



New South Wales

Special Commission of Inquiry into LGBTIQ hate crimes

Statement of Emily Burston

23 May 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 Walter Bedser (**Mr Bedser**), who died on 2 December 1980 at Parramatta Hospital in NSW following an assault that day at his antique shop at 4 Darcy St Parramatta.

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 Bedser. On 26 May 2022, the Coroners Court produced material pursuant to that request.

Summonses 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 Bedser (Summons NSWPF1). A hard copy file in relation to Mr Bedser was produced on 8 June 2022.
6. On 2 September 2022, the Inquiry issued a summons to the NSWPF seeking, *inter alia*, criminal antecedents and related information for various persons approached by the initial investigation into the death of Mr Bedser (Summons NSWPF14). On 12 September 2022, the NSWPF produced material in relation to that summons.
7. On 21 December 2022, the Inquiry issued a summons to the NSWPF seeking forensic exhibits in relation to the death of Mr Bedser (Summons NSWPF49). On 23 January 2023, the NSWPF confirmed that the forensic exhibits could not be located, and produced a Statement of Detective Sergeant Neil Sheldon dated 23 January 2023 setting out the searches undertaken by the NSWPF.
8. On 15 May 2023, the Inquiry issued a summons to the NSWPF seeking, *inter alia*, criminal antecedents and related information in respect of one further person associated with the initial

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investigation (Summons NSWPF105). On 23 May 2023, the NSW Police Force produced material in relation to that summons.

Summonses to Registry of Births, Deaths and Marriages

9. On 23 August 2022, the Inquiry issued a summons to the NSW Registry of Births, Deaths and Marriages (**Registry**) seeking, *inter alia*, death certificates for various persons approached by the original investigation into Mr Bedser's death (Summons BDM2). On 25 August 2022, the Registry produced records to the Inquiry relating to those persons.
10. On 3 April 2023, the Inquiry issued a summons the Registry seeking, *inter alia*, birth and death certificates for various persons approached by the original investigation into Mr Bedser's death (Summons BDM21). On 5 April 2023, the Registry produced records to the Inquiry relating to those persons.
11. On 28 April 2023, the Inquiry issued a summons the Registry seeking, *inter alia*, birth and death certificates for various persons approached by the original investigation into Mr Bedser's death (Summons BDM28). On 2 May 2023, the Registry produced records to the Inquiry relating to those persons.
12. On 15 May 2023, the Inquiry issued a summons the Registry seeking, *inter alia*, birth and death certificates for various persons approached by the original investigation into Mr Bedser's death (Summons BDM32). On 17 May 2023, the Registry produced records to the Inquiry relating to those persons.
13. On 19 May 2023, the Inquiry issued a summons the Registry seeking, *inter alia*, birth and death certificates for an additional person approached by the original investigation into Mr Bedser's death (Summons BDM33). On 22 May 2023, the Registry produced records to the Inquiry relating to that person.
14. On 22 May 2023, the Inquiry issued a summons the Registry seeking, *inter alia*, birth and death certificates for an additional person approached by the original investigation into Mr Bedser's death (Summons BDM34). On 23 May 2023, the Registry produced records to the Inquiry relating to that person.

Summonses to other agencies

15. On 7 October 2022, the Inquiry issued a summons to Corrective Services NSW (**CSNSW**) for custodial records pertaining to Geoffrey Smith (Summons CSNSW2). On 23 and 24 October 2022, CSNSW produced documents pursuant to that summons.
16. On 4 April 2023, the Inquiry issues a summons to Local Court Registry at Parramatta, seeking documents relating to the small debt summonses issued on behalf of Mr Bedser on 24 July 1980, as referred to in the evidence given by his solicitor to the original investigation (Summons LCP1). On 17 April 2023, the Local Court Registry at Parramatta confirmed it was unable to identify any documents responsive to the summons.

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Developing photographs from police records

17. On 21 September 2022, the Inquiry wrote to the NSWPF requesting that it develop certain undeveloped photographic negatives located in the files provided by the NSWPF.
18. On 23 September 2022, the NSWPF referred the Inquiry to a third-party provider, Vision Graphics, which had experience developing visual material for the NSWPF.
19. On 28 September 2022, the Inquiry contacted Vision Graphics for assistance developing those negatives, subject to a confidentiality agreement. On 26 October 2022, the Inquiry received the developed photographs from Vision Graphics.

Professional opinions obtained

20. By letter dated 30 September 2022, the Inquiry briefed forensic psychiatrist Dr Danny Sullivan to provide an expert report regarding the psychology of Mr Bedser's assailant, and whether Mr Bedser's death may be the consequence of an LGBTIQ bias crime. The Inquiry received an expert report from Dr Sullivan on 24 October 2022.

Attempts to contact solicitor of Mr Bedser

21. On 9 May 2023, I sent email correspondence to two business email addresses associated with a solicitor who, on information available to the Inquiry, was likely to be the solicitor who acted for Mr Bedser in 1980 and who gave evidence to the initial investigation into Mr Bedser's death. The correspondence sought to obtain any further relevant records that solicitor might hold in relation to Mr Bedser. No response has been received to that correspondence to date.

Property searches and searches to identify family members of persons of interest

22. Via interagency co-operation, the Inquiry has arranged for property searches to be undertaken with respect to several persons and properties referred to in material associated with the initial police investigation into Mr Bedser's death, in order to establish the property holdings of certain persons of interest at the time of Mr Bedser's death. Those searches are ongoing at the time of this statement.
23. Via interagency co-operation, the Inquiry has sought to identify family members of certain persons of interest who may have resided in Sydney at the time of Mr Bedser's death. Those searches are ongoing at the time of this statement.

Review of fingerprint evidence

24. On 8 May 2023, I wrote to the NSWPF requesting that an appropriate officer provide a statement confirming the position of the NSWPF as to whether the knife found at the scene of the assault on Mr Bedser had been tested for fingerprints, and attaching relevant records from the material provided to the Inquiry. On 17 May 2023, the NSWPF produced a statement of Detective Inspector Nigel Warren addressing that matter.

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Contact with family of Mr Bedser

25. The Inquiry received information as to the possible address of a living member of Mr Bedser's family. On 3 November 2022, the Inquiry sent a letter to that person inviting them to make contact with the Inquiry. On 24 January 2023, the Inquiry sent a further letter to that person advising them of the anticipated public hearing in relation to Mr Bedser. No response has been received to either letter to date.

Signature:



Name: Emily Burston

Date: 23 May 2023