



Callous Disregard

ABC *Four Corners*
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Transcript:

SARAH FERGUSON, PRESENTER: Hello and welcome to *Four Corners*. I'm Sarah Ferguson.

In the early hours of the morning after Australia Day in 2011, an ambulance was called to a remote beach in northern New South Wales. Paramedics found a naked woman lying on the sand, dead from a violent injury.

Lynette Daley was 33: a former schoolgirl athletics champion, a mother of seven children.

Her death was shocking. More shocking is the fact that those responsible have not been held to account.

Two men were with Lynette at the beach when she died. They were later arrested and charged, one of them with manslaughter. But despite powerful evidence and a damning finding by the NSW coroner, the Director of Public Prosecutions decided not to prosecute.

Now, Lynette Daley's family has asked the coroner to lift suppression orders on the case to allow *Four Corners* to tell her story.

Using forensic evidence, crime scene photos, police interviews with the suspects and accounts from witnesses, we have painstakingly pieced together what has happened on the beach that night.

And we ask the question: how is it possible the perpetrators of this terrible act have not been punished?

The investigation is by Caro Meldrum-Hanna.

(Audio recording of emergency phone call, 27 January 2011)

EMERGENCY OPERATOR 1 (voice): Ambulance emergency. What town or suburb?

VOICE 1: Iluka.

EMERGENCY OPERATOR 1 (voice): Sorry, what suburb?

VOICE 1: Um, New South Wales: Iluka.

CARO MELDRUM-HANNA, REPORTER (voiceover): On Ten Mile Beach, northern NSW, two men are on the line to 000.

VOICE 1: We need an ambulance pretty badly. The person isn't breathing. We're trying to give her - like, um, my mate's trying to put, like, mouth-to-mouth.

EMERGENCY OPERATOR 1 (voice): OK, sir. What street are you on?

(Indistinct voices)

CARO MELDRUM-HANNA (voiceover): They're trying to resuscitate their female friend.

EMERGENCY OPERATOR 1 (voice): What is the problem? Tell me exactly what's happened.

VOICE 1: Person isn't breathing. We've been giving her mouth to mouth for five minutes or longer and she's not breathing.

EMERGENCY OPERATOR 1 (voice): And she's not conscious?

VOICE 1: No.

EMERGENCY OPERATOR 1 (voice): Not breathing?

VOICE 1: No.

EMERGENCY OPERATOR 1 (voice): OK. Did you see what happened?

VOICE 1: Um, well we've all been drinking. But yeah, she's just stopped breathing.

VOICE 2: She was blind. She was off her f***ing face last night.

EMERGENCY OPERATOR 2 (voice): Didn't look like she had a fit or anything before it, did it?

VOICE 1: Um... No. She had a lot of wine: I know that.

CARO MELDRUM-HANNA (voiceover): An ambulance is on its way to the remote stretch of beach, but it won't arrive for another 40 minutes.

The two men begin to panic.

VOICE 2: What is it man? Tell me!

VOICE 1: You'd better get a four-wheel drive and get the f*** up here! How long you reckon they're away? Do- do you know?

EMERGENCY OPERATOR 2 (voice): OK. I'll, I'll see if I have any indication. Just give me one moment, OK?

VOICE 2: Alright, thank you.

CARO MELDRUM-HANNA (voiceover): The emergency operator switches to another line. On the beach, the two men think no one's listening.

But their conversation is being recorded.

VOICE 2: Jesus Christ. F***in' hell, Pauley! Come on. Wake up, babe. Where are ya? Hey ya? You f***in' bitch!

What a good f***in' Australia Day. F***'s sake. F***ing hell. You bloody bitch!

(Audio recording ends)

CARO MELDRUM-HANNA (voiceover): One kilometre north, Nick Miller had been fishing on the beach for around half an hour, when a white four-wheel drive came speeding towards him.

NICK MILLER: I walked over and said, "What's the problem?" He said, "No, just come and help. Come help" and, "Get in the car, get in the car."

Um, I'm a bit suss on him 'cause he's very insistent and very... ah, how should I - forceful.

CARO MELDRUM-HANNA (voiceover): Speeding back down the beach, Nick Miller asked the driver what had happened.

NICK MILLER: He said there was a girl on the beach and they needed help to resusc her and she'd drowned in the surf.

CARO MELDRUM-HANNA (voiceover): Arriving at the scene, Nick Miller was confronted with an image he hasn't been able to forget.

NICK MILLER (sighs): I, I got out of the car and there was a man leaning over a young lady on the beach and she was stark naked.

CARO MELDRUM-HANNA: Describe to me her face; the colour of her lips?

NICK MILLER: Blue. Blue-white. Um, very cold. And she had blood on her, um, coming from between her legs.

CARO MELDRUM-HANNA: There appeared to be bite marks on the woman's breast and buttocks and there was a large blood clot beneath her feet.

Nick Miller was immediately suspicious. Out of earshot of the two men, he got on the line to 000.

(Audio recording of emergency phone call, 27 January 2011)

NICK MILLER (voice): Yeah, can you send the police as well? This looks dodgy.

EMERGENCY OPERATOR 2 (voice): Ah, OK. Yep, that's alright. Um..

NICK MILLER (voice): Really dodgy. I don't know where she's come from, but can you send the police as well?

EMERGENCY OPERATOR 2 (voice): Yeah. Do you- do you know why, why the...?

NICK MILLER (voice): Yeah. It looks like rape and something else. I dunno. There's blood coming out of her vagina and she's got fluid in her lungs and I think she's dead already.

(Audio recording ends)

NICK MILLER: That's another thing that made me a little bit suspicious: because... from what I could tell, eh, um, she had been dead for a while.

CARO MELDRUM-HANNA: Nick Miller says the two men were mumbling to each other, but he managed to overhear parts of their conversation.

NICK MILLER: From the intonation of the guys, something to do with some sexual position that they'd... You know, I didn't know that such and such could hurt you or kill you.

CARO MELDRUM-HANNA: And the impression was that these two men had engaged somehow sexually with her: with that dead woman?

NICK MILLER: Yes: forcefully. Yes.

CARO MELDRUM-HANNA: Soon another fishermen, Alan Knox, arrived to help.

(To Allan Knox) Were you suspicious?

ALLAN KNOX: Yeah, yeah. Probably. Yeah, for sure. Yeah. Yeah, because it was something that's not normal: a naked woman laying on the beach and not moving and the guy's being pretty agitated and that. I thought something must have happened.

CARO MELDRUM-HANNA: How were the men behaving?

ALLAN KNOX: Oh, they were anxious, yeah. Especially one, yeah.

CARO MELDRUM-HANNA: Finally, after almost an hour's wait, the ambulance arrived on the scene.

Adam Jarrett, a paramedic with more than 10 years' experience, was on duty that morning.

ADAM JARRETT: Well, this one was out of the ordinary. And I remember making it quite clear at the time; words to the effect of: something's... to me, something's dodgy.

CARO MELDRUM-HANNA: Did you notice anything around her body?

ADAM JARRETT: Yes: blood.

CARO MELDRUM-HANNA: Where was that blood coming from?

ADAM JARRETT: It would have been from the vagina.

CARO MELDRUM-HANNA: What did you think when you saw that?

ADAM JARRETT: At the time, I thought to myself: "Was it a miscarriage?"

CARO MELDRUM-HANNA: Within 30 seconds of arriving on the scene, paramedics pronounced the woman on the beach dead, covering her naked body with a sheet.

(To Adam Jarrett) After you established and that this woman was deceased, did you ask the men who were there with her, performing CPR: did you ask them what had happened?

ADAM JARRETT: Yes, I did ask them what happened. They said they were engaged in a wild sex session, so that's what they were there for.

CARO MELDRUM-HANNA: Had a wild sex session with that woman dead on the beach?

ADAM JARRETT: That's right: through the night.

CARO MELDRUM-HANNA: The woman lying alone on the cold, hard sand was Lynette Daley, 33 years old, the mother of seven young children.

She hadn't drowned that morning and she hadn't had a miscarriage. Lynette Daley had bled to death following a violent sex act.

NICK MILLER: I didn't know that that she'd bled out internally that way.

CARO MELDRUM-HANNA: How does that make you feel then, now knowing?

NICK MILLER: Oh, disgusted. Totally. Yeah. (Fights tears) Sorry.

CARO MELDRUM-HANNA: She was outnumbered out there?

NICK MILLER: And all alone.

TOF SUPER: NSW Police photographs

CARO MELDRUM-HANNA: These were the men who were with Lynette Daley when she died on the beach:

Adrian Attwater, 37 years old, unemployed, living with his parents: an alcoholic with a history of assault and drug-related offences.

(NSW Police footage of forensic procedure taken on Adrian Attwater, 27 January 2011. A forensic nurse takes samples from under his fingernails)

FORENSIC NURSE: It's a bit of a slow process because I don't want to cut him.

VOICE (off-screen): Oh, that's OK.

ADRIAN ATTWATER: Thanks.

CARO MELDRUM-HANNA: He said he was Lynette Daley's boyfriend.

(NSW Police footage of Adrian Attwater being questioned)

POLICE OFFICER 1: Do you wish to have a legal representative present?

ADRIAN ATTWATER: I don't know what's going on.

POLICE OFFICER 1: OK. The police investig...

ADRIAN ATTWATER: What are they trying to do: blame me for Lynette's death or something?

(Footage ends)

CARO MELDRUM-HANNA: And Adrian Attwater's drinking buddy, Paul Maris: 41 years old, unemployed, living in a nearby caravan park: a drug user with a record of assault.

(NSW Police footage of Adrian Attwater being questioned, 27 January 2011.)

POLICE OFFICER 2: Paul, do you agree that you've been with me for quite a number of hours now and I'm investigating the death of Lynette Daley?

PAUL MARIS: Yep.

(Footage ends)

(Montage of NSW Police photographs of crime scene)

CARO MELDRUM-HANNA: Despite a thorough police investigation, a coronial inquest and twice being referred to the NSW Department of Public Prosecutions, Adrian Attwater and Paul Maris have never been prosecuted over Lynette Daley's death.

THELMA DAVIS: She deserves justice. She does. It needs to get out, uh, and let everyone know... that she was a- she was a person, a human being. It wasn't her fault what happened to her. It wasn't. She didn't know what she was ge... she didn't know what was going on.

CARO MELDRUM-HANNA: Five years on, Lynette's Daley's mother Thelma and stepfather Gordon Davis are haunted by their daughter's death.

(Thelma is visibly upset)

CARO MELDRUM-HANNA (to Thelma Davis) You OK, Thelma?

GORDON DAVIS: You all right, sis?

THELMA DAVIS: Oh, oh. I just- I miss her so much and all I want is just justice done for that girl.

CARO MELDRUM-HANNA: Does she ever leave your mind?

THELMA DAVIS (shakes head): She's there every day. Yeah, night-time and all, wherever we go. Wherever I go, she's there.

CARO MELDRUM-HANNA (to Gordon Davis): Have you have you had nightmares about it? Does it...?

GORDON DAVIS: I, I often dream about her walking in the door. Coming in.

THELMA DAVIS: Through the night... I just get up and I'd scream, because I can still picture her coming towards me and singing out, "Mum, help me." And, and I just wake up, just when she's coming towards me.

CARO MELDRUM-HANNA: Lynette Daley was born in Maclean, a half-hour drive from the beach where she died, surrounded by sugarcane plantations on the banks of the Clarence River.

Growing up, Lynette Daley swam these rivers, fished these waterways. A generous, trusting girl, she excelled at school, especially sport.

THELMA DAVIS: Oh, she loved school. And she liked... liked to go to school because of her, um, 'cause of sports. She loved sports.

GORDON DAVIS: Well, she was good at everything. And she was always the high school champion and the primary champion. You know, they, they just couldn't come near her.

THELMA DAVIS: She could've made it to Olympic. She could've been the next Cathy Freeman - because we haven't got another Cathy Freeman. I was hoping she'd make it, go, um, go a long way.

CARO MELDRUM-HANNA: But when she was 15, Lynette Daley fell into the wrong crowd. Dropping out of school, by 16 she was pregnant.

GORDON DAVIS: Oh she was rebellious. You know, that's- that's really wh- what... You know, sh- she had to find out things the hard way.

CARO MELDRUM-HANNA: As a young mum, Lynette Daley struggled, falling into a series of violent relationships. She turned to drugs and alcohol.

GORDON DAVIS: She was always bruised, black-eyed, bruises on her arms, her legs. Everywhere she had bruises, soreness.

She more or less had, ah, had her spirit broken by the... by the, ah, the hidings and the bashings that, that she received. Maybe that's why she drank: so she could wouldn't feel the beatings.

THELMA DAVIS: In a way, I feel so sad. And I'm thinking to myself: what can I do to help her? And how do I go around it to get her back on, on track?

And I've, I've tried everything. Looking at her when she was drunk: it just made me cry.

CARO MELDRUM-HANNA: Her sister Tina Daley witnessed Lynette's heartbreaking decline.

(To Tina Daley) What was that like, watching that?

TINA DALEY: Mm, devastating 'cause she wouldn't stop.

CARO MELDRUM-HANNA: By the time she was 30, Lynette Daley had seven children. Unable to care for them or protect them from the escalating violence at home, she entrusted them to the care of her parents, where they are living in a safe, alcohol-free house.

GORDON DAVIS: She knew she couldn't look after them. And she done the right thing from the lifestyle she was leading. But never detracted her from being a good person. She was always a good person.

CARO MELDRUM-HANNA: In the months before her death, Lynette Daley was homeless. She came to the Aboriginal mission of Hillcrest, set high above the township of Maclean.

Lynette Daley retreated here: to the bush at the back of the mission, where she lived in a small tent.

We found remnants of living it rough are everywhere. Lynette Daley had hit rock-bottom.

It was at this time she fell into the hands of Adrian Attwater and Paul Maris. Both were regular drinkers at the local park where Lynette spent her days.

THELMA DAVIS: We thought straightaway, that's the ones I think that are, ah, really going to hurt her.

GORDON DAVIS: You know, they used to hover around her all the time. They were like, um, predators. And that's exactly what they were.

I remember the day: the last day last time I seen her. She said, "Oh, I'm going now." And she hopped into the car with those blokes in that four-wheel drive. I seen her hop in it.

CARO MELDRUM-HANNA: If you had your time over: when she walked out and said "Bye" and got in that four-wheel drive, what would you do?

GORDON DAVIS: I would ask her to come back inside and stay here. I think she might've. I rued the day I seen her walk. Yep.

CARO MELDRUM-HANNA: On the 25th of January, the day before Australia Day, Lynette Daley dropped in to see her younger sister Tina.

(To Tina Daley) And how was she?

TINA DALEY: She was... I don't know, distressed. Wasn't her.

CARO MELDRUM-HANNA: Adrian Attwater and Paul Maris were waiting outside for Lynette.

(To Tina Daley) And what did Paul Maris do?

TINA DALEY: Um, swearing abuse out of her- at her.

CARO MELDRUM-HANNA: What was he saying to Lynette?

TINA DALEY: Telling her to hurry the F up when she only just got there. Something was up.

CARO MELDRUM-HANNA: Did you ask her what was wrong?

TINA DALEY: No, 'cause she said she'll be back the next day. But...

CARO MELDRUM-HANNA: Lynette Daley was driven out of town, bound for an overnight camping trip on Ten Mile Beach.

The trio are seen at the fish co-op, buying lunch. Security cameras record Paul Maris at the counter inside.

They drank heavily throughout the day, stopping at picnic spots and camping grounds before returning to the town of Iluka to pick up more supplies from the local supermarket.

ROBERT TUMETH, ABORIGINAL LEGAL SERVICE SOLICITOR 2002-2015: The collective impression of all those that saw her down at the shops was: she was highly intoxicated. "She was off her face," I think, was one expression that was used. And she really didn't seem to know where she was.

KAREN COLLETT: They were scruffy and she had, like, grass fragments and dirt and stuff in her hair. And, um, they didn't have shoes on. And yeah, they were just dirty.

CARO MELDRUM-HANNA: Karen Collett was working behind the deli counter when Lynette Daley and one of the men came into the supermarket.

KAREN COLLETT: I just watched them stagger down the aisle. And he did some things with the stuff that they had purchased from the deli to her. And then...

CARO MELDRUM-HANNA: What do you mean?

KAREN COLLETT: Oh, well, they had bought, like, a long frankfurt. And he was shoving it in the back of her, in her bum and- and things like that.

CARO MELDRUM-HANNA: Concerned for Lynette Daley's safety, Karen Collett watched the trio in the car park.

KAREN COLLETT: She was putting things into the esky and he was coming from behind.

CARO MELDRUM-HANNA: What sort of actions was he performing on her?

KAREN COLLETT: Like, pushing. Like he was... oh, performing sex from behind. That's what it looked like.

CARO MELDRUM-HANNA: So: humping her?

KAREN COLLETT: Yeah, yeah. Exactly. And then he noticed me at the door and turned around and he pulled her shorts right off, completely.

CARO MELDRUM-HANNA: Pulled her pants down?

KAREN COLLETT: Completely.

CARO MELDRUM-HANNA: In public?

KAREN COLLETT: In public. And said to me: do I want a piece of this bitch? And I just ducked inside and I thought, "Uh." And that was the last I saw of them.

CARO MELDRUM-HANNA: With that, they were gone.

KAREN COLLETT: I hope she didn't suffer. I hope she was... passed... before it all got too crazy. I think of it, to be honest, every Australia Day. I think of the poor lady. I think, "Oh."

CARO MELDRUM-HANNA: At the beach, Paul Maris and Adrian Attwater parked in the dunes. The trio listened to music and continued drinking.

ROBERT TUMETH: The plan was that they were going to go somewhere. They were going to drink more alcohol. They were going to, perhaps at some stage, do some fishing. Mr Maris had some fishing rods on his vehicle. But there's no evidence that they did any fishing at all.

CARO MELDRUM-HANNA: On the beach, darkness descended. It would be Lynette Daley's last night alive.

When police arrived on the scene early the next morning, they photographed Adrian Attwater slumped against the four-wheel drive, wearing a pair of jeans stained with Lynette Daley's blood.

ADAM JARRETT: I remember it in my head right now that he had jeans on, no shoes and no shirt on.

CARO MELDRUM-HANNA: On the scene that morning, paramedic Adam Jarrett asked Adrian Attwater what had happened to Lynette Daley.

ADAM JARRETT: What he did was a gesture and his gesture was this.

(Adam raises forearm and fist, moving other hand up and down forearm)

CARO MELDRUM-HANNA: What gesture is that?

ADAM JARRETT: Ah, it sounds like that he was, ah, sexually he was using his fist and inserted it into, into the lady.

CARO MELDRUM-HANNA: Adrian Attwater repeated this version of events to police that morning.

(Audio recording of NSW Police interview with Adrian Attwater)

POLICE OFFICER: Time is 9:55am on the 27th of January, 2011.

ADRIAN ATTWATER: Yep. My name is Adrian Richard Attwater: 29th of the ninth, 74.

CARO MELDRUM-HANNA (voiceover): This is Adrian Attwater's first interview with police, just hours after Lynette Daley was pronounced dead on the beach.

POLICE OFFICER: Alright, so you had sex. And if I'm wrong please tell me, but it was penis-vagina sex?

ADRIAN ATTWATER: It was my f***ing hand.

POLICE OFFICER: Your hand, was it?

ADRIAN ATTWATER: Mm.

POLICE OFFICER: How did you do that?

ADRIAN ATTWATER: You put the f***in' hand in the f***in' vagina.

POLICE OFFICER: If I was to say, "There's a sex act called fisting:" is that what you've done?

ADRIAN ATTWATER: Just about, yeah. These things just happen, man, as I said. Girls can be girls. Boys will be boys.

(Footage of NSW Police interview with Paul Maris at crime scene, 27 January 2011)

POLICE OFFICER (off-screen): And is this the location that you say Adrian and Norma had sex?

PAUL MARIS: Yeah.

POLICE OFFICER (off-screen): Oh, that's prawn heads there. OK. Yep.

PAUL MARIS: I'm not actually sure if she did fall over, but she cut her, cut her legs and that.

POLICE OFFICER (off-screen): How do you know that?

CARO MELDRUM-HANNA (voiceover): Five weeks later, police took both men back to the beach, where Paul Maris explained how he witnessed what Adrian Attwater was doing, while Maris was engaging in a sex act with Lynette Daley at the same time.

(Footage of NSW Police interview with Adrian Attwater and Paul Maris at crime scene, 3 March 2011)

POLICE OFFICER: And what action was it that you saw that made you believe that he was fisting her? What way was his arm moving?

PAUL MARIS: Sort of just in, in and out.

POLICE OFFICER: Can you demonstrate that for me?

(Paul Maris makes gesture with forearm and fist)

PAUL MARIS: Well, he was sort of in and out, like that.

POLICE OFFICER: OK. Did Lynette make any sounds or...

CARO MELDRUM-HANNA (voiceover): Both men repeatedly told police Lynette Daley consented to the sex acts performed on her that night.

ADRIAN ATTWATER: She was happy to participate.

POLICE OFFICER: Was she talking or making any noises at that stage?

ADRIAN ATTWATER: I think she was moanin', yeah.

POLICE OFFICER: In what way?

ADRIAN ATTWATER: Well, like... she was sort of enjoying it, yeah.

PAUL MARIS: She was quite all right with what we were doing. She didn't say, "Stop it," "Don't do this," or anything like that.

POLICE OFFICER: OK. How do you know that she was alright with what was happening?

PAUL MARIS: Well, she would've said somethin'...

CARO MELDRUM-HANNA (voiceover): But it's likely Lynette Daley wouldn't have been able to say anything at all.

PAUL MARIS: ... "Stop that" or, you know?

(Footage ends)

CARO MELDRUM-HANNA (to Robert Tumeth): Could Lynette Daley have consented to this?

ROBERT TUMETH: With a blood alcohol reading that high, I believe not. The impression that I'm left with is that she was just something that was being used.

CARO MELDRUM-HANNA: According to forensic pathology reports obtained by Four Corners, Lynette Daley's blood alcohol level was dangerously high: 0.352, putting her in the potentially lethal range of intoxication.

She would have been in a stuporous state, possibly unconscious, at the time the sex act occurred.

THALIA ANTHONY, ASSOC. PROF., LAW FACULTY, UTS: Given that she was that intoxicated, she may not have even been fully conscious of what was occurring at the time. And that, very clearly, is an act of sexual assault where the victim is not conscious.

CARO MELDRUM-HANNA: The coroner described it as a vigorous punching motion involved in this sexual act. Is that a dangerous act?

THALIA ANTHONY: Yeah. Cer- certainly it's very dangerous. And, um, not only was there the act, but the fact that she bled during the act indicates how dangerous it was.

(Footage of NSW Police interview with Adrian Attwater and Paul Maris at crime scene, 3 March 2011)

PAUL MARIS: Ah, we, we were up all night...

CARO MELDRUM-HANNA (voiceover): Both men told police they saw Lynette Daley bleeding on multiple occasions that night.

POLICE OFFICER: Why did the act itself stop?

PAUL MARIS: 'Cause I had a bit of blood on my hand.

POLICE OFFICER: Sorry, you had a bit of what?

PAUL MARIS: I had blood on my hand.

POLICE OFFICER: Did you see any blood in the troop carrier?

PAUL MARIS: Ah, there was a little bit on the, on the mattress.

POLICE OFFICER (to Adrian Attwater): What did you see?

ADRIAN ATTWATER: I've just seen blood sort of running down that part of her leg. And as she's jumped out, she sat on the esky. She must of, 'cause there was blood on there.

(Footage ends)

(Montage of NSW Police forensic photographs)

CARO MELDRUM-HANNA: Adrian Attwater attempted to clean the inside of the four-wheel drive, wiping Lynette Daley's blood off the esky.

But he didn't do a very good job. When police turned it around, this is what they found: blood running down the entire length of the esky, pooling thickly at the corners.

The front car seats appeared clean but, when tested, lit up with traces of Lynette Daley's blood.

(To Thalia Anthony) What should the men have done, once they saw that Lynette Daley was bleeding?

THALIA ANTHONY: They should have called an ambulance straight away.

CARO MELDRUM-HANNA: That failure, then, to seek help and seek assistance: is that an offence in itself?

THALIA ANTHONY: Yeah. I think that's where you could have grounds for manslaughter by neglect. They confined her and then failed to do anything to help her, or to enable others to come to her help.

CARO MELDRUM-HANNA: An autopsy would later determine Lynette Daley died from blunt-force genital tract trauma, following prolonged, vigorous punching motions.

(To Thelma Davis) I cannot imagine how distressing that would be for a mother to find out... that your daughter had experienced that?

THELMA DAVIS: Oh, I just... I, ah... just thinking about it, it's... You wouldn't think they'd- that those dirty mongrels would go that far. Like... if they wanted sex... and then they... w- why couldn't they do it a gentle way?

GORDON DAVIS: Er, the atrocities they done to that poor girl. They're worse than a pack of animals. And I can't reason why they'd want to do that for their own sexual gratification.

CARO MELDRUM-HANNA: On the beach, instead of helping Lynette Daley, Paul Maris and Adrian Attwater continued to drink and party until the sun came up, while their friend lay dying in the back of the car.

(Footage of NSW Police interview with Adrian Attwater and Paul Maris at crime scene, 3 March 2011)

ADRIAN ATTWATER: I thought she'd sort of gone to sleep or was sleeping it off, just 'cause she was embarrassed about it.

POLICE OFFICER: What gave you the impression that she was having a sleep or sleeping it off?

ADRIAN ATTWATER: Just, just that she was qu- quiet and wasn't, wasn't talkin' much.

POLICE OFFICER: Did she do anything or say anything... that indicated to you that you may have caused her an injury?

PAUL MARIS: No. She said she was all right, no worries. We stayed down on the beach, lo- all night, until early that morning. We went for a swim and that was 5:30 in the morning when we went for a swim in the morning.

POLICE OFFICER: OK.

(Footage ends)

CARO MELDRUM-HANNA: Adrian Attwater told police he and Lynette Daley had walked down to the water's edge to go swimming, before she suddenly collapsed in his arms.

Medically, his version of events doesn't stack up.

ROBERT TUMETH: The doctors found it unlikely that she would be able to do that.

CARO MELDRUM-HANNA: Why? Why would it be unlikely for her to be able to walk down to the beach?

ROBERT TUMETH: Because of the, the effects of the, of the extent of the blood loss at that point in time.

CARO MELDRUM-HANNA: She would've been what: too weak?

ROBERT TUMETH: Yes.

CARO MELDRUM-HANNA: While Adrian Attwater was supposedly swimming with Lynette Daley, at exactly the same time Paul Maris was busy lighting a fire.

NICK MILLER: I could see that there was a big fire down the beach. Ah, it was very bright. It was very big. You could see that it was a big cone of flame. And that gave me the impression it was fuelled by something other than wood.

CARO MELDRUM-HANNA: It was around 5:45 am: at least 15 minutes before the men had even called 000.

(To Nick Miller) What did what did you think that fire was?

NICK MILLER: I just thought it was some people down the beach, having a celebration for Australia Day: um... doing the Australian thing, shall we say. Um, but no, it wasn't.

CARO MELDRUM-HANNA: One kilometre down the beach, away from prying eyes, Paul Maris was burning evidence.

Working against the clock, before the beach filled with holiday makers, Paul Maris pumped diesel fuel from the engine of his four-wheel drive, burning his mattress and Lynette Daley's underwear, before smothering the fire with sand.

Later that morning, before police arrived, Paul Maris parked his car directly over the fire pile - as these photos show.

NICK MILLER: I thought that was really weird.

You're trying to save someone's life. Why do you bother to stop and cover up a fire?

CARO MELDRUM-HANNA: Analysis of what remained would later confirm the mattress and even Lynette Daley's underwear were covered in her blood.

(Footage of NSW Police interview with Adrian Attwater and Paul Maris at crime scene, 3 March 2011)

ADRIAN ATTWATER: Well, I wanted to get rid of the mattress as well when I got down the beach, 'cause it smelt.

POLICE OFFICER: Smelt of what, mate?

ADRIAN ATTWATER: It just, like, just stunk.

POLICE OFFICER: What was the smell, though, that you smelt?

ADRIAN ATTWATER: Um...

POLICE OFFICER: If you can describe it to me?

ADRIAN ATTWATER: Smelt more like, um, someone had: I dunno, what's the word when, when they soil themselves?

POLICE OFFICER: Why did you burn Lynette's bra?

ADRIAN ATTWATER: Just 'cause it was on the mattress and it had blood on it. I didn't think she'd want it.

POLICE OFFICER: Was it the case that you got the mattress out and Lynette's bra to burn it: was that to conceal something that had gone on?

ADRIAN ATTWATER: No.

POLICE OFFICER: You noticed that there was some blood on the mattress, didn't you?

ADRIAN ATTWATER: Yeah.

POLICE OFFICER: At that stage?

ADRIAN ATTWATER: I... yeah, just thought that was from, from her, like, periods or somethin'.

(Footage ends)

GREG WHEADON, FORMER NSW POLICE OFFICER: They said that she had her periods. There's a, there's a lot of difference between someone having, a lady having their periods and bleeding to death: litres of blood coming out of her.

W- what did they do? Did they try and get her to the hospital? They put her in the surf.

CARO MELDRUM-HANNA: I can see you're very frustrated.

GREG WHEADON: Oh look, sorry. (Sighs) Yeah.

(Caro Meldrum-Hanna shows Greg Wheadon police video interview with Adrian Attwater at crime scene, 3 March 2011)

ADRIAN ATTWATER (video): No, I wouldn't have, um, touched it if I, if I knew there was...

GREG WHEADON: Oh, it doesn't seem to ring true, does it?

CARO MELDRUM-HANNA: Greg Wheadon is a former police officer and a family friend of Lynette Daley's parents.

(To Greg Wheadon) Paul Maris admitted that he burnt the mattress and burnt Lynette Daly's clothing - or definitely her bra.

GREG WHEADON: Yeah.

CARO MELDRUM-HANNA: What do you make of that?

GREG WHEADON: Well, can only one thing made of it; it's to hide his guilt. To- to destroy any, any evidence that could be on that mattress and those clothes attributed, being attributed to her death.

CARO MELDRUM-HANNA: Burning that material: is that a-an offence in itself?

GREG WHEADON: I would submit. You're concealing a crime by, by burning it: burning the evidence. That's an offence in itself.

THALIA ANTHONY: There's a very strong case for m-manslaughter by a dangerous act: the violent sexual act that occurred prior to her death and caused the bleeding.

There's substantial evidence that they then attempted to conceal the bleeding by burning the mattress and her underwear; that then they took their time to call the ambulance and to seek help. Um, all these acts indicate a very strong case for, for charges to be laid.

CARO MELDRUM-HANNA: Following a three-month investigation, in April 2011 Adrian Attwater and Paul Maris were charged.

(Footage of NSW Police interview with Paul Maris, 19 April 2011)

POLICE OFFICER: I'm informing you that you're under arrest for the manslaughter of Lynette Daley. You are not obliged to say or do anything, as anything you do or say will be recorded and may be used in evidence. Do you understand that?

(Footage of NSW Police interview with Adrian Attwater, 21 April 2011)

POLICE OFFICER: And do you agree that I placed you under arrest and informed you that you were under arrest for accessory after the fact to manslaughter?

ADRIAN ATTWATER: Yes.

CARO MELDRUM-HANNA: Months later, a meeting was called between the NSW Department of Public Prosecutions and Lynette Daley's parents.

GREG WHEADON: They tried to explain why they weren't gonna to be charging these fellows with manslaughter.

CARO MELDRUM-HANNA: What was, what was the explanation that the DPP gave?

GREG WHEADON: That... (sighs) they couldn't prove that anything these fellows had, had done... had... been intentional to cause her death.

CARO MELDRUM-HANNA: Greg Wheadon says he was at the meeting, supporting his friend, Lynette Daley's stepfather, Gordon Davis.

GREG WHEADON: What I had to do was hold Gordon. You know, eh, ah, I was worried he was just gonna have a stroke or a heart attack.

CARO MELDRUM-HANNA: Despite what the police considered to be a strong case, the NSW Department of Public Prosecutions declined to prosecute, withdrawing all charges.

For Lynette Daley's family, it was a devastating blow.

THELMA DAVIS: The, um, DPP said there wasn't, there wasn't enough, um, evidence.

GORDON DAVIS: And so they were exonerated. They walked. You know, it- it was just another **Indigenous** girl. We'll sweep it under the carpet. You know, they're a dime a dozen. This happens all the time. We'll let it go.

THELMA DAVIS: Like, we pushed harder and harder for the DPP to take it to court and get it in front of a jury - and we still didn't get there.

CARO MELDRUM-HANNA: The death of Lynette Daley was referred to the NSW coroner for an inquest, here at Grafton Local Court, where coroner Michael Barnes found there could be no doubt the injury which led to Lynette Daley's death was inflicted by Adrian Attwater.

The coroner found both men to be dishonest, their version of events inconceivable, and that both had conspired to burn material from the back of the four-wheel drive.

The coroner also made a point to express the court's contempt and disgust for the callous disregard Adrian Attwater and Paul Maris had shown for Lynette Daley's welfare.

The coroner found the evidence was capable of satisfying a jury beyond reasonable doubt, referring the matter back to the NSW DPP for prosecution.

GORDON DAVIS: The coroner: I was in there when he had the scathing attack.

CARO MELDRUM-HANNA: That must've been a moment when you thought and believed justice will be done now?

GORDON DAVIS: Well, we were- we, yeah. Look, we all thought: "Yeah. Come on, we- th- this might be light at the end of the tunnel."

CARO MELDRUM-HANNA: Despite the coroner's findings and multiple criminal charges that could have been pursued from sexual assault to manslaughter, one year later - in November 2015 - the NSW DPP declined to prosecute for a second time, sending this letter to her family, writing:

"There is not enough evidence to establish that Mr Attwater committed the unlawful and dangerous act which led to Lynette's death."

(To Gordon Davis) How did you feel?

GORDON DAVIS: Shattered. Let down. We were all cried out. We just couldn't cry anymore.

There was no justice. We... we- we- we c- we couldn't believe it and we still can't.

THELMA DAVIS: It's just like my whole body gave way. My blood pressure was sky-high: 200 and something. And, um, I- all my body- I couldn't even walk.

CARO MELDRUM-HANNA (to Thalia Anthony): Can you make any sense, then, of the fact that the DPP has twice declined to prosecute?

THALIA ANTHONY: I, I can't understand it. From my reading, it's a very clear case of manslaughter.

I've seen cases with less evidence having prosecutions in manslaughter - and successful prosecutions, where there's been a conviction.

CARO MELDRUM-HANNA: Thalia Anthony is an associate professor with the University of Technology Sydney's Law School and an expert in criminal law.

She's independently analysed the evidence surrounding the death of Lynette Daley for Four Corners.

(To Thalia Anthony) Has the justice system, then: has it failed Lynette Daley?

THALIA ANTHONY: I think it's very much failed Lynette Daley. I think it's also failed women who are potentially victims of this type of assault.

And I think it's especially failed Aboriginal women, who very much are neglected by the legal system.

GREG WHEADON: What would happen if it was your daughter? If it was two Aboriginal fellows killed a white girl - your daughter - where would they be now? Bail refused, charged that day. Of course.

MARCIA LANGTON, PROF., UNIVERSITY OF MELBOURNE: This refusal by the prosecutor brings into disrepute the law itself, in my opinion.

CARO MELDRUM-HANNA: Now the decisions of the NSW DPP are being questioned by **Indigenous** leaders, including Professor Marcia Langton.

MARCIA LANGTON: You know, this is a, a horrific case and, and the details are spelled out very thoroughly in the coronial report. And the prosecutor's response is incomprehensible in the face of all of this evidence.

So: yes, it is very difficult to come to any other conclusion, um, but that the law is applied, ah, is being applied very differently in this case because the victim is a black woman.

CARO MELDRUM-HANNA: Professor Langton is now calling on the NSW Attorney-General's office to step in and launch its own prosecution.

MARCIA LANGTON: This case should be taken to court.

CARO MELDRUM-HANNA: And if it isn't?

MARCIA LANGTON: This case will remain in the public mind as one of those cases where justice hasn't been done. And this case is a black mark on Australia's reputation, really.

CARO MELDRUM-HANNA: Lynette Daley's family and friends are now asking: why wasn't their girl worth it in the eyes of the law?

(To Gordon Davis) What makes you keep going?

GORDON DAVIS: Ah, the kids. Yeah.

GORDON'S FRIEND: You're doing a great job.

GORDON DAVIS: Yeah.

GORDON'S FRIEND: And you still are doing a good job, mate. Got to keep going. Your perseverance, mate.

CARO MELDRUM-HANNA: You OK, Gordon?

GORDON DAVIS: Yeah.

CARO MELDRUM-HANNA: OK.

GORDON DAVIS: Yeah. Oh... Yeah, the reason why, you know, we're so emotional now is because yous are the only people who cared. No-one else has come along and, and cared for us.

THELMA DAVIS: We've got to get something done this year. It's her year. And we're going to get it done. With the help of my best friend here.

THELMA'S FRIEND: I ain't leaving yah. I ain't.

THELMA DAVIS: I know.

I've got a lot of fight in me. I will never give up because I- I'm doing it for her k...
(cries) I'm here for her kids.

CARO MELDRUM-HANNA: Yep.

THELMA DAVIS: Because if we go: when we're gone, there's... that's it. They've got no-one there. They've got no one to help them.

CARO MELDRUM-HANNA: Lynette Daley's family is making a difficult yet familiar journey: visiting the place where she died.

In the sky above, an eagle immediately appears: Lynette Daley's favourite animal.

Her elder sister Pauline explains: the eagle is Lynette's spirit.

PAULINE DALEY: That's Lynette. Lynette's the eagle. Every time we come here: hey, Mum? She's always there: always sitting right here on the tree waiting for us, showing us where she is.

(Gordon Davis writes on a wooden cross and plants it in scrub near the beach)

PAULINE DALEY: They took her from us. They took a beautiful, loving, wonderful sister and a mother. (Cries)

CARO MELDRUM-HANNA: As Lynette Daley's children leave the scene of her death, the eagle reappears.

Her mother remains behind: a moment alone to make a promise to the daughter she's lost.

THELMA DAVIS: I don't care how, but... I'm just going to go on and go until there's justice done for that girl.

SARAH FERGUSON: We asked the Director of Public Prosecutions to take part in this program, to explain why the two men were not prosecuted. He declined to be interviewed.

NSW Attorney-General Gabrielle Upton told Four Corners the case is truly disturbing. In February she asked the Director of Public Prosecutions to review the case: and that review is underway.

We'll follow those developments closely.

Next week: the billion-dollar health supplement and vitamin industry. What's in all of those pills - and could they be doing you harm?

See you then.