



## Special Commission of Inquiry into LGBTIQ hate crimes

24 October 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 Commissions of Inquiry into LGBTIQ hate crimes: Terms of Reference

I refer to the further written submissions prepared on behalf of the NSW Police Force (“**NSWPF**”) in relation to Public Hearing 2, which were provided on 23 October 2023 (“**NSWPF Further Submissions**”).

### Written submissions regarding Terms of Reference

The NSWPF Further Submissions, at [114]-[123], contend that numerous findings and conclusions proposed by Counsel Assisting in its Public Hearing 2 submissions dated 7 June 2023 and supplementary submissions dated 16 October 2023 (as identified in Annexure A to the NSWPF Further Submissions), if made “in the terms in which they are sought and for the reasons they are sought”, would fall outside the Inquiry’s Terms of Reference (“**TOR**”).

In that regard, I note that the Commissioner has delivered two judgments which have dismissed arguments advanced by the NSWPF to the effect that certain matters relating to Public Hearing 2 fall outside the Inquiry’s TOR.

The Commissioner’s judgment of 6 December 2022 ruled that the Commissioner is permitted to inquire into matters concerning the creation of the Bias Crime Unit, and the creation and methodology of Strike Force Parrabell and its academic review.

The Commissioner’s judgment of 18 July 2023 ruled that the Commissioner is permitted to inquire into matters concerning Strike Force Macnamir, including the so-called “Lateline issue”. I also direct your attention to [64] of that judgment, where the Commissioner stated that he understood the NSWPF’s argument to be that he was not permitted to make *findings* in relation to those topics, and that his reasons for dismissing those arguments proceeded on that basis.

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If you wish to put on any further submissions in support of these contentions, you are required to do so in writing by close of business on **Thursday 26 October 2023**.

The Commissioner proposes to deal with this matter on the papers.

Yours faithfully,



Enzo Camporeale  
Director, Legal  
**Solicitor Assisting the Inquiry**