



## Special Commission of Inquiry into LGBTIQ hate crimes

24 October 2023

Mr Jonathan Milner  
Arnold Bloch Leibler  
Level 24, Chifley Tower  
2 Chifley Square  
SYDNEY NSW 2000

By email: [REDACTED]

Dear Mr Milner,

### Special Commissions of Inquiry into LGBTIQ hate crimes: Terms of Reference

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

### Written submissions regarding Terms of Reference

The Willing Further Submissions, at [2]-[3], [294], [370], [426], [441]-[442] and [453], 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 concerning the so-called “Lateline issue” fall outside the Inquiry’s Terms of Reference (“**TOR**”).

In particular, I note the submission at [3] that “any specific issues concerning Lateline do not fall within the TOR, even pursuant to the judgments to date”.

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

In the second of those, the Commissioner’s judgment of 18 July 2023 ruled that the Commissioner is permitted to inquire into matters concerning Strike Force Macnamir, including the “Lateline issue”. I also direct your attention to [64] of that judgment, where the Commissioner stated that he understood the arguments made by the NSW Police Force and Mr Willing 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.

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**.

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

Yours faithfully,

A handwritten signature in blue ink, appearing to read "E. Camporeale".

Enzo Camporeale

Director, Legal

**Solicitor Assisting the Inquiry**