



Special Commission of Inquiry into LGBTIQ hate crimes
 Statement of Francesca Lilly
 5 February 2023

This statement made by me accurately sets out the evidence that I would be prepared, if necessary to give to the Special Commission of Inquiry into LGBTIQ hate crimes (“the Inquiry”) as a witness. This statement has been prepared from my own knowledge and also from perusing the records of the Inquiry. The statement is true to the best of my knowledge and belief.

1. My name is Francesca Lilly. My address is known to the Special Commission of Inquiry.
2. I am employed as a Solicitor by the Special Commission of Inquiry into LGBTIQ hate crimes.
3. In the course of my duties, I have reviewed and conducted inquiries in relation to the death of Graham Paynter, who died on 13 October 1989 at Inverell, NSW. The information contained in this statement is true based on my own knowledge, and from documents in the possession of the Inquiry relevant to Mr Paynter.

Request for coronial file

4. On 11 May 2022, the Inquiry issued a written request to the Registrar of the Coroners Court of NSW at Lidcombe to obtain the coronial file in relation to the death of Mr Paynter. The Inquiry was advised that files regarding Mr Paynter’s death were held at Bega Local Court, and a request was issued to that Court on 12 August 2022. Bega Local Court answered the request by production of the file on 19 August 2022.

Summons for police files and documents

5. On 18 May 2022, the Inquiry issued a summons to the NSW Police Force (**NSWPF**) for, *inter alia*, the investigative file in relation to the death of Mr Paynter (summons NSWPF1). An electronic bundle of material in relation to a different Graham Paynter was produced on 21 July 2022.
6. The Inquiry wrote to NSWPF to advise of the error. NSWPF then produced five documents from Mr Paynter’s file in response to a separate summons, NSWPF3 (though this summons had not requested any material in relation to Mr Paynter). The documents produced were:
 - a. Criminal history of Graham William Paynter;
 - b. Strike Force Parrabell Bias Crimes Indicators Review Form in relation to Graham Paynter;
 - c. Article titled ‘Up to 80 men murdered; 30 cases unsolved’;

Statement of Francesca Lilly – 5 February 2023

- d. Letter to Sue Thompson requesting she review Mr Paynter’s case for Strike Force Parrabell; and
 - e. Article titled ‘Time to rip the cover off hate crime’ from *The Stirrer*.
7. On 25 August 2022, the Inquiry issued a summons to the NSWPF for all records in relation to, *inter alia*, Strike Force Parrabell (summons NSWPF12). This material was produced in tranches between 9 September 2022 and 18 November 2022.

Expert opinion of Dr Iles

8. By letter dated 31 October 2022, the Inquiry briefed forensic pathologist Dr Linda Iles. The Inquiry received an expert report from Dr Iles on 11 November 2022, which is included in the tender bundle.

Summons to the Registry of Births Deaths and Marriages

9. On 28 October 2022, the Inquiry issued summons BDM5 to the NSW Registry of Births, Deaths and Marriages (“BDM”) for the death certificate of Mr Paynter. A death certificate was provided by BDM on 31 October 2022.

Information from Michael Burge

10. On 4 August 2022, journalist Michael Burge contacted the Inquiry by way of email to James Herrington, formerly Special Counsel at the Inquiry. Mr Burge advised that he had been researching the death of Mr Russell Payne, another death included in Strike Force Parrabell.
11. By further email dated 18 January 2023, Mr Burge advised that he had also been researching the death of Mr Graham Paynter. He advised that he had that week made contact with Mr Paynter’s family. As set out below, the Inquiry at that time had been unsuccessful in making contact with Mr Paynter’s family.
12. On 24 January 2023, I attended a teleconference with Mr Burge and Kathleen Heath of counsel. At this teleconference, Mr Burge advised that in January 2023 he had spoken to four members of Mr Paynter’s family. With their consent, the names and contact details of these members of Mr Paynter’s family were provided to the Inquiry.
13. Mr Burge advised that he had explained Strike Force Parrabell and the Inquiry to each of the members of Mr Paynter’s family to which he spoke. He had received consent from the family to provide us with their contact details, and did so during that teleconference.
14. Mr Burge advised that Judy Monro, Mr Paynter’s sister, recalled Mr Paynter having had a partner named Sandra during his lifetime, but was unable to provide a surname.
15. Mr Burge further advised that no member of Mr Paynter’s family knew him to a member of the LGBTIQ community, but expressed that they would have been supportive if he were.
16. Mr Burge provided his research on Mr Paynter’s death on 25 January 2023. This consisted of:
- a. Mr Burge’s compiled notes in relation to his interactions with some of Mr Paynter’s family members, potential Tathra beats and various links to newspaper references;

Statement of Francesca Lilly – 5 February 2023

- b. A newspaper clipping from the Bega District Times on 16 October 1989 titled ‘Man dies in fall’;
- c. A clipping from the Canberra Times on 19 October 1989 of Mr Paynter’s death notice;
- d. A transcript of Graham Paynter’s record from the Australia Billion Graves Cemetery Index;
- e. An extract from ‘Find a Grave’ regarding Mr Paynter; and
- f. An extract from Ancestry.com regarding Granville Stanley Paynter, Mr Paynter’s father.

Contact with members of Mr Paynter’s family

- 17. The Inquiry received information as to the name and address of a possible member of Mr Paynter’s family, Elizabeth Paynter. On 11 January 2023, the Inquiry sent a letter to Elizabeth Paynter inviting her to make contact with the Inquiry. A text message was issued on 23 January 2023. No response has been received, as at 5 February 2023.
- 18. On 25 January 2023, Kathleen Heath and I had a phone call with Judy Monro, during which Ms Monro advised that she had no knowledge of Mr Paynter being gay.
- 19. On the same date, I had a phone call with William Towler, Mr Paynter’s nephew. During that phone call, Mr Towler provided information about Mr Paynter’s life and associates. Mr Towler advised that he had no knowledge of Mr Paynter being gay, but expressed that he did not consider the suggestion to be unreasonable, and would have been supportive of his uncle no matter his sexuality. Mr Towler agreed to provide a statement for the Inquiry, which is included in the tender bundle.
- 20. On 30 January 2023, I had a phone call with Greg Monro. Mr Monro advised that he did not believe Mr Paynter had been gay.
- 21. On 1 February 2023, William Towler and Andrew Bird provided an informal statement to the Inquiry.
- 22. On 3 February 2023, Mr Towler provided a statement to the Inquiry containing information as to Mr Paynter’s background.

Signature: 

Name: Francesca Lilly

Date: 5 February 2023