

Sensitive: Legal



NSW Police Force

23 August 2023

Mr Enzo Camporeale  
 Director, Legal  
 Special Commission of Inquiry into LGBTIQ hate crimes  
 121 Macquarie St  
 SYDNEY NSW 2000

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Dear Mr Camporeale

**Special Commission of Inquiry into LGBTIQ hate crimes – Request for clarification of matter in NSWPF written submissions**

We refer to your letter dated 22 August 2023 requesting clarification of certain matters in the NSWPF's written submissions.

The submission put at [199](c) of the NSWPF's submissions (the **submissions**) is that there has been a failure to put the relevant allegations to DS Brown and DS Clancy. In circumstances where they have not been afforded an opportunity to respond to the relevant allegations, there has been a denial of procedural fairness.

The assertion of Counsel Assisting at [502] is that SF Macnamir held and propounded an "*unchanging and inflexible view*" in relation to the circumstances of Scott Johnson's death for the entire period from February 2013 until 30 November 2017. That period includes the time that the work of SF Macnamir fell under the auspices of the State Coroner and, in turn, subject to directions given to investigating officers by the lawyers assisting the State Coroner.

It is conceivable that, depending on the evidence given by DS Brown and DS Clancy, a proper consideration of the circumstances may require a further examination of the instructions and directions provided to DS Brown and DS Clancy by "*those assisting the State Coroner*". That phrase carries the meaning ordinarily given to it in the context of Coronial practice; that is, as is apparent from [199](c) of the submissions, it refers to the legal advisors charged with assisting the State Coroner. The submission is *not* that it is *currently* apparent that evidence from such persons would need to be taken. Rather, the point is that further evidence as to the directions given to the investigating officers (or lack thereof) could "*potentially*" be necessary depending on the evidence given by DS Brown and/or DS Clancy.

Yours sincerely

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