

From: [Patrick Hodgetts](#)
To: [Elizabeth Blomfield](#)
Cc: [Kate Lockery](#); [Matthew Fletcher](#)
Subject: RE: Special Commission of Inquiry - Response to Summons NSWPF1 [SEC=OFFICIAL:Sensitive]
Date: Thursday, 15 September 2022 3:22:49 PM
Attachments: [image009.png](#)
[image010.png](#)
[image011.png](#)
[image012.png](#)

Dear Elizabeth

Thank you for your email.

In relation to **Item 1** below, I am instructed that all material held by NSWPF in relation to the investigation of William Rooney's death is expected to be contained in archive box B/2016/9096 that was previously provided to the Inquiry.



I am also instructed that it is possible that material relating to the investigation into the death of William Rooney may be contained in archive boxes B/2003/17611; B/2001/103; B/2017/12973 which relate to SF Parrabell considered matters as previously provided to the Inquiry.

I am instructed that there is no other record available of where any other material in relation to the investigation into William Rooney's death may be held.

In relation to **Item 2** below, I am instructed that if NSWPF hold a copy of the brief that was provided to the ODPP in 1993, it would be expected to be contained in one of the archive boxes identified above. We respectfully suggest that a request to the ODPP could be made for that material.

In relation to **Item 3**, I have been provided with a further copy of the video referred to. I can provide that to you by way of Dekko this afternoon if that is acceptable?

Kind regards


Patrick Hodgetts
 Senior Lawyer
 Office of the General Counsel
 Locked Bag 5102, Parramatta NSW 2124


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From: Elizabeth Blomfield <Elizabeth.Blomfield@specialcommission.nsw.gov.au>
Sent: Tuesday, 13 September 2022 11:38 AM
To: Patrick Hodgetts < >
Cc: Kate Lockery <Kate.Lockery@specialcommission.nsw.gov.au>; Matthew Fletcher <Matthew.Fletcher@specialcommission.nsw.gov.au>
Subject: Special Commission of Inquiry - Response to Summons NSWPF1 [SEC=OFFICIAL:Sensitive]

Dear Patrick

William Rooney

Pursuant to summons NSWPF1, the Inquiry sought production of the complete NSWPF investigative file in relation to a number of persons including William Rooney. In relation to William Rooney, I confirm that the material received by the Inquiry from the NSWPF includes the "small amount of occurrence reports and two witness statements" as referred to in the **attached** excel spreadsheet.

Some further documents were also provided as part of the eagle-i brief used by Strike Force Parrabell.

Having reviewed all the material provided to us, however, **a large volume** of material still appears to be missing.

Could you please advise whether the NSWPF hold any of the following:

1. The NSWPF relating to the original investigation into Rooney's death in 1986. Whilst the Inquiry has the coronial file (which includes part of the NSWPF brief), the NSWPF file relating to the original investigation has not been provided.
2. Material in relation to the reinvestigations into Mr Rooney's death in 1990 and 2002. The available material indicates that a brief was provided by the NSWPF to the ODPP on 24 March 1993 (per the **attached** letter to Mark Tedeschi KC). In addition, we note that on 17 October 2002, police wrote to forensic pathologist, Dr Dufrou about the possibility of **exhuming** Mr Rooney's body (per **attached** letter);
3. The video of Rooney in Crown Lane referred to in the Strike Force Parrabell holdings (see **attached** screenshot). I note the link does not appear to work.

I would be grateful for a response in relation to the above by **5:00pm on 15 September 2022.**

Please do not hesitate to contact me if you would like to discuss further.

Kind regards,



Elizabeth Blomfield (*she/her*)

Solicitor

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I acknowledge the traditional owners and custodians of country throughout NSW and their continuing connection to the land, culture and community. I pay my respects to Elders past and present.

From: Patrick Hodgetts [REDACTED] >

Sent: Tuesday, 6 September 2022 10:56 AM

To: Kate Lockery <Kate.Lockery@specialcommission.nsw.gov.au>

Subject: RE: Special Commission of Inquiry - Response to Summons NSWPF1 [SEC=OFFICIAL:Sensitive]

Dear Kate

Thank you for following up. I had meant to provide you with an update in relation to these matters sooner.

I am instructed as follows:

1. Mark Stewart aka Spanswick:

Archive box B/2012/5889 marked "*Investigations – Unsolved murders – 1977 – (Box 1)*" was couriered to the Inquiry on 23 August 2022.

2. Paul Rath:

Information held relating to Paul Rath was provided with the response to Summons #3. Further material in relation to Paul Rath was contained on the USB provided to the Inquiry in relation to Summonses 4 – 6.

In relation to the Job Books for Chatswood Crime Scene, the forensic examination results to which the Job Boks/Job Numbers relate have been provided to the Inquiry within that material (such that the actual Job Books should not be relevant because the examination results contain the substantial information). I am informed that the examination results can be found in the E@glei brief already provided with the following index & page numbers:

Brief Index No:

Item Title

Page No:

1.1.634	-	Case 2 – RATH - Medical Result	-	Page. 7362
1.1.635	-	Case 2 – RATH – Examination Results	-	Page. 7368
1.1.636	-	Case 2 – RATH - Scientific Examination	-	Page. 7368

I am instructed that there are no further holdings in relation to Paul Rath.

3. William 'Bill' Rooney:

Archive boxes B/2016/9096 and B/2003/27793 were couriered to the Inquiry on 2 June 2022 (i.e. were included as part of one of the original large transfers of hard copy material).

Kind regards



Patrick Hodgetts
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From: Kate Lockery <Kate.Lockery@specialcommission.nsw.gov.au>
Sent: Tuesday, 6 September 2022 10:30 AM
To: Patrick Hodgetts [REDACTED]
Subject: RE: Special Commission of Inquiry - Response to Summons NSWPF1 [SEC=OFFICIAL:Sensitive]

Dear Patrick,

Further to our below correspondence, could you please provide a update in relation to the status of the following NSWPF investigation files:

- Mark Stewart aka Spanswick;
- Paul Rath; and
- William 'Bill' Rooney.

These files are now urgently required in order for the Inquiry to progress consideration of these cases. To this end, I would be grateful if you could please respond by **close of business today** so that I can provide an update to the Commissioner.

Please do not hesitate to contact me if you would like to discuss further.

Kind regards,
Kate



Kate Lockery (*she/her*)
Principal Solicitor
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I acknowledge the traditional owners and custodians of country throughout NSW and their continuing connection to the land, culture and community. I pay my respects to Elders past and present.

From: Patrick Hodgetts [REDACTED]
Sent: Monday, 22 August 2022 1:09 PM

To: Kate Lockery <Kate.Lockery@specialcommission.nsw.gov.au>
Cc: James Herrington <James.Herrington@specialcommission.nsw.gov.au>
Subject: RE: Special Commission of Inquiry - Response to Summons NSWPF1 [SEC=OFFICIAL:Sensitive]


Dear Kate

In relation to Mark Stewart aka Spanswick, I am informed that enquiries with Detective Kim Fidden are ongoing in respect of locating the investigative file. I am seeking an update in relation to this and will get back to you as soon as possible.

As an aside, I note that there was some material in relation to Mark Stewart aka Spanswick contained on the hard drive delivered to your office on 12 August 2022.

I will get back to you in relation to your requests concerning Paul Rath and William Rooney.

Kind regards


Patrick Hodgetts
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From: Kate Lockery <Kate.Lockery@specialcommission.nsw.gov.au>
Sent: Wednesday, 17 August 2022 6:49 PM
To: Patrick Hodgetts <[REDACTED]>
Cc: James Herrington <James.Herrington@specialcommission.nsw.gov.au>
Subject: RE: Special Commission of Inquiry - Response to Summons NSWPF1

Dear Patrick,

I refer to the above Inquiry and to the summons issued to the Commissioner of Police on 18 May 2022 (Summons NSWPF1). I refer also to my email of 25 July 2022 below requesting a further search for investigative records in relation to the deaths of 10 persons considered as part of Strike Force Parrabell.

As you are aware, on 9 August 2022, the Inquiry received an additional 125 boxes of investigative material from the NSWPF ("the second tranche of investigative files"). The **attached** spreadsheet was included with the boxes provided on this date. The spreadsheet sets out the further searches undertaken by NSWPF Corporate Records with respect to the deaths of 10 persons referred to in my below email.

Having reviewed the spreadsheet, I note the following:

1. **Mark Stewart aka Spanswick:** No investigative files in relation to Mr Stewart were provided in the second tranche of investigative files. The spreadsheet includes a notation to the effect that the relevant investigative file (B/2012/5889 marked "Investigations – Unsolved murders – 1977 – Box 1") is currently with Detective Kim Fidden of the SCC Homicide Squad and that an email was sent to Detective Fidden on 27 July 2022 requesting the material. The Commissioner of the Inquiry is currently considering the death of Mr Stewart, and requests that the NSWPF investigative file be provided as a matter of urgency and by close of business on Monday, 22 August 2022.
2. **Paul Rath:** The only investigative record provided with the second tranche of investigative files for Mr Rath was a copy of Manly Occurrence Pad entry 10/47068.1 dated 16 June 1977. However, the spreadsheet notes that a number of Job Books from Chatswood Crime Scene have been identified as potentially relevant with a notation "SCC Homicide to determine if needed". I would be grateful if you could please clarify whether the Job Books have been requested and, if so, when you anticipate providing them to the Inquiry. Alternatively, if the Job Books are not considered relevant (or are unavailable), please advise in writing by Friday, 26 August 2022.

3. **William 'Bill' Rooney:** No investigative files in relation to Mr Rooney were provided in the second tranche of investigative files. The spreadsheet includes a notation to the effect that the relevant investigative file is "on loan" to (now retired) Detective Inspector Stewart Leggatt of the Unsolved Homicide Squad as at 23 May 2022. To ensure that the consideration of Mr Rooney's death can be considered in a timely manner, please provide the NSWPF investigative file by Friday, 26 August 2022.

In the event that the above timeframes are not feasible, please let me know by return email as soon as possible. It would be of assistance if you could also indicate when the material can be provided to the Inquiry.

Thank you for your ongoing assistance.

Please do not hesitate to contact me if you have any queries in relation to the above.

Kind regards,
Kate



Kate Lockery (*she/her*)

Principal Solicitor

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I acknowledge the traditional owners and custodians of country throughout NSW and their continuing connection to the land, culture and community. I pay my respects to Elders past and present.

From: Kate Lockery
Sent: Monday, 25 July 2022 10:08 AM
To: Patrick Hodgetts [REDACTED]
Cc: James Herrington <James.Herrington@specialcommission.nsw.gov.au>
Subject: Special Commission of Inquiry - Response to Summons NSWPF1

Dear Patrick,

I refer to the above Inquiry and to the summons issued to the Commissioner of Police on 18 May 2022 (Summons NSWPF1). I note that to date, the Inquiry has received 118 boxes of investigative material from the NSW Police Force and I appreciate your assistance in facilitating this.

I have reviewed our records in relation to the production of investigative files sought in the initial summons and note the following:

1. No investigative records have been provided in relation to the following deceased persons (all of whom were considered as part of Strike Force Parrabell):
 - a. **Mark Stewart aka Spanswick** (DOD: c. 11 July 1976 at Manly)
 - b. **Paul Rath** (DOD: c. 15 June 1977 at Manly) (records were produced for a Dennis Paul Rath who died in Forbes in 1966)
 - c. **David Lloyd Williams** (DOD: c. 1979 at Manly)
 - d. **Peter Sheil** (DOD: 28 April 1983 at Gordons Bay)
 - e. **Andrew Currie** (DOD: c. 13 December 1988 at Manly)
 - f. **Russell Payne** (DOD: either 3 January or 3 February 1989 at Inverell)
 - g. **Graham Paynter** (DOD: c. 14 October 1989 at Tathra) (records produced relate to a sexual assault which occurred in 1996, which is 7 years after the date of death).
 - h. **Brian Walker** (DOD: 22 or 23 July 1992 at Merrylands)
2. The investigative records produced in relation to the following persons are very minimal (less than one

envelope of material) and are unlikely to be the complete investigative file:

- a. **William (Bill) Anthony Rooney aka Rudney** (DOD: 14 February 1986 in Wollongong) – only a small amount of occurrence reports and two witness statements have been provided. Information in the Strike Force Parrabell documents and Unsolved Homicide Team tracking file indicates that a brief was provided to the DPP in 1993 and further investigations may have been done by detectives in Wollongong in or around 2002.
- b. **Samantha Raye (formerly known as Frederick Roy Lethbridge)** (DOD: c. 20 March 1989 at Hornby Lighthouse) – only the photographs and notes from the autopsy have been provided.

I would be grateful if you could please request that the NSWPF do a further search for investigative records in relation to the above deceased persons.

Thank you for your ongoing assistance.

Please do not hesitate to contact me if you have any queries.

Kind regards,
Kate



Kate Lockery (*she/her*)

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