



New South Wales

Special Commission of Inquiry into LGBTIQ hate crimes

Statement of Kathryn Lockery

14 June 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 Kathryn Lockery. My address is known to the Special Commission of Inquiry.
2. I am employed as a Principal Solicitor by the Special Commission of Inquiry into LGBTIQ hate crimes.
3. In the course of my duties, I have reviewed material and conducted inquiries in relation to the death of Scott Stuart Miller (**Mr Miller**), who was found deceased on 3 March 1997 within the compound of Patrick, the Australian Stevedores in Darling Harbour, Sydney.
4. The information contained in this statement is true based on my own knowledge, and from documents in the possession of the Inquiry relevant to Mr Miller.

Request for coronial file

5. On 11 May 2022, the Inquiry issued a written request to the Registrar of the Coroners Court of NSW at Lidcombe (**the Coroners Court**) for the coronial file in relation to, *inter alia*, the death of Mr Miller.
6. On 2 June 2022, the Coroners Court produced material pursuant to that request.

Summons for police files and documents

7. 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 Miller (summons NSWPF1). A hardcopy file was produced on 8 June 2022.
8. On 25 August 2022, the Inquiry issued a summons to the NSWPF for all records in relation to, *inter alia*, Strike Force Parrabell (summons NSWPF12). This material was produced in tranches between 9 September 2022 and 14 February 2023. The material included documents relevant to the death of Mr Miller.
9. On 7 February 2023, the Inquiry issued a summons to the NSWPF for all material provided to Sergeant Geoffrey Steer for the ‘dip sample’ in relation to Strike Force Parrabell (NSWPF55). On 14 February 2023, the Inquiry received documents in response to the summons, one of which was

the Bias Crime Indicators Review Form in relation to Mr Miller. This document is included in the tender bundle (NPL.0129.0001.0169).

10. On 13 April 2023, the Inquiry issued a further summons to the NSWPF, for the exhibits associated with the investigation into Mr Miller's death, specifically his clothing and items taken at post-mortem, for the purpose of arranging further forensic testing of the exhibits (summons NSWPF84).
11. On 14 April 2023, the NSWPF contacted the Inquiry to advise the locations of the exhibits. On 8 May 2023, Jae Gerhard and Helen Roebuck attended a NSWPF facility in order to carry out the forensic testing discussed at [18] on those exhibits.
12. On 7 June 2023, the NSWPF advised that further archived material in relation to the death of Mr Miller had been located and was being reviewed for relevance. On 9 June 2023, additional documents relevant to the death of Mr Miller were produced to the Inquiry.

Further requests from police

13. Within the files provided to the Inquiry was an unsigned Case Screening Form completed by the Unsolved Homicide Team (UHT). By later dated 1 June 2023, NSWPF confirmed that the Case Screening Form was completed as part of a UHT review completed on 21 April 2004 and provided an endorsed and signed copy. The signed copy of the Case Screening Form is included in the tender bundle (NPL.0100.0015.0001).
14. The Case Screening Form indicated that debris taken from Mr Miller's right hand during the post-mortem examination was held within the Sydney Police Centre Crime Scene Unit Archive Room, but never entered as an exhibit or specimen.
15. On 24 May 2023, the Inquiry wrote to NSWPF requesting a statement from an appropriate NSWPF officer as to the nature of the debris found and any forensic testing conducting on the debris. On 7 June 2023, NSWPF provided a statement regarding the debris, which is included in the tender bundle (NPL.9000.0017.0023).

Professional opinions obtained

16. By letter dated 23 November 2022, the Inquiry briefed Dr Linda Iles, forensic pathologist, to provide an independent review of the post-mortem investigations conducted regarding Mr Miller and express an opinion on the manner and cause of Mr Miller's death.
17. On 14 December 2022, Dr Iles provided her expert report, which is included in the tender bundle (SCOI.82891). In her report, Dr Iles recommended that the Inquiry obtain expert opinion from a forensic biologist or blood pattern analysis expert as to the mechanisms for the pattern of blood spatter observed on Mr Miller's clothing.
18. By letter dated 24 April 2023, the Inquiry briefed Jae Gerhard and Helen Roebuck of Independent Forensic Services to conduct an examination of Mr Miller's clothing and provide an expert opinion about conclusions that could be drawn from the bloodstain patterns on Mr Miller's clothing or observable in crime scene photographs.
19. On 29 May 2023, Ms Gerhard provided an expert report addressing these matters, which is included in the tender bundle (SCOI.83328).

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Contact with Bridget Lott

20. On 23 January 2023, the Inquiry wrote to Mr Miller's girlfriend at the time of his death, Bridget Lott (previously Bridget McCleery). The Inquiry subsequently obtained a signed statement from Ms Lott, which is included in the tender bundle (SCOI.83636).

Contact with family members

21. The Inquiry wrote to the parents of Mr Miller, Stuart and Christine Miller, on 13 October 2022. The Miller family also includes Mark Miller and Shane Miller, Mr Miller's brothers.

22. On 19 October 2022, the Inquiry received an email from Shane Miller attaching a letter from the Miller family dated 18 October 2022 outlining matters of concern to them. I have been in contact with Shane Miller on numerous occasions since that time to provide the Miller family with updates as to the work of the Inquiry.

Other sources of information

23. Following the inquest into Mr Miller's death, in around August 1998, Stuart and Christine Miller retained a private investigator from Bentley Hunt and Associates to investigate Mr Miller's death.

24. The Inquiry made attempts to obtain any documents obtained or created by the private investigator, however investigations by the Inquiry revealed that Bentley Hunt and Associates is permanently closed.

25. The Inquiry has also been advised by the Miller family that they do not have a copy of the private investigation file. Shane Miller advised that no investigations appeared to have been conducted.

Signature: 

Name: Kathryn Lockery

Date: 14 June 2023