



Special Commission of Inquiry into LGBTIQ hate crimes

12 September 2023

Katherine Garaty
 Director, Crime Disruption and Special Inquiries Law
 Office of the General Counsel, NSW Police Force
 Locked Bag 5102
 PARRAMATTA NSW 2124

By email: [REDACTED]

Dear Ms Garaty,

Special Commission of Inquiry into LGBTIQ hate crimes

I refer to the above Inquiry, and to your letter dated 1 September 2023.

Request for clarification regard submission at paragraph [34]

As you are aware, submissions in relation to Public Hearing 2 were filed on behalf of the Commissioner of the NSW Police Force (“submissions of NSWPF”) on 28 June 2023.

At paragraph [34] of the submissions of NSWPF the following appears:

No evidence was called by Counsel Assisting to determine the accuracy or otherwise of Sergeant Steer’s claims that he was “forced out” of the Bias Crimes Unit, or the circumstances in which the Bias Crimes Unit was restructured such that it was moved to a position within the Fixated Persons Unit.

Related submissions, asserting an absence of evidence apparently said to be necessary, are made in paragraphs [29] and [36] of the submissions of NSWPF.

The Inquiry has sought clarification from the NSWPF in relation to these matters on multiple occasions and has not yet received a satisfactory response. I outline this correspondence below:

1. On 10 August 2023, the Inquiry wrote to the NSWPF. I draw your attention again to paragraphs [37] – [46] of that letter, where I referred *inter alia* to paragraphs [29], [34] and [36] of the submissions of NSWPF. At paragraph [79(a)] of that letter, I requested that a statement or statements, from a witness or witnesses able to speak to such matters, be provided by no later than 1 September 2023. No such statement has been provided.
2. On 18 August 2023, you stated in a letter to the Inquiry that “Inquiries in relation to the identification of a witness who can speak to the matters addressed at [79](a) are ongoing and we are unable to further comment at this time”.

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3. On 24 August 2023, the Inquiry again wrote to the NSWPF requesting that a statement be provided by 1 September 2023 from a witness or witnesses able to speak to the accuracy of paragraph [34] of the submissions of NSWPF.
4. On 30 August 2023, the Inquiry sent a further reminder via email to NSWPF of the need to provide a response to the Inquiry's letter of 10 August 2023.
5. On 1 September 2023 (the day on which any such statement was due), the NSWPF wrote to the Inquiry and stated that NSWPF is "making enquiries in relation to the identification of a witness who is best placed to speak to the matters" referred to at paragraph [34] of the submissions of NSWPF.

As my letter of 10 August 2023 made clear, any evidence which the NSWPF considered necessary in relation to the matters in question should have been put forward by the NSWPF at the earliest opportunity in 2022: see for example paragraphs [12] – [16], [17] – [25] and [37] – [46] of my 10 August letter.

A further month has now passed since my 10 August letter, and the Inquiry is under well-known constraints as to time.

Withdrawal of submissions at paragraphs [29], [34] and [36]

If you do not provide a witness statement or statements, as requested in paragraph [79(a)] of my 10 August letter, by **5:00pm today, 12 September 2023**, the Inquiry will take this to mean that you withdraw any submissions in paragraphs [29], [34] and [36] of the submissions of NSWPF to the effect that relevant evidence has not been obtained or taken into account.

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

Yours faithfully,



Enzo Camporeale
Director, Legal

Solicitor Assisting the Inquiry