

STATEMENT OF MICHAEL JOHN WILLING APM
30 JANUARY 2023

SPECIAL COMMISSION OF INQUIRY DETAILS

Special Commission	Special Commission of Inquiry into LGBTIQ Hate Crimes
Location	Sydney, NSW

FILING DETAILS

Provided for	New South Wales Police Force
In relation to	Special Commission of Inquiry into LGBTIQ Hate Crimes
Legal representative	Natalie Marsic, General Counsel
Contact name and telephone	Patrick Hodgetts, [REDACTED]
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STATEMENT

Name Michael John Willing APM
Address C/o International House, 3 Sussex Street, Barangaroo NSW 2000
Occupation Managing Director
Date 30 January 2023

- 1 I am 50 years of age and am currently employed by Accenture Australia Pty Ltd (**Accenture**) as Managing Director – National Security and Safety (Client Account Lead).
- 2 This statement made by me accurately sets out the evidence that I would be prepared, if necessary, to give to the Special Commission of Inquiry into LGBTIQ hate crimes (**Inquiry**) as a witness. The statement is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I will be liable to prosecution if I have wilfully stated in it anything that I know to be false, or do not believe to be true.
- 3 On 22 December 2022, I received a request to provide a statement from the Inquiry. Annexed and marked “**MJW1**” is a copy of that request. I hereby provide a statement addressing the questions contained within that request.
- 4 I otherwise note that on 19 January 2022, I left the NSW Police Force (**NSWPF**) and am no longer able to conduct independent searches of the records held by NSWPF.

Qualifications and experience

- 5 I joined the NSWPF on 28 October 1990.
- 6 Between October 1990 and October 2007, I progressed from the rank of Constable to the rank of Detective Inspector, conducting general and specialist policing, criminal investigations, and crime management functions.
- 7 On 22 October 2007, I attained the rank of Superintendent and was appointed as a Local Area Commander. In that role, I led and managed complex policing business units that achieved record reductions in crime within defined geographical areas

and fostered collaborative relationships across government and with the community.

- 8 On 6 November 2011, I was appointed as the Commander of the NSWPF Homicide Squad. As the Commander I was also the 'Head of Profession' for 'homicide'. In that role, I led a team of over 100 investigators, intelligence officers and support staff to conduct investigations into homicides, suspicious deaths, complex Coronial matters including 'deaths in police operations'.
- 9 On 1 November 2017, I attained the rank of Assistant Commissioner and became Commander of the Counter Terrorism and Special Tactics Command.
- 10 On 1 July 2019, I became the Commander of the Central Metropolitan Region. In that role, I led a team of 2500 people providing community-focused policing services. I was responsible for leading and delivering complex security operations for major and public order events, large scale protests and high-risk tactical incidents. I was also the NSW Police Force 'Corporate Spokesperson' for 'alcohol related crime' and was a member of the NSW Government 'Night Time Economy and Music Festivals Steering Committee' and legislated 'Music Festivals Working Group.'
- 11 In January 2020, I was appointed by Gladys Berejiklian, the then Premier of New South Wales, to the role of 'State Recovery Coordinator' after the 2019/2020 Bushfire Disaster. As part of that role, I designed and coordinated a 'Whole of Government and Australian Defence Force Taskforce' to provide immediate relief to bushfire-affected areas, and then medium to long-term recovery across affected NSW communities. I was also appointed to lead the transitional 'NSW Disaster Recovery Office' within the NSW Department of Communities and Justice. I returned to NSWPF Duties in May 2020.
- 12 On 1 July 2021, I attained the rank of Deputy Commissioner and was responsible for Regional NSW Field Operations. In that role, I was a member of the 'Commissioner's Executive Team', leading over 5,800 staff members providing policing services across the Northern, Western and Southern areas of NSW, along with the Capability, Performance and Youth Command, and managing a recurrent budget of \$703 million. Upon being appointed, I also became the NSW Deputy State Emergency Operations Controller.

- 13 During my career with NSWPF, I attained several academic qualifications including a Bachelor of Policing (Investigations), two Graduate Diplomas, a Master of Business Administration and an Executive Master of Public Administration. I also completed the Harvard Business School 'High Potentials Leadership Program' and am a Graduate of the Australian Company Directors Course. In addition, I also completed the Police Management Development Program, the Police Executive Leadership Program, the inaugural NSW Police Force 'Strategic Leadership Program,' and have been a 'visiting fellow' at the Australian Institute of Police Management.
- 14 On 19 January 2022, I ceased employment with the NSWPF.
- 15 In July 2022, I joined Accenture as their Managing Director – National Security and Safety (Client Account Lead). In that role I am responsible for leading a diverse multi-skilled team as the Accenture National Security and Safety practice lead' helping public sector client agencies use digital technology and human capability to enhance national security and public safety.
- 16 A copy of my curriculum vitae (current) is annexed and marked "MJW2".

The background to the 2014 Issue Paper [TB Vol 2, Tab 48]

- 17 As noted above, in November 2011, I was appointed as Commander of the Homicide Squad.
- 18 At the time of my appointment, Detective Chief Inspector John Lehman was an Investigation Coordinator within the Unsolved Homicide Team (UHT). Detective Chief Inspector Pamela Young was also an Investigation Coordinator within the Homicide Team and became an Investigation Coordinator within the UHT at or around the time of my appointment. Det Ch Insp Young had been a member of the Homicide Squad for a number of years before that time.
- 19 Det Ch Insp Lehmann and Det Ch Insp Young were the only two Investigation Coordinators attached to the UHT and it was their responsibility to oversee the management of that team. I had no concerns as to their suitability for those roles. I had not previously worked directly with either, though I understood both Det Ch Insp Lehmann and Det Ch Insp Young to be extremely experienced and well-regarded major crime and homicide investigators.

- 20 Around mid-2013, I became aware of paper authored in 2000 by former NSW Police Force Gay Liaison officer, Sue Thompson, and Dr Jenny Mouzos. In that paper, the authors compiled a list of unsolved murders dating from the 1970s to the 1990s that they believed were 'gay hate' murders.
- 21 On or around 26 July 2013, I became aware of a series of articles written by journalist Rick Feneley concerning alleged 'gay hate' homicides allegedly committed in Sydney in the 1980s and 1990s (**Feneley articles**). Some of these murders were the subject of investigation under Strike Force Taradale and the subject of coronial inquests. The article quoted Ms Thompson and referred to her view that up to 30 matters could be unsolved homicides.
- 22 I am aware that Det Ch Insp Lehmann subsequently contacted Ms Thompson to request that she provide the UHT with any information she had relating to the alleged 'gay hate' homicides mentioned in the Feneley articles. I am also aware that in response, Ms Thompson provided a list of 80 homicides from the 1970s to 1990s, 30 of which she claimed remained unsolved.
- 23 From my recollection, Det Ch Insp Lehmann and Det Ch Insp Young made a unilateral decision to conduct the assessment of the 30 unsolved matters in Ms Thompson's list. I was not involved in the making of that decision but once I became aware that they had taken that decision I was supportive of the assessment being conducted. Given the information that was being provided to the UHT at the time by members of Scott Johnson's family and their associates, as well as Ms Thompson, it was my view the assessment was a reasonable action to take. Further, as Investigation Coordinators of the UHT, they had the authority to choose to conduct reviews, investigations, and reinvestigations.
- 24 I was also supportive of the assessment being conducted because I was concerned that the number of alleged 'unsolved gay hate-murders' contained in Ms Thompson's list might not be accurate. Ms Thompson's list was not accompanied by a comprehensive analysis of the reasons she considered each death to be an unsolved gay-hate murder. A conclusion that there were 30 unsolved gay hate murders would have been very significant to the community in general and the UHT in particular. I therefore wanted to understand the basis for the conclusions reached by Ms Thompson. I did not have a detailed understand of all of the cases in Ms

Thompson's list, but I recall in a general sense that there were some cases on the list where a conclusion that the matter was an unsolved gay hate murder did not align with my understanding of the case.

- 25 I therefore felt an assessment of the facts and evidence (as far as it could be conducted) was warranted.
- 26 While my preliminary view was that the list developed by Sue Thompson may not have been accurate, I was concerned about the possibility that there were 30 (or more) unsolved gay-hate murders. I considered that it was important that such cases be investigated properly (alongside the other unsolved homicide matters, of which there were over 700 at the time that fell within the responsibilities of the Homicide Squad (which includes the UHT). If, for example, the review revealed a previously unknown pattern of gay-hate homicides potentially involving overlapping perpetrators who remained at large, it may well have been appropriate for particular matters to be afforded a higher level of priority or resources than would otherwise have been the case.
- 27 I was also concerned about the media attention around the matters. Specifically, I was worried about the potential for community fear and unnecessary mistrust in the NSWPF as a result of the media attention if the information underpinning the assertions being made was not accurate. Again, while I had concerns about the accuracy of Ms Thompson's list given the lack of detailed analysis, I sought to maintain an open mind as to the possibility that some or most of the relevant deaths could be gay-hate related.
- 28 I cannot recall the exact timeframe in which the assessment was carried out, however, from recollection, it would have been a matter of weeks from the time I first became aware of it.
- 29 Det Ch Insp Young was the Investigation Supervisor for Strike Force Macnamir and also conducting the assessments with Det Ch Insp Lehmann at the same time. I cannot recall being directly involved in the communications and/or co-operation between others in Strike Force Macnamir and those conducting the assessment, however I would expect that there would have been general communication among those involved in Strike Force Macnamir, other members of the UHT and those conducting the assessment given the size and structure of the UHT and the fact

that Det Ch Insp Young and Det Ch Insp Lehmann were the two Investigation Coordinators managing the day to day activities of the UHT.

Strike Force Macnamir

Background

- 30 On 27 June 2012, Deputy State Coroner Carmel Forbes concluded a second inquest into the death of Scott Johnson. Her Honour recommended that the matter be referred for review in accordance with the UHT's protocols and procedures.
- 31 I am aware that in late 2012, the UHT conducted a prioritised case screening review of the matter in which it rated the case solvability as zero. I was not involved in the review and as the Commander of the Homicide Squad I would not necessarily be informed of the outcome of case screening reviews as they were conducted regularly as part of the normal business practices of the UHT. I do not recall whether I was specifically informed of the outcome of the review at this time.
- 32 I recall that on or around 9 January 2013, Steve Johnson (Scott Johnson's brother) wrote to Det Ch Insp Lehmann (as UHT Investigation Coordinator) and expressed his concern at the "zero solvability" rating. I was not aware of this correspondence at the time and was informed at a later date (see below).
- 33 Around the same time, I recall that I commenced a period of 'annual leave' and Detective Acting Superintendent Christopher Olen relieved me as the Commander of the Homicide Squad.
- 34 Whilst I was on leave, I recall receiving a telephone call from Det A/Supt Olen who informed me that the family of Scott Johnson had directly approached the office of the then Minister for Police and Emergency Services, Mike Gallacher MLC, in relation to Mr Johnson's death and that an upcoming episode of the ABC television series 'Australian Story' would focus on his death. It was during this call that Det A/Supt Olen also told me that Steve Johnson had written to Det Ch Insp Lehmann on 9 January 2013 about his brother's death and expressed his concern at the "zero solvability" rating that the UHT case screening review had produced.
- 35 Det A/Supt Olen expressed concern to me about the way he thought the Homicide Squad might be depicted in the 'Australian Story' episode and informed me that the Minister's office had requested information in relation to the matter. He also

expressed concern about, in his view, the way the Johnson family intended to use the media to generate publicity. He suggested that two investigators from the UHT should be allocated to the matter to review the issues raised by the Johnson family. I was agreeable to that request but left the decision to him as the acting Commander.

36 On 11 February 2013, Det A/Supt Olen participated in a media event with the Johnson family. Later that evening, the aforementioned 'Australian Story' episode aired. The episode contained a theory that Mr Johnson had been a victim of a 'gay-hate' related homicide.

37 I recall that on either the 11 February 2013 or 12 February 2013, I received a call from Brad Scutella, the then Chief of Staff to the Mr Gallacher, who informed me that the Minister had contacted Steve Johnson and offered support to the Johnson family. Mr Scutella also informed me that Mr Gallacher wanted to hold a meeting with the Johnson family and asked that I attend. I informed Mr Scutella that I was away on leave and that Det A/Supt Olen would attend in my stead. Mr Scutella stated that he would contact Det A/Supt Olen.

38 As a result, a meeting was held on 12 February 2013 between Mr Gallacher, members of the Johnson family, Det A/Supt Olen and Det Ch Insp Young.

39 Around that time, the Strike Force Macnamir was established with the stated terms of reference being;

"To reinvestigate the circumstances of the death of Scott Johnson (27 years old) whose body was found at North Head, Manly, on 10 December 1988, with particular reference to information provided by the family of Scott Johnson on 9 January 2013."

(Tab 8 of Tender Bundle to December Hearing Block – SCOI.75758)

40 Whilst I was aware and supportive of the proposal to allocate a small number of UHT staff to review the issues raised by the Johnson family as part of a reinvestigation of Scott Johnson's death, I was notified of the formal establishment of Strike Force Macnamir when I returned from annual leave. I did not have any direct involvement in its establishment.

My involvement with Strike Force Macnamir

- 41 By way of background, as the Commander of the Homicide Squad my role and function was to lead, manage and oversee the activities of the squad and its members which included the conducting of investigations into suspicious deaths, complex coronial matters (generally 5 or more deaths in one event), and Level 1 critical incident matters.
- 42 At the time of my appointment, the Homicide Squad comprised around 100 staff members divided into 6 'investigation response teams' (each led by an Investigation Coordinator of Detective Chief Inspector/Inspector rank), an intelligence team (led by an Inspector) and the UHT (led by two Investigation Coordinators each at the rank of Detective Chief Inspector/Inspector).
- 43 I also had a Squad Coordinator and Executive Assistant who assisted me in managing the Squad. As a Squad Commander I reported directly to the then Director, Serious Crime Directorate (a Detective Chief Superintendent).
- 44 All investigations conducted within the State Crime Command at the time were managed and reviewed via structured reporting protocols that involved the establishment of investigation Terms of Reference (approved by a Director) and regular reporting by way of progress reports which were generally completed by the officers in charge of investigations, endorsed by investigation supervisors and Squad Commanders before being assessed by Directors. The assessments by Directors could, and often would, involve actual presentations to the Director, Serious Crime Directorate as to status and progress from the investigators with representatives from Local Area Commands if they had had involvement in the investigation.
- 45 I recall that at any given time during my tenure as the Commander of the Homicide Squad between 2011 and 2017, the teams had carriage of between 60-80 active investigations and there were over 700 unsolved cases on UHT database, many of which had been referred to the team by the State Coroner and Deputy State Coroners.
- 46 As the Commander of the Homicide Squad, my involvement in individual Strike Force investigations would be to ensure they were adequately resourced, that

investigators were adequately supported, and generally reviewing progress of investigations via normal State Crime Command reporting protocols/processes. Depending on the nature of the investigation being conducted my personal involvement would vary from reviewing progress reports as required to more active involvement, including the provision of advice and approval concerning investigative strategies, depending on the nature and type of investigation being conducted. For example, with Level 1 critical incident matters, I would have a more active involvement in the actual investigations as I was the primary source of communication with the State Coroner and Deputy State Coroners who oversaw the way the investigations were conducted. For matters of significant public interest I would engage with the media as the representative of the NSWPF and on occasions I would have direct contact with a victims' family as required.

- 47 My role involvement with Strike Force Macnamir generally involved reviewing its progress via verbal briefings, which occurred in both ad hoc manner and as part of a weekly leadership meeting that I chaired on a Monday morning with all of the Investigation Coordinators, and normal State Crime Command written reporting protocols as one of the 60-80 active matters being conducted at the same time and for which I was responsible.
- 48 During the course of Strike Force Macnamir, I took on a more active role in response to a strong desire from Mr Johnson's family to have direct communication with me if required. In particular, I engaged in communication with members of the Johnson family, almost always with Steve Johnson, usually via email and telephone calls from time to time, and various supporters of the Johnson family including Sue Thompson, Peter Rolf from Survivors After Murder and others. I also had conversations with a number of journalists who reported on the investigation and related matters in my role as 'head of profession' for homicide.
- 49 In 2013, I sought to obtain the assistance of the NSW Crime Commission by way of a review into the investigative activities undertaken by Strike Force Macnamir. I did this to ensure that all avenues of potential inquiry at the time of that review had been considered. and because I felt that an independent review of those investigation activities might help provide a level of comfort to the Johnson family

and their supporters that the reinvestigation into the death of Scott Johnson was thorough and objective.

- 50 On 18 March 2014, as the Commander of the Homicide Squad, I wrote to the NSW State Coroner Michael Barnes and, reaffirming verbal communications I had previously had with him on 4 March 2014 where I had suggested to him that I felt that a further Coronial examination of the death of Scott Johnson might be warranted given the ongoing suspicions, rumour, and/or doubts and concerns held about the circumstances of the death. In my letter to the State Coroner, I outlined the date and reason for the establishment of Strike Force Macnamir, provided him with a brief precis of the extent of investigations conducted, referenced the fact that a review of Strike Force Macnamir investigations had been conducted by the NSW Crime Commission at my request, and requested he conduct a further examination of the circumstances surrounding Mr Johnson's death. Annexed and marked "**MJW3**" is an unsigned copy of my letter to State Coroner Barnes.
- 51 The State Coroner granted my request and a third inquest into the death of Mr Johnson commenced on 13 April 2015.
- 52 At the time of my writing to the State Coroner, all of Strike Force Macnamir's planned investigations, apart from a final line of inquiry (mentioned in the letter) had been finalised. From memory, that line of inquiry involved the finalising of covert investigations into a person of interest.
- 53 In the week following the commencement of the inquest, Det Ch Insp Young was removed from Strike Force Macnamir at the request of the State Coroner following an ABC 'Lateline' television interview that Det Ch Insp Young had participated in that aired on 13 April 2013 in which she made comment about the meeting that she had attended on 12 February 2013 between the then Minister for Police and Emergency Services Mr Gallacher, members of the Johnson family and Det A/Supt Olen. As a result of the interview, the State Coroner, via a member of the NSW Crown Solicitors Office who was assisting him with the Johnson Inquest, wrote to the NSWPF and requested Det Ch Insp Young's removal from Strike Force Macnamir. The request was considered during discussions involving independent legal advisors, the then acting Deputy Commissioner Field Operations, the then NSWPF General Counsel, the then Commander of the State Crime Command and

myself where it was agreed that Det Ch Insp Young would be removed from the Strike Force.

54 Detective Sergeant Penny Brown became the “officer-in-charge” of the Strike Force, with the assistance of Detective Chief Inspector Jason Dickinson who was the Investigation Supervisor. D/Sgt Brown and Det Ch Insp Dickinson reported directly to me as agreed to by the State Coroner, rather than through another Investigation Coordinator.

55 Once the State Coroner had carriage of the matter, and following the commencement of the inquest on 13 April 2015 in particular, Strike Force Macnamir inquiries continued under his direction. The State Coroner had carriage for the conduct of the ongoing investigation and inquiries from then onwards – which continued throughout the entirety of the inquest (as referenced by the Coroner himself in his findings). They included extensive steps to encourage members of the public to come forward with information and the conduct of further interviews and covert inquiries.

56 In April 2017, I left the Homicide Squad to prepare for and implement the recommendations arising from the Lindt Café Siege. I did not have any further direct involvement with Strike Force Macnamir after my departure.

Personnel involved in Strike Force Macnamir

57 In preparing this statement, I have been provided with eaglei holdings for Strike Force Macnamir.

58 Based on my recollection and the material I have been able to review in the time provided, I am aware of the following individuals who were heavily involved in Strike Force Macnamir:

- a. Detective Chief Inspector Pamela Young;
- b. Detective Sergeant Penelope Brown;
- c. Detective Senior Constable Nicole Jones;
- d. Detective Senior Constable Alicia Taylor;
- e. Detective Senior Constable Rowena Clancy; and
- f. Chief Inspector Jason Dickinson.

- 59 Other members of the UHT as required and directed by the Investigation Supervisor and OIC and a day-to-day basis. Those members would be recorded as resources on the eaglei system as allocated to the strike force despite not working on the investigation full-time.
- 60 From records and my recollection, those officers included;
- a. Detective Senior Constable Paul Rullo;
 - b. Detective Senior Constable Sally Clark;
 - c. Detective Senior Constable Daniel Poole;
 - d. Detective Senior Constable Deon Kelly;
 - e. Detective Senior Constable Kim Fidden;
 - f. Detective Senior Constable Francisco Sanchez;
 - g. Detective Senior Constable Michael Chebl;
 - h. Detective Senior Constable Katherine Tierney;
 - i. Detective Senior Constable Leza Pessotto; and
 - j. Detective Senior Constable Stephen Hungerford.

Summary of work performed by Strike Force Macnamir

- 61 From my observations, from the creation of the Strike Force to the time the third inquest commenced, the work included comprehensive reviews of records, the interview of numerous witnesses, along with the overt and covert investigation of a number of 'persons of interest' to the investigation.
- 62 As noted above, at my request the investigation was also reviewed by members of the NSW Crime Commission to ensure that all avenues of potential inquiry at the time of that review had been considered.
- 63 On 20 November 2013, Det Ch Insp Young provided a 445-page statement to the State Coroner as part of the third inquest into the death of Mr Johnson (**Det Ch Insp Young's Statement**). That statement provided a comprehensive overview of the work undertaken by Strike Force Macnamir from its inception to the date the statement was made. Annexed and marked "**MJW4**" is a copy of that statement.

64 As outlined above, once the State Coroner had carriage of the matter, and following the commencement of the inquest on 13 April 2015 in particular, Strike Force Macnamir inquiries continued under his direction.

Operation Taradale

65 As noted earlier in my statement, I commenced as Commander of the Homicide Squad on 6 November 2011. I have no direct knowledge of any reviews or reinvestigations into the three "Taradale" cases before that time, although I had a general understanding of the inquest proceedings that had been conducted before former Deputy State Coroner Jaqueline Milledge some years prior.

66 I am aware that on 25 October 2012, Detective Senior Constable Alicia Taylor of the UHT completed a Case Screening Report in relation to the 'Taradale' matters (the deaths of Giles Mattaini, Ross Warren, and John Russell) recommending an undercover/covert investigation into a number of persons of interest. Annexed and marked "MJW5" is a copy of the Case Screening Report.

67 In general terms, the case screening report involved a standardised process where the reviewing officer would assess the solvability potential for the matter/s by reviewing all available NSWPF holdings relating the death/s to identify whether there were any physical exhibits in existence that could potentially be the subject of further forensic examination, whether there were existing persons of interest and the possibility of conducting further investigations into them via overt or covert means, the potential for further evidence from witnesses, and whether a NSW Government Reward and/or publicity might uncover further evidence that could lead to solving the case/s.

68 The three Strike Force Taradale cases were also the subject of review as part of Strike Force Macnamir investigations.

69 To the best of my recollection, I have no further knowledge of any reviews or reinvestigations into the matters before the establishment of Strike Force Neiwand.

Strike Force Neiwand

Background and inception

70 To the best of my recollection, during the conduct of Strike Force Macnamir investigations and subsequent inquest proceedings, the three "Taradale" cases

were the subject of significant publicity as were allegations that a number of persons of interest may have been involved in the deaths.

- 71 I am aware that during the conduct of Strike Force Macnamir, a number of overt and covert inquiries were conducted into the possible involvement of a number of persons of interest who may have been involved in gay hate related crimes, including those nominated as persons of interest in the Taradale matters, in an effort to identify whether any had involvement in the death of Scott Johnson.
- 72 I recall from a discussion I had with her, that Det Sgt Penelope Brown, in particular, was keen to continue inquiries into persons who may have been involved in alleged gay hate related deaths once the State Coroner had carriage of the Strike Force Macnamir brief of evidence, as she had spent considerable time looking at the matters as part of the Macnamir process, including by interviewing persons of interest. I recall having a conversation with Det Sgt Brown at one point where I said words to the effect of, "what better way to ensure confidence in the Unsolved Homicide Team and to show that the baseless assertions that the team was biased were rubbish than to lock up those responsible for these deaths."
- 73 From my recollection, Strike Force Neiwand was established to look at the available evidence and, if at all possible, to bring any person or persons who might have been involved in the deaths to justice.

My involvement with Strike Force Neiwand

- 74 As Commander of the Homicide Squad, I was not directly involved in the establishment of Strike Force Neiwand but endorsed it occurring.
- 75 Pursuant to normal State Crime Command procedures, the approval to establish a Strike Force (as referenced in its Terms of Reference) was provided by the Director of either the Serious Crime Directorate (for Homicide Squad matters) or the Organised Crime Directorate.
- 76 As the Homicide Squad Commander, I would, as a matter of course, have received progress reports that were authored by Strike Force Neiwand investigators, and endorsed by Investigations Coordinators and forwarded to the then Director, Serious Crime Directorate. I would also have received verbal briefings on the progress of the Strike Force as required.

- 77 At the time of the conclusion of Strike Force Neiwand in 2017, I had ceased working at the Homicide Squad.
- 78 At the beginning of April 2017, then Commissioner Michael Fuller APM tasked me to work 'off line' and prepare for, and ultimately implement the findings as a result of the Lindt Cage Siege inquest. I was solely dedicated to that task until I was appointed Assistant Commissioner and Commander of the Counter Terrorism and Special Tactics Command on 1 November 2017.
- 79 Accordingly, and until I was provided records to prepare for this Inquiry, I was not aware of the date of, and reasons for, the conclusion of Strike Force Neiwand. I was also not aware of its findings or conclusions.

Resourcing of Strike Force Neiwand

- 80 Det Ch Insp Lehmann and D/Sgt Brown both had in-depth knowledge of the various investigations conducted to that time into the matters that were the subject of Strike Force Neiwand investigations. I considered both to be extremely experienced and competent investigators in their own right. I had known of both for many years and had worked directly with them following my appointment as Commander of the Homicide Squad (i.e. since November 2011) and had observed the methodical and thorough way they performed their duties.
- 81 I recall that for the first part of 2015, Det Ch Insp Young was fully involved in overseeing the comprehensive investigations into what were known as the 'Family Law Court Bombings/Murders.' Those investigations resulted in the arrest and charge of Lenard Warwick for multiple crimes including 4 counts of murder on 29 July 2015. Shortly after that time on 7 August 2015, Det Ch Insp Young went off on sick leave from the NSW Police Force and never returned to active duties.
- 82 At that time, Det Ch Insp Lehmann as the only Investigation Coordinator attached to the UHT who was in a position to oversee Strike Force Neiwand as it was being proposed in October 2015. I also note that Det Ch Insp Olen had not yet moved to UHT at that time and Det Ch Insp Young was no longer on active duty.
- 83 I do not recall which other officers were involved in the Strike Force, other than that they were members of the UHT and by virtue of that position they were expected to review, investigate and/or reinvestigate unsolved homicides as a matter of course.

I recall there were also limited available resources relative to the caseload within the team at the time.

- 84 From records I have seen in preparation for the Inquiry, my understanding is that the following officers from the Unsolved Homicide Team were allocated to Strike Force Neiwand from the time the Terms of Reference were established;
- a. Detective Sergeant Steven Morgan (Investigation Supervisor);
 - b. Detective Senior Constable Michael Chebl (Officer in Charge);
 - c. Detective Senior Constable Tamer Kilani;
 - d. Detective Senior Constable John Oldfield; and
 - e. Detective Senior Constable Paul Rullo.

85 Oversight was also provided by Det Ch Insp Olen as the UHT Investigation Coordinator once he took up that position.

86 I am aware that there w some officers allocated to Strike Force Macnamir were subsequently allocated to Strike Force Neiwand. There are no fixed criteria by which particular members of any Strike Force are chosen but the Investigation Coordinators for each 'team,' including the two responsible for the UHT, would ordinarily take into account issues including; availability, experience in particular types of matters, and expertise.

Summary of work performed during Strike Force Neiwand

87 I am unable to provide a summary of the work from Strike Force Neiwand from its inception to its conclusion as I was not involved in its day-to-day workings.

88 I am aware, however, of a number of progress reports that were prepared throughout the course of the Strike Force.

89 I understand that the Inquiry has raised questions as to the appropriateness of Strike Force Neiwand reviewing matters that had been the subject of Coronial findings and commentary.

90 In my experience of unsolved homicide investigations and reviews, most matters – particularly those conducted by the UHT - involve reviews of matters that have

been previously considered by Coroners under the provisions covering reportable deaths (or suspected deaths) in the Coroners Act.

91 It was and, to my knowledge, remains routine practice for Coroners to refer matters of suspicious death where the Coroner does not refer the matter to the Department of Public Prosecution for consideration of proceedings against a “known person,” via a recommendation to the UHT for “consideration in accordance with their protocols and procedures.” Those protocols and procedures necessarily involved case screening, assessment, review and, where appropriate, re-investigation regardless of the Coroners’ findings or comments.

92 During my time as the Commander of the Homicide Squad between 2011 and 2017, Coroners referred dozens and dozens of cases to the UHT in this way as a matter of course which each referral requiring a written response from the NSWPF to the NSW Attorney-General within 6 months of the referral outlining steps taken to address the recommendation (the referral to the UHT).

93 Accordingly, it is normal practice that unsolved homicides and suspicious deaths like those the subject of Coronial Inquest as a result of the ‘Taradale’ investigations are the subject of case screening, review and re-investigation in accordance to those normal protocols.

94 From time-to-time, that review and/or re-investigation process would yield results that differed from those set out in the Coronial findings. There are a number of reasons for such potential differences: among other things, the further consideration of the case might have involved different investigative techniques (including techniques that might not have been possible at the time of the coronial investigation), the application of new forensic technologies or analysis, and/or the identification of new witnesses, or witnesses who cooperated in ways that had not previously.

Conclusion of Strike Force Neiwand

95 I had ceased working as the Commander of the Homicide Squad by the time Strike Force Neiwand had concluded.

96 I have no direct knowledge of the date and extent of any publication of the results or conclusions of the Strike Force.

97 I note however that in my experience, it would be highly unusual for results/conclusions of a review by unsolved homicide to be publicly “published” given the nature of unsolved homicide investigations. For example, there may still be persons of interest and potential other lines of inquiry. Those lines of inquiry, and the potential impacts of publication, may not be obvious at the relevant time.

Strike Force Parrabell

Interrelationship between Strike Forces Neiwand, Macnamir and Parrabell

98 At a general level, communications and/or co-operation between Strike Force Niewand, Macnamir and Parrabell were generally a matter for the Investigation Coordinators and/or Supervisors within the UHT.

99 I cannot recall being directly involved in any such matters as the Commander of the Homicide Squad. I otherwise recall that I was fully supportive of the activities of Strike Force Parrabell as I understood them, which were to conduct an structured assessment of the list of alleged '88 gay hate' related homicides to determine where and whether 'gay hate' was a motive, to provide the LGTBIQ community with answers where possible given the publicity around alleged significant numbers of unsolved “gay-hate” murders. I was also fully supportive of an academic review being conducted into each matter as part of the Strike Force Parrabell outcomes and hoped it might reassure the LGTBIQ community that the review process was objective and thorough.

Meetings with members of Strike Force Parrabell

100 I cannot recall the specifics of any conversations at any meetings where I might have been present with then Superintendent Anthony Crandell and/or then Detective Chief Inspector Craig Middleton and/or other members of Strike Force Parrabell.

101 I do, however, recall a meeting I had with then Supt Crandell at the Surry Hills Police Station. I recall that Det Ch Insp Olen may have also been present.

102 I believe the purpose of the meeting was for Superintendent Crandell to brief me on the intent and purpose of Strike Force Parrabell. I recall that resourcing (being provided by the Central Metropolitan Region) and the independence of Strike Force

- Parrabell were discussed. I also believe Supt Crandell's intent to secure an "academic review" as part of the Strike Force Parrabell process was raised.
- 103 I recall Supt Crandell saying to me that he was going to exclude the "Taradale" matters and the Scott Johnson matter from the Strike Force given those matters were the subject of ongoing review/investigation and Coronial proceedings.
- 104 I recall giving Supt Crandell my full support in conducting the Strike Force Parrabell reviews and it was mutually agreed that they would be conducted independently from the UHT given the allegations being propagated that the UHT was biased. These allegations were conveyed directly and indirectly in the commentary associated with the media reporting around the Scott Johnson case, including the removal of Det Ch Insp Young from Strike Force Macnamir, and the media reporting on the alleged numbers of historical 'unsolved gay hate related' homicides. As a result, no resources were provided by the team or the wider Homicide Squad to Strike Force Parrabell.
- 105 In the entire time I was the Commander of the Homicide Squad, which amounted to almost six years, at no time did I ever observe any member of the Squad (which includes the UHT) display any prejudice against LGBTIQ people and at no time did I ever observe any member of the Homicide Squad pre-emptively discounting the possibility of 'gay hate' as a motive for the death of anyone who identifies or could have identified as part of the LGBTIQ community. From my experience it was, and to my understanding remains, a fundamental principle for the Homicide Squad that it conducts all of its investigations objectively and without undue influence or prejudice in any shape or form.
- 106 During my time as the Commander of the Homicide Squad there were members of the Squad, including the UHT, who were openly members of the LGBTIQ community. Those members were fully accepted by the other members of the Homicide Squad and were not treated differently because of their sexuality.
- 107 I otherwise do not have any recollection of the provision of information and/or findings and/or interim or final conclusions by one Strike Force to the other.

Meeting with Dr Derek Dalton

108 I recall that I was introduced to Dr Derek Dalton on one occasion at a meeting that was set up for that purpose. I do not recall the specifics of any conversation with him but recall the meeting occurred at Police Headquarters, Parramatta and there were a number of other persons present.

Request for Strike Force Parrabell to include the Strike Force Taradale cases

109 In March 2017, I made a request for the Strike Force Parrabell officers to include the Taradale cases in their review.

110 I recall that my request was made immediately prior to my going "off-line" from the Homicide Squad at the request of Commissioner Fuller to prepare for, and ultimately implement recommendations arising from the inquest into the Lindt Café siege. Again, from April 2017 I was solely dedicated to that task and never physically returned to my substantive role at the Homicide Squad.

111 I cannot recall the specific reasons I asked for the "Taradale" cases in their review process although I was aware that then Supt Crandell wanted to review the matters using the Strike Force Parrabell methodology. Other than that, I felt that the application of the Strike Force Parrabell review process was warranted at that time as Strike Force Neiwand investigations had not resulted in any person being charged in relation to the matters and the NSWPF Strike Force Parrabell activities were concluding as far as I was aware. I also considered that given the ongoing publicity surrounding the matters, it would be in the public interest as any overall review of alleged 'gay hate' homicides would not be able to completely provide answers the to the LGBTIQ community unless the "Taradale" cases were included in the Parrabell process before it was finalised.

112 As for the interaction between Strike Forces Macnamir and Parrabell, the Scott Johnson matter was at that time before the State Coroner for the third inquest and any coordination between the coronial investigations and Strike Force Parrabell would have been a matter for him.

113 I recall that on 8 March 2017, Supt Crandell and I met with Ainslie Blackstone and Brooke Eggleston of the Police Media Unit at the Police Executive Offices concerning Strike Force Parrabell and Strike Force Macnamir in light of interest

from Channel 7's "Sunday Night" program on the issue of alleged gay hate murders.

114 The following day, 9 March 2017, Supt Crandell, Ainslie Blackstone, Brooke Eggleston and I met with Thea Diakis from Channel 7. I recall the conversation concerned a proposed program segment on the issue and a request for Supt Crandell to be interviewed for the program.

115 I have been provided with a copy of an email from Det Ch Insp Middleton to Supt Crandell in which Middleton questions the "timing" and "motive" for my request (Tab 93 of Tender Bundle to December Hearing Block).

116 I believe Det Ch Insp Middleton may be making reference to the proposed Sunday Night program that had been discussed the previous day and the request to interview Supt Crandell. I also believe he is referring to the possible wind down of Strike Force Parrabell and him having limited or no resources available to conduct the reviews.

117 At no time did Supt Crandell or Det Ch Insp Middleton raise any concerns about the "timing" or "motive" with me or (to my knowledge) with any other person in a senior position, nor has any person ever raised any concern with me since that time.

118 As noted above, I considered it was appropriate for Strike Force Parrabell to consider the Strike Force Tarradale cases because any review of potential gay hate homicides would have been incomplete without a consideration of those cases.

Signature:

[Redacted Signature]

Date:

M. J. WILLING
30 January, 2023

Before:

Signature:

[Redacted Signature]

Name of Witness:

John Klapuzorek

Address of Witness:

8 Forder Place Avenham

Date:

30 January 2023
Justice of the Peace
No. 148342