



Special Commission of Inquiry into LGBTIQ hate crimes

3 March 2023

Mr Patrick Hodgetts
Senior Lawyer
Office of the General Counsel, NSW Police Force
Locked Bag 5102
PARRAMATTA NSW 2124

By email: [REDACTED]

Dear Mr Hodgetts

Special Commission of Inquiry into LGBTIQ hate crimes: Request for further information in relation to death of Mark Stewart

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

I refer to my letter of 28 September 2022 enclosing a summons to produce to NSW Police Force (“NSWPF”) (summons NSWPF22), and to your email of 11 October 2022 in response to summons NSWPF22 (**enclosed**, for reference).

Status of physical exhibits

Summons NSWPF22 required the production of any exhibit book references and EFIMS records for certain physical items discovered at the scene of Mr Stewart’s death by attending NSWPF officers; namely:

- a men’s Seiko wristwatch located about 21 feet east of Mr Stewart’s body (“wristwatch”); and
- a small piece of notepaper with the telephone number of the Chevron Hotel, Sydney on one corner and the words “7.20 11.5.76” written in biro, located on Mr Stewart’s person (“Chevron Hotel notepaper”).

In your email of 11 October 2022, you advised that the May 1976 Manly Police Station Exhibit Book was not able to be located and that searches conducted in relation to “Mark Stewart” and “Mark Spanswick” on various NSWPF systems did not locate any records.

As part of its investigations into Mr Stewart’s death, the Inquiry has also located the **enclosed** article from the *Manly Daily* on 14 May 1976. The article refers to a gold cigarette lighter and a steel comb also being found in Mr Stewart’s possession at the time of his death. These items are not referred to in the NSWPF or coronial material currently before the Inquiry.

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Request for further information

For completeness, it would assist the Inquiry if NSWPF could provide a formal written response regarding the status of, and the searches undertaken in relation to, the physical exhibits in Mr Stewart's case. Accordingly, I am instructed to request a letter or statement from an appropriate person at NSWPF addressing the following matters:

1. Please outline the searches undertaken to locate the exhibit book references and EFIMS records of the below items in Mr Stewart's case, and the outcome of these searches:
 - a. wristwatch;
 - b. Chevron Hotel notepaper;
 - c. gold cigarette lighter; and
 - d. steel comb.

Timeframe for response

I would be grateful if the written response could be provided to the Inquiry by **17 March 2023**. In the event that you anticipate any difficulty with this timeframe, please forward a request for an extension of time in writing. To assist his Honour in considering the application for an extension, please provide a brief outline of the reasons an extension is sought and the date by which you anticipate being in a position to produce the material sought.

Thank you for your ongoing assistance to the Inquiry.

Please do not hesitate to contact Caitlin Healey-Nash on 0466 480 286 if you have any queries in relation to this matter.

Yours faithfully,



Caitlin Healey-Nash
Senior Solicitor

For Solicitor Assisting the Inquiry

Encl. (3)