

In the matter of  
**AARON JOHN CRAWFORD**  
**(Applicant)**

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| PROCEEDING:          | An application for parole   |
| DELIVERED ON:        | 1 December 2023   |
| DELIVERED AT:        | Brisbane  |
| HEARING DATES:       | 1 December 2023.  |
| MEETING DATES:       | The Board met to consider the matter on 10 July, 27 November and 1 December 2023.   |
| SENIOR BOARD MEMBER: | Mr Peter Shields Deputy President,<br>Parole Board Queensland.  |
| DECISION:            | <p>The Board finds the Applicant is not a no body-no parole prisoner under s. 175C of the <i>Corrective Services Act 2006</i> (Qld).</p> <p>Having found the Applicant is not a no body-no parole prisoner, the Board must determine the Applicant's application for a parole order under s. 193(1) of the <i>Corrective Services Act 2006</i> (Qld).</p> |
| COUNSEL:             | Katherine McGree appeared as Counsel Assisting the Board .<br>Laura Reece appeared for the Applicant.   |
| SOLICITORS:          | Parole Board Queensland Legal Services<br>Mulcahy Ryan Lawyers  |

## Introduction

- [1] A prisoner may apply for a parole order under s. 180 of the *Corrective Services Act 2006* (Qld) ('CSA'). 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.<sup>1</sup>
- [2] Aaron John Crawford ('the Applicant') has applied for a parole order under s. 180 of the CSA.

## Sentence imposed and a brief overview of the circumstances of the offending

- [3] On 29 May 2018, the Applicant pleaded guilty before Burns J in the Supreme Court at Brisbane to one (1) count of manslaughter and one (1) count of misconduct with regard to a corpse, as well as a summary offence of unlicensed driving. All offences occurred on or about 6 July 2015.
- [4] The Applicant was sentenced to an effective sentence of ten (10) years imprisonment.
- [5] In his published reasons for the sentences imposed,<sup>2</sup> Burns J gave a brief overview of the circumstances of the relevant offending:

- [2] The circumstances of the indictable offence are the subject of a statement of facts, exhibit 2, that has been agreed by each of you. Those facts have also been the subject of extensive submissions by Mr Cash QC, who appears on behalf of the Crown. However, in brief, the victim was Mr Greg Dufty. He was attacked on the evening of 6 July 2015 and died in consequence of that attack. The attack had been planned in retaliation for Mr Dufty's theft of a quantity of cannabis from you, Mr Crawford. **After he died, his body was disposed of in a fire. No trace remains.** [emphasis added]

## Is the Applicant a "no body-no parole" prisoner

- [6] Up until the decision of the Court of Appeal in *Armitage v Parole Board Queensland* [2023] QCA 239 ('*Armitage*') the Board was treating the Applicant's application for a parole order under the 'no body-no parole' provisions of Chapter 5 of the CSA.
- [7] There can be no doubt the Applicant is serving a sentence of imprisonment for a homicide offence,<sup>3</sup> and the body or remains of the victim have not been located, as expressly stated by Burns J. But is the Applicant a "no body-no parole" prisoner?
- [8] The meaning of no body-no parole prisoner is defined in s. 175C of the CSA:

### 175C Meaning of no body-no parole prisoner

A prisoner is a **no body-no parole prisoner** if—

- (a) the prisoner is serving a period of imprisonment for a homicide offence; and
- (b) either—
- i. the body or remains of the victim of the offence have not been located; or
  - ii. because of an act or omission of the prisoner or another person, part of the body or remains of the victim has not been located.

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<sup>1</sup> *Corrective Services Act 2006*, s 193(1).

<sup>2</sup> *R v Crawford, Patea & Patea* [2018] QSC 122. Parole Record Book at p.72.

<sup>3</sup> *Corrective Services Act 2006*, s 175B.

[9] In *Armitage*, Flanagan JA, with whom Mullins P and Boddice JA agree, found that on the proper construction of s.175C of the CSA, the word “remains” refers to those remains that continue to exist and are capable of being located:

[41] ... once it is accepted that something is not properly “remains” once it is incorporated into, or indistinguishable from, the environment (or, in other words, no longer exists), the phrase “have/has not been located” has no work to do. As the appellant correctly submits, this is put beyond argument once her Honour’s interpretation of the word “remains” is substituted into s 175C(b)(ii):

“A prisoner is a no body-no parole prisoner if—

...

(ii) because of an act or omission of the prisoner or another person, part of the ... remains of the victim [*that is, those parts which have not been incorporated into the environment and are not indistinguishable from the environment*] has not been located.”

[42] ... As was correctly submitted by Mr Holt KC at the hearing of the appeal, it can reasonably be inferred that when a legislature uses a noun to describe a particular thing, as it does here, it assumes that the thing in fact exists. This view is fortified by the ordinary meaning of the word. By reference to the extracts from the Cambridge Dictionary relied upon by the appellant, the word “remains” when used as a noun explicitly recognises that something will have been used, destroyed, or taken away so as there to be something which remains. In other words, as a matter of logical implication, the requirement that the remains are those that continue to exist and are capable of being located is implicit in, and arises from, the ordinary meaning of the word itself.

[43] It should be observed that if this interpretation is not applied, then the purpose of the “no body, no parole” scheme is largely defeated because no amount of cooperation from a prisoner such as the appellant can ever alter the fact that the remains no longer exist and are incapable of being located.

[44] It follows that on the proper construction of s 175C, the word “remains” refers to those remains that continue to exist and are capable of being located.

[10] The Applicant was sentenced on the basis that he, along with co-offender Clinton Stockman (‘Stockman’), incinerated the body of the victim of their offending until no remains existed. This is clear from the sentencing remarks of Burns J, the sentencing remarks of Boddice J who sentenced the co-offenders Stockman and Liam Rawhiti Bliss (‘Bliss’), and the police cooperation report dated 19 September 2023.

[11] After detailing the facts concerning the killing of the deceased, Burns J turned to how the body of the deceased was disposed of:<sup>4</sup>

[20] Mr Dufty’s body was wrapped in a tarpaulin. When doing so, Stockman noticed that Mr Dufty had a black eye, which is of course evidence of Mr Dufty having been alive subsequent to the initial assault. Stockman helped you, Mr Crawford, put the deceased’s body into the bin of the truck, and on the following day – that is, 7 July 2015 – you phoned Stockman, Mr Crawford, and told him there was “work to be done”. The two of you drive to a storage shed somewhere

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<sup>4</sup> *R v Crawford, Patea & Patea* [2018] QSC 122. Parole Record Book at p.76.

in northern New South Wales, where two plastic drums were retrieved. You, Mr Crawford, explained to Stockman that the drums would be used to cover the deceased's body so that it would not be crushed when the truck was loaded with rock.

[21] The loading of the truck with rock occurred on the following day. About 10 tonnes of crushed rock was loaded into the truck on top of the drums that covered Mr Dufty's body. You, Mr Crawford, and Stockman then proceeded to a place known as Busby's flat. You drove the truck into the property, and both you, Mr Crawford, and Mr Stockman emptied the rock from the truck, and then removed Mr Dufty's body and placed it on a pyre of felled timber. You poured diesel fuel over his body and lit the fire. **You tended the fire for a number of hours until there was no sign left of Mr Dufty's body.** [emphasis added]

[12] On 23 February 2018, in sentencing Stockman for the offences of manslaughter and misconduct with regard to a corpse, and Bliss for the offence of manslaughter, Boddice J (as His Honour then was) provided the following precis of the killing of the deceased and the disposal of his body:<sup>5</sup>

"On the evening of 6 July 2015, Greg Dufty was viciously assaulted by a group of men. He died as a result of that assault. It was a planned attack in retaliation for the deceased's earlier theft of cannabis from one of those men. The assault occurred, following an arranged meeting between the deceased and the person from whom he had stolen the cannabis. That person had arranged for the other men to participate in this act of retribution. The deceased was taken to an isolated location where he was assaulted by some of the men present.

The assault lasted for one to two minutes. After about 30 seconds, the deceased was silent. Evidence of injuries suggest the deceased was alive at the cessation of the assault; however, he was rendered unconscious shortly after its commencement. During the assault, the deceased was struck with a number of items, as well as being kicked repeatedly. After the assault ended, zip ties were placed around the deceased's hands so that they were effectively handcuffed behind his back. After this, one of the men punched the deceased in the back of the head four times. The deceased did not move in response to those punches.

The group of men then left the area. The weapons and other items were disposed of as they returned back to their residences. The deceased was taken back to a truck yard. He was placed in a shed and attempts were made, unsuccessfully, to rouse him. After a number of hours, it was realised the deceased was not breathing. Thereafter, the organiser of the assault took steps to dispose of the deceased's body. Initially, the body was wrapped in a tarpaulin and placed into the bin of a truck. Steps were taken to dispose of the deceased's belongings. The following morning, 7 July 2015, the deceased's body was placed in a plastic drum, retrieved from a storage shed in northern New South Wales. It was taken to a location where it was placed in a pre-prepared pyre of felled timber. Diesel fuel was poured over the body and surrounding timber. Other items, including clothes from the assault and the clothes that people there were wearing, were placed onto the fire. **The fire was tended for some hours until there was no sign of the deceased's corpse.** [emphasis added]

[13] Prior to *Armitage*, and pursuant to its obligation under the 'no body – no parole' provisions of the CSA, the Board requested a commissioner's report under s.175M(2) of the CSA.<sup>6</sup> The commissioner's report

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<sup>5</sup> Parole Record Book at p. 704.

<sup>6</sup> Parole Record Book at p.677.

was received by the Board on 4 October 2023.<sup>7</sup> The commissioner's report confirms the deceased body was incinerated and no remains exist to be located:<sup>8</sup>

"The location where Mr Dufty was incinerated had undergone significant re-development and police have been unable to recover Mr. Dufty's remains...The location Mr. Crawford provided as to where Mr. Dufty's remains had been disposed was already known to investigators and had already been subject to extensive searching efforts in February 2016."

- [14] Further evidence the deceased remains no longer exist and are not capable of being located, was provided by Gavin Stewart Russell ('Russell') who was residing at the property where the deceased's body was disposed of. In a statement made to police dated 23 March 2016, Russell stated:<sup>9</sup>

"The area where the main fire was burning on this day has since been bulldozed and a new road put in near where this fire had been burning. A new dam was also put in near this area and a lot of soil was moved to make an acoustic wall on the property. All of this work would have been done between September and December, 2015.

On the 23<sup>rd</sup> day of February, 2016 New South Wales and Queensland Police attended at the property with a crime scene warrant. I showed Police an area where the main fire had been burning on the 8<sup>th</sup> day of July, 2015. This area was on the side of a hill approx..(sic) 40 – 50 metres from the kitchen area.

I was informed by police that they had information that the body of Gregory Dufty had been bought (sic) to this location wrapped in a tarp on this date in the bin of the Mack tipper truck and burnt on a fire.

I told them that I did not see a body but that I can recall seeing a grey tarp on that day.

The fire that I showed the police and that I saw Aaron [Crawford] and Clint [Stockman] put the rubbish and the tarp on would have continued to burn for 2 or 3 days after they had left."

- [15] In determining whether or not the Applicant is a no body-no parole prisoner, the Board has also had the benefit of detailed written submissions<sup>10</sup> from Katherine McGree, counsel assisting the Board ('CA'). In her written submissions CA stated that when regard is had to *Armitage*,

6. "It follows that s.175C(b)(i) can be understood to provide that: "the body or [*those remains that continue to exist and are capable of being located*] have not been located."<sup>11</sup>

- [16] CA concluded her written submissions as follows:<sup>12</sup>

- "16. The only reasonable finding open to the Board on the information before it is that the victim's remains do not continue to exist.

17. If such a finding is made, s.175C(b)(i) is not satisfied.

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<sup>7</sup> Parole Record Book at pages 151 – 161.

<sup>8</sup> Parole Record Book at p.160.

<sup>9</sup> Parole Record Book at p.701.

<sup>10</sup> Parole Record Book at pages 708 – 711.

<sup>11</sup> Parole Record Book at p.709.

<sup>12</sup> Parole Record Book at p.711.

18. There is also no possibility of s 175C(b)(ii) being satisfied because no part of the victim's body or remains has been located.
19. As a result, it will follow that Mr Crawford is not a no body-no parole prisoner.
20. the Board therefore:
  - a. Has no jurisdiction to decide whether it is satisfied that Mr Crawford has given satisfactory cooperation to identify the location, or last known location, of every part of the body or remains of the victim of the offence; and
  - b. Should proceed to determine his parole application under s 193(1) of the Act."

**Conclusion as to whether the Applicant is a "no body-no parole" prisoner**

- [17] It is clear from the evidence referred to in these reasons at [5], [11], [12], [13] and [14], the body of the deceased was incinerated on or about 7 July 2015. It is equally clear no remains of the deceased body continue to exist and are capable of being located.
- [18] The Board must adhere to the decision of the Court of Appeal in *Armitage*. Accordingly, the Board finds the Applicant is not a no body-no parole prisoner under s. 175C of the CSA.
- [19] Having found the Applicant is not a no body-no parole prisoner, the Board must now determine the Applicant's application for a parole order pursuant to s. 193(1) of the CSA.
- [20] Noting the Applicant's application was received by the Board on 9 May 2023, the Board should have decided the application by 6 September 2023.<sup>13</sup> The reason for the delay is explainable by the previous need to obtain the commissioner's report under s. 175M(2) of the CSA.
- [21] That being said, the Board must now decide the application.

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<sup>13</sup> *Corrective Services Act 2006*, s 193(3)(b).