articles/PMC10454188/

The *Genes* article concluded that forensic genetics is a rapidly developing field.[39]

This article from Poland also cites[40] the 2023 article in *Forensic Science International* by SA Flinders University scientists Kaesler, Kirkbride and Linacre which examines persistence of touch DNA[41] on commonly encountered substrates under different storage conditions.[42]

The 2023 SA study looked at 3 substrates – fabric, steel (as with the yacht deck) and rubber – in varying conditions, over a time span of 9 months. Two different environments were used – inside a dark cupboard with no traffic to act as a control and

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persistence on various surfaces: A long term study investigating the influence of surface type and environmental conditions – Part two, non-metals" *Forensic Science International: Genetics* 70 (2025) 103151. See also Micaela Poetsch, Philipp Markwerth, Helen Konrad, Thomas Bajanowski, Janine Helmus "About the influence of environmental factors on the persistence of DNA – a long term study" *Int J Legal Med.* (2022) 23 February 136(3): 687-693 (which involved 572 saliva samples).

[37] It is understood that the deck of the Four Winds was metal i.e. steel – see 2010 T 146, 220-221, 1188, 1391 and 1431.

[38] Zarczynska, Malgorzata, Zarczynski, Piotr and Tomsia, Marcin "Nucleic Acids Persistence – Benefits and Limitations in Forensic Genetics" *Genes* 2023 14, 1643.

[39] Ibid, p.16.

[40] At Footnote 114.

[41] That is, not using usually high DNA template sources such as blood or saliva. Touch DNA is usually limited both in amount and quality of amplifiable template (as outlined in the article).

[42] Kaesler, Todd, Kirkbride, K. Paul, Linacre, Adrian (2023) *Forensic Science International* 348 (2023) 111728 at Persistence of touch DNA on commonly encountered substrates in different storage conditions

an outside semi-exposed environment. The steel substrate produced informative STR profiles for the outside condition **up to 6 months** (compared to 9 months for the indoor/control sample). The outside condition was representative of areas such as carports, verandas, and sheds where exposure to conditions such as wind, indirect sunlight (through shade cloth, and reflected off other surfaces), temperature, humidity, dirt/dust and microbial activity, but not rain, would occur.

Thanks to the work in 2020 by Paul Holloway, and the more recent published international research on DNA persistence in the *Forensic Science International: Genetics, Genes* and *Forensic Science International* journals, and published research involving Australian experts (post the evidence of Jones in October 2017 and his expert reports of 2014), we now know that the DNA could survive.

The articles, for instance, now refer to the growing amount of information available on DNA Transfer, Persistence, Prevalence and Recovery (**DNA-TPPR**) and TsD which have become relevant in investigations of criminal activities to provide opinion on how the DNA of a person of interest became present within the sample collected (van Oorschot et.al. 2019, also in *Forensic Science International: Genetics*).[43] See DNA transfer in forensic science: A review - Forensic Science International: Genetics[44]

One article from *Forensic Science International: Genetics* from November 2024 (involving Flinders University) looked at the extent to which DNA could be recovered from contacted/not contacted surfaces with intruders in the controlled environment of an office. Direct and indirect DNA transfer was detected in 55% and 6% of samples respectively.[45]

There has also been a recent major study in the United States, published in July 2022, funded by the National Institute of Justice.[46] One of the findings was that, under most conditions, all samples deposited on steel were highly stable. Touch DNA collected from donors and commercially purchased control DNA were both deposited on several

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[43] Roland A. H. van Oorschot, Bianca Szkuta, Georgina. E. Meakin, Bas Kokshoorn, Mariya Goray "DNA transfer in forensic science: A review" *Forensic Science International: Genetics* Vol.38 p.140-166 January 2019. See also Roland A.H. van Oorschot, Georgina E. Meakin, Bas Kokshoorn, Mariya Goray, & Bianca Szkuta "DNA Transfer in Forensic Science: Recent Progress towards Meeting Challenges" *Genes* (2021) 12, 1766 published on 7 November 2021. See DNA Transfer in Forensic Science: Recent Progress towards Meeting Challenges This article points out that much research has been carried out in recent years. It quotes extensively from the work of Dr Duncan Taylor in SA.

[44] This article is also cited in the 2023 Polish *Genes* article at footnote 112.

[45] Zacher, M. van Oorschot, R. A., Handt, O. & Goray, M (2024) "Transfer and persistence of intruder DNA within an office after reuse by owner" *Forensic Science International Genetics*, 73, Article 10313. See Transfer and persistence of intruder DNA within an office after reuse by owner

[46] See NIJ summary here: Persistence of Touch DNA for Analysis | National Institute of Justice and associated article: How Long Does DNA Last on Different Surfaces? | Police and Security News

representative surface types, and the impacts of temperature, humidity, ultraviolet light irradiation, and exposure time was determined on the DNA quantity and quality.[47]

Very little DNA degradation was observed for control DNA deposited on the stainless steel under any of the temperature/humidity conditions evaluated. The only significant decreases in DNA quantity were for the High Temperature-Low Humidity and High Temperature-High Humidity conditions after seven days of exposure.[48] But we note, there appears to be a need to factor other environmental/physical factors in the SNF case such as foot traffic.

The expert reports of Max Jones from April and July 2014, whose opinions were critical to the appeal court decision in 2021, refer to five research studies on the issue of persistence, three of them from *Forensic Science International: Genetics*. All publications are from 2009 and 2010.[49]

A 2024 article in the *International Journal of Molecular Sciences* undertook a systematic review of the literature on estimating TsD (primarily on bloodstains).[50] See The Role of Molecular Investigations in Estimating the Time since Deposition (TSD) of Bloodstains: A Systematic Review of the Literature - PMC

The authors' literature review (highlighting the work of Australian scientists) showed a strong increase in research work in the last 10 years compared with the previous decade. In particular, around half of these works were published in the last three years**.**

Recent published developments in the science therefore puts us in 2025 in a much better position than the 2021 appeal court – a situation reminiscent of now released Kathleen Folbigg, where advances in science, including forensic genetics, revealed earlier errors in explaining the tragic deaths of her children.[51]

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[47] Meaghan Ramsey *Persistence of Touch DNA for Forensic Analysis Document* No.304991 July 2022

[48] P.15 of Ramsey 2022 report.

[49] See page 4 of the second and final report of Max Jones dated 11 July 2014.

[50] See Matteo Antonio Sacco et.al. "The Role of Molecular Investigations in Estimating the Time since Deposition (TSD) of Bloodstains: A Systematic Review of the Literature" *Int J Mol Sci.* 2024 8 July 25(13): 7469 at The Role of Molecular Investigations in Estimating the Time since Deposition (TSD) of Bloodstains: A Systematic Review of the Literature - PMC

[51] Kathleen Folbigg was wrongly convicted for smothering her four infant children. A judicial inquiry (the Bathurst Inquiry in 2022/23) found they had died naturally. New genetic and psychiatric evidence explained the wrongful conviction.

The Australian Academy of Science, which acted as an independent scientific adviser during the Bathurst Inquiry, issued a statement on 5 June 2023 after the Inquiry found reasonable doubt regarding the convictions of Kathleeen Folbigg.[52]

The Academy applauded the NSW justice system for having so comprehensively "heard science". The Academy Chief Executive, Anna-Maria Arabia, stated that the Academy looked forward to working with the NSW A-G to develop and implement a "more science-sensitive legal system" so that a miscarriage of justice of this magnitude is never repeated. She stated that the case had implications for the justice systems of every Australian state and territory. She stated:

> There is a critical role for independent scientific advice in the justice system, particularly where there is complex and emerging science.

This issue of DNA persistence or DNA-TPPR and TsD, which is clearly a complex and still emerging science, could be usefully explored by experts engaged by an independent Inquiry. Suffice to say, that for now it is clear that the appeal court was sold short on the science, a defect that had significant implications for the two judges who dismissed the appeal.

3.Meaghan Vass and/or her associates did not visit CleanLift Marine

Introduction

In the 2019 decision by Brett J to grant leave to appeal,[53] His Honour in analysing the evidence of Mr Grosser and Mr Jones stated that both were unified in their position that the "surrounding circumstances" were "essential" to determining the relative probability between primary and secondary transfer. This view was endorsed by Pearce J at the appeal in 2021.[54]

This section of the paper examines those "surrounding circumstances".

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[52] Australian Academy of Science *Science central in overturning Australia's greatest miscarriage of justice* 5 June 2023. See Science central in overturning Australia's greatest miscarriage of justice | Australian Academy of Science

[53] *Neill-Fraser v Tasmania* [2019] TASSC 10 (21 March 2019) at para.35.

[54] Pearce J at para.533.

We now know from Paul Holloway's report (30 June 2020) that the MV DNA sample from the deck of the Four Winds had a relatively large quantity of DNA (with amounts quantified) and that the source was likely to be her saliva.[55]

The prosecution argued that, if MV was ever on the yacht, that this occurred at CleanLift Marine, Goodwood (CleanLift), particularly given break-ins to the premises (or nearby) around the relevant time.[56] [57]

Keep in mind that the police/prosecution case was that MV's DNA was either left at CleanLift by someone else (known as secondary transfer) or left by her.

The CleanLift theory was favoured over it being left on Australia Day, particularly after the evidence of Max Jones (at the leave to appeal in October 2017), due to the supposed freshness of the sample.

If the prosecution theory of secondary transfer at Goodwood was to have any validity then the likely agent of transfer - that is one of the people breaking into (or illegally boarding) boats - would necessarily have associated with Meaghan Vass.

To make a claim of that sort requires identifying the associate/s, showing that there was a trespass on the docked Four Winds at CleanLift at a material time, and linking that trespass to MV and/or her associate/s. All of this needs evidential support. That requires thorough investigation. None of that happened.

A key question is how possible was it that MV, or some "break-in" criminal associate of hers, boarded the yacht at CleanLift?

The starting point is that there were no break-ins or stealing recorded by police for CleanLift for 28 January or up to the early hours of 30 January 2009, that being the period when the yacht was there under the control of police and up to the taking of the MV DNA sample (See analysis at Attachment B).

The Four Winds yacht, docked at CleanLift, was a crime scene for a possible murder. It therefore had to be secured by police. If ever there was a time when an unlawful entry/trespass would need to be recorded then it is this one. Nothing was recorded.

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[55] Holloway at p.5 of his report stated that, given the quantity of DNA measured and the quality of the DNA profile, the chance of obtaining the DNA profile, if the origin was saliva deposited on 26 January 2009, was "low to moderate".

[56] The boat was under video surveillance at Constitution Dock and no one was seen to be on or approach the yacht (2010 T 749, 782, 847 and 1527).

[57] At the leave to appeal hearing Mr Chris Smith, Manager of CleanLift, recalled that there had been stealing from boats (see Transcript 1 November 2017 pp.274-275).

One might say that nothing more is needed to dismiss the prosecution claims. However, for completeness we now turn to the evidence that we have been able to find in police records.

From examining those police records there was little, if any, opportunity for 15 year old Ms Vass, or any associate carrying her DNA, to have been on the yacht – seen or not seen - whilst it was at CleanLift.

The documentary support for MV/her associates not being on the yacht at CleanLift (Goodwood) is found in:

- the Sinnitt investigation folder into Meaghan Vass (disclosed mid trial in 2010 and filed/included in the SNF application to the Supreme Court for leave to appeal);
- the 30 June 2020 FSST Paul Holloway report, the 2014 expert reports of Max Jones, and the email from Carl Grosser to Sinnitt on 18 March 2010 as to the quantity and quality of the sample and its likely source;
- Court transcripts;
- Forensic and other records obtained under RTI (some heavily redacted);
- The redacted Police Investigation Log or running sheets for "Operation Ransack"; and
- The evidence of Mr Chris Smith, Manager at CleanLift (evidence at leave to appeal on 1 November 2017).

Analysis and discussion

The documentation shows the following:

The Four Winds was moved from Constitution Dock (where it was under CCTV) up river to CleanLift at Goodwood around midday on 28 January 2009 (Sinnitt investigation folder and other records).

The police and others, including the consultant Marine Surveyor and Loss Assessor, Mr Dobbyn, were on the yacht when it was at CleanLift on 28 January 2009. The Timeline at the end of this part of the paper sets out the apparent sequence of police forensic services, scientists from FSST and a police dog and its handler during the relevant period.

Mr Chris Smith (shipwright and Manager, CleanLift) gave evidence at the leave to appeal hearing on 1 November 2017 (T 266) that for the first few days at CleanLift, police and forensic people "were coming and going all the time".

Post working hours for CleanLift,[58] on the evening of 28 January, MV was with 4 juvenile males (aged 14, 15(2) and 16) in Blackmans Bay, Hobart (25 km away from Goodwood according to Google Maps).

An email from the Manager, Mara House, to Sinnitt dated 23 March 2010 stated:

> 29/1. Phone call to MV mum re: MV leaving the service. Mother stated a friend of hers (police officer) informed her that MV and another resident were involved in a break and enter the evening before. Mother stated that MV and the other resident were with a man named Matt.

Offence Report 357315 states that the burglary/stealing at Blackmans Bay was committed between 1600 hours on 28 January 2009 and 0600 hours on 29 January 2009.

MV and her juvenile mates (who lived in Blackmans Bay and the adjacent suburb of Kingston) were too young to drive the 25 km from Blackmans Bay to CleanLift. There is, of course, the simple question, "Why would they?".

MV lacked the means, the opportunity and the motive to be at CleanLift on the night of 28 January.

The limited "evidence to the contrary", that is, that she was near CleanLift at the relevant time, are the handwritten notes of the details of a conversation that Sinnitt had with MV on 18 March 2010 at Stainforth Court, New Town[59], when she indicated that she may have been hanging around Goodwood at the time of Mr Chappell's disappearance (2010 T 824). That is hardly useful, especially given that MV did not want anyone thinking that she was on the Four Winds when Bob died.

The email from the Manager Mara House to Sinnitt dated 23 March 2010 states that on 29 January 2009 Meaghan returned there at 4.50 pm and stated she was going back out for the night as she had plans. She left Mara House at 6.40 pm on 29 January.

Forensic scientist McHoul was on the Four Winds, to further document and examine its interior from 1530 to 1900 (3.5 hours) on 29 January 2009 (Forensic Examination No.17785).

McHoul and Police Forensic Services officer Williamson worked on the yacht from 9.30 pm on 29 January to 2.00 am on 30 January 2009 regarding luminol testing of the deck of the yacht (Forensic Examination Report No.17786 in the Sinnitt investigation folder).

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[58] After 5 pm, when the security gate closes as per the evidence of Mr Chris Smith on 1 November 2017 T 266.

[59] Although referred to as Lenah Valley by Meaghan Vass in her 2010 evidence at T 634-635.

The Meaghan Vass sample was taken by McHoul at 1.40 am on 30 January 2009.

Therefore, the only opportunity that Ms Vass or her associates had to board the yacht at CleanLift when it was possibly unattended on a normal business day, Thursday 29 January 2009, was between 7 pm and around 9.30 pm when McHoul returned, after possibly leaving after 7pm, and Williamson arrived: that's 2.5 hours.

To get aboard at that time, presuming the security gate was closed, she/they would have to have come by water.[60] That follows from Mr Smith's evidence in 2017 as to the cyclone fence with barbed wire and the security gate.[61]

There was no evidence of a hole cut in the security fence until Offence Report 200908199 of 3 February 2009, in the Sinnitt investigation folder (AB 488), which indicated that this occurred overnight on 2 February 2009. That is days after the MV DNA sample was collected. Just in passing, note that the intruder on 2 February preferred to cut a hole in the fence, rather than come by water.

And remember that MV did not drive. At the appeal hearing in March 2021, the court referred to Ms Vass' statutory declaration from 23 March 2012. At para.3 of that document she stated:[62]

> I don't specifically remember where I was living at the time on Australia Day 2009. I'm of the belief that I was living at the Annie Kenney at Montrose. I would – I would have only hung around the Glenorchy area [also in Hobart's Northern suburbs] and had limited ways of moving around, mostly walking and catching buses.

The distance from Mara House (where she resided at the time) to CleanLift, according to Google Maps, is 5 km, or 10 minutes by car. If she walked, then it is at least an hour. If she took a bus then she still had a walk. Sunset was around 8.38 pm. If she went with an older associate then they might have gone by car.

But there's yet another gap in the essential evidence. The police have never offered a reason for Ms Vass, Sam No.2 (a mystery person discussed in the following part of this paper), Sam No.1 or Mr xxxx to go on the Four Winds at CleanLift.

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[60] Mr Smith did give evidence at the leave to appeal on 1 November 2017 that the gate was known to malfunction (T 275). That said, nobody seems to have inquired about whether there was such a malfunction before MV's saliva sample was taken from the deck.

[61] 2017 T 266.

[62] See 1 March 2021 T 10.

For what reason would she, or any of her associates, want to board a boat that had been scuttled? [63]

It's basic investigation method to look for opportunity, in this case for a stranger, MV or someone who had recent physical contact with her (sufficient to pick up and retain her saliva), to enter CleanLift and board a yacht at the dock without being seen or heard. There is no police statement in 2009/10 from CleanLift personnel about any security at the site (including CCTV surveillance), or who was present on that Thursday night, nor even who gave the FSST staff entry around 9.30 pm on 29 January. Mr Chris Smith did not give evidence at the 2010 trial.

Of course, if MV was a known associate of Mr xxxx (which we don't know because of the apparent failure of police to find out one way or the other), whose name appears in several of the Offence Reports in the Sinnitt investigation folder regarding break-ins and thefts near Goodwood around the relevant time,[64] then maybe that is what they relied upon to propose their theory of DNA deposition at Goodwood without any verified factual support.

If the police had xxxx in mind, then why was that criminal association not pursued with respect to Bob's death on Australia Day, especially as MV's DNA was found on the yacht and matched prior to the 2010 trial? Moreover, why was the suspected or known association not disclosed to the prosecution?

Why was xxxx's possible involvement in other boat related crimes on the water near Lutana possibly overnight on 26 January (involving interference with a moored boat's electricals[65]) and the attempt to steal a secured inflatable dinghy at the Waimea Jetty on Sandy Bay Road in Sandy Bay around 18 to 19 January 2009 not properly examined?[66]

And why are the redacted police IDM reports for these matters (obtained many years ago by Barbara Etter under RTI) classified as Protected and Highly Protected?[67] And

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[63] If they had been on the boat on Australia Day and were anxious to check that they had left no evidence of that earlier visit then that would be a stretched possibility. Absent real evidence that proposal is just speculation.

[64] Offence Reports No.358172, 360434, 359634, 357916, 359436, 357601 all from 2009.

[65] The power had been turned off at the boat's switchboard. In addition, some liquid containers had been opened and some liquid spilled in the boat.

[66] If a dinghy was making its way down river from Goodwood, it would pass Lutana.

[67] The report on the Waimea Jetty incident IDM Report 200909771 dated 29 January 2009 was filed for intelligence purposes only. Police wrote off the Lutana incident as being not relevant. See the entry on the Police Investigation Log for Operation Ransack for 29 January 2009 which states that the vessel was entered "some time prior to 26/1/09" and that the matter "Does not appear to be related to this investigation". The IDM report with the relevant number redacted, but submitted on 29 January 2009,

why were these reports not able to be found by TASPOL when relevant RTI requests re incidents involving boats at the relevant time formed part of an RTI request by Kristie Johnston?[68]

There are "Linked Persons" noted on both of these IDM reports, but the names and dates of birth have been redacted. Is the Linked Person the victim or someone else?

Similarly, since Sam No. 1, a known associate,[69] lived within a 25 minute walking distance of CleanLift[70] why is there no police record of his time, if any, with MV, covering Australia Day to 29th January?

There was a recorded interview with him in August 2017 (years after the trial). There was no caution. This means that very little preliminary work had been done by police before the interview (such as checking his and Meaghan's mobile phones). They had nothing, not because there was nothing to find, but because they hadn't looked.

If anyone now wants to claim that MV, or any of her associates, went on the Four Winds at CleanLift then it is up to them to produce cogent evidence, not speculation, in support of that claim.

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concerning the moored vessel off Lutana, stated that the person reported this matter because he thought it might relate to the Four Winds incident. The IDM report, without any details as to any further inquiries or investigation, states "This matter does not appear to relate to Operation Ransack". Note, however, the time on 26 January that the concerned neighbour noticed that the boat's power light was off is not noted in the report. The report stated that the boat had a "power light" on the boat's switchboard that was visible from the shore. One would think that this would only be noticeable at night. Did the concerned neighbour note that the power switch was off on the evening of 26 January 2009? The boat had previously sunk because the power had been disconnected. The power was necessary for the bilge pumps and keeping the vessel afloat. The electricals on the Four Winds were also interfered with on the night of 26 January or early morning on 27 January.

[68] See response to Kristie Johnstone in relation to RTI 451/21 and request to Commissioner of Police for internal review dated 26 April 2022. Ms Johnstone stated that she was concerned with the failure of the search for all information relating to the theft of dinghies, break ins or damage/interference to boats moored or in dry dock in the Sandy Bay, Lutana, Goodwood or Derwent Park or nearby areas for the period 15 December 2008 to 1 March 2009. The search had failed to find the Waimea Jetty incident IDM 200909771, the IDM report dated 29 January 2009 about the break in to the yacht moored off Lutana, along with another report about the theft of a dinghy from a property near the Marieville Esplanade foreshore belonging to Stephen Catchpool (days prior to the Bob Chappell murder). The response of 20 June 2022 stated that IDM 200909771 and the theft of the dinghy from Mr Catchpool could not be located during the electronic searches conducted. There was no mention of the Lutana IDM report in the internal review response.

[69] See IDM Report No.200903073 dated 12 January 2009 in the Sinnitt investigation folder which indicates that Meaghan was a "Youth at Risk" and associating with Sam No.1 of Derwent Park.

[70] Sinnitt advised the court in 2018 that Sam No.1 lived in Derwent Park – a distance of 700 to 800 metres in a straight line (T 417 22 August 2018).

The claim that Ms Meaghan Vass, if she was on the boat, went onto it while it was at CleanLift, during that narrow window of opportunity, is specious.

So too is the claim that someone with whom she associated left her DNA on the deck at CleanLift.

Which leaves Ms Vass on the Four Winds and leaving her saliva (with DNA) on the deck around Australia Day 2009.

She was not alone. No one has ever suggested that she had the wherewithal to take someone else's dinghy and make a solo excursion to a moored yacht, and thereafter overpower and kill Bob, winch his body up on to the deck and effectively dispose of his body. (That's the prosecution case that persuaded the jury in 2010 to find SNF guilty). So, who was with her?

The prosecution case is in tatters.

TIMELINE/CHRONOLOGY OF EVENTS 26 to 30 JANUARY 2009

26 January

Australia Day - Bob stays on yacht overnight to fix electricals.

27 January

Four Winds found partially submerged and Bob is missing. Yacht taken to Constitution Dock in city.

28 January

Four Winds towed at midday up river to CleanLift Goodwood by Chris Smith. Steered by insurance assessor Chris Dobbyn (Police Investigation Log). Dobbyn undertakes 4 to 5 hour assessment as to why the vessel had nearly sunk. (Dobbyn at 2010 trial T 408).

Constable Redburn Forensic Services and McHoul attend yacht from 2.50 pm (Police Investigation Log) until sometime after her last entry of 4.26 pm. (See Redburn notes in MW RTI comb 2023 49/23, 56/23 and 87/23 p.2).

Constable Williamson at Goodwood from 2.50 pm. (See Sinnitt email dated 17 October 2017 to Jack Shapiro headed “Vass DNA”. RTI 49/23, 56/23 and 87/23 at p.152 Supplementary release).

MV involved in burglary/stealing at Blackmans Bay, south of Hobart, with local male juveniles overnight (4 pm to 6 am).

29 January

Drug dog taken on board Four Winds at 1205 hours by Constables McMahon and Purcell (Police Investigation Log)

Williamson at Goodwood re fingerprints from 1556 hours (MW Supp IR 2023 re combined RTI 49/23, 56/23 and 87/23 and OR 357150 p.16)

Wilson at Goodwood re fingerprints from approximately 1600 hours (2010 trial T 1034 and Sinnitt email dated 17 October 2017 to Jack Shapiro headed “Vass DNA”. RTI 49/23, 56/23 and 87/23 at p.152 Internal Review Supplementary).

MV returns to Mara House at 4.50 pm and leaves at 6.40 pm (Mara House email to Sinnitt of 23 March 2010).

McHoul at Four Winds to further document and examine interior of vessel Forensic Examination No.17785 from 1530 to 1900 (3.5 hours) (MW RTI combined p.17). Crime Scene Notes show the seizure of items at 17:31 and 17:33 (MW RTI combined 2023 p.15).

McHoul and Williamson test deck of yacht with luminol – See DPFEM Register Forensic Examination No.17786 undertaken for 4.5 hours from 9.30 pm.

30 January

Critical DNA sample taken off deck of yacht at 1.40 am by McHoul.

4.The failure to investigate Meaghan Vass's known associates

The following information has been made possible by the Right to Information (RTI) (aka FOI) applications made post appeal by members of our Parliaments as follows: the Hon. Meg Webb (Tasmanian Legislative Council) (2023-2025), the Hon. Kristie Johnston (Tasmanian House of Assembly) (2021-2022) and Federal politician Mr Andrew Wilkie (2021).

We also draw upon important documents such as the Sinnitt investigation folder, disclosed mid trial in 2010, but never put into evidence.[71] Mr Sinnitt brought it with him to the trial. The prosecution had not previously seen that folder, which consisted of 121 pages.[72]

The officer supervising the investigation into Bob's death and the scuttling of the Four Winds, now retired Inspector Peter Powell, was not called to give evidence at the 2010 trial. We don't know why.

He said on film, to film-maker Eve Ash on 27 June 2012 (the trial had been in 2010):

> (00:47:55:12) … certainly Meaghan Vass had some associations with some young male offenders, underage offenders, that have been in the past guilty from breaking into boat yards and stealing things off boats.

Inspector Powell later stated on the ABC *Law Report* radio program on 7 December 2021[73] (after the dismissal of the 2021 appeal) that:

> I do believe if it wasn't a transfer onto the yacht, Meaghan Vass' DNA, there's every possibility that her DNA got on the yacht whilst it was out at CleanLift [74]…, because she admits she was associating with some young criminal offenders in that area at the time**,** and we know there have been break-ins at the boat yard.

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[71] See the 2010 T 757 and 768.

[72] Pages 427 to 547 (or tab 24) of the 2016 Application Book for leave to appeal filed in the Supreme Court in 2016. An analysis of the folder can be found in the paper dealing with the police investigation in the Etter/Selby papers from 2021. See https://www.parliament.tas.gov.au/legislative-council/tabled-papers/2021-50th-parliament/LCTP14_31_08_2021.pdf

[73] Sue Neill-Fraser loses appeal against murder conviction - ABC listen

[74] Note, CleanLift Marine is on the waterfront at Negara Crescent in Goodwood. The xxxx, then owned by xxxx, is on the waterfront xxxx, Goodwood.

It suited him and his team to share general, non-specific information about those criminal associations. It allowed them to assert, wrongly, that MV's DNA on the yacht deck was left days after the murder when the yacht was at CleanLift.

It didn't suit them to share the details of how and why one or more of those associates had the means, the opportunity, and the motive to board the Four Winds yacht on Australia Day.

They also didn't want to share the details of other relevant criminal activity involving boats around the time of the murder.

Nor did it suit Inspector Powell and his team to reveal how little they did to ensure that those associates could be dismissed or included as possible persons of interest.

For example, given that MV apparently wrote on her sleepover form at Mara House that she was staying with "Sam", only she can now tell us Sam's full name. This is important because the current disclosed records indicate two possibilities: Sam xxxx and Sam xxxx.

A copy of the sleepover form was not acquired as part of the investigation nor were statements taken from Mara House staff or the residents at the relevant time.

Both "Sam"s and any other possible "criminal associates" needed to be interviewed as to their whereabouts from early afternoon on Australia Day to the following dawn.

Mr Sam xxxx was interviewed, for 38 minutes at an address in Glenorchy (not a police station) near seven years late, on xxxx (the day after xxxx - more on him below - was sentenced in the Supreme Court by Justice Brett to nearly 2 years imprisonment for boat stealing and damage offences). The police did not caution Mr xxxx.

The two police interviewers indicated that they wanted to have a "chat" (p.3) about his knowledge or potential involvement in the disappearance or murder of Bob Chappell from his yacht in Sandy Bay in 2009.

Mr xxxx denied any involvement in the event. What other answer could he give?

He was more forthcoming on collateral information.

Mr xxxx admitted that he knew MV, but initially denied knowing her in 2009 despite the police report from her grandmother at the time.

He admitted that he had convictions for house burglaries and car stealing. He denied ever stealing from boats. He also denied any crimes of personal violence.

He couldn't recall what he was doing on Australia Day 2009.

He admitted that he used to go to Mara House with his cousin and pick up girls.

He indicated he had been in jail and that he had also been in prison six months prior to the interview.

He could not provide police with the details of any mobile phones that he used in January 2009.

He was also questioned about a more recent posting on his Facebook in relation to the Sue Neill-Fraser case.[75]

After being told that it had been recorded back in 2009 that Meaghan was going to spend the night at Sam's, he did admit that Meaghan may have come and spent the night at his place. He stated, "It probably would of (sic) happened you know but I can't recall that". He reiterated again that it "probably" would have happened. However, he had no specific memory of Australia Day 2009. He said he may have had a "session" with her, referring to smoking dope and grass.

He denied ever having slept with Meaghan or being her boyfriend.

Mr xxxx was not asked about any associations with xxxx. He denied any interest in, or involvement with, boats.

And what of Sam No.2, with whom MV may have been planning to spend at least some of Australia Day 2009? More detail of their possible connection and his antecedents is given below.

As another example of investigative inadequacy, much was made at the trial of the dinghy seen at the yacht on the Australia Day afternoon between 3.55 pm and 5.30 pm. There were various sightings from different vantage points at different times. The jury was persuaded that it was the yacht's dinghy (including through evidence from Mr Peter Lorraine that he saw a certain dinghy and Mr Chappell alive on the deck of what appeared to be the Four Winds yacht around 5 pm – a conclusion that was challenged in the Etter/Selby papers tabled in the Legislative Council.)[76]

[75] Where on 26 May 2017, xxxx had posted on his Facebook an article from the ABC entitled "Neill-Fraser's family confident 'strong' new evidence will overturn murder conviction".

[76] Tabled by the Hon. Mike Gaffney on 31 August 2021. The relevant papers are titled: *What TasPOL knew and ignored from late 2008 about Meaghan Vass and Her Associate xxxx. A saga of defective investigation, failure to disclose and why that matters* 4 August 2021; and *Crown Failure to Disclose a Handwritten Note* dated 11 August 2021 (regarding the Peter Lorraine issue). See https://www.parliament.tas.gov.au/legislative-council/tabled-papers/2021-50th-parliament/LCTP14_31_08_2021.pdf

That other dinghy and the negative identification of it by Mr Paul Conde was also a key pillar of the SNF defence, which even continued into the 2021 appeal.[77]

Mr xxxx, resident of a xxxx, with access to dinghies and similar small boats, and a long and relevant criminal history, was never interviewed.

An adequate investigation would have shown each of the "dinghy observers" an array of such boats, including the yacht's Zodiac (rubber) dinghy. Each observer would then have been asked which, if any, met their recollections. That didn't happen.

No one ever came forward to say that it was their dinghy observed adjacent to the Four Winds yacht in the late afternoon of Australia Day 2009. There was Bob Chappell's fresh blood found on the steps in yacht (just inside the wheelhouse) indicating some type of struggle. We now know, after many years, that forensic testing confirmed there was no detectable blood from Bob Chappell found in the Four Winds dinghy.

It is therefore a reasonable hypothesis that his bleeding body (which was never found) was either not put in any dinghy or, if it was, that it was put into another dinghy and disposed of.[78]

Mr xxxx's possible involvement was recognised by police early in their inquiries, as we set out below. They just didn't bother to share that interest and its possible significance with the court, the prosecution or the defence.

The fire extinguisher

The police interest in Mr xxxx's possible involvement turns around the "heavy" or "very heavy" fire extinguisher reported missing by Sue Neill-Fraser from the Four Winds.[79] It is mentioned in news articles, as early as 29 January 2009, including in an article by Linda Smith in *The Mercury*. *The Sydney Morning Herald* reported (inter alia) on 29 January 2009, quoting Inspector Peter Powell:[80]

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[77] See Wood J at para.52 – she says that the appellant abandoned ground 1.3 at the commencement of the hearing of the appeal. That ground was "The dinghy seen near the Four Winds around the time the deceased was attacked was not the Four Winds' tender".

[78] The Crown hypothesis that Bob Chappell was hit over the head from behind with a wrench or stabbed with a screwdriver (Ellis in closing 2010 T 1392-1393) and that his body was disposed of in the river is, and always has been, nothing more than speculation. It is now up to MV to tell an independent Inquiry, her rights being properly protected, what happened to Bob and then to his body.

[79] See, for example, the evidence of Det. Constable Milazzo in 2010 at T 290 and Det. Sgt Conroy at T 842 & 905.

[80] https://www.smh.com.au/national/police-fear-missing-physicist-murdered-20090129-7slo.html

> Investigators have also refused to rule out a missing fire extinguisher as a weapon used in the suspected murder of Bob Chappell…
>
> …The boat's fire extinguisher remains missing.
>
> Police have not ruled it out as a possible murder weapon, or the item used to damage the seacock on the hull.

Much was made of the fire extinguisher at the trial and in the sentencing. There are also several entries concerning the missing fire extinguisher on the Police Investigation Log, so it was clearly a focus of their investigation in the early days.[81]

The fire extinguisher still attracts media attention. See the article in *The Mercury* dated 2 August 2025 on "Tassie's Killer Women" which stated:

> Prosecutors alleged that with the couple's relationship at an end, Neill-Fraser killed her lover by striking him with a wrench or other tool, dumping his body overboard, then possibly weighing him down with a fire extinguisher.

Those with a long interest in the SNF saga will recall that the prosecution case was that the yacht's fire extinguisher had been used by SNF to weigh down the body. The casual reader might think that the fire extinguisher was not of great importance. But the sentencing remarks of the trial judge, on 27 October 2010, show differently (pp.1 & 3):

> **I am satisfied beyond reasonable doubt** that Ms Neill-Fraser … manoeuvred his body into the yacht's tender; **that she attached an old-fashioned fire extinguisher weighing about 14 kilograms to his body**; that she travelled away from the Four Winds in the tender with the body for some distance; and that she dumped the body in deep water somewhere in the river. The evidence upon which I have based these findings includes … **the absence of the fire extinguisher**…. (emphasis added)

and

> In this case, **I regard it as an aggravating factor that Ms Neill-Fraser dumped Mr Chappell's body in the River Derwent, attached to a fire extinguisher**, with the result that his body has not been found. (emphasis added)

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[81] See entries for 30 January 2009 where a member of the public reported seeing a fire extinguisher in the water at Constitution Dock and 4 February 2009 where Marine Police recovered a fire extinguisher floating in Watermans Dock. There are also entries for 6 February 2009 where Conroy attended Tas Fire Equipment to identify the type of fire extinguisher missing and later attended and picked up a fire extinguisher of a similar weight. On the same day, Conroy also spoke to a Constable about a fire extinguisher located at South Arm. We note that there is no mention of any search for a fire extinguisher in the visible entries for 11 February 2009.

There had been a public appeal shortly after the murder in an attempt to locate the fire extinguisher (see T 821 cross examination of Sinnitt on 1 October 2010). Mr David Gunson SC asked police officer Sinnitt:

> … the police in fact asked people if they found the fire extinguisher to come forward? ……. That would have been the case.

What the jury, the trial judge and the defence (we don't know about the prosecution) were not told was that about two weeks after the murder the police had obtained a search warrant of Mr xxxx's room to look, inter alia, for a fire extinguisher.[82]

Until the 2017 disclosure in an affidavit by the then resident of Mr xxxx's bedroom, only the police knew that one or more of them thought Mr xxxx was a person of interest or a suspect for the loss of that fire extinguisher from the Four Winds on Australia Day.

In his October 2017 affidavit, Mr Panton (now deceased)[83] states that he was staying with xxxx and residing in xxxx's (xxxx's xxxx's) room. He did not remember the date on which the following occurred. However, he did state that he was living in Hobart from 2009 to 2012 and that, when he first moved to Tasmania, he was living in the principal residence at the xxxx with xxxx.

One day, four to five police cars arrived. One of the police officers who came to the front door was Inspector Peter Powell and he had a search warrant. The police said that they were looking for stolen outboard motors and other equipment.

When police searched Mr Panton's room (xxxx's room), the police lifted up the bed and Mr Panton recalled saying, "you won't find any outboards under there mate", to which one of the police officers stated, "we are also looking for a fire extinguisher".

So it appears the police had a theory that Mr xxxx had been on the boat, that he'd had some role in the fire extinguisher disappearing, a theory so strong that they obtained a search warrant (the grounds for which are unknown) and conducted a search at the xxxx residence.

They didn't find the fire extinguisher. Instead, the prosecution theory became that Sue had used it to weigh down Bob's body which was never found.

One intriguing fact of this search is that the substantiation of Mr Panton's account was discovered through RTI (via a significantly redacted document) by the Hon. Kristie

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[82] 4 page affidavit of Mr David Panton (now deceased) dated 26 October 2017, sworn before lawyer Mr David Gonzalez in Melbourne at MNG Lawyers Pty Ltd, Moonee Ponds.

[83] In the interests of full disclosure we understand that he was a cousin of SNF who he had not seen for some years.

Johnston in April 2022.[84] Another fact of intrigue is that the relevant dates and the stated reasons for the search don't match up.

The relevant document was a heavily redacted[85] 2 page "Protected" **Disclosure Report – Intel Submission** re Occurrence TAI0900448380[86] which was said to be "Completely reliable" and "confirmed". The document under "Narrative" referred to a search of premises (believed to be the xxxx residence at xxxx Derwent Park given the RTI request) on Wednesday 11 February 2009 in relation to the recovery of a 20 hp Honda motor, reference OR 359634 and 360434 (documents which were provided in relation to the RTI request regarding xxxx).

The dates of the relevant OR's and the contents of this report need to be carefully noted. They don't make sense. Things, as they say, get curiouser and curiouser.

Having checked the calendars we confirm that 11 February 2009 was a Wednesday.

However, OR 359634 regarding the theft of the motor is dated 25 February 2009 and the motor was said to be stolen between 21 and 23 February 2009 at Lutana from a fishing vessel moored at a wharf (and it was not known whether access was gained by land or sea).

Similarly inexplicable is that OR 360434 relates to the recovery of the outboard motor (found on the waterfront at Gepp Parade near a private jetty) and is dated 5 March 2009. Xxxx was charged with this offence (see Sinnitt investigation folder).

The reasons given by police in their documentation for that search do not make sense as the Offence Reports to which they refer as justifying the search refer to events that occurred AFTER the search on Wednesday 11 February 2009.

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[84] RTI 451/211 by Kristie Johnston sought, inter alia, all Information and ORs and all other records relating to the theft of dinghies, breaks ins or damage/interference to boats moored, in dry dock or present in the Sandy Bay, Lutana, Goodwood, Derwent Park or nearby areas for the period 15 December 2008 to 1 March 2009 (including CleanLift and RDM Marine) and all reports of thefts or interference to yachts at the xxxx in the period November 2008 to 31 March 2009.

[85] All the redactions including the principal contact at the address were made pursuant to s.22 *Youth Justice Act* which relates to confidentiality and the publication of information regarding youths. Note, xxxx was a youth at the time. The document states at the end that it was filed for intelligence purposes only. Query whether as a matter of statutory interpretation s 22 applies to protecting a now adult person from reporting of their youth acts.

[86] It would be useful to know what this Occurrence No. refers to. The "Occurrence" was said to have occurred at 12.10 pm on 12 March 2009. It should be noted that several of the ORs note that xxxx was charged in relation to receiving a stolen outboard motor 20hp Honda on 11 March 2009. He was interviewed and charged by members of Hobart CIB with unlawful possession of an outboard. See OR 360434 and 359634. He denied any knowledge of ORs 358172, 357916 and 359436. Was the arrest of xxxx a trigger for this further unknown action?

However, there is another event on that day, Wednesday 11 February 2009, which might (not "does") explain the search of young offender xxxx's room. On 7 February 2009 a police VHF radio was stolen from the police boat Fortescue, moored at Sabre Marine in Prince of Wales Bay (see OR 358438).[87] That is just down from CleanLift and right opposite the xxxx. Security surveillance footage revealed two male persons carrying a small child were observed on the police vessel at 2248 hours on 7 February 2009. The poor quality picture had no evidentiary value. The VHF radio was noticed missing at 1400 hours on 11 February 2009. The Police attended on 11 February 2009.[88]

One would have thought that Police would have felt the need to act promptly in relation to this report so as to avoid the compromising of their radio communications. This could also explain the attendance of 4 to 5 police cars at the search on 11 February 2009.

Tasmania Police have very broad powers, arguably too broad, relating to the search of premises. Powers are available to them under s.5 of the *Search Warrants Act 1997* and the *Police Offences Act 1935*.[89] It would have been quite easy for police to search the xxxx premises on the same day as learning a police radio had been stolen from one of their boats. Indeed, no warrant was required under the *Police Offences Act* if the police considered that the house was "usually frequented by thieves".[90] It is also possible that a general or "Commissioner's warrant" under s.60 of the *Police Offences Act 1935* was used. Under that provision, the Commissioner has authority to issue to any member a General Warrant to search for stolen property in certain circumstances. All such warrants remain in force for six months from the date of issue or for any shorter period as stated.[91] General warrants are issued to police to effect immediate searches in

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[87] Note, OR 358438 regarding the theft of the police radio is mentioned in OR 360786 regarding the theft of a TV from a boat in dry dock at CleanLift between 7 and 10 March 2009. Under "Investigation Notes" (AB 504), OR 360786 states that hard copy running sheets were held for that OR and 358438 (police radio), 360786 (the TV) and 358172 (theft of outboard motor and various items of fishing and dive equipment from CleanLift on 8/9 February 2009). OR 358172 includes an entry under Investigation Notes about the charging of xxxx and his denial in relation to 358172 and several other ORs. This holding of running sheets for nominated ORs suggests that Police may have created some link between these offences (including the theft of the police radio) and xxxx.

[88] OR 358438. This OR was not included in the Sinnitt investigation folder. It was obtained under RTI by the Hon. Kristie Johnston in April 2022 DPFEM RTI 451/21 pp.44-47.

[89] See sections 57 (Power of police officers to enter certain places) and 60 (Commissioner's warrant) of the *Police Offences Act 1935*.

[90] See s.57 of the *Police Offences Act 1935*. The power is available to any police officer of the rank of Commander, Inspector or Sergeant authorised "specially **or generally**" by the Commissioner or a Commander.

[91] See 8.17 of the *Tasmanian Police Manual* as at 8 April 2024.

situations where a normal application for a Justice's search warrant may result in valuable evidence being lost or stolen property disposed of. General warrants can be issued to operational detectives and members permanently involved in marine policing.

Police could also have verbally obtained a warrant from a Justice of the Peace via the phone without a written application.[92]

Given the many operational deficiencies that we have found during our inquiries, it would be a valuable task for an independent Inquiry to advise as to how the provisions for obtaining warrants and regular monitoring of their use should be updated to reflect current best Australian policing practice.

Unfortunately, the information released under RTI, that is the Disclosure Report – Intel Submission**,** is heavily redacted. The information is said on the document to have been migrated from IDM (Intelligence Data Management) from an Information Report on "Stolen Outboard motors" (with a redaction following under s.22 of the *Youth Justice Act*). What information did this IDM report contain?

No doubt an Inquiry would uncover whether or not any warrant and the search came after the police were notified of the missing VHF radio. It may also cover the bases upon which the police secured any warrant, that being significant in light of their failure to investigate xxxx, despite looking for the missing fire extinguisher in his room.

How embarrassing for the police to have a police radio stolen from one of their own boats. Can you imagine how anxious they were to avoid a headline in *The Mercury* along the lines of "Baby thief makes off with police radio from police boat".

The involvement of xxxx in boating related crime was not disclosed to the SNF legal team (other than in the Sinnitt investigation folder disclosed mid cross-examination of Sinnitt in 2010). The search for the fire extinguisher at xxxx was never disclosed on the evidence available to the authors.

We don't know if the suspected association between xxxx and MV was disclosed to the prosecution. The duty of disclosure to the defence requires the disclosure of material that may assist the defence. No ifs, no buts.

The result of any non-disclosure of relevant material relating to MV and stealing of boats, or from boats, would mean that the prosecution, the defence, the trial judge and the jury were misled as to the availability to the Sue Neill-Fraser defence at trial (and on her appeals) of a viable, credible **alternative hypothesis**, namely that a person

[92] See sections 5 and 15 *Search Warrants Act 1997*. The completed warrant must be provided to the JP by the next day for finalisation.

or persons, not being Sue Neill-Fraser, caused Bob Chappell's disappearance and presumed death.

As to those possible persons, and keeping front of mind, this paper is about what the police should have done, but didn't do. It is not, and must not be considered as, "proof" of the actual involvement of the two "Sam"'s, Mr xxxx or any other "associate" of Ms Vass, in Bob Chappell's disappearance.

The question of such proof is a matter first for thorough investigation by an independent team, second for charging if justified, and only then for a criminal court. The authors of this paper disavow any claim to know what, if any, involvement any person known to Ms Vass had in Bob Chappell's disappearance/death.

What the documents show

First, there is evidence, including from senior supervisory and investigative police, that in January 2009 MV had known criminal associates.

Sam No.1 was a known associate (See police documentation IDM Report 200903073 dated 12 January 2009 which reveals that MV was a "Youth at Risk" and associating with Sam xxxx).[93]

It is also now clear that Mr xxxx, who was 17 years old in 2009 (dob xxxx), was involved in, or suspected of, breaking into moored boats and boat yards at and around the time of Bob's murder.

He had been charged in early 2009 with offences related to the theft of an outboard motor. He was a person of interest for other offences involving stealing from boats both moored and in dry dock.

He was referred to in several police Offence Reports in 2009 relating to break-ins and stealing from boats in the Goodwood area or on the water of the adjoining Prince of Wales Bay.

Mr xxxx, at times, lived and worked at xxxx owned by his family and had ready access to dinghies. Despite that knowledge, and evidence of offending by xxxx around the time of the murder, this was not properly investigated (or documented on Operation Ransack running sheets or police and witness statements etc.), nor was it disclosed to

[93] There was also a later IDM report linking Sam No.1 and Meaghan Vass dated 21 February 2017 that was referred to by Sinnitt at the leave to appeal application on 22 August 2018 when cross-examined (sic) by the DPP at T 417. The contents of that report are not known to the authors.

the defence. Mr Panton's affidavit was obtained by others investigating the Sue Neill-Fraser case some years ago.

The whole of Sinnitt's investigation from the date of the advice to a match of Item 20 (the sample from the deck of the yacht) with Megahan Vass was not documented on the Operation Ransack running sheets or Police Investigation Log, even though the document purported to cover that time period.

In 20xx xxxx was imprisoned for around 2 years for boat stealing offences and significant damage to two boats moored at xxxx in xxxx.[94]

The sentencing comments dated xxxx show that Mr xxxx caused a significant amount of damage to both vessels. The damage was widespread and indiscriminate and rendered each vessel unseaworthy.

Those sentencing comments noted that Mr xxxx had a significant criminal history which commenced from when he was very young. They also noted that Mr xxxx had a longstanding problem with the use of illicit drugs, including amphetamine and various opiates. It was accepted that he stole from these vessels in order to sell property to obtain funds to buy drugs and pay off drug debts.

The Four Winds was significantly damaged on 26 January 2009 via the cutting of a pipe and the opening of a disused seacock under a floor panel near the toilet or bow of the boat.[95] An automatic bilge pump and alarm system had been deactivated or interfered with. The Police had argued at trial that intimate knowledge of the boat would have been required to undertake this. Xxxx had intimate knowledge of, and experience with, boats.

Xxxx's name was never mentioned in the 2010 trial. Police officer Sinnitt, who investigated Meaghan Vass after the DNA match to her in early 2010, was never cross examined by defence counsel about xxxx, even though xxxx's name occurred on various police Offence Reports in the disclosed Sinnitt investigation folder relating to thefts from boats around the relevant time.[96] To be fair, defence counsel received the folder, of 121 pages, during the cross-examination. Getting on top of it, on the run, is a big ask.

The important point is that much of its contents should have been disclosed to the prosecution, and then to the defence, well before the trial started.

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[94] The xxxx sentencing comments from 2017 can be found here: xxxx

[95] Mr Dobbyn in his report of 20 February 2009 stated that a seacock had been opened and the hose to the grey water tank exit had been cut allowing water to enter the vessel (p.3).

[96] See Attachment B.

Keep this context in mind: on the afternoon of Australia Day 2009, SNF has always said that she had taken the Four Winds Zodiac dinghy to return to shore that afternoon, so it appeared that the yacht was unattended. Bob was there alone: a ripe opportunity to board and pilfer, especially by those with ready access to a dinghy, and experience in stealing from moored boats.

Any association between and among xxxx, Sam No.2 (to be explained), and MV was not disclosed to the ODPP. DPP Daryl Coates in a letter to Robert Richter KC dated 7 August 2023 stated that (at p.4):

> The only associate of Ms Vass that we are aware of is Mr Sam xxxx. [Sam No.1]

This reply means that the police did not tell the ODPP about xxxx or Sam No.2 at whose home, it appears, MV stated that she intended to sleep on the night of Australia Day. Why is this the first mention by anyone of Sam No.2? Read on. You will be as surprised as we have been.

In addition, at a time when police were looking for the dinghy of a different description to that of the Four Winds dinghy, xxxx made a report to police of 2 stolen outboard motors. The OR noted that another boat on the opposite side of the jetty was broken into and the rubber dinghy from the rear of that boat had also been taken. The OR is dated 2 February 2009 (that is 9 days before the search of xxxx's room). The motors and dinghy were reportedly stolen between 30 January and 1 February 2009 (OR 357601).

Police believed that the offenders used that dinghy to transport the stolen property from the marina across the small bay to the boat ramp off Gepp Parade near the intersection of Howard Road, where the dinghy was located. Police took DNA swabs from the oar handles.

Under the heading of "Forensics/Scientific" on the OR in the Sinnitt investigation folder, it is stated that the "DNA PROFILE" was not entered onto the database stating "insufficient DNA information". It is not clear what is meant here. If a DNA profile was obtained, what use was made of it? Was it sufficient for comparison purposes?

Bewilderingly, this DNA testing information was <u>missing</u> from the document supplied under RTI (with no notation re redaction). To make it clear, the information was present in the very same document disclosed by Sinnitt during the 2010 trial.[97] As they say, "Go figure". This is yet another issue for any future Inquiry.

In relation to associates, the jury (and the public) were also not told about MV's alleged involvement with a burglary and stealing with four male youths (aged 14,15(2)

[97] Sinnitt investigation folder AB p.500 v RTI release to the Hon. Kristie Johnson in April 2022 pp.1-4 – DPFEM RTI 451/21.

and 16) at Blackmans Bay in Hobart on 28/29 January 2009 (soon after Bob's disappearance) (AB p.541). The stealing involved alcohol and frozen goods.

The Offence Report states that this report was linked to report number 357329 which was a similar offence occurring two days earlier (i.e.26/27 January 2009) which also involved the theft of beer and wine. This report was also in the Sinnitt investigation folder.[98]

This matter was only mentioned in the Sinnitt investigation folder via way of an email from Mara House (where MV was staying at the time) to Sinnitt, and a handwritten notation by Sinnitt[99] on the top corner of Offence Report 0000357315 submitted by police officer Robyn Button (who was known to MV's mother).[100]

The email from the Manager, Mara House, to Sinnitt dated 23 March 2010 states in relation to a phone call to MV's mum about MV leaving Mara House that the mother had stated a friend of hers (police officer) had informed her that Meaghan and another resident were involved in a break and enter "the evening before". The mother had stated Meaghan and the other resident were with a "man" called "Matt".[101]

So here we have another possible criminal associate of MV's who, it seems, was also not questioned by police in relation to the Bob Chappell murder.

"Sam" who?

And then there is "Sam" from xxxx Place in xxxx. This is a second Sam – a late entry into the cast of characters. Here are the intriguing details according to an email from the Manager Mara House to Sinnitt dated 23 March 2010 (that is, more than a year after the murder):

26/1 MV verbally requested a sleepover at Sam's place xxxx Place xxxx.

MV left the service at 3.50 pm on 26/1 and was to call with Sam's phone number so worker could verify where she was before sleepover was actioned. Had not returned

[98] An Inquiry might also inquire into ORs 390790 and 390572 which are noted in handwriting in the Sinnitt investigation folder on an email dealing with Meaghan and her Mother (AB p.479). The content of those ORs is unknown.

[99] See Sinnitt 22 August 2018 at T 397. Sinnitt confirmed that Meaghan's mother was known to police officer Button at T 384.

[100] The handwritten note on OR 357315 was to the effect that all kids said Meaghan was sitting out the front and had nothing to do with the burglary. See Sinnitt 22 August 2018 T 396 & 397.

[101] This "Matt" appears to be a young person whose name, date of birth and suburb we have.

to the service by 5.40 and was breaching curfew and was not answering her phone.

Night shift worker tried to contact Meaghan again, no answer (these two calls did not show up on Meaghan's mobile phone that was checked by police. It seems she had more than one phone number.)

27/1 MV submitted a sleepover form for Sam's at xxxx Place.

There is a handwritten note by Sinnitt of a phone conversation with the Manager Mara House on 15 March 2010 at 1425 hours.

Sinnitt's note of the conversation states that on 27 January MV returned and requested sleepover at Sam's AGAIN and that this was granted.

In a phone call with the Manager at 1355 on 15 March 2010 Sinnitt was advised that there was a register that listed all residents each night but they were not retained.

The “Sam” being referred to at xxxx Place does not appear to be Sam No.1.

The person of interest is Sam xxxx (dob xxxx) from xxxx Place xxxx.[102]

Xxxx is a suburb about 10 minutes south of Hobart, on the way from Hobart CBD to Kingston and Blackmans Bay. Xxxx Place is a small and quiet cul de sac. No. xxxx consists of 12 units or low level townhouses/units. An internet search reveals 33 properties in this street (mostly units). There are no odd numbered properties i.e. there is no No.xxxx.[103]

Sinnitt advised the court that he could not find the address given i.e. xxxx Place. Mr Gunson SC appears to have assumed that Ms Vass had given a false address that did not exist rather than her getting the address wrong.[104]

There is a handwritten notation on the top of the relevant IDM report in the Sinnitt investigation folder “Only “Sam” @xxxx pl.”. It relates to shoplifting in the Elizabeth Street mall in December 2009 and a search of the offender which revealed, apart from a stolen toy, two pocket knives with 10 cm blades and a variety of lock picks (7 in total).

[102] IDM Report 200982734 dated 19 December 2009 found in the AB at 490-491.

[103] Xxxx.

[104] See 2010 T at T 1451 and 1477 – Gunson in closing.

Sam No.2 was arrested for stealing and unlawfully possessing dangerous articles in a public place. He was not charged in relation to the lock picks. The report noted that other IDMs indicated that xxxx had an obsession with knives/swords.[105]

The report noted that xxxx had one prior matter for stealing so it was unlikely that he would be responsible for any burglary/steal related instances.

We now turn to the importance of police following up on each and all of these associates for the time of Bob's murder and the following days.[106] Given that MV's DNA had been found on the yacht it is obvious that any investigation would be seeking to explain how it got there.

A simple denial of being on the yacht does not end inquiries. An investigator needs to follow up with such questions as where might MV have gone when she left Mara House? Who, if anyone, did she meet? Did she meet Sam No.2 or another "Sam" on Australia Day and/or the following day? If not, who did she meet? What account does any person that she met give of their movements from early afternoon of Australia Day to around 7am on 27th January, etc. Each detail needed to be checked in 2009/10, if for no other purpose than to rule out MV as having some part in Bob Chappell's death.

That did not happen.

Here is what Sinnitt said during his cross-examination at the 2010 trial:

Defence counsel Gunson asks "Were you able by any means to establish where she had spent the night of 26th January 2009?" to which Sinnitt responded, "No". (This is despite an IDM report from January 2009 that MV was associating with Sam No.1)

Later Gunson asked Sinnitt if he had made any inquiries in the area of xxxx Place Mt Nelson as to whether anybody knew Meaghan Vass to which Sinnitt responded "Yes". (There are no records of any inquiries with Sam No.2 or other residents).

Gunson then asked Sinnitt, if, as a result of those enquiries, he was able to go anywhere else to try and find where MV might have spent the night, to which Sinnitt responded "No".[107]

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[105] AB 490.

[106] Police should have interviewed fellow residents and staff (including social workers) of Mara House on 26/27 January 2009, but this also seems to have not occurred, given the contents of the Sinnitt investigation folder. Evidence as to MV's state and demeanour upon her return to Mara House and the actual time of her return on 27 January 2009 could have been instructive.

[107] See trial transcript for 30 September 2010, page 754 and 778-779, and see also for the failure to interview MV because of her non- attendance at arranged interviews.

No mention of either Sam No.1 or Sam No.2.

Turning now to the evidence of Sinnitt on 22 August 2018 at the leave to appeal application.

The interaction as to who MV was with on the night of Australia Day went as follows:[108]

> MR PERCY QC: … Now, Sergeant, have you heard of a person called Sam xxxx?[Sam No.1]....Yes I have.
>
> Were you able to ascertain whether he had any connection at the time in question, with Meaghan Vass?.....I only found one information report indicating that she was possibly associating with him.
>
> Well, was there any mention of him in the documentation received from Mara House?.....No.
>
> Can you have a look at that document again. Twenty seventh, there's an entry there for the 27th of the first, in relation to sleepover, what does that say?.....'Sleepover for Sam's at xxxx Place.'
>
> Would you accept that was a reference to Sam xxxx [Sam No.1]?.....No.
>
> No?.....No.

Counsel for SNF did not pursue the matter further. We don't know why. This comment by Sinnitt opens a Pandora's box, starting with the unasked question, "Then to whom was it a reference?"

What did Sinnitt not disclose, and why did he not disclose it?

At the leave to appeal in 2018, Sinnitt was cross-examined (sic) about his investigation into the xxxx Place issue by the DPP:[109]

> And did you investigate with the people who – who lived in the units there? …… Yes, I did.
>
> And did any of them know Meaghan Vass? …… No, they didn't.

There are no records in the disclosed investigation folder of any attempt by Sinnitt or others to contact or speak with Sam No.2. There are no records of any doorknocking or inquiries with neighbours in a small and compact neighbourhood.

Sadly, Sam No.2 died prematurely, aged 26, on xxxx.[110]

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[108] 22 August 2018 at T 394.

[109] Sinnitt at leave to appeal 22 August 2018 T 417.

[110] xxxx

There are others too who were not followed up

There is other police information that should, at least, have caused the police to make further inquiries about associates, such as the following:

IDM Report 201010576, which relates to the 18 February 2010 arrest of MV for shoplifting in the Elizabeth Street mall, states that MV was living at Stainforth Court with xxxx (xxxx) and that xxxx had numerous priors. It was also stated that it was likely that MV would reoffend if she continued to associate with xxxx.

The actual offence report relating to the shoplifting (OR 387785) is missing from the Sinnitt investigation folder, as are other key documents such as the Missing Person's Report from 2008 confirming her mobile phone number (See Etter/Selby papers 2021).

See also the Detention/Charge Record for MV dated 18 February 2010 at AB 485-487 which states under "Comments" at AB 486:

> VOSS (sic) is unlikely to appear before the Court in response to a complaint and summons as she … does not have a fixed place of abode and is currently associating with undesirables who are significantly older than her and influencing her behaviour.

See also xxxx (dob xxxx) listed as an "Associate" on a Police "Person Search Links" conducted on 15 March 2010 AB p.471.

There is also an Information Report which has come up on the same "Person Search Links" entitled "Violent Male - xxxx (xxxx). Should he also not have been investigated as an associate of interest? The relevant date is 16 November 2008.

At the 2010 trial, under cross-examination by Gunson SC (T 783-784), Sinnitt had this to say about his investigation of MV, her whereabouts that night and her possible associates:

> Yes – thank you. So in a nutshell, you've never been successful in finding out where Meaghan Vass spent the night of the 26th?…….That's correct.
>
> Thank you. Did you try and look for her associates, any known associates, just tell me 'yes' or 'no'?…….No.
>
> You didn't question any associates of hers known to you?…….No.
>
> All right. Did you check police records to see whether she had what's colloquially known as 'associates'?…….Yes.
>
> And you couldn't find anything?…….No.

Sinnitt failed to mention Sam No.1 as a documented associate, and the reference to a "Sam" at xxxx Place Mt Nelson in the Mara House records, possibly being Sam No.2, where she was, apparently, intending to sleep over on the nights of 26 and 27 January 2009.

He also failed to mention the male juveniles, mentioned above, that she kept company with who were responsible for – now you remember – the burglary/stealing at Blackmans Bay between 1600 hours on 28 January 2009 and 0600 hours on 29 January 2009.

Sinnitt's 21 June 2010 statutory declaration provides some insight into the limited nature and scope of his investigation. In that document he states:

> I made numerous enquiries in relation to Meaghan VASS including:
>
> - her whereabouts at the time of Robert Chappell's murder
> - prior convictions history
> - a check of all police intelligence systems
> - the nature of the charge for which her DNA sample was taken
> - any link between VASS and either the accused, Robert Chappell, or other persons linked to the Four Winds
> - any link between VASS and the Marieville Esplanade area
> - any link between VASS and the Constitution Dock area.

There is no search of juvenile cautions or diversionary procedures as provided under the *Youth Justice Act 1997* or inquiries about associates, only links to:

- Sue Neill-Fraser or Bob Chappell;
- the Four Winds yacht; or
- the specific areas of Marieville Esplanade and Constitution Dock.

Sadly, that is not all that readers need to digest.

There are unchecked phones

By 2009 having more than one mobile phone or more than one mobile phone number was so common that police inquiries would look to see what phones and numbers might have been used by a person of interest.

Yet Sinnitt seems not to have checked two, possibly three, phones or numbers associated with Meaghan Vass at around the time of the murder.[111]

[111] See below and the Etter/Selby papers 2021 tabled in the Legislative Council on 31 August 2021. See https://www.parliament.tas.gov.au/legislative-council/tabled-papers/2021-50th-parliament/LCTP14_31_08_2021.pdf at the paper entitled *What TasPOL knew and ignored from late*

He did check mobile phone number **0428 735 xxx** (see IDM Report 201016844 at AB 458 and IDM Report 201015495 at AB 461 and IDM Report 201015496 at AB 463).

Sinnitt sent an email to the Manager, Mara House, on 15 March 2010 asking her to confirm that Meaghan's mobile phone recorded as her contact number was 0428 735 xxx. The response, if any, to this email (at AB 538) is <u>not</u> included in the Sinnitt investigation folder.

A search of that 0428 mobile phone number for the period 25 to 28 January 2009 revealed that only 3 mobile numbers had contacted it and then by SMS message. Those three persons lived in the outer Southern suburbs of Hobart. The SMS messages were sent at 16:49 26 January 2009, and 17:32 and 17:37 27 January 2009. There were no records of any actual phone calls made and received, or the relevant records were not provided.[112]

It is clear from the email from the Manager of Mara House to Sinnitt dated 23 March 2010 (AB 535) that personnel from Mara House attempted to contact Meaghan on a phone number they had for her twice on the evening of 26 January 2009, when she breached curfew, with no response. These two calls did not show up on the phone records disclosed by Telstra at the request of Tasmania Police and included in the Sinnitt investigation folder.

There is also a linked telephone for Meaghan on IDM Report 20090373 regarding her being a "Youth at Risk" of 0408 124 xxx (AB 472). There is no information about the use of that phone number.

More importantly, there is also the mobile phone number **0429 237 xxx** (recorded and emphasised by a handwritten notation) on page 2 of the Detention/Charge Record (AB 486) for MV dated 18 February 2010 (relating to her arrest and found at AB 485-487). The number is also written prominently at the top of Sinnitt's handwritten notes of a possible investigative approach on the MV issue at AB 432.

When Sinnitt spoke with MV at Stainforth Court on 15 March 2010 he wrote in his notes (AB 434) that MV confirmed that her phone number at the time was that on the Missing Person Report from November 2008. That document has never been supplied as far as we know, for court purposes. It was also not supplied in response to an RTI request by a Member of Parliament in 2021.

Mr Andrew Wilkie applied, inter alia, for a copy of the 21 November 2008 Missing Person Report IR 200875984 on 17 August 2021 (post appeal but before the handing

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2008 about Meaghan Vass and Her Associate xxxx. A saga of defective investigation, failure to disclose and why that matters dated 4 August 2021 at pp.37-45.

[112] AB pp.458-469. The checks related to subscriber checks for the three numbers that contacted the phone and CCR checks and CCR-Reverse checks on the subject phone.

down of the decision in November 2021). In a response dated 25 August 2021 (8 days later), Tasmania Police refused to provide any of the information sought. The RTI delegate stated that "the majority of information" was in the custody of the ODPP as the matter remained under appeal. The exclusion provision as to the application of the RTI Act at s.6 regarding the ODPP was applied to the information assessed. The "remainder" of information sought currently formed part of "ongoing investigations" which were or may be presented before a court at a future date. The response further stated that at that time no information from the prosecution files could be disclosed as the matter was yet to be finalised in the Supreme Court.

Does that Missing Person Report from November 2008 refer to one of three numbers mentioned above, or to yet another one?

Those phone records of the mobile phone/s or phone numbers that MV was using at the relevant time were, in 2010, critical to plotting her movements and who she was communicating with.

Who can now quibble with the statement that the presence or absence of Meaghan Vass on the yacht was an issue left hanging at the 2021 appeal. Readers of this paper now know more than the judges, more than the SNF legal team. We don't know how much or how little the prosecution knew.

We do know that there was no proper effort made to confirm or reject MV's statement that she did not board the Four Winds on Australia Day. Such inquiries as were made were perfunctory.

There is no recorded or disclosed police follow up of Mr Sam xxxx of xxxx Place xxxx and Ms Vass for Australia Day and following.[113] That is extraordinary.

Lack of key witness management

Ms Vass's life and criminal history – from even a cursory look at her associates - showed that as a witness, especially as one given no police protection, she was under pressure.[114] She had admitted at times to being on the yacht. Any question along the lines of, "Who with?" meant that she was being asked to grass on her associates for a murder.

Her unreliability as a witness in court had been demonstrated on previous occasions.

[113] Including the interviewing of Mara House residents and staff and the acquisition of the critical sleepover form.

[114] At trial in 2010, in the absence of the jury, the court was told by the DPP that she suffered from some form of Aspergers or something like that T 605.

That created issues of witness management (or even protection) that needed special skills and a carefully considered response.

The front page headline of *The Mercury* during her evidence was "Sam did it".[115] The associated article reports that MV named Sam No.1 as both the person who was with her on the Four Winds on Australia Day, and her then boyfriend.

As we noted above Sam No.1 denies both those claims. And so he might, given that MV had told Mara House that she was with "Sam" – who may, given the address that she gave, have been Sam No.2.

In the absence of appropriate witness management and support, apart from being able to give her evidence from a remote witness facility[116], a certificate under s.128 of the *Evidence Act,*[117] and have an independent solicitor present, it is hardly a surprise that she recanted her admissions. The talk of a suppression order regarding media by MV's solicitor on day two of the hearing, after Meaghan's bombshell evidence, came far too late.[118]

How could it have happened in 2021 that a key witness in a murder case was not properly protected from likely threats and inappropriate media attention? How easy for someone to have passed Ms Vass a message along these lines, "They never found his body and they won't find yours. Tell them you're saying that you were on the Four Winds is a lie".

And she did retract her "admissions".

[115] 2 March 2021. MV named xxxx in her evidence, see for example 1 March 2021 at T 36, 54 and 56.

[116] 1 March 2021 at T 2-3.

[117] See T 93 2 March 2021 re granting of the certificate.

[118] The matter was raised by xxxx, MV's solicitor, on 2 March 2021 during Meaghan's evidence but after her evidence regarding xxxx on 1 March 2021 – T 62. This was supported by Robert Richter KC at T 63 for 2 March 2021. The matter was then further discussed later that day – T 95-96. Mr Cangelosi appeared for Ms Vass on instructions from Mr xxxx. As Estcourt J commented at T 96 "You can't suppress that which has already escaped".

Summation

When SNF's legal team contended at the appeal that the MV DNA was more likely a primary deposit, Wood J considered this an "overreach".[119]

Following the 2021 appeal those who thought that Sue Neill-Fraser murdered Bob Chappell could say, "We told you so".

But in November 2025 they can't say that because now we, and you, know that it is more probable than any other known location that Meaghan Vass was on the Four Winds on Australia Day. It is more likely than not that she left her DNA in her saliva on the deck.

She was there with one or more other people. She knows their names and they know that she knows. She knows what happened on the boat and, absent an independent inquiry that demonstrates that Bob was already missing before she boarded, she may know what was done with the body. She needs appropriate protection and support to give further evidence.

We now know that there were break-ins to moored yachts and interference with their electricals (possibly including on the night of 26 January 2009) and that any connection with what happened on the Four Winds was not investigated.

We know that there were no recorded break-ins to the CleanLift Marina in the relevant period.

We know that the police had information about several young people and an adult, Sam No.2, who should have been, but were not, investigated for any relevant interaction with MV and their movements on Australia Day and 27 January 2009.

We know that the police searched Mr xxxx's bedroom for a missing fire extinguisher (and possibly a police radio) approximately 2 weeks after Bob's murder. That was not disclosed.

We know that there are police records that are a nonsense because they refer to supposedly relevant police reports for events that hadn't even happened at the relevant time. This suggests, until explained at an Inquiry, that records were being

[119] See leading judgment of Wood J at para.256. At para.257 Wood J stated that both Mr Jones and Mr Grosser made it clear that they could not speak to the likelihood of secondary transfer versus direct deposit. Pearce J also stated that the appellant's written submission on this point was not an accurate representation of Mr Jones' evidence at para.533. See also para.540.

misrepresented at some later time to shift attention, cover up something or protect some person.

We now know that the police failed to make proper and timely disclosures to the ODPP.

We know that the police responses to a succession of RTI requests includes inconsistent responses in respect of the same material, including omission of a reference to DNA testing results appearing elsewhere (in another version of the same document), and that there has been a pattern of refusal (and delay) for which there is no apparent underlying operational need and which is not in the public interest.

We know that at the 2021 appeal the 2020 FSST Holloway report (a document in the DPP appeal papers) was not brought to the attention of the court. We don't know why. We do know that it is an important document and that the appeal court would have benefited from his report and oral evidence.

It also appears that the results of a referral to Forensic Science SA in 2019 regarding the MV DNA may not have been disclosed. Information on this issue only became available to the authors as a result of a 2025 External Review decision by the Ombudsman to the Hon. Meg Webb in RTI 49/23, 56/23 & 87/23 and the release of new documents to her in June 2025. This release brought to light that 2019 referral, previously unknown, and not mentioned in the Holloway report or at the 2021 appeal.

As in Folbigg, justice demands that important developments in such a complex and emerging science such as forensic genetics, post the 2021 appeal, be given proper consideration to ensure that a miscarriage of justice has not occurred. This is particularly so when the appeal court in March 2021 did not have the benefit of expert opinion on the latest science by way of any advice in 2019 from Dr Duncan Taylor from Forensic Science SA and the FSST Holloway report from 30 June 2020.

Safeguarding the integrity of our criminal justice system requires never-ending work of review and improvement.[120]

For all the reasons that you have now read, there must be an independent public Inquiry into the travesty of the 2009/10 police and forensic investigation into the death of Bob Chappell and how that led to Sue Neill-Fraser's wrongful conviction.[121]

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[120] Cunliffe, Emma, Vinusa, Carola G., Rego, Rhanee, San Roque, Mehera, Edmond, Gary, Gans, Jeremy, Sato, Mai, Burridge, Kate and Cordner, Stephen (2025) *Australian Journal of Forensic Sciences* Vol.57 No.3, 272-293 at p.272.

[121] For those who still doubt the need for an independent Inquiry we invite you to read the 2021 Etter Selby papers tabled in the Tasmanian Legislative Council on 31 August 2021 at https://www.parliament.tas.gov.au/legislative-council/tabled-papers/2021-50th-parliament/LCTP14_31_08_2021.pdf and a subsequent speech by the Hon Mike Gaffney in the

Attachment A

Summary regarding non-disclosure from the Hon. Mike Gaffney speech to the Legislative Council 22 August 2023 (and as corrected on 5 September 2023)

The list of non disclosures included:

- Police disclosure folder 13, including the Youth Justice Action Report and Complaint [relating to Meaghan Vass].
- Information concerning the associations of Meaghan Vass who were known to steal from boats, as publicly stated by former Inspector Peter Powell on film in June 2012.
- The updated 21-page police Offence Report of 2009 [dealing with the Four Winds incident - OR 357150].
- The handwritten contemporaneous notes of the conversation with Mr Peter Lorraine on 27 January 2009, regarding the sighting of a dinghy, yacht and man at the critical time of 5 p.m. on Australia Day 2009, which were not disclosed until August 2018.
- Failure to disclose important information held by the police about Phillip Triffett.
- The failure to advise of the loss of the red jacket.
- The document relating to the search of premises at Gepp Parade, Derwent Park, in February 2009 and which appears, given additional information in the form of a sworn affidavit, that the search involved a search for a fire extinguisher - an item that formed an important part of the Crown body disposal theory.
- The DNA forensic testing results for the small blue towel which was missing from the major Forensic Biology Report of 1 July 2009 (without any explanation).
  The Crown failed to disclose testing/examination results on this potentially important exhibit from 2009 and 2021.

Legislative Council on 22 August 2023 (and 5 September 2023) and then combine that knowledge with what you have learned from this paper.

Attachment B

Countering the claim of the sample being deposited at Goodwood by MV or her associates prior to 1.40 am on 30 January 2009

The date of the sample being taken is important as there were a number of "entries" to boats and associated stealings at or near CleanLift in Goodwood in early 2009.

However, based on the material disclosed to Defence mid-trial in 2010 in the Sinnitt investigation folder and additional material provided under RTI in 2022, all such incidents occurred after the Vass DNA sample had been taken and secured at 1.40 am on 30 January 2009.

The relevant incidents in date order are:

- **OR 357601** re an incident at xxxx Gepp Parade Goodwood (not CleanLift) where property where 2 outboard motors (Jarvis Walker and Yamaha) and a rubber dinghy ("Zodiac" – AB 511) were stolen from the marina sometime between 9 am on 30 January 2009 and 2 pm 1 February 2009. Xxxx was the victim/reporter of the crime. Report made 2 February 2009.
- **IDM 200908199** from 3 February 2009 with regard to three vessels probably being entered at CleanLift. States that incident occurred on 2 February 2009. Overnight, persons gained entry to the business by cutting a hole in the fence.
- **OR 357916** re a report of persons possibly entering plastic fabrications at 8 Negara Crescent Goodwood and breaking into a vessel moored on Prince of Wales Bay between 5 February 2009 and 6 February 2009. Items stolen included computer, monitors, radio and mobile phone.
- **OR 358438** re stealing from police vessel Fortescue moored at Sabre Marine in Prince of Wales Bay (undated but appears to be 11 February 2009 as radio was noted stolen on that date and police attended on that date) (Sabre Marine is right near CleanLift and opposite xxxx). Offenders stole police VHF radio. Security surveillance footage was reviewed and the offence occurred on 7 February 2009. Owner advised that security surveillance footage revealed two male persons carrying a small child were observed on the police vessel at 22 48 hours on 7 February 2009. Poor quality picture of no evidentiary value. Noticed missing at 1400 hours on 11 February 2009. Police attended on 11 February 2009. (Note, this OR was not included in the Sinnitt investigation folder even though Sinnitt's handwritten notation at AB p.498 indicates that a search for documentary material was undertaken for the period 27 January to 4 April

2009. It was obtained under RTI by the Hon. Kristie Johnston in April 2022 DPFEM RTI 451/21 pp.44-47).

- **OR 358172** for offences committed between 8 and 9 February 2009 at CleanLift of a boat on the water – stealing and destroy and injure property including theft of a Mariner outboard motor, diving and fishing gear and other listed items (not including a fire extinguisher).
- **OR 359436** re break in to RMD Marina in Negara Crescent Goodwood between 21 February and 23 February 2009. Vessel offshore. 1 Yamaha Outboard motor.
- **OR 359634** re stealing of outboard motor between 21 and 23 February 2009 – Honda 20 hp - and fuel container - from Lutana. Tassal vessel moored at wharf.
- **OR 360434** (attended and reported 5 March 2009) re 20 hp Honda outboard motor found at waterfront near private jetty at Gepp Parade at Goodwood. Had been stolen from fishing vessel and dinghy attached to vessel between 21 and 23 February 2009. (See OR 359634 above). Mentions "ORCA" under "Supplementary". Outboard motor fingerprinted. Examination 19183 by Williamson. No result listed.
- **OR 360786** re offenders entering the yard of CleanLift and entering a vessel in dry dock between 7 March and 10 March 2009. The item stolen was a TV.

There is no apparent opportunity for the Vass DNA sample to have been directly deposited between the finding of the sinking Four Winds yacht on the morning of 27 January 2009 and the taking of the DNA sample on the early morning of 30 January 2009 based on reports made to Tasmania Police and disclosed to Defence at trial in 2010 or under RTI in 2022.

Xxxx involvement:

The documents available indicate xxxx was charged in relation to ORs 360434 and 359634 (theft of a 20HP Honda outboard motor) and denied involvement in ORs 358172, 357916 and 359436. (See Sinnitt investigation folder at AB 499 re OR 358172, AB 502-503 re OR 357916 & AB 505 re OR 359436).

It appears that the outboard motor was found at the xxxx premises on 5 March 2009.

Xxxx was interviewed in relation to the matters. It was noted that admissions were made and that he was summonsed. Note, copies of neither of these two ORs, 360434 and 359634, relating to the charging of xxxx, in early 2009 were provided in the Sinnitt investigation folder but were supplied under RTI in 2022 to the Hon. Kristie Johnston.

The Tasmania Police did not initially provide OR 360434 for some reason. It had to be specifically chased up. It was not supplied in the original RTI response despite being specifically listed in the request.

OR 358438 in relation to the theft on 7 February 2009 of a police radio from a police vessel moored in Prince of Wales Bay (reported to police and attended on **11 February 2009**) was also not in the disclosed Sinnitt investigation folder. (Note the significance of the date – it is the same day as the search of the xxxx at xxxx).

Xxxx was charged on 11 March 2009 in relation to receiving a stolen outboard motor 20 hp Honda "recovered on the premises several days earlier". It appears that the outboard motor recovered on 5 March 2009 was stolen between 21 and 23 February 2009 from a Tassal vessel moored at a wharf at Lutana (not far from Goodwood).

These two OR references (360434 and 359634) can therefore not possibly relate to the search of the xxxx premises on 11 February 2009.

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Attachment C

SNF Basic Chronology 2008-2025 (a selection of key events relating to this report)

AW – Andrew Wilkie
BE – Barbara Etter
FBR – Forensic Biology Report
KJ – Kristie Johnston
MG – Mike Gaffney
MV – Meaghan Vass
MW – Meg Webb
RR – Robert Richter KC
SIF – Sinnitt Investigation Folder (released mid trial in 2010 after evidence of MV and Grosser re DNA) and filed in leave to appeal Application Book in Supreme Court in 2016 (AB Tab 24 pages 427-547).
SNF – Sue Neill-Fraser

2008

September	Purchase of Four Winds by Sue Neill-Fraser (SNF) and Bob Chappell
21 November	Missing Person Report MV (IR 200875984)
23 December	Yacht arrives in Hobart

2009

12 January	Youth at Risk IDM Report **200903073**. Associating with xxxx of Derwent Park (dob xxxx). Informant was grandmother of MV. (In SIF)
18/19 January	Interference with boat and attempted stealing Waimea jetty Sandy Bay **IDM 200909771.** Marked Highly Protected. Released to BE under RTI in 2012. Reported to police on 29 January 2009.

26 January	Australia Day – Bob intends to stay on yacht overnight
26 January	Interference to electricals on ketch moored off Lutana (IDM No. redacted). Marked “Highly Protected”. Released to BE under RTI in 2012.
26 January	MV at Mara House and requests sleepover that night at “Sam’s place” at xxxx Place xxxx. Left service at 3.50 pm and was to call with Sam’s phone number so worker could verify where she was before sleepover was actioned. Did not return and was breaching curfew. 2 calls made to Meaghan without success including one by night shift worker.
27 January	Four Winds found partially submerged due to a cut pipe/hose and opened seacock. Bob missing. Electricals (bilge pump alarm) interfered with. Police commence investigation “Operation Ransack” and investigation recorded on Police Investigation Log (PIL). PIL ceased on 20 April 2010.
27 January	MV returned to Mara House. See email from Manager to Sinnitt 23 March 2010. Submits sleepover form for Sam’s at xxxx Place. Requests sleepover at Sam’s again. Permission granted.
27 January	Four Winds moved to Constitution Dock. Under CCTV surveillance. SNF points out that fire extinguisher possibly missing.
28 January	Midday – Four Winds moved to CleanLift Marine, Goodwood, from Constitution Dock.
28 January	MV involved that evening with four youths in burglary of dwelling at Blackmans Bay. **OR 357315** in SIF.
29 January	McHoul with Williamson undertakes luminol testing of deck of yacht from 9.30 pm. Forensic Examination No.17786. No pattern information was visible.

29 January	Article in *The Sydney Morning Herald* by Paul Carter "Police fear missing physicist murdered". Quotes Inspector Peter Powell. Stated that investigators have not ruled out that the missing fire extinguisher was used as a weapon in the murder of Bob Chappell.
29 January	Report made to police re possible interference to electricals of moored ketch near Lutana. See **IDM Report** with number redacted. Owner of yacht notified by a neighbour on 26 January 2009 (time not noted) that the power light was off. Owner checked boat on Tuesday 27 January and found boat had been entered and the power turned off at the boat's switch board. Liquid containers had been opened and some liquid spilled. The person reported the matter as it was thought it might relate to the Four Winds incident. The boat had previously sunk because the power had been disconnected. The boat had been repaired and there was a power light on the boat's switchboard that was visible from shore. The report noted that the matter did not appear to relate to Operation Ransack. "Linked Persons" redacted. (Released to BE under RTI in 2012).
29 January	**IDM report 200909771** marked "Protected" re attempted stealing of inflatable boat similar to a Zodiac at Waimea Jetty Sandy Bay. Offender unable to cut steel cable securing it. Shifter and screwdriver left behind. Police took swab of some blood on the shifter (Sample to lab **OR 357363**). Reporting person wanted police to be aware of incident. Filed for intelligence purposes only (Released to BE under RTI in 2012). A further document obtained under RTI in 2012 stated that the swab was negative for a screening test for blood and no samples were sent for DNA profiling.
30 January	1.38 am – MV DNA sample taken off deck of yacht at CleanLift Marine – Item 20 (From Continuity Label)
1 February	Xxxx reports theft of two outboard motors from xxxx Gepp Parade. **OR 357601**. Theft occurred between 30 January 2009 and 1 February 2009. Dinghy also stolen.
11 February	Report of theft of police VHF radio from moored police vessel Fortescue and dinghy at Sabre Marine – near CleanLift. **OR**

	358438 Police attend job at 1400 on 11 February. (Provided under RTI to Kristie Johnston in 2022 - not in SIF).
11 February	Search of xxxx – xxxx home – and search for fire extinguisher. Said to be attended by Inspector Peter Powell – See the affidavit of David Panton dated 26 October 2017.
5 March	Stolen 20 HP outboard motor stolen and found at waterfront near private jetty at Gepp Parade **OR 360434**. "ORCA" is mentioned under "Supplementary".
11 March	Xxxx charged for receiving a stolen outboard motor (20HP Honda) recovered on the premises several days earlier (**OR 360434** and **359634**). Denies involvement in other offences. Interviewed in presence of mother. Denied any knowledge of **ORs 358172, 357916 and 359436**.
12 March	Incident the subject of a 2 page **Disclosure Report – Intel Submission** (released to Kristie Johnstone under RTI in 2022). Stated as "Completely reliable" and "Report confirmed". **Occurrence TAI0900448380**. Migrated from IDM – Information Report re stolen outboard motors. Heavily redacted under s.22 *Youth Justice Act* (including principal contact at the address). States for intelligence purposes only. The Narrative states that "On Weds (sic) 11/02/2009 Police searched premises at [redacted] in relation to the recovery of a 20hp Honda outboard motor (**o/R 359634 and 360434**)". (360434 re finding of outboard motor near private jetty at Gepp Pde provided to Kristie Johnston in 2022 – not in SIF).
20 August	Sue Neill-Fraser arrested and charged with murder. Bail refused.
19 December	IDM Report IR No.**200982734** re charging of Sam No.2 of xxxx Place xxxx for stealing and unlawfully possessing dangerous article in public place. (In SIF). Handwritten notation on report "Only "Sam" @ xxxx pl.".

2010

18 February	MV arrested for shoplifting. **IDM 201010576.** Mentions under "Linked Operations" - "SCUBA". **OR 387785** not in SIF.
15 March	Detective Sinnitt advised that DNA sample from boat matched to homeless girl Meaghan Vass – email from Carl Grosser.
15 March	Sinnitt investigation of Meaghan Vass from this date onwards – not included on Police Investigation Log (PIL) or running sheets for Operation
18 March	Email from Carl Grosser at FSST to Sinnitt, "Given the **strong DNA profile** that we obtained from this swab I'd suggest that this is indicative of the presence of **a relatively large amount of DNA**, which is more likely to come from body fluids (blood, saliva, etc) than a simple contact/touching event". (emphasis added) (In SIF. Not provided to jury at trial).
18 March	Sinnitt speaks with MV. Diary entry. States she was hanging around the Goodwood area at about the time of the murder. Confirms her phone number at the relevant time was that on the Missing Person Report of November 2008.
23 March	Email from Manager, Mara House to Sinnitt re Mara House documentation for MV 26/1 to 30/1/09. Advises that on 26 January MV requested a sleepover at Sam's place xxxx Place xxxx.
7 April	FSST Forensic Biology Report re MV DNA (Person E).
21 September	Trial commences in the Supreme Court where MV gives evidence.
30 September	Sinnitt discloses MV investigation file or SIF (121 pages) mid trial (T 752-754). Sinnitt gives evidence at trial that no checks were made to identify MV associates (T 783-784).

13 October	Evidence in Supreme Court completed
14 October	Summing up by trial judge
15 October	Jury returns a verdict of Guilty
27 October	Sentencing (including significant comments regarding the missing fire extinguisher)

2011

11 August	Appeal argued in the Tasmanian Supreme Court

2012

6 March	Tasmanian Court of Criminal Appeal dismisses appeal against conviction but reduces the sentence.
23 March	Statement by Meaghan Vass to TASPOL.
27 June	Statement by Inspector Peter Powell to Eve Ash on film re MV and her associates known to break into boatyards and steal from boats.
7 September	High Court refuses special leave to appeal – single legal ground was the test used by the trial judge to refuse the recall of MV during the trial.

2013

7 January	Application made for formal inquest into the death of Bob Chappell

2014

17 January	Coroner's Findings without Inquest
4 April	First expert report of Victorian Forensic Scientist, Max Jones.
11 July	Second expert report of Max Jones after he had been provided with the electropherogram for MV DNA sample

2015

2 November	Further right to appeal legislation commences
2 December	Initial appeal papers lodged with Supreme Court

2016

4 February	Further appeal papers lodged with Supreme Court including affidavit and 2 folders of exhibits
22 April	First directions conference – Application Book to be prepared
21 September	Lodgement of Application Book in Supreme Court by SNF solicitor (including the Sinnitt investigation folder at Tab 24 pp. 427-547)

2017

21 February	IDM report linking MV and Sam No.1 (content unknown). This report is referred to at leave to appeal hearing in 2018 when Sinnitt was questioned by DPP at T 417.
27 April	Meaghan Vass signs new affidavit after meetings with Colin McLaren
11 May	Robert Richter KC (RR), Eve Ash and Colin McLaren meet with the Premier, Solicitor-General and the Acting A-G in relation

	to the white paper prepared by Colin McLaren (content unknown). RR calls for an independent Inquiry.
15 June	Xxxx remanded into custody by Supreme Court. Pleaded guilty to stealing from boats to fund a $100 a day morphine habit (See *The Mercury* 15 June 2017).
[date]	Xxxx sentenced in Supreme Court.
18 August	Sam No.1 interviewed by Tasmania Police for 38 minutes without caution.
26 October	Affidavit of David Panton regarding the search for the fire extinguisher at the xxxx residence in 2009.
30 October	Leave to Appeal hearing commences.
31 October	Victorian Forensic Scientist Max Jones gives evidence, including his opinion that the MV DNA sample was so fresh that it must have been only 1-2 days old (T112-117).
1 November	Mr Chris Smith, Manager, CleanLift, gives evidence at leave to appeal hearing.
2018	
	Leave to appeal hearing dates (various)
26 July	SNF team request additional forensic testing?
22 August	Sinnitt gives evidence at the leave to appeal hearing.

2019

25 February	New affidavit by Meaghan Vass saying that she was on the yacht at the time of the murder.
February	Colin McLaren gives evidence and leave to appeal hearing concludes.
10 March	*60 Minutes* program with MV where she states she was on the Four Winds with others (mention of small blue towel found on deck near MV DNA sample missing from FBR).
15 March	Email at 8.04 am from Sinnitt to Jack Shapiro, Pam Scott and others requesting urgent analysis of the blue towel. Asks for the immediate testing of MV DNA on the blue towel/facewasher.
15 March	Holloway from FSST examines small blue towel
21 March	Brett J grants leave to appeal. His Honour states that the evidence relating to Vass is clearly directly relevant to an important issue at the trial, and, if accepted, would be highly probative of the applicant's case.
22 March	FSST Forensic Biology Report (FBR) on small blue towel by Holloway and Grosser. DNA of first responder found on towel.
16 April	Email from Sinnitt to Pam Scott. Advises that he is dissecting everything they hold factually in relation to the Vass DNA sample.
10 May	Carl Grosser FSST emails a report to Jack Shapiro on SNF case (OR 357150, FSST 0900608). Report not provided under RTI. It is not known to what this report relates.
29 May	Email from Pam Scott to Paul Holloway and Carl Grosser advising that she has a meeting the next day with Coates, Shapiro and Sinnitt to discuss the SNF case and where to

	from here. Asks them to let her know where they are at with testing the additional samples and the most recent results.
30 May	Pam Scott meets with Coates, Shapiro and Sinnitt – see email of 29 May 2019.
30 May	Email from Pam Scott FSST to Thomas Sobieraj (SA AGD – Forensic Science SA) re "activity level reporting case". Content of email completely redacted under s.31.
3 June	Date of v 6 Tasmania Police Subject Report Re: Chappell Murder – DNA RESULT REGARDING MEAGHAN ELISABETH VASS by Det. Sergeant Sinnitt (10 pages). Content completely redacted under s.31 (other than header and signature block and version detail on final page). Page 9 of report (second last page) appears to have been accidentally released under RTI in September 2023 at p.135 – it was not re-released in 2025 after the Ombudsman external review decision. That page includes a summary of photos of the deck of the yacht obtained by Constable Wilson, Deb McHoul and Constable Monk. It also includes what appears to be part of the "Summary". The report states that the investigation revealed evidence of significant foot traffic on board the yacht during the relevant time period. States that there is evidence of scene contamination and the introduction of several items onto the deck of the yacht (without information as to what they are on that particular page). The report states "All of the evidence obtained refutes the latest version of events provided by VASS. She states that she was on board the yacht at the time of the murder. Defence state she left her DNA on the deck at that point in time and that it was a primary deposit, not a secondary transfer". (This is the last para. on the available page).
6 June	Email from Pam Scott FSST to Duncan Taylor Forensic Science SA re "activity level reporting case". Forwards email she sent Thomas Sobieraj on 30 May 2019.
7 June	Email from Duncan Taylor from Forensic Science SA to Pam Scott re "activity level reporting case". Lengthy email response fully redacted under s.31.

11 June	Email from Pam Scott FSST to Jack Shapiro and Daryl Coates re “activity level reporting case”. Fully redacted under s.31.
11 June	Shapiro forwards Duncan Taylor email to Sinnitt. Content fully redacted under s.31.
11 June	Sinnitt responds to Jack Shapiro re “activity level reporting case” with Attachment “DPP REPORT – VASS DNA docx”. Attaches 10 page Tasmania Police Subject Report v 6 dated 3 June 2019.
2 August	Appeal Notice lodged – various appeal grounds
13 August	Jack Shapiro responds to Carl Grosser re his email of 10 May 2019 and the attached report. Completely redacted under s.31
15 August	Carl Grosser responds to Jack Shapiro with Pam Scott cc’ed re report. Fully redacted under s.31. Jack Shapiro forwards email to Daryl Coates and Shane Sinnitt.
15 August	Sinnitt responds to Jack Shapiro and Daryl Coates re attached report email.
[date]	Xxxx granted parole
18 December	Email from Sinnitt re Redburn and Woodhead regarding proofs from them concerning their forensic examinations due to Vass’s recent evidence on *60 Mins* regarding vomit and her DNA.

2020

	Appeal rescheduled
5 March	FBR on MV DNA (referred to in 30 June 2020 report, but a copy may not have been disclosed to appellate team. Its contents have not been disclosed in response to later RTI applications).

13 March	Email from Sinnitt to Shapiro re “meeting” – completely redacted under s.31
16 March	Email from Shapiro to Sinnitt re “meeting” – completely redacted under s.31.
16 March	Email from Sinnitt to Shapiro re “meeting” – completely redacted under s.31.
18 June	Email from Sinnitt to Jack Shapiro re “Vass DNA” with Attachments “DPP Report – VASS DNA docx; TIMELINE – FOUR WINDS VASS DNA docx”. With previous email exchanges (IR Supp Review RTI 49/23, 56/23 and 87/23 pp.92-114). Examining video footage of Four Winds? Attaches Tasmania Police Subject Report v 6 from 3 June 2019 (10 pages) and a further 4 page document which is totally redacted – possibly a Timeline given heading of email?
30 June	FBR of Paul Holloway re MV DNA (replacing report of 5 March 2020) which finds that the DNA more likely came from saliva and it was possible that MV DNA was deposited around 26 January.

2021

1-3 March	Appeal before Court of Criminal Appeal – MV evidence abandoned. All appeal grounds other than MV DNA abandoned. RR appears at short notice, with Carr SC. Holloway report not referred to. Holloway not called as a witness. No media suppression order.
17 June	RTI application by BE to TASPOL for information on Mara House records and other matters such as the additional testing of the red jacket and MV mobile phone records (RTI application 206/21).
17 August	Andrew Wilkie RTI application RTI 281/21 re MV documents. Seeks various information reports relating to MV, the Youth Justice Action Report & Complaint, history of cautions (as a juvenile) and a list of prior convictions and missing pages from the SIF.

25 August	TASPOL refuse AW RTI application on basis of "ongoing investigations" and s.30 of *RTI Act*. Advises that most or majority of documents sought are in the possession or custody of the ODPP (hence s.6 of *RTI Act* applies).
31 August	Speech by Mike Gaffney in Tasmanian Legislative Council and tabling of Etter/Selby papers plus Lara Giddings' email to all Legislative Council members. (There is no mention of xxxx in the papers but there is significant reference to statement made on film by Inspector Peter Powell regarding MV and her known associates ("young male offenders") and breaking into boatyards and stealing things off boats).
4 October	TASPOL refuse to provide any information to BE in RTI 206/21.
30 November	CCA decision handed down. Appeal dismissed 2:1 with Estcourt J dissenting
14 December	KJ lodges 2 RTI applications re xxxx and boat related crimes/incidents. Subsequently has to negotiate manner of applications which delays process. TASPOL asks in subsequent email of 21 December that timeframe be extended to April 2022 due to the volume of information requested.

2022

4 January	Appeal papers filed in the High Court of Australia seeking special leave to appeal
8 February	TASPOL advises that the scope of the application by KJ is "huge". Delegate indicates that he proposes to break down the application into multiple applications with one further application being submitted after the completion of the first and so on. Advises that the request will mostly relate to Offence Reports. (Why not intelligence reports?).
16 February	KJ RTI application RTI 10/22 accepted by TASPOL. See previous RTI 451/21.

12 April	84 page overdue RTI response from TASPOL. **OR360434** of 5 March 2009 missing from response. (RTI 451/21).
26 April	KJ applies for Internal Review specifically requesting **OR360434.** KJ makes second RTI application as agreed (RTI 152/22).
17 May	TASPOL provide missing **OR360434.** (This was not provided in SIF)
21 June	Response to KJ in RTI number 2 or 152/22 which largely related to xxxx. **Nil information disclosed**. Exemptions applied in full pursuant to ss.30, 36, and 39 of the Act. Also uses s.19 (unreasonable diversion of resources) to refuse the provision of xxxx phone records as they relate to SNF. Raises third party issues.
7 July	KJ lodges an RTI application for the Youth Justice Action Report and Complaint re MV (Police Disclosure Folder 13). Also lodges an RTI application chasing up all outstanding forensic results from her RTI responses/disclosures (fingerprints and DNA). See RTI 252/22 and RTI 253/22.
12 August	Oral hearing in the High Court. Special leave refused.
20 August	SNF has spent 13 years in goal. Eligible for parole.
6 September	TASPOL respond to KJ re RTI 252/22 and 253/22. Nil information was disclosed. The delegate exempted all information sought in both applications.
4 October	Sue Neill-Fraser released from prison on parole.
17 October	RR and David Edwardson KC called on the Attorney-General to establish a commission of inquiry into the Sue Neill-Fraser and Jeff Thompson surveillance device debacle.
23 December	The Attorney-General once again declined to act, citing Tasmania's and Australia's highest courts had each now

	considered the case in great detail and that it was vitally important that the courts' decision be respected.

2023

End January	"Operation Snagwort"[122] is started by people with a shared interest in unravelling what happened in the police investigation into Bob Chappell's death and the prosecution of SNF. It is prompted by a recognition of the importance of the small blue towel (Item 9) - which was missing from the FBR of 1 July 2009 without explanation - and subsequent discoveries. Operation Snagwort included making further RTI (aka FOI) applications as set out below. The Hon. Meg Webb (MW) makes 3 RTI applications concerning the small blue towel and possible vomit rags (and other exhibits) and relevant policies and procedures. RTI 49/23 on 30 January 2023, RTI 56/23 on 20 February 2023 and RTI3 87/23 on 14 March 2023. MW submits RTI application 444/23 on 16 October 2023 to pick up loose ends from previous 3 applications.
26 June	RTI response in RTI 49/23, 56/23 & 87/23 (dated 22 June 2023) hand delivered to MW Office in hard copy form and on a USB.
10 July	MW emails Inspector King with a number of queries and requests concerning the RTI disclosure dated 22 June 2023, including the non-provision of running sheets and emails involving FSST personnel.
11 July	Letter from RR to DPP re blue towel and independent testing, including a request for certain FSST records. Refers to information provided by the DPP to the Supreme Court at the leave to appeal hearing in August 2018.
25 July	RR sends follow up letter to DPP in the absence of a response to date to his 11 July 2023 letter. Refers to testing of the blue towel in the DNA laboratory on 3 February 2009 with a positive result. Also refers to issues at the March 2021 appeal and the fact that FSST scientist, Paul Holloway, who

[122] Snagwort" is a non-existent word created by poet Brian Bilston and defined as "A strand of loose wool attached to a cardigan which, when tugged, leads to the unravelling of the whole material universe" in *Days Like These* by Brian Bilston Picador London 2022 (p.85).

undertook the testing of the towel in March 2019 and the examination on 24 February 2021 was not called to give evidence.

7 August — 5 page response from DPP to RR addressing his letters of 11 and 25 July 2023. The DPP commented that there was only one known associate of Vass **known to them.** He stated "The only associate **that we are aware of** is Mr Sam xxxx [Sam No.1]".

22 August — MG delivers speech in Legislative Council on the case (with correction shortly thereafter). Lists non-disclosures in the case. MG stated:

> Indeed, to date, there has been no apparent investigation and no substantive response by the Attorney-General to the many concerning issues raised in the [Etter/Selby] papers, including:
>
> - non-disclosure;
> - a possible misleading of the court by the DPP in the March 2021 appeal;
> - a conflict of interest within the Office of the DPP;
> - an inadequate police investigation; and
> - forensic failures concerning the red jacket and luminol testing.

And

> Non-disclosure is an area of particular concern in the Sue Neill-Fraser case, with a litany of examples of evidence that appears to not have been appropriately disclosed to the defence team. The current list of nondisclosures in Sue's case include:
>
> (1) Police disclosure folder 13, including the Youth Justice Action Report and Complaint [relating to Meaghan Vass].
>
> (2) Information concerning the associations of Meaghan Vass who were known to steal from boats, as publicly stated by former Inspector Peter Powell on film in June 2012.
>
> (3) The updated 21-page police offence report of 2009.

(4) The handwritten contemporaneous notes of the conversation with Mr Peter Lorraine on 27 January 2009, regarding the sighting of a dinghy, yacht and man at the critical time of 5 p.m. on Australia Day 2009, which were not disclosed until August 2018.

(5) Failure to disclose important information held by the police about Phillip Triffett.

(6) The failure to advise of the loss of the red jacket.

(7) The document relating to the search of premises at xxxx, in February 2009 and which appears, given additional information in the form of a sworn affidavit, that the search involved a search for a fire extinguisher – an item that formed an important part of the Crown body disposal theory.

(8) The DNA forensic testing results for the small blue towel which was missing from the major forensic biology report of 1 July 2009 (without any explanation). The Crown failed to disclose testing/examination results on this potentially important exhibit from 2009 and 2021 (note, 2019 subsequently removed after correction).

And

Whilst there have been issues with the evidence of Ms Vass, she has stated on numerous occasions that she was on the yacht and that she vomited on the deck. Her DNA sample was found in a large luminol positive area the size of a dinner plate. A blue towel was seized not far from this location. It was visibly stained and tested in the Forensic Science Service Tasmania (FSST) DNA laboratory in February 2009 with a positive result.

Tasmania Police are refusing to release the 2009 and 2021 testing results for the blue towel under RTI. This prompts concerning questions about the independence, impartiality and integrity of our forensic body.

29 September — Internal Supplementary Review released by Inspector King. Provides an additional 152 pages in RTI 49/23, 56/23 & 87/23.

27 October	MW submits application for External Review by Ombudsman of Tasmania RTI responses re the blue towel. Also applies for priority in the public interest. (Application for priority refused)
14 November	Federal Member, AW, asks question of Commonwealth Attorney-General in Parliament re forensic science issues and asks for a review of bodies such as NATA and NIFS. Refers to forensic failures including Sue's case.
15 November	AW speaks with ABC radio re the need for a Criminal Cases Review Commission, forensic failures and the forensic issues in Sue's case

2024

22 January	MW applies for Internal Review in RTI 444/23.
15 May	MW receives TASPOL Internal Review response re RTI 444/23.
20 May	MW applies for external review in relation to RTI 444/23.
	MW awaits outcome of Ombudsman external review into her RTI applications (RTI 49/23, 56/23 and 87/23 and 444/23).

2025

27 May	Final External Review decision by Ombudsman in DPFEM RTI 49/23, 56/23 and 87/23. Ombo ref **R2310-016**. Upholds s.31 legal professional privilege exemption under *RTI Act 2009* but holds that the email headers, subjects etc. must be released. Directs DPFEM to release additional information no later than 10 June 2025.
11 June	Ltr from Ombudsman to MW with final External Review decision in **R2405-016** dated 11 June 2025 relating to RTI 444/23. Police to provide additional information by 25 June 2025.

13 June	Police hard copy complete disclosure received by MW in RTI 49/23, 56/23 and 87/23 with amended variations and additional material regarding previously fully redacted material under s.31. During the BE analysis of the materials, the Holloway report from 30 June 2020 is discovered due to related research and reference back to earlier related materials. BE had attended the full appeal in March 2021 and had access to the Transcript. She was aware that Holloway was a potential witness at the appeal but was not aware of his 30 June 2020 report. The Holloway report had been unearthed, but its significance not appreciated, when she made inquiries in 2023 about earlier forensic reports relating to the blue towel and their disclosure.
June	Analysis of RTI materials and Sinnitt investigation folder undertaken to determine the actual opportunity for Meaghan Vass or one of her associates to have boarded the Four Winds between midday 28 January 2009 and the taking of the MV DNA sample at 1.38 am on 30 January. MV associate by the name of "Sam" with a relevant criminal history discovered in Sinnitt investigation folder. Further analysis of MV mobile phone investigation undertaken.
July	The email exchanges between FSST Forensic Biology Manager, Pam Scott, Duncan Taylor, Forensic Science SA, the ODPP and Det Sinnitt are discovered in newly released RTI material. Further analysis of materials including earlier RTI's and the SIF discovers possible link between the reporting of the theft of a police radio from a police vessel at Goodwood, near CleanLift, and the police raid/search on xxxx on 11 February 2009, which also involved a search for a fire extinguisher. BE researches Tasmania Police powers in relation to searches of premises.
Mid July	BE liaises with previous SNF legal team to ascertain whether the Duncan Taylor advice/report was disclosed prior to the March 2021 appeal. The senior advocates had no memory of it. The solicitor (who also has no memory of it) is making further inquiries. END