



Special Commission of Inquiry into LGBTIQ hate crimes

6 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 Wendy Waine

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

I refer to the letter of 24 August 2022 from my colleague Caitlin Healey-Nash enclosing a summons to NSW Police Force (“NSWPF”) (summons NSWPF10) requesting the production of four exhibits held in relation to the death of Wendy Waine (formerly Wayne Kerry Brennan) on 29 or 30 April 1985; and to your emails of 7 September 2022 and 14 September 2022 in response to that summons (all **enclosed**).

I also refer to the letter of 21 December 2022 from Caitlin Healey-Nash to Mr Aurhett Barrie enclosing a summons to produce to NSWPF (summons NSWPF46), and to the letter from Ms Katherine Garaty of 18 January 2023 in response to that summons (both **enclosed**).

Status of physical exhibits

Summons NSWPF10 required the production of any exhibit book references and EFIMS records for certain physical items held by NSWPF in relation to Ms Waine’s death, namely:

- strands of hair found in the left hand of the deceased (“strands of hair”);
- six cigarette butts (“cigarette butts”);
- bed linen, including pillow, bed spread and sheeting (“linen”); and
- fired bullets (“bullets”).

In your email of 7 September 2022, you advised that two archive boxes delivered to the Inquiry on 2 June 2022 (bearing reference numbers B/2001/103 and B/2017/12973) may contain material responsive to summons NSWPF10. You also indicated that you had requested a further archive box from archives on 1 September 2022 which may contain responsive material (“the further archive box”). You advised that apart

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from any material in these boxes, none of the exhibit book references or EFIMS records requested could be identified other than a single EFIMS record relating to a “sheet” located at the Ballistics Unit.

In your email of 14 September 2022, you advised that the further archive box had been provided to the inquiry on or about 1 August 2022. You also advised that the “sheet” adverted to in your 7 September 2022 email was a flannelette sheet. You enclosed a photograph of that sheet, and advised that you were seeking to ascertain in what relevance the sheet had to the matter of Wendy Waine. I note that on the same day, the NSWPF electronically produced further material in response to the summons, namely three floor plans, J85-267 Ballistics Case File (2 x PDFs), and J85-267 Ballistics Scene Photos (3 x PDFs).

Response to NSWPF46

Summons NSWPF46 requested the production of specified categories of document in relation to [NP177] [NP177] and [NP179]. I note that in response to this summons, the Inquiry received one electronic document on 18 January 2023 including an NSWPF Issue Paper dated 16/01/2023 by Chief Inspector R Steinborn (Police Armoury); an Armoury Card Index for Constable [NP177] and two photos of a NSWPF .38 Special Smith and Wesson revolver.

I note that no records were produced in response to:

- item 1(a) – personnel records for [NP177]
- item 1(b) – Professional Standards Command file for [NP177]
- item 2 – Firearms Registry records for [NP179]

In her letter of 18 January 2023, Ms Katherine Garaty advised that no further documents could be located; and that she would be grateful if the Inquiry could advise whether it required a statement from an officer of the NSW Police Force addressing the nature of those searches and their outcome.

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 Ms Waine’s case and the records requested by summons NSWPF46. 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 Ms Waine’s case, as requested by summons NSWPF10, and the outcome of these searches:
 - a. strands of hair;
 - b. cigarette butts;
 - c. linen; and
 - d. bullets.
2. Please outline the searches undertaken to locate the records requested by summons NSWPF46, and the outcome of these searches.

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

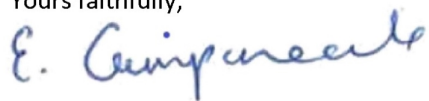
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the reasons an extension is sought and the date by which you anticipate being in a position to produce the material sought.

Thank you for your ongoing assistance to the Inquiry.

Please do not hesitate to contact Caitlin Healey-Nash on [REDACTED] if you have any queries in relation to this matter.

Yours faithfully,



Enzo Camporeale

Solicitor Assisting the Inquiry

Encl. (5)