



Special Commission of Inquiry into LGBTIQ hate crimes
Statement of Francesca Lilly
27 March 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 Carl Stockton, who died on 11 November 1996 in Sydney, 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 Stockton.

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 Stockton.
5. On 26 May 2022, Lidcombe Coroners Court provided Mr Stockton’s coronial file to the Inquiry.

Summons for police files and documents

6. On 18 May 2022, a summons to the NSW Police Force (NSWPF) was issued for, inter alia, the investigative file in relation to the death of Mr Stockton (summons NSWPF1). A folder of material in relation to Mr Stockton was produced on 8 June 2022.
7. On 25 August 2022, a summons to the NSWPF was issued for all NSWPF 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.

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Medical records

8. On 14 March 2023, the Inquiry issued summons SESLHD1 to South Eastern Sydney Local Health District and summons SVH3 to St Vincent's Hospital, seeking medical records in relation to Mr Stockton's care and treatment in November 1996. On 15 March 2023, Sydney Hospital advised the Inquiry that Mr Stockton's records had been destroyed. On 17 March 2023, St Vincent's Hospital provided to the Inquiry Mr Stockton's medical records, including imaging records. The Hospital advised however that all images, including CT scans and x-rays, had been destroyed.

Professional opinions obtained

9. By letter dated 16 February 2023, the Inquiry briefed forensic pathologist Dr Linda Iles to provide an independent review of the autopsy report completed by Dr Christopher Lawrence. The Inquiry obtained an expert report by Dr Iles on 10 March 2023, which is included in the tender bundle.
10. Dr Iles requested she be provided with the CT scans taken of Mr Stockton following his injury on 5 November 1996. On 20 March 2023, the Inquiry provided the imaging records obtained from St Vincent's Hospital to Dr Iles, seeking her opinion as to whether the records altered her opinion as expressed in her expert report. Dr Iles advised on 22 March 2023 that the additional records did not alter her opinion as expressed in her expert report.

Sue Thompson

11. In his SBS publication 'The Gay Hate Decades', journalist Rick Feneley stated that Sue Thompson, former Gay and Lesbian Liaison Officer at NSW Police Force ("NSWPF"), had been told by Surry Hills police at the time of Mr Stockton's death that patrons of the Bar Cleveland had witnessed homophobic taunts being made to Mr Stockton.
12. The Inquiry spoke with Ms Thompson via telephone on 23 August 2022. Ms Thompson was not able to recall who the above information had come from, but did recall that the person she had spoken to had advised that there had been anti-gay abuse going on in the bar while Mr Stockton was drinking there, and it may have been a factor in his death. Ms Thompson agreed to review her notes from the time.
13. The Inquiry corresponded with Ms Thompson via email following the teleconference, and she provided details as to her diary entries of the relevant period in 1996. Ms Thompson advised the Inquiry on 14 September 2022 that she had noted that on Friday, 15 November 1996 that she had

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had a “phone call with “Detective Walker – GAY MURDER”. However no further information was recorded that clarified the content of this phone call.

14. On 16 November 2022, the Inquiry’s Investigations Team contacted the former officer in charge, Neil Walker. This is detailed in the statement of John Goobanko, which is included in the tender bundle.

Queer archives

15. On 14 September 2022, the Inquiry conducted a review of the Victorian Queer Archives via NSW State Library in order to obtain information in relation to Mr Stockton’s death. No relevant information was able to be located.

Family

16. The Inquiry wrote to Mr Stockton’s sister and brother-in-law on 3 November 2022 to which no response was received. A further letter was sent on 21 February 2023. To date, no response has been received by the Inquiry from Mr Stockton’s family.

Signature:



Name: Francesca Lilly

Date: 27 March 2023