



New South Wales

Special Commission of Inquiry into LGBTIQ hate crimes

18 August 2023

Natalie Marsic
General Counsel
Office of the General Counsel, NSW Police Force
Locked Bag 5102
PARRAMATTA NSW 2124

By email: [REDACTED]

Dear Ms Marsic,

Special Commission of Inquiry into LGBTIQ hate crimes: Public Hearing 2 Witnesses

1. I refer to your letter of 17 August 2023, in which you replied to my letter to Ms Garaty of 10 August 2023 in relation to Public Hearing 2 ("my 10 August PH2 letter").
2. I will not in this letter respond to the various argumentative propositions which you have advanced in your letter. Rather, I will confine myself to dealing with matters of practicality.

Provision of names and contact details

3. In your letter you say that the NSWPF has provided the submissions of Counsel Assisting (and, I infer from the context of the two letters, the views of the NSWPF as to procedural fairness) only to one person, DCI Middleton, in addition "those whom we represent", described by you as "the Commissioner of Police and certain named employees". Please confirm to whom you are referring in the phrase "certain named employees".
4. At paragraph [68] of my 10 August PH2 letter, I specifically requested that the NSWPF provide me, by 17 August 2023, with the names and contact details of **all** the individuals in respect of whom the NSWPF has submitted (in its written submissions on Public Hearing 2) either that they should have been called as witnesses, or that they should be given notice of possible findings which may be "adverse to their interests". Those individuals included, at least, those identified in paragraphs [79], [83] and [84] of my 10 August PH2 letter.
5. You have not provided any of those names and contact details. Instead, you say in your letter (at page 2) that you will do so "upon appropriate request".
6. The "appropriate request" was made by paragraph [68] of my 10 August PH2 letter. The Inquiry has a limited and finite time, even with the recently granted extension, within which to complete its work. Please provide me with those names and contact details, in respect of every person identified in

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paragraphs [79], [83] and [84] of my 10 August PH2 letter for whom you have such details, **by no later than 5pm today**.

Witness statements and representation

7. At paragraph [79] of my 10 August PH2 letter, I requested that the NSWPF provide statements from nine named individuals, and from a tenth person meeting the description referred to in the submissions of the NSWPF (see [79a] of my 10 August PH2 letter).
8. In your letter of 17 August 2023, you state that of those ten individuals (and also all the numerous other persons identified at paragraphs [83] and [84] of my 10 August PH2 letter), you only represent DCI Middleton.
9. You then assert that in respect of every single one of all the other individuals (with the possible exception of DI Grace and DSC Bignell), you “cannot represent them” because you “perceive a possible conflict of interest”.
10. That assertion, at least in respect of the vast majority of those identified – such as those named at [79a, b, c, f, g, i and j] and at [83b, c, d, e, g, h, j, k, l and n] – is surprising. The Inquiry notes that that is the position expressly and deliberately taken by the NSWPF, and will act accordingly.
11. Further, given that assertion, I must assume that the NSWPF does not propose to comply with my request to provide statements from any of the ten individuals named in paragraph [79] of my 10 August PH2 letter, with the possible exception of officers Middleton, Grace and Bignell.
12. If my assumption in that regard is incorrect in any way, please inform me of the correct position, in relation to each of those persons, **by 5pm today**. In particular, please confirm **by 5pm today** whether you intend to provide statements by 1 September 2023, as requested, from any or all of officers Middleton, Grace and Bignell.

Further hearing dates and submissions

13. The Commissioner proposes to hear any further oral evidence in relation to Public Hearing 2 during the two weeks commencing on **Monday 18 September 2023**.
14. Any further written submissions will be required within a short period thereafter, according to a timetable which will be notified to you in due course. You will also be notified as to whether any oral submissions will be required.

Please do not hesitate to contact Enzo Camporeale on 0498 484 133 if you have any queries in relation to this matter.

Yours faithfully,



Enzo Camporeale
Director, Legal
Solicitor Assisting the Inquiry