



Special Commission of Inquiry into LGBTIQ hate crimes

21 August 2023

John Lehmann

By express post

Dear Mr Lehmann,

Special Commission of Inquiry into LGBTIQ hate crimes

I assist the Honourable Justice John Sackar (“Commissioner”) in the Special Commission of Inquiry into LGBTIQ hate crimes (“the Inquiry”).

The Inquiry

On 13 April 2022, the Governor, by Letters Patent, issued a commission to the Commissioner to inquire into and report on historical LGBTIQ hate crimes. Specifically, the Letters Patent require his Honour to inquire into and report to the Governor and Premier on the following matters:

- A. The manner and cause of death in all cases that remain unsolved from the 88 deaths or suspected deaths of men potentially motivated by gay hate bias that were considered by Strike Force Parrabell; and
- B. The manner and cause of death in all unsolved suspected hate crime deaths in New South Wales that occurred between 1970 and 2010 where:
 - i) The victim was a member of the lesbian, gay, bisexual, transgender, intersex and queer (LGBTIQ) community; and
 - ii) The death was the subject of a previous investigation by the NSW Police Force.

The Commissioner is required to report on the above matters by 15 December 2023. Furthermore, in conducting the Inquiry, his Honour is directed to have regard to the “findings of previous inquiries and reports”, including “the report and findings of Strike Force Parrabell” (see Paragraph C of the Letters Patent).

A copy of the full Letters Patent and additional information about the Inquiry is available on our website: www.specialcommission.nsw.gov.au.

Public Hearing 2

The second public hearing of the Inquiry (“Public Hearing 2”) is examining the ways in which the NSW Police Force (“NSWPF”) has approached issues relating to “bias crime” and “hate crime” from 1970 to present, including the investigations conducted by Strike Forces Parrabell, Macnamir and Neiwand.

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Public Hearing 2 has been conducted in several stages of hearings in December 2022, February-March 2023, and April-May 2023.

Public Hearing 2 is listed for two additional weeks of hearing scheduled to commence on Monday, 18 September 2023 (“the September hearing”).

Summons to attend and give evidence at Public Hearing 2

Please find **enclosed** a copy of a summons to attend to give evidence (“the summons”), which requires you to give evidence at the September hearing. The September hearing commences at **10:00am on Monday, 18 September 2023**, at the Chief Secretary’s Building, Level 2, 121 Macquarie Street, Sydney. This hearing is listed for two weeks.

Further information regarding the precise date/s on which you will be called to give evidence will be provided in due course.

Material before the Inquiry

On 7 June 2023, Counsel Assisting the Inquiry filed written submissions in relation to the issues explored in Public Hearing 2.

In particular, I direct you to the following paragraphs, which concern aspects of your involvement in the subject matter being examined in Public Hearing 2:

- paragraphs [75], [77]-[81], [84]-[89], [182]-[185], [307]-[310], [319]-[331], [345], [360]-[362], [367]-[370], [554]-[563], [572]-[583], [589]-[595], [625]-[636], [783]-[785], [802]-[806], [814], [1260]-[1261], [1375].

I also draw your attention to Exhibit 6 before the Inquiry, which comprises a bundle of material which has been tendered into evidence during the course of Public Hearing 2.

In addition, on 27 June 2023, written submissions were filed on behalf of Sergeant Geoffrey Steer. On 28 June 2023, written submissions were filed on behalf of the Commissioner of Police and Mr Michael Willing. I direct you to the following paragraphs, which concern aspects of your involvement in the subject matter being examined in Public Hearing 2:

- paragraphs [108]-[115], [133]-[137], [157], [261]-[262], [273]-[278], [302]-[306], [322]-[327], [348]-[354], [470]-[472] of the written submissions of the Commissioner of Police; and
- paragraphs [39], [97]-[98] of the written submissions of Mr Willing.

Copies of the parties’ written submissions and Exhibit 6 are available on the Inquiry’s website: <https://www.specialcommission.nsw.gov.au/hearings/public-hearing-2-commencing-5-december-2022/>.

Opportunity to provide evidence and submissions to the Inquiry

The Commissioner of Police has indicated to the Inquiry that, as a matter of procedural fairness, the individuals named in the written submissions of Counsel Assisting and other interested parties against whom adverse comments may be made or whose evidence is likely to relate to adverse findings should be given an opportunity to file a statement and/or make submissions to the Inquiry.

In correspondence with the Inquiry, the Office of the General Counsel, NSWPF, has indicated that their office may be unable to represent you in this Inquiry due to a perceived potential conflict of interest.

Accordingly, pursuant to s. 12 of the *Special Commissions of Inquiry Act 1983* (NSW), the Inquiry has determined that it is appropriate for you to have the opportunity to file a statement and/or make written submissions as to the issues raised in Public Hearing 2. Should you wish to file a statement, please do so by **4 September 2023** by email to enzo.camporeale@specialcommission.nsw.gov.au. Should you wish to make

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any written submissions, please do so by **5 October 2023** by email to enzo.camporeale@specialcommission.nsw.gov.au.

Please note that irrespective of whether you choose to file a statement and/or submissions, you will be required to attend to give evidence at the September hearing.

Legal representation and ex gratia assistance

I would be grateful if you could please advise me of the name of your legal representatives, if any, who will represent you in this Inquiry.

I note that you may qualify for ex gratia legal assistance through the Department of Communities and Justice scheme. Further information about this scheme, including the Premier's Memorandum M2019-01, "Guidelines for the Provision of Ex-Gratia Legal Assistance for Ministers, Public Officials and Crown Employees", can be found at: <https://dcj.nsw.gov.au/justice/legal-assistance-and-applications/legal-assistance/ex-gratia-legal-assistance.html>. Any enquiries about the scheme can be made to the General Counsel, Legal, of the Department of Communities and Justice on (02) 8346 1388 or at enquiries-DCJLegal@fac.s.nsw.gov.au.

Please do not hesitate to contact Enzo Camporeale on 0498 484 133 or enzo.camporeale@specialcommission.nsw.gov.au if you have any queries in relation to this matter.

Yours faithfully,

Enzo Camporeale
Director, Legal
Solicitor Assisting the Inquiry

Encl. (1)

SUMMONS



New South Wales

Special Commission of Inquiry into LGBTIQ hate crimes

Summons No. WIT091

To: John Lehmann
Address known to the Special Commission of Inquiry

You are required to attend the Special Commission of Inquiry into LGBTIQ hate crimes in New South Wales to give evidence at:

(a) Chief Secretary's Building
Level 2, 121 Macquarie Street
SYDNEY NSW 2000

(b) on **Monday, 18 September 2023 at 10:00am** (and until such time as you are excused).

Pursuant to s. 23(1) of the *Special Commissions of Inquiry Act 1983* you are not excused from answering any questions or producing any document on the ground that the answer or production may criminate or tend to criminate you, or on the ground of privilege or on any other ground.

If you have any queries concerning this Summons, please contact Enzo Camporeale on 0498 484 133 or Caitlin Healey-Nash on 0466 480 286.

A handwritten signature in black ink, appearing to read "Sackar", written over a large, stylized circular flourish.

The Honourable Justice John Sackar
Commissioner
Special Commission of Inquiry into LGBTIQ hate crimes

21 August 2023