



Special Commission of Inquiry into LGBTIQ hate crimes

5 September 2023

Hans Rupp

By Express Post

Dear Mr Rupp,

Special Commission of Inquiry into LGBTIQ hate crimes – Brian Walker

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

The Inquiry

On 13 April 2022 the Governor of NSW, by Letters Patent, issued a commission to the Commissioner to inquire into and report on historical LGBTIQ hate crimes. Specifically, the Letters Patent require the Commissioner to inquire into and report to the Governor and Premier on the following matters by 15 December 2023:

- A. The manner and cause of death in all cases that remain unsolved from the 88 deaths or suspected deaths of men potentially motivated by gay hate bias that were considered by Strike Force Parrabell; and
- B. The manner and cause of death in all unsolved suspected hate crime deaths in New South Wales that occurred between 1970 and 2010 where:
 - i. The victim was a member of the lesbian, gay, bisexual, transgender, intersex and queer (LGBTIQ) community; and
 - ii. The death was the subject of a previous investigation by the NSW Police Force.

Further information in relation to the background and conduct of the Inquiry can be found on the Inquiry’s website: www.specialcommission.nsw.gov.au.

Death of Brian Walker

One of the matters the Commissioner is considering pursuant to category A of the Letters Patent is the death of Brian Walker. Mr Walker died following an altercation with John Hokin in the backyard of Mr Hokin’s home in Burnett Street, Merrylands on 23 July 1992. Mr Hokin was subsequently charged with manslaughter, however the Director of Public Prosecutions directed there be no further proceedings as Mr Hokin’s claim of self-defence could not be disproved.

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The Inquiry understands that you were the officer in charge of the NSW Police Force (“NSWPF”) investigation into Mr Walker’s death.

Documentary tender

On 8 February 2023, the Inquiry conducted a public hearing in relation to the death of Mr Walker. A bundle of documents was tendered into evidence in connection with the Inquiry’s consideration of the matter. Those documents comprise Exhibit 15. A copy of Exhibit 15 and the transcript of the hearing and are publicly available at the following link: <https://www.specialcommission.nsw.gov.au/hearings/public-hearing-3-7-8-february-2023/>.

Counsel Assisting made both written and oral submissions in relation to Mr Walker’s death. Those submissions address, amongst other things, the steps taken during the initial NSWPF investigation. A copy of Counsel Assisting’s written submissions is **enclosed** and can also be found on the Inquiry’s website.

On 30 June 2023, the Inquiry received written submissions on behalf of the Commissioner of the NSWPF in connection with the death of Mr walker. For ease of reference, a copy of those submissions is also **enclosed** and publicly available on the Inquiry’s website. For completeness, I note that the on behalf of the Commissioner of the NSWPF also address other deaths, in which I understand you had no involvement.

Submissions

The NSWPF have advised the Inquiry they may not act for you, or *any* of the officers in charge of investigations that are being considered by the Inquiry pursuant to category A and B of the Letters Patent.

The *Special Commissions of Inquiry Act 1983* (NSW) (“*SCOI Act*”) allows for a person who is substantially and directly interested in any subject-matter of the Inquiry to seek authorisation from the Commissioner to appear before the Inquiry, represented by counsel or a solicitor should you wish (see s. 12 of the *SCOI Act*).

Accordingly, if you wish to make written submissions beyond those made by the NSWPF in respect of the death of Mr Walker, please provide these to the Inquiry by no later than **4pm on 27 September 2023**. You are not required to make such written submissions, or otherwise to participate in the Inquiry, if you do not wish to do so. However, if the Inquiry does not receive any contact from you by 27 September 2023, the Commissioner may proceed on the basis that you do not wish to make any submissions in relation to the death of Mr Walker.

If you have any queries in relation to this matter, please do not hesitate to contact Kate Lockery at [REDACTED]

Yours faithfully,



Enzo Camporeale
Director, Legal
Solicitor Assisting the Inquiry