

Sensitive: Legal



12 September 2023

Mr Enzo Camporeale
 Director, Legal
 Special Commission of Inquiry into LGBTIQ hate crimes
 GPO Box 5341
 SYDNEY NSW 2001

By email: enzo.camporeale@specialcommission.nsw.gov.au

Dear Mr Camporeale

**Special Commission of Inquiry into LGBTIQ hate crimes (Inquiry) – Public Hearing 2:
 Production of Statements**

We refer to:

- (a) your letter dated 10 August 2023, and in particular paragraph 79(a), requesting a statement from a witness or witnesses able to speak to the “accuracy or otherwise” of Sergeant Steer’s claims that he was forced out of the Bias Crimes Unit (**Request**); and
- (b) your letter dated 12 September 2023, requesting the NSW Police Force (**NSWPF**) to provide a witness statement in relation to the Request by 5 pm today (**Letter**).

By way of general comment, in respect of the section of your Letter headed “*Withdrawal of submissions at paragraphs [29], [34] and [36]*”, we note that the Inquiry is not a civil proceeding and has been set up to investigate the relevant issues with a view to ascertaining the truth. Accordingly, the absence of evidence on a given point does not permit the automatic drawing of a particular inference, as suggested in your letter.

Please find **enclosed** an un-signed statement of Superintendent Andrew Hurst in response to the Request. We will provide the Inquiry with a signed version of Superintendent Hurst’s statement this week, when Superintendent Hurst is next in the office.

We note that the statement contains a number of additional documents not yet received by the Inquiry, an index showing those documents to be produced is **enclosed** with this letter. These documents will be produced to the Inquiry via the iCourts portal by Corrs Chambers Westgarth on the Commissioner of NSW Police’s behalf shortly.

We also note that NPL.9000.0030.0006 already contains a redaction, which was applied by Superintendent Hurst over sensitive health information in relation to a member of the NSWPF, unrelated to the subject matter of the Request and the matters referred to in Superintendent Hurst’s statement.

Yours sincerely

Katherine Garaty
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