

SPECIAL COMMISSION OF INQUIRY INTO LGBTIQ HATE CRIMES
IN THE MATTER OF SCOTT STUART MILLER
SUPPLEMENTARY SUBMISSIONS ON BEHALF OF THE MILLER FAMILY

1. These submissions are filed on behalf of the family of Scott Stuart Miller, namely, his parents, Christine Miller and Stuart Miller, and his brothers, Shane Miller and Mark Miller (collectively, the **Miller family**). These submissions supplement the written submissions made by the Miller family on 30 June 2023.
2. The Miller family would like to take the opportunity to formally and sincerely thank the Inquiry, and Counsel and Solicitors Assisting the Inquiry, for their collective efforts in carrying out this investigation into the circumstances of Scott's death. In particular, the Miller family would like to thank the Inquiry for its additional investigative work, namely the forensic examination of Scott's clothing, the forensic testing of the evidence misplaced by the police (being the metal fragment found in Scott's hand) and also for engaging Dr Kueppers to review the contradictory findings of Dr Duflou and Dr Iles.
3. The Miller family have lived with the uncertainty of the circumstances of Scott's death for more than 26 years and although the submissions of Counsel Assisting offer the family more certainty as to the cause of Scott's death, it is difficult after all the years that have passed to process and accept the findings that are now made. If the police had investigated Scott's death thoroughly and competently in the years since 1997, the family would not have had to live with the distressing thought for so many years that Scott had been murdered.
4. The repeated failures by the police to properly investigate Scott's death since 1997 has caused the family an immense amount of distress.
5. The materials before the Inquiry reveal that:
 - (a) Forensic testing of Scott's clothing was not arranged until 2010, some 6 years after this was recommended by the police to take place, and some 13 years after Scott's death. In fact, a forensic assessment of Scott's clothing was only undertaken at the insistence of Christine Miller (Scott's mother) who in 2010 contacted the police to enquire about the status of the investigation into Scott's death. It should not have

taken the involvement of Mrs Miller for the police to pursue the investigation. Appropriate forensic testing should have been carried out at the time of Scott's death.

- (b) The police misplaced evidence, including the debris found at the scene in Scott's hand.
 - (c) The police failed to produce documents of their historical investigations to the Inquiry in a timely manner.
 - (d) The police failed to locate their own records of the results of certain DNA testing conducted in 2012 of Scott's clothing. It is not at all clear why the Miller family was not informed at the time of the results of this testing.
6. The Miller family are also very concerned by the contents of a document dated 9 March 2010 created by Inspector Robert Allison which indicates that after the coronial inquest (which concluded that Scott died of injuries inflicted by a person) three subsequent investigations concluded that Scott's death was accidental. This information was never shared with the Miller family. This is a significant omission by the police which should have been brought to the family's attention.
 7. The Miller family consider that the submissions advanced by the police fail to adequately acknowledge the distress the police have added to the family's grief by prolonging the investigation and by failing to conduct the investigation in a competent and orderly manner. For example, the police merely state that the 6 year delay in forensically examining Scott's clothing in 2010 is "regrettable". The police then speculate that that the officers at the time "no doubt had very substantial competing demands" on their time. This submission is upsetting to the Miller family and it fails to comprehend the gravity of the distress caused to the family by the police's flawed investigation.
 8. The Miller family submit that the police should acknowledge the flaws and shortcomings in their investigations into Scott's death. An organisation such as the police should be held to the highest standards of conduct in their training, processes, record keeping and communication with grieving families. This has not been the family's experience with the police in relation to their investigation of Scott's death.
 9. A competent initial investigation leading to a finding of accidental death would have saved a lot of questions and much suffering by the Miller family over the last 26 years.
 10. The Miller family feels that there are still some issues in conclusively ruling that Scott's death was a result of accidental causes and feel that they will never know with certainty exactly what happened on the night of his death.

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