

**PAROLE BOARD
QUEENSLAND**

In the matter of

**STEPHEN DALE RENWICK
(Applicant)**

SECTION 193A CORRECTIVE SERVICES ACT 2006

PROCEEDING: An application for parole

DELIVERED ON: 8 November 2018

DELIVERED AT: Brisbane

HEARING DATE: 24 August 2018

MEETING DATES: The Board met to further consider the matter on 17 September 2018
and again on 7 November 2018

CHAIRPERSON: Ms Carolyn McAnally, A/Deputy President of Parole Board Queensland

ORDER: The Board is not satisfied that the Applicant has cooperated
satisfactorily in the investigation of the offence to identify the victim's
location

Application for parole order where the victim's body or remains have not been located

1. A prisoner may apply for a parole order under section 180 of the *Corrective Services Act 2006* (Qld). After receiving a prisoner's application for a parole order, Parole Board Queensland (the Board) must decide to grant the application or to refuse to grant the application.¹
2. Pursuant to s 193A(1) and (2) of the *Corrective Services Act*, the Board must refuse to grant an application for parole where the prisoner is serving a period of imprisonment for a 'homicide offence' and
 - a. the body or remains of the victim of the offence have not been located; or
 - b. because of an act or omission of the prisoner or another person, part of the body or remains of the victim has not been locatedunless the Board is satisfied that the prisoner has cooperated satisfactorily in the investigation of the offence to identify the victim's location.
3. The term 'victim's location' is defined under section 193A(8) to mean:
 - the location or last known location of every part of the body or remains of the victim; and
 - the place where every part of the body or remains of the victim of the offence may be found.
4. If the Board is not satisfied, then the Board must refuse to grant the application for parole. Otherwise, the Board will go on to determine the application on its merits.

The 'No Body No Parole' amendments

5. Section 193A was inserted into the *Corrective Services Act* by section 4 of the *Corrective Services (No Body, No Parole) Amendment Act 2017* (Qld) (the Amendment Act) which was assented to and commenced on 25 August 2017.
6. This amendment implemented Recommendation 87 of the Queensland Parole System Review Report (the Report) which recommended the establishment of a No Body, No Parole policy in Queensland.
7. The Report acknowledged that:

Withholding the location of a body extends the suffering of victims' families and all efforts should be made to attempt to minimise this sorrow.
8. The Amendment Act is designed to help victims' families and aims to encourage and incentivise prisoners to whom section 193A of the *Corrective Services Act* applies to assist in finding and recovering the body or remains of a victim by making parole release contingent on his/her satisfactory cooperation in the investigation of the homicide offence to identify the victim's location.²
9. As stated in the Report

...such a measure is consistent with the retributive element of punishment. A punishment is lacking in retribution, and the community would be right to feel indignation, if a convicted killer could expect to be released without telling what he did with the body of the victim.

¹ Section 193(1) of the *Corrective Services Act 2006* (Qld).

² Explanatory Notes, *Corrective Services (No Body, No Parole) Amendment Bill 2017*, page 1.

Section 193A of the Corrective Services Act - application

10. Section 193A(7)(a) of the Corrective Services Act provides that, in determining whether the prisoner has cooperated satisfactorily in the investigation of the offence to identify the victim's location, the Board must have regard to:

- a written report of the Commissioner of Police stating whether the prisoner has cooperated in the investigation of the offence to identify the victim's location and, if so, an evaluation of:³
 - the nature, extent and timeliness of the prisoner's cooperation; and
 - the truthfulness, completeness and reliability of any information or evidence provided by the prisoner in relation to the victim's location; and
 - the significance and usefulness of the prisoner's cooperation; and
- any information the Board has about the prisoner's capacity to give the cooperation; and
- the transcript of any proceeding against the prisoner for the offence, including any relevant remarks made by the sentencing court.

11. Further, section 193A(7)(b) provides that the Board may have regard to any other information the Board considers relevant.

12. When determining whether the prisoner has cooperated satisfactorily in the investigation, the Board is to give the phrase 'cooperated satisfactorily', as part of a statutory provision, the meaning that the legislature is taken to have intended it to have:

*Ordinarily, that meaning (the legal meaning) will correspond with the grammatical meaning of the provision. But not always. The context of the words, the consequences of a literal or grammatical construction, the purpose of the statute or the canons of construction may require the words of a legislative provision to be read in a way that does not correspond with the literal or grammatical meaning.*⁴

13. The Board formed the view that, in these circumstances, the legal meaning of 'cooperated satisfactorily' corresponds with the grammatical meaning of that phrase. The Board determined that the grammatical meaning may be derived with reference to the *Shorter Oxford English Dictionary*, which provides the following definitions:

Satisfactory - 'sufficient, adequate; convincing'.⁵

Cooperate - 'act jointly with another (in a task, to an end)'.⁶

14. In considering whether a prisoner has cooperated satisfactorily, the Board formed the view that it is also required to take into account the matters required to be evaluated in the Commissioner's report pursuant to section 193A(6) of the Corrective Services Act. The requirement that the Commissioner's report contain an evaluation of those matters can only be for the purpose of, and therefore relevant to, the Board in determining the threshold question to which the report is directed. As articulated in the Explanatory Note to the Bill:

³ *Corrective Services Act 2006* (Qld) s 193A(7)(a) read in conjunction with s 193A(6).

⁴ *Project Blue Sky Inc v Australian Broadcasting Authority* 194 CLR 355, 384 [78].

⁵ Oxford University Press, *Shorter Oxford English Dictionary* (5th ed, Volume 2), 2674.

⁶ Oxford University Press, *Shorter Oxford English Dictionary* (5th ed, Volume 1), 513.

When assessing whether the prisoner has satisfactorily cooperated, the Board must take into account...a report of the Commissioner of Police (or delegate) which evaluates the prisoner's cooperation in the investigation of the offence to identify the victim's location.

15. Section 193A(3) provides that cooperation may have happened before or after the prisoner was sentenced to imprisonment for the offence. That means that cooperation after conviction and sentence is relevant to the Board's determination of the threshold question.
16. Equally, the Board considers that the prisoner's cooperation in the investigation of the offence to identify the victim's location before conviction and sentence, or after conviction but before sentence, is relevant to the determination of the question.

'Standard of proof'⁷

17. The process of the Board's decision making under section 193A of the Corrective Services Act is not adversarial. No onus is cast on the prisoner or the Board in making the determination. Arguably, if there is no onus of proof then there can be no standard of proof (which would be the ordinary standard in civil matters; on the balance of probabilities).
18. Accordingly, the Board is not bound to apply the rule in *Briginshaw v Briginshaw*⁸, or the principles derived from that decision, in the same way as a court would be, in coming to its decision. Section 230 of the Corrective Services Act provides that the Board may conduct its business, including its meetings, in the way it considers appropriate (subject to Chapter 5, Part 2, Division 4 of the Corrective Services Act).
19. The Board is to consider for itself whether it is satisfied the prisoner has cooperated satisfactorily, and the findings of fact will be those that the Board considers necessary for it to make its decision in this regard. In doing so, the Board is to act fairly (including as to processes) and with common sense, and to inform itself by reference to relevant and probative information so as to draw conclusions on matters in issue to its comfortable satisfaction. The Board is to be cognisant of the seriousness of the findings to be made, including with regard to the gravity of the consequences of its decision under section 193A of the Corrective Services Act, and may, depending upon the issue, express greater caution in evaluating the factual foundation for the conclusion to be reached on that point.

Chronology of events regarding Mr Renwick's current parole application⁹

20. On 21 July 2017, Mr Renwick filed his application for parole (the application). The application was received by the Board on 24 July 2017 (file p. 736).
21. The application was listed for hearing on 12 January 2018. Mr Renwick attended via a video link with the correctional centre where he is accommodated, and he was legally represented.
22. On 16 February 2018, the Board comprised of seven members including the President and two Deputy Presidents, refused Mr Renwick's application on the basis that the

⁷ *Sullivan v Civil Aviation Safety Authority* (2014) 322 ALR 581 at [60]-[62], [98]-[122]; *Kyriackou v Law Institute of Victoria Ltd* (2014) 45 VR 540 at [22]-[30]; *Karakatsanis and Another v Racing Victoria Ltd* (2013) 42 VR 176 at [29]-[40]; *Bronze Wing International Pty Ltd v Safework NSW* [2017] NSWCA 41 at [15], [122]-[127]; *Neat Holdings Pty Ltd v Karajan Holdings Pty Ltd and Others* (1992) 67 ALJR 1; *MZZZW v Minister for Immigration and Border Protection* [2015] FCAFC 133 at [58].

⁸ (1938) 60 CLR 336

⁹ Paragraphs 22 to 28 are derived from *Renwick v Parole Board Queensland* [2018] QSC 169 at [5]-[12].

Board was not satisfied that he had cooperated satisfactorily in the investigation of the offence to identify Mr Pullen's location.

23. On 16 March 2018, Mr Renwick filed an application for a statutory order of review of that decision of the Board.
24. On 23 May 2018, the Board repealed its decision to refuse Mr Renwick's application for parole, thereby rendering the application for statutory review redundant (that application was never determined). The decision of the Board to repeal its decision was on the basis that it had failed to take into account certain material that is required to be considered under section 193A(7)(a) of the Corrective Services Act i.e. the transcript from the committal hearing (and the transmission sheet for committal), the transcript of the sentencing hearing, material in relation to a bail hearing and the transcript of the proceedings before the Court of Appeal.
25. By letter of 13 June 2018, Mr Renwick requested that in making a fresh decision regarding his application the Board be differently constituted on the basis of a reasonable apprehension of bias in the form of prejudgment by the Board as originally constituted given the conclusion it had already reached regarding his application. Further, that the matter should proceed, before a newly constituted Board by way of an oral hearing followed by deliberation by that new Board.
26. Mr Renwick's requests were not supported by the Board, as communicated to him by letter of 3 July 2018 from the Board's solicitor.
27. Mr Renwick applied for a statutory order of review of the conduct the Board proposed in relation to his application; that is, that the Board constituted in the same way as it previously was, would continue to decide his application. The matter was heard on 26 July 2018.
28. On 2 August 2018, Her Honour Justice Bowskill, delivered her judgment and allowed the application of Mr Renwick thereby directing that: for the purposes of the fresh consideration of Mr Renwick's parole application the Board must be constituted by members who did not constitute the Board when it made its decision dated 16 February 2018 (*Renwick v Parole Board Queensland* [2018] QSC 169).
29. A newly constituted Board was convened and the application was listed for hearing on 24 August 2018. Mr Renwick attended via a video link with the correctional centre where he is accommodated, and he was legally represented.
30. At the hearing on 24 August 2018, Mr Renwick's counsel relied upon and spoke to the content of his written submissions, and provided the Board with a map titled, Travel of Kister and Renwick on 16 and 17 April 2017; an extract of the Corrective Services Act; and three photographs. A statutory declaration of Nicholas Joseph DORE dated 9 January 2018 was also provided subsequently.
31. It was conceded on behalf of Mr Renwick that section 193A of the Corrective Services Act applies to his application for parole (file p. 757 at [15]).
32. On 17 September 2018, the Board formed the preliminary view that Mr Renwick's application for parole should be refused as the Board was of the preliminary view that it was not satisfied that he has cooperated satisfactorily in the investigation of the offence to identify Mr Pullen's location. Mr Renwick was invited to provide any further written submissions or information to the Board before it made a final decision.

33. On 16 October 2018, a submission on behalf of Mr Renwick was received by the Board in response to the preliminary view formed; together with an Affidavit of Nicholas Dore dated on 16 October 2018.
34. On 22 October 2018, the Board received a signed Affidavit of Mr Renwick (undated).
35. On 7 November 2018, the Board met again and decided that Mr Renwick's application for parole should be refused as it is not satisfied that he has cooperated satisfactorily in the investigation of the offence to identify Mr Pullen's location (as further detailed below).
36. In reaching its decision the Board had regard to pages 1 to 791 of the parole file.

Background and relevant chronology of events

37. On 27 June 2012, Operation Kilo Lawman commenced regarding the suspected unlawful killing of Mr Pullen following his disappearance from a unit in Mackay in April 2012. A number of people have since been convicted and sentenced for their role in the events of April 2012 leading up to, regarding and/or following the death of Mr Pullen.
38. In terms of Mr Renwick, in April 2012, he and Mr Kister worked together at a Nightclub in Mackay; Mr Renwick was the Manager and Mr Kister was security. Mr Kister also lived with Mr Renwick and his family at the relevant time.
39. A schedule of facts was tendered at the sentence of Mr Renwick and was not in dispute (file p.103, 548-545 and 558). Accordingly, the basis upon which Mr Renwick was sentenced is that (file p. 558-557):

...at some point they took the body of Mr Pullen, which was located in Mr Kister's car; drove for some three hours out of Mackay; on their account, left the roadway; and dumped the body in the bush...

That the prisoners were involved at a time not long after Mr Pullen's death seems likely. They were observed to be up and about in the early hours of that morning when it is known that Mr Pullen was taken from the unit. There was an attempted hire of an excavator; whatever the plan was, it seems to have been abandoned, as the excavator was returned unused...

Mr Pullen's body was kept somewhere...it is hardly likely the body was in the car as the car was driven about...

The car was driven out by Mr Renwick, Mr Kister was a passenger...Mr Kister is not familiar with the area, Mr Renwick was; the body was dumped...

The sentence proceeds on the basis that the prisoners were involved in the handling of the body, and through their actions potentially valuable evidence was lost. The killers of Mr Pullen have never been identified. It seems very likely that forensic evidence would have been available had the body been available to police. The actions of the prisoners have deprived the prosecution, and indeed the community, of the chance to bring those killers to justice...

Their involvement in the offence, in Mr Renwick's case, is said to come about firstly, because he was a user of amphetamines at the time, and secondly, because he was in fear of those who asked him to dispose of the body, those people being unidentified...

40. The following is a chronology of relevant events:

- On 12 July 2012, Mr Renwick declined to provide a statement or to be interviewed in relation to the disappearance of Mr Pullen (file p. 630).
- On 6 August 2012, Mr Renwick spoke with Detective Senior Constable Lisa ELKINS and the conversation was recorded (file p. 615).
- On 23 July 2013, Mr Renwick was charged with the offence of Accessory after the fact to Murder and declined to participate in an interview (file p. 631-630).
- On 4 March 2015, Mr Renwick was additionally charged with the offence of Murder (file p. 686). He declined to participate in an interview (file p. 630).
- On 31 May 2016, Mr Renwick pleaded guilty to one count of Accessory after the fact to Manslaughter (relating to the unlawful killing of Mr Pullen by LINCOLN and OAKLEY on or about 16 April 2012 – both pleaded guilty to the Manslaughter of Mr Pullen on the basis that they were parties to the killing but they did not actually kill him).

This was Mr Renwick's first admission to his involvement in the offending. It came about in the week the matter was listed for trial. The indictment had been scheduled for a two to three week trial involving multiple co-offenders. LINCOLN and OAKLEY were offered the charge of Manslaughter in discharge of the Murder indictment (and pleaded guilty on that basis); and Mr Renwick and Mr Kister were offered the charge of Accessory after the fact to Manslaughter in discharge of the Murder indictment (and both pleaded guilty on that basis) (file p. 558).

The sentence hearing for Mr Renwick and Mr Kister was adjourned for the purpose, as the Board understand it, of enabling them to direct the police to the location of Mr Pullen (or his remains) (file p. 550, 633 and 704).

- On 1 June 2016, Mr Renwick and his legal representative met with the police so as to take them to Mr Pullen (or his remains).

Mr Renwick identified a remote area of bushland located at Newlands near Collinsville (file p. 630). A search area was established and a preliminary search was conducted by police that day. Mr Pullen (or his remains) was not found.

The police travelled to the search area separately to Mr Renwick, who travelled with his legal representative; police did not engage directly with Mr Renwick. Conversations were held between the police and Mr Renwick's legal representative (file p 617, 630 and 705-702).

- On 3 June 2016, Mr Renwick was sentenced to five years imprisonment with a parole eligibility date of 20 January 2018 (that is, after having served a period of one year and eight months of the sentence); and 14 days of presentence custody was declared as time already served under the sentence (file p.633, p. 105-62 and p.559-553, p. 560-561).
- On 11 June 2016, a coordinated search, utilising the services of local police including the Police Search and Rescue Mission Coordinator (SARMC) and SES volunteers, was conducted of the area identified by Mr Renwick. Mr Pullen (or his remains) was not found.

- Mr Renwick (as did Mr Kister and Mr Lincoln) applied for leave to appeal against the severity of his sentence. He contended that it was manifestly excessive and that the primary judge erred in failing to take into account his attempts to assist authorities in finding Mr Pullen and the risks associated with those attempts, as well as the delay between the offence and sentence as relevant to his rehabilitation (file p. 659).

On 22 November 2016, the appeal was heard; and on 17 March 2017 the Court of Appeal delivered its judgment, with all three Justices refusing the application for leave to appeal against sentence.

- On 26 September 2017, following the commencement of the No Body No Parole amendments on 25 August 2017, Mr Renwick spoke with Detective Senior Sergeant Christopher KNIGHT and Detective Sergeant Murray O'CONNELL at the Capricornia Correctional Centre; the conversation was recorded (file p. 598-565).
- On 8 October 2017, SARMC coordinated a comprehensive search for 24 hours utilising police officers and SES volunteers based on the information provided by Mr Renwick in September. Mr Pullen (or his remains) was not located (file p. 626-625).

Submissions made on behalf of Mr Renwick

41. It was advanced on behalf of Mr Renwick that:

- His pre-sentence cooperation alone is sufficient to meet the decision-making criteria under section 193A of the Corrective Services Act. Once the correct charge was formulated he cooperated with the administration of justice including identifying the last known place of the victim's remains. There is no more that he could have done in the circumstances – those circumstances include:
 - Given the passage of time, the body would have significantly, if not completely, decomposed;
 - Identifying the precise location of the body was very difficult given the remote nature of the area, the generic nature of the scrub and the difficulties of locating the location in such featureless landscape and the passage of time; and
 - The presence of carnivorous animals in that search area.
- His participation in the recorded interview with police in September 2017 more than meets the statutory test of satisfactory cooperation.
- On 28 March 2017, Cyclone Debbie passed directly over Collinsville resulting in a huge amount of rainfall at Collinsville. If there had been any remains of Mr Pullen left, they would have been washed away by the deluge.
- Section 193A of the Corrective Services Act does not make it a pre-requisite to the exercise of the power to grant parole that the body or remains of the victim in fact be located; consequently, in the case of Mr Renwick, it is irrelevant that the body or remains have not been found.
- He has no motive to lie about the location of Mr Pullen – he has already been convicted of the offence and it is inconceivable that he would lie about the site of the remains two times in circumstances where only the truth can set him free.

- Due to the passage of time, predation and exposure to the elements the most logical conclusion is that the remains of Mr Pullen have been reduced to microscopic particles and there is no practical way to locate and isolate his remains.
42. Further, it was submitted on behalf of Mr Renwick that the information provided by Mr Reinke is irrelevant to the consideration of this matter because:
- i. It does not matter whether the body was burned as the statutory test is about the location of the remains and not the condition that they are in;
 - ii. His opinion is contrary to the evidence as there are other information sources to indicate fire damage within the search area;
 - iii. He does not actually indicate that he was present at the property on the relevant night;
 - iv. Additional telecommunications records could have been obtained by the Board to more precisely pinpoint the location of Mr Renwick and Mr Kister on the night; and
 - v. To have regard to Mr Reinke's opinion would be a denial of natural justice to Mr Renwick because he has not been made available for cross-examination by Mr Renwick's legal representatives.
43. These submissions were reiterated at the hearing on 24 August 2018, including that the information provided by Mr Reinke be given little or no weight in the Board's decision making process.
44. It was also advanced that:
- Any variation in the description of the area that Mr Renwick says the body of Mr Pullen was disposed of should be viewed in the context of him being aware that his body or remains had not been found after the first search and he is describing an area within generic Western Queensland scrub and is unable to be identified with pinpoint accuracy. Any difference in his description of the area is simply an attempt by him to make the search wider because the body has not yet been found (file p. 757).
 - The mobile phone tower records provide objective proof of Mr Renwick's whereabouts on the night independent of him (file p. 757).
 - It does not make any difference to the Board's task under section 193A of the Corrective Services Act to determine whether or not the body of Mr Pullen was burned. The objective exercise is to find where he was left (file p. 755). It was conceded on behalf of Mr Renwick that:
 - whether or not Mr Pullen was cremated is relevant to the Board in terms of determining issues of credit (file p. 755);
 - on the evidence before the Board, the first time Mr Renwick says that the body of Mr Pullen was cremated was when he spoke with police on 26 September 2017 (file p. 751);
 - there is no reference in the sentencing submissions from 3 June 2016 to the body of Mr Pullen having been cremated (file p. 751); and
 - there is no reference in the statutory declaration of Ms Morton (Mr Renwick's legal representative at the time of sentence and who accompanied him to

the search area on 1 June 2016 and communicated on his behalf with the police) to the body of Mr Pullen having been cremated (file p. 751).

45. There is nothing in the committal hearing transcript or the material in relation to the March 2015 bail hearing of relevance to the Board's consideration under section 193A of the Corrective Services Act (file p. 752-751).

Discussion of the Board's final decision

46. The cooperation given by Mr Renwick to identify Mr Pullen's location is comprised of his efforts on 1 June 2016 to direct the police to where he says is the location and place Mr Pullen may be found; and his discussion with police on 26 September 2017 at the Capricornia Correctional Centre (this also accords with that submitted on behalf of Mr Renwick during oral submissions, file p. 757).
47. Having regard to the information as a whole, which necessarily includes that provided by Mr Renwick and on his behalf, the Board is of the view that the body of Mr Pullen was disposed of at the one place within the one location; as compared to, for example, him having been dismembered and his body thereafter disposed of across multiple locations and/or places.
48. It is not in issue that Mr Renwick has nominated both a location and, more specifically, a place where he says Mr Pullen was left by him and Mr Kister on or about 17 April 2012.
49. It is clear on the drafting of section 193A of the Corrective Services Act that the provision does not require the body (or remains) to in fact be found in order for the Board to be satisfied that the prisoner has cooperated satisfactorily.
50. However, in the context of this particular parole application, when regard is had to Mr Renwick's criminality concerning the unlawful killing of Mr Pullen (i.e. that he was sentenced on the basis that his role, along with Mr Kister, was to actually dispose of the body), in the absence of finding Mr Pullen at the location and the place nominated by him it is difficult to assess the veracity of the cooperation he provided. In the absence of the body (or remains), the Board in effect needs to accept Mr Renwick as being truthful and reliable in the information he has given; or if it does not (or does so only in part), the Board needs to look to information that supports (or negates) the information or evidence provided by Mr Renwick in this regard.
51. The Board accepts that the failure to locate the body or remains of Mr Pullen may be explicable by a number of factors, including:
 - Predation and/or environmental factors due to the passage of time; and/or
 - He may be mistaken as to the place that the body was left given the geographical size of the location nominated and the generic landscape/terrain; or simply on account of the passage of time; and/or
 - He may have lied or provided misleading information as to the place that the body was left. While it is submitted on behalf of Mr Renwick that he has no motive to lie ("only the truth will set him free"), people lie or are untruthful for any number of reasons. In this case, for example, perhaps due to fear of retribution from those who in fact killed Mr Pullen as was alluded to at sentence (noting that the person/s who actually killed Mr Pullen have, as yet, not been identified as evidenced by the basis of the guilty pleas accepted on behalf of the people already sentenced for their roles in the death of Mr Pullen); or because to find Mr Pullen or his remains might reveal other offending/offences or yield evidential

benefits to law enforcement (the Affidavit of Mr Renwick (file p.789), received by the Board on 22 October 2018, aims to counter this).

52. In terms of the *location* nominated by Mr Renwick as to where Mr Pullen was left, regard can be had to multiple sources of information independent of Mr Renwick, to validate his information in this regard, such as the mobile phone tower records and evidence provided by witnesses.
53. The mobile phone tower records (referred to during oral submissions made on his behalf) support the view that for about a twelve hour period on or about 17 April 2012, Mr Renwick and Mr Kister were absent from the Mackay/Mackay South area and that the majority of their time was spent somewhere within or around the triangular zone of Exe Creek radio tower, Glenden radio tower, Newlands radio tower and Collinsville. The reasonable inference is that this is the *location* where Mr Pullen was left, which is consistent with the location nominated by Mr Renwick to the police in June 2016 and September 2017.
54. The location nominated is also supported by the evidence provided by witnesses, such as Juanita GAKOWSKI who had been taking her children to school in Glenden on the morning of 17 April 2012 when she was waved down by (who we now know to have been) Mr Renwick and Mr Kister; Stephen ORGLIASSO, the Workshop Manager of Glenden Fuel and Mechanical in Glenden, who responded to the call for assistance from Mr Renwick and Mr Kister to repair their flat tyre; and police officer KNACK who stopped Mr Renwick and Mr Kister along Cut Creek approximately one and a half hours east of Glenden for failing to display number plates.
55. In terms of the *place* nominated by Mr Renwick (within the location that he identified) where Mr Pullen may be found, the only source of information in this regard is Mr Renwick; he and Mr Kister are the only two people who know the place where Mr Pullen was left – there is no other independent evidence about that. Accordingly, the credibility of Mr Renwick is pertinent in this regard.
56. The Board does not consider Mr Renwick to be credible in the absence of information independent of him that supports what he says (for the reasons that follow).
57. Mr Renwick has lied to, and/or deliberately withheld vital information from the police in the investigation of the disappearance of Mr Pullen.
58. In 2012, when speaking with the police during a 'field interview' on 6 August 2012, Mr Renwick indicated (as was summarised by the Crown as part of the submissions on sentence):

... He denied knowing Zane Lincoln. He admitted knowing Mr Kister. He told police he'd driven Kister's car a number of times but not out west. He also stated that he was not aware of any overnight trips with Kister, nor any trips with him to Collinsville. He stated the last time he was in Collinsville was approximately two and a half years prior as he'd grown up in the area. He denied any knowledge of blood in Mr Kister's car... (file p. 95)
59. During that 2012 field interview Mr Renwick also denied having ever been in Mr Kister's car when he had to call for roadside assistance (file p. 609); and when information from phone records was put to him, whereby the police indicated their belief that he had travelled with Mr Kister out to Collinsville and then back to Mackay, via a roundabout route, across the evening of 16/17 April 2012, he expressly denied this (file p. 607).

60. Mr Renwick freely and voluntarily spoke with the police on that day, having elected not to exercise his right to silence, and in doing so he has been shown, given the information and evidence obtained in the investigation of the disappearance of Mr Pullen, to have lied during that conversation. The Board accepts that at that time Mr Renwick was at risk of a more serious charge than that which he ultimately pleaded guilty to; however, from the perspective of assessing his credibility, that he has been shown to have lied (even in this context) is a relevant consideration for the Board.

61. In 2016, between arraignment and sentencing, Mr Renwick (in the company of his legal representative) directed the police to where he says the body of Mr Pullen may be found. They travelled along the Collinsville Elphinstone Road and the statutory declaration of Ms Morton outlines the information provided by Mr Renwick as to the place, within the location nominated, where Mr Renwick said Mr Pullen was left (file p. 688-685).

62. In sentencing Mr Renwick and Mr Kister on 3 June 2016, his Honour Justice McMeekin commented:

(file p.558)

...The prisoners today don't fill in the gaps to any great extent. It's very likely that one or other, or both, knows something of those facts...

...The admission to this crime came about this week...The prisoners were offered the charge to which they've pleaded guilty only this week, and so the plea is a timely one. Nonetheless, they have remained silent, and indeed the facts show that they have at times lied, about their involvement, when the police were carrying out their investigations...

(file p.557)

I'm told by counsel that the effort to find the body was a genuine one. Well, the fact is an attempt to find a body left in the open for four years after it was dumped could only be a speculative attempt. So many things can interfere in the meantime. I have no doubt at all that the attempt was motivated by selfish reasons, and I can understand those reasons. It may have been motivated too by a very belated wish to assuage the grief of the family.

There's really no objective evidence of the genuineness or otherwise of the attempt. In any case, the attempt was made. I'm not sure that it can figure significantly in the sentencing process...

(file p. 554)

The body has been lost now, probably forever. Evidence was lost. The effect of their actions – which they knew must be very likely – has been that whatever evidence there was involving the killers is now gone...

63. In 2017, in discussions with police on 26 September 2017 following the commencement of the No Body, No Parole amendments, Mr Renwick told police for the first time that the body of Mr Pullen had in fact been cremated:

- At no time during the process undertaken on 1 June 2016 was it indicated to the police by Mr Renwick (or on his behalf) that the body of Mr Pullen had been cremated;
- That Mr Pullen was cremated by Mr Renwick and Mr Kister is not the basis upon which the men were sentenced. It is apparent from his Honour's sentencing remarks that the case had proceeded on the premise that the body of Mr Pullen was 'dumped' – see for example:

...drove some three hours out of Mackay; on their account, left the roadway; and dumped the body in the bush... (file p. 558 ln15)

...The car was driven out by Mr Renwick, Mr Kister was a passenger; the information that I'm given is that Mr Kister is not familiar with the area, Mr Renwick was; the body was dumped... (file. p 557 ln5)

...Well, the fact is an attempt to find a body left in the open four years after it was dumped could only be a speculative attempt... (file p. 557 ln10)

Mr Renwick's Counsel at sentence noted on his behalf, for example –

...When he took possession of the body it was covered. He at no stage inquired, nor physically looked himself, as to what was in the covering and simply, then, was involved in removing Mr Pullen's body.

He took the body...some distance out of Mackay....and there the body was disposed in a bush-type setting. On Wednesday of this week he travelled up...in a realistic endeavour to try and identify the position in which the body had been left... Mr Renwick indicated that he is fairly confident that where he identified the position to the police, that that was his best endeavour to attempt to isolate and identify that position.

He himself was made aware that – prior to going out there – that the family held great stock in recovering Mr Pullen's body and generally, on my instructions, was attempting to locate the body... (file p. 78 ln7-25)

- There was no mention by Mr Renwick of having cremated the body of Mr Pullen following the sentence being imposed upon him (despite knowing that searches for the body (or remains) were continuing) (file p. 78 ln20-30); or following finalisation of his appeal against sentence on 17 March 2017; and
 - There is no mention of them having cremated the body of Mr Pullen in the parole application prepared by Mr Renwick (or on his behalf) dated 21 July 2017, which includes a passage titled, 'Circumstances which led to your current imprisonment' (file p. 733).
64. Mr Renwick has either lied in September 2017 when he says that the body of Mr Pullen was cremated; or in June 2016, he has deliberately withheld information when searching for Mr Pullen, which is information of a nature that would be crucial to any such search. This is relevant to the Board's assessment of his credibility.
65. It is reasonable to infer that had it been known in June 2016 that the body of Mr Pullen had been cremated and not 'dumped', that that information would have fundamentally changed the nature of the searches undertaken. Rather than focusing on locating a body or bones (or remains otherwise left behind following the decomposition of a body that was 'dumped'), the focus would also have been on looking for discrete burn sites and charred areas.
66. It is also reasonable to infer that any burnt or charred spot within the search zone would have then been subjected to scientific and/or forensic examination. The opportunity to do so was lost on account of police not being aware that Mr Pullen was cremated. Photographs taken during the June 2016 searches confirm that there was at least one area where a discrete fire had taken place, at some stage, within

the search zone (this photograph having been highlighted to the Board during the public hearing). Noting also, that the photograph was taken at a point in time before Cyclone Debbie had passed over Collinsville (file p. 684).

67. Accordingly, in considering the truthfulness, completeness and reliability of the information or evidence provided by Mr Renwick as to the place where Mr Pullen may be found, the Board is not satisfied of his truthfulness, completeness and reliability.
68. In addition, the Board considered the nature, extent and timeliness of Mr Renwick's cooperation and has concerns regarding its timeliness. The cooperation was not forthcoming until June 2016; that is, over four years after the unlawful killing of Mr Pullen. It was submitted on his behalf that the delay in cooperation in this regard is attributable to him having been overcharged. Once the charge was changed to Accessory after the fact to Manslaughter, he expressed a willingness to attempt to recover the body of Mr Pullen. The Board considered the question of timeliness in that context
69. If the body of Mr Pullen was cremated, as discussed above, this vital information was not revealed by him to the police until September 2017. That is, over five years after the unlawful killing of Mr Pullen; but importantly, it is approximately 15 months after he had taken the police to the search site in June 2016 (a period after which the proper charge had been laid).
70. This additional information (i.e. that Mr Pullen was cremated) then raises concerns for the Board regarding the significance and usefulness of his cooperation. As discussed above, to have withheld that information in June 2016 (if it is true) fundamentally impacts upon the search that was conducted at that time; a point in time prior to Cyclone Debbie.
71. The report given by the Queensland Police Service in accordance with section 193A(6) of the Corrective Services Act concludes that 'during the investigation the information provided by Mr Renwick was very limited, sometimes untruthful, narrow in scope and mostly provided years after the event. The information...is of little utility and he has not provided information to any extent that has led to the location of Mr Pullen's body' (file p. 624). The Board must have regard to this report (section 193A(7)(a)(i) of the Corrective Services Act) and did so. However, the Board did so through the prism of its determination regarding the evidence of Mr Reinke, as below.
72. In deciding the threshold question under section 193A of the Corrective Services Act, the Board decided not to rely upon the evidence of Mr Nathan Reinke (and therefore, was not required to make a determination concerning the issue raised on behalf of Mr Renwick as to whether this person should be made available for the purpose of questioning by his legal representatives); or the Rehabilitation Needs Assessment document.