



Special Commission of Inquiry into LGBTIQ hate crimes

25 August 2023

Nicholas Eddy

By email: [REDACTED]

Dear Mr Eddy,

Special Commission of Inquiry into LGBTIQ hate crimes – Kenneth Bowditch

I refer to the Special Commission of Inquiry into LGBTIQ hate crimes (“the Inquiry”), my letter to Kenneth Bowditch dated 22 August 2023, and your letter to the Inquiry dated 24 August 2023 on behalf of Mr Bowditch.

Please convey my apologies to Mr Bowditch for the typographical error in the covering email to my letter of 22 August 2023.

Public Hearing 2

I note your indication that Mr Bowditch is presently hospitalised and will accordingly be unable to participate in the public hearing to be held in September, or prepare a statement or written submissions addressing the matters referred to in my correspondence of 22 August 2023 by 4 September 2023.

I would be grateful if you could confirm whether Mr Bowditch seeks to put on a statement or written submissions regarding those matters at all and, if so, the timeframe in which he would be able to do so, noting the matters referred to in your letter.

By way of clarification, please be advised that it is not anticipated that Mr Bowditch will be called to give oral evidence at the forthcoming hearing in September.

Death of Ross Warren

Further to the specific matters referred to in my letter of 22 August 2023, the Commissioner is considering generally the death of Ross Warren, being one of the deaths falling within category A of the Letters Patent. Mr Warren was last seen at Oxford Street, Sydney, on 22 July 1989. The Inquiry understands that Mr Bowditch was the officer in charge of the NSW Police Force’s (“NSWPF”) initial investigation into Mr Warren’s death.

On 29 June 2023, the Inquiry conducted a public hearing in relation to the death of Mr Warren. A bundle of documents was tendered into evidence in connection with the Inquiry’s consideration of the matter. Those documents comprise Exhibit 45 and are publicly available at the following link: <https://www.specialcommission.nsw.gov.au/hearings/public-hearing-12-28-and-29-june-2023/>

www.specialcommission.nsw.gov.au

contact@specialcommission.nsw.gov.au

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Counsel Assisting made both written and oral submissions in relation to Mr Warren'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 13 July 2023, the Inquiry received written submissions on behalf of the Commissioner of the NSWPF in connection with the death of Mr Warren. For ease of reference, a copy of those submissions is also **enclosed** and publicly available on the Inquiry's website.

I note that both the submissions of Counsel Assisting and of the Commissioner of the NSWPF also address the matters of Gilles Mattaini and John Russell, in which I understand Mr Bowditch had no involvement.

Submissions on death of Ross Warren

The NSWPF have advised the Inquiry they may not act for Mr Bowditch, 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.

Accordingly, the Inquiry is inviting the officers in charge of each investigation to provide the Inquiry with written submissions addressing any matter with respect to the relevant investigation that they consider has not been adequately addressed in the submissions of Counsel Assisting or the Commissioner of the NSWPF.

I would be grateful if you could confirm whether Mr Bowditch seeks to make written submissions beyond those made by the Commissioner of the NSWPF regarding the death of Mr Warren, and, if so, the timeframe in which he would be able to do so noting the matters referred to in your letter. I confirm that Mr Bowditch is not required to make submissions concerning the death of Mr Warren, or otherwise to participate in the Inquiry, if he does not wish to do so.

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

Yours faithfully,



Enzo Camporeale
Director, Legal
Solicitor Assisting the Inquiry

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