



Special Commission of Inquiry into LGBTIQ hate crimes

17 May 2023

Patrick Hodgetts
Senior Solicitor
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: Further information regarding Waine UHT review

I refer to the above Inquiry and to the following correspondence:

- Summons NSWPF86 issued to the NSW Police Force (“NSWPF”) on 17 April 2023 and returnable on 27 April 2023, which by item 2 requested the exhibits collected in relation to the death of Wendy Waine on 29 or 30 April 1985, including any “fired bullets”;
- Your letter of 27 April 2023, in which you drew the Inquiry’s attention to paragraphs 8 to 13 of the statement of Detective Sergeant Neil Sheldon dated 16 March 2023 (“the DS Sheldon Statement”) and advised that no additional information in respect of the exhibits was available;
- My letter of 1 May 2023, referring to a review of Ms Waine’s case conducted by participants in a Homicide Course at the Goulburn Police Academy in October 2004 and “certified” by Detective Senior Constable McDonald on 31 January 2005 (the “UHT review document”). A document recording the outcome of that review stated that “fired bullets” had been examined and retained, contrary to the DS Sheldon Statement. Accordingly, that letter requested further information by 5 May 2023 as to two matters, namely:
 - the basis or source of the information contained in the UHT review document; and
 - the nature and status of a “review” completed by participants of a Homicide Course at the Goulburn Police Academy, including the significance of the document being “certified”.
- Your letter of 9 May 2023 advising that:
 - the basis of the information in the UHT review document “cannot be confirmed”, nor its reasoning or conclusions explained, partly because “there are no current members of the UHT who were members of the UHT at the relevant time”; and

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- the significance of the UHT review document having been 'certified' "cannot be accurately explained", in circumstances where no current members of the UHT were members at the time the UHT review document was prepared, and where the term 'certified' is not used in any current UHT processes, documents or Standing Operating Procedures ("SOPs").

Request for further information

The Inquiry regards the responses you provided in your letter of 9 May 2023 to be unsatisfactory. In the first instance, we require you to provide copies of any SOPs that would have been applicable to the UHT in 2004 and 2005.

We also require that an appropriate officer in the NSWPF clarify in writing the following matters:

1. Where amongst the NSWPF's records the UHT review document was stored (and in particular, whether it was held as part of the UHT's own records, or amongst materials relating to NSWPF training exercises and programs such as the Homicide Course);
2. The roles and functions of DSC McDonald and DI Jarrett (whose are recorded on the UHT review document as "reviewer" and "unit co-ordinator", respectively) at the time of the review and certification; and
3. What function (if any) the UHT review into Ms Waine's death, conducted in the manner it was by participants of the Homicide Course at Goulburn Police Academy and thereafter "certified", performed in the context of the UHT's operations, either at the time or as a record to which reference might be had in the future.

In order to answer these questions satisfactorily, in addition to the questions posed in my letter of 1 May 2023, we expect that you will make inquiries with members of the UHT at the relevant time and demonstrate that those inquiries have been made.

This further information is required by **close of business on Wednesday 24 May 2023**. In the event that you anticipate any difficulty with this timeframe, please forward a request for an extension of time in writing, including reasons that the extension is requested and the date by which you will be in a position to provide the information sought.

Please do not hesitate to contact Rhys Carvosso, Solicitor, at [REDACTED] if you have any queries in relation to this matter.

Yours faithfully,



Enzo Camporeale
 Director, Legal
 Solicitor Assisting the Inquiry