



Special Commission of Inquiry into LGBTIQ hate crimes

Statement of Emily Burston

21 July 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 Emily Burston. My address is known to the Inquiry.
2. I am employed as a Senior Solicitor by the Inquiry.
3. In the course of my duties, I have reviewed and conducted inquiries in relation to the death of Richard Slater (**Mr Slater**), who died on 22 December 1980 at Royal Newcastle Hospital, following an assault in the men's toilet block in Birdwood Park, Newcastle. This statement is further to, and should be read with, my first statement with respect to Mr Slater's death dated 18 May 2023.

Production of additional documents

4. On 25 June 2023, the New South Wales Police Force (**NSWPF**) advised the Inquiry that it had identified additional documents relating to Mr Slater's death responsive to the summons issued by the Inquiry for all investigative material relating to the death of Richard Slater on 18 May 2022 (NSWPF1). The documents amounted to a further 57 pages arising from contact made with the NSWPF by Mr Slater's granddaughter Yvonne in 2017.

Additional searches undertaken by Department of Communities and Justice

5. Among the material produced by the NSWPF on 25 June 2023 was a highlighted copy of the criminal record of Jeffrey Miller. The entry in that document recording the prosecution of Mr Miller for the murder of Mr Slater contained a reference number and two dates apparently associated with a report addressing the Attorney General's decision not to pursue that prosecution, as follows: "report dated 29.3.83 ref. 83/1393 (jl 12.7.83)".
6. On 26 June 2023, I sent an email to the Department of Communities and Justice (**DCJ**), providing that additional information and requesting that further searches be undertaken for records relating to the Attorney General's decision pursuant to the summons originally issued for those records on 10 August 2022 (DCJ1). On 27 June 2023, DCJ advised me by email that it remained unable to identify any relevant record in its holdings with the benefit of that further information.

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Additional expert opinion obtained

7. Following the public hearing in this matter, I was requested to obtain a report from a urologist exploring the evidence of Mr Slater's grandson to the original police investigation that Mr Slater suffered from a prostate condition. By letter dated 15 June 2023, the Inquiry briefed Professor Anthony Costello, Emeritus Professor of Urology (Honorary), Royal Melbourne Hospital. On 23 June 2023, Professor Costello provided his report to the Inquiry by email.

Signature:



Name: Emily Burston

Date: 21 July 2023