



New South Wales

## Special Commission of Inquiry into LGBTIQ hate crimes

### Statement of Emily Burston

27 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 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 Gilles Mattaini (**Mr Mattaini**), who disappeared on or around 15 September 1985, having been last seen on that date walking in the area around Bondi Beach.

#### Enquiries with French Consulate

4. On 1 November 2022, the Inquiry made contact with the French Consulate General seeking any information it may hold regarding the disappearance of Mr Mattaini.
5. On 21 and 22 November 2022, the French Consulate General provided information to the Inquiry by email to the effect that a French resident in Australia recalled a French national in the gay community going missing at around the same period other gay men were vanishing in Bondi.
6. On 6 December 2022, investigators from the Inquiry made contact with that witness by telephone. However, the witness's information did not relate to Mr Mattaini.

#### Contact with family members

7. On 31 October 2022, the Inquiry held an AVL conference with Mr Mattaini's partner at the time of his disappearance, Jacques Musy, now residing in France. Mr Musy was questioned by Senior Counsel Assisting the Inquiry, Peter Gray SC, as to his knowledge of "Terry", being the neighbour who advised Mr Musy that he had sighted Mr Mattaini walking in Bondi on 15 September 1985. Mr Musy recalled that Terry was a neighbour who resided in a building around the corner from the apartment he shared with Mr Mattaini, but was not someone he socialised with. He did not know Terry's surname, but recalled him as having "a hippie appearance", being "skinny" with "dark hair". Mr Musy thought he may have worked at the Menzies Hotel.

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8. On the same day, following the conference, Mr Musy sent an email to me expressing the view that Glen Lehman, a friend who he thought had also joined in the search for Mr Mattaini before Mr Musy's return to Australia, may be able to provide further information about the identity of Terry. In that email, Mr Musy included a marked map setting out the approximate locations of Terry's home in Bondi at the time of Mr Mattaini's disappearance. A copy of that map, as marked by Mr Musy, is annexed and marked with the letter "A".
9. On 29 May 2023, I wrote to Mr Musy advising him of the forthcoming public hearing in relation to Mr Mattaini and inviting him to make a family statement in relation to this matter. That email also sought Mr Musy's permission to publicise a photograph of Mr Mattaini. On 7 June 2023, I received a telephone call from Mr Musy in relation to that email. In the course of that conversation Mr Musy advised that the photograph of Mr Mattaini the Inquiry proposed to publicise in fact depicted him in the yellow "windcheater" which was missing from their apartment and which Mr Mattaini was presumably wearing at the time he disappeared. Mr Musy expressed his recollection that it floated, and that he was surprised no one had seen it if Mr Mattaini had entered the ocean. A copy of that photograph is annexed and marked with the letter "B".
10. On 19 June 2023, Mr Musy provided a family statement to the Inquiry.

Contact with witnesses

11. On 30 November 2022, the Inquiry made contact with Glen Lehman, the partner of Vincent Ottaviani and a person within Mr Mattaini's social circle at the time of his disappearance. On 5 April 2023, Counsel Assisting the Inquiry, Christine Melis, and I held a conference with Mr Lehman. Mr Lehman provided a statement to the Inquiry dated 17 May 2023.
12. On 20 April 2023, I wrote to Marc Hubert at an Australian address provided to it via interagency co-operation, requesting that he make contact with the Inquiry to discuss his recollections of this matter. On 26 May 2023, the Inquiry was advised by a friend of Mr Hubert that he had been residing in France for ten years, but that she would pass on the relevant details of the Inquiry's request. On 15 June 2023, I wrote to Mr Hubert by email to arrange a conference to discuss his recollections of this matter. On 16 June 2023, Counsel Assisting and I attempted to call Mr Hubert, but were not successful in reaching him. As at the time of this statement, the Inquiry has not been able to speak with Mr Hubert.

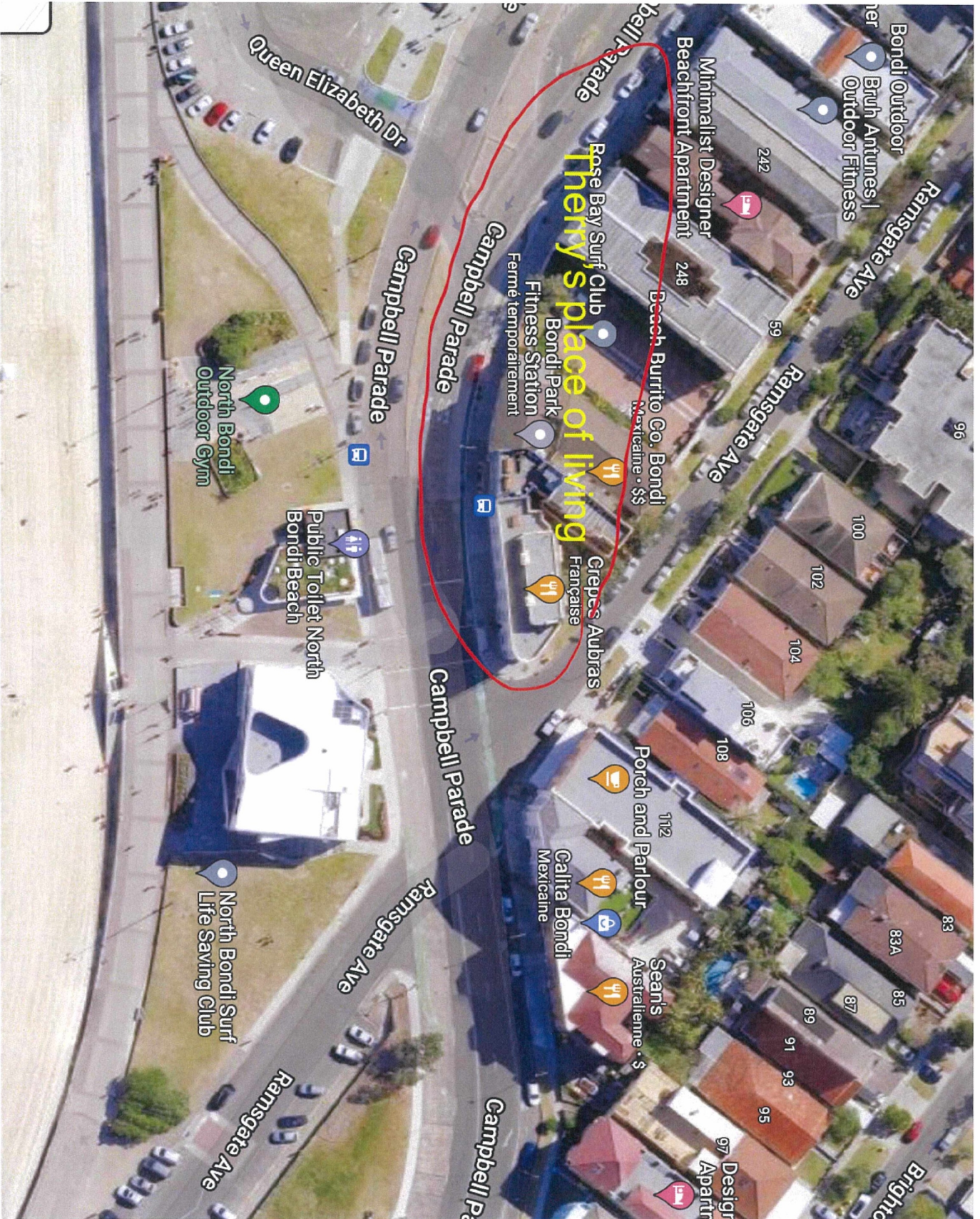
Signature:



Name: Emily Burston

Date: 27 June 2023

# Annexure 'A'



Annexure 'B'

