

**2022 Special Commission of Inquiry
into LGBTIQ hate crimes**

**Before: The Commissioner,
The Honourable Justice John Sackar**

**At Level 2, 121 Macquarie Street,
Sydney, New South Wales**

Tuesday, 14 November 2023 at 10.30am

(Day 101)

Mr Peter Gray SC	(Senior Counsel Assisting)
Mr James Emmett SC	(Senior Counsel Assisting)
Ms Meg O'Brien	(Counsel Assisting)
Ms Claire Palmer	(Counsel Assisting)
Mr William de Mars	(Counsel Assisting)
Mr Enzo Camporeale	(Director Legal)

1 THE COMMISSIONER: Thank you. Yes, Mr Gray.

2

3 MR GRAY: Commissioner, this Special Commission of Inquiry
4 was established a little over 18 months ago in late April
5 last year, 2022. You were authorised to inquire into and
6 report on unsolved LGBTIQ hate crime deaths over a 40-year
7 period from 1970 to 2010.

8

9 On 2 November 2022, one year and 12 days ago,
10 I delivered my opening address. A great deal has happened
11 since then.

12

13 I have had the honour of being Senior Counsel
14 Assisting the Special Commission since its inception.
15 Eight other barristers have also served as Counsel
16 Assisting - James Emmett SC, Christine Melis, Meg O'Brien,
17 Claire Palmer, William de Mars, Rebecca McEwen, Kathleen
18 Heath and Gráinne Marsden. Mr Emmett, Ms O'Brien,
19 Ms Palmer and Mr de Mars appear with me at the Bar table
20 today.

21

22 Mr Enzo Camporeale, also seated at the Bar table, is
23 the Solicitor Assisting the Special Commission. He leads
24 a team of more than 30 solicitors and legal support staff
25 from the Crown Solicitor's Office.

26

27 I began in November last year with some remarks which
28 included the following:

29

30 *The response of the community, of society,*
31 *of its institutions, to these deaths was*
32 *sadly lacking.*

33

34 *All of these lives, of every one of these*
35 *people, mattered. They mattered to them,*
36 *to their loved ones, and ultimately to all*
37 *of us. And their deaths matter.*

38

39

40 The work of the Special Commission over the last
41 18 months has underlined and highlighted all of those
42 sobering realities.

43

44 I then went on to say, last year:

45

46 *This Special Commission, by shining a light*
47 *on everything that is known and can be*

1 *found out about what happened, will aim to*
2 *provide some recognition of the truth.*

3
4 That objective, "to provide some recognition of the truth",
5 was deliberately unsentimental. This was a task with no
6 easy solutions, no "quick fix".

7
8 "Cold cases", as they are colloquially known, are
9 notoriously, and unsurprisingly, hard to solve. By
10 definition, they are cases where the truth was not
11 uncovered in the immediate aftermath of the death at the
12 time when usually recollections are clearest and when the
13 physical evidence is most readily at hand and able to be
14 tested.

15
16 So it was always possible that not all, perhaps even
17 not many, of the deaths under consideration in this Special
18 Commission would be able to be solved in the sense of
19 identifying killers and bringing them belatedly to justice.

20
21 These were more than 30 unsolved deaths which occurred
22 between 13 and 53 years ago. From that 40-year period,
23 there are still, in total, more than 700 unsolved homicides
24 in this State and more than 500 missing persons. Many of
25 the witnesses, police officers and persons of interest in
26 the cases examined by this Special Commission, as well as
27 many family members, friends and loved ones, are deceased
28 or in failing health or no longer able to be found. And it
29 has also gradually become disappointingly clear over the
30 course of the work of the last year and a half that many of
31 the original exhibits and documentary records have been
32 lost.

33
34 Nevertheless, I am able to say that, in some cases,
35 the Special Commission may fairly be regarded as having
36 made breakthroughs. I will say something about two of
37 those a little later.

38
39 Significant progress has also been made in a number of
40 other cases and lines of possible future investigation
41 revealed. In those instances, a recommendation may be made
42 that the work of this Special Commission be made available
43 to the NSW Police, and that may yet lead to substantive
44 results.

45
46 And certainly there is this: in every single case
47 which the Special Commission has considered, every possible

1 attempt has been made to bring to the surface everything
2 that can be ascertained, as of now, about the death of that
3 person and about the efforts made in the past to
4 investigate that death.

5
6 In all those ways, the community can be satisfied that
7 the Special Commission has, indeed, "shone a light on
8 everything that is known and can be found out about what
9 happened".

10
11 That includes not only seeking out the truth about
12 what happened at the moment in which each of these people
13 died. It also includes seeking out the truth about what
14 happened after they died: in the original investigations
15 many years ago; at the inquests, where there was one; in
16 subsequent reviews and investigations, where there have
17 been any; in the storing and organising and testing of
18 exhibits and documentary records; and in a number of strike
19 forces, as recently as the last 10 years, directed at
20 various aspects of the phenomenon of LGBTIQ hate crimes in
21 New South Wales.

22
23 Some of those aspects of the search for truth have
24 involved a focus on the NSW Police, past and present.
25 That, in turn, has meant the need to scrutinise not only
26 the work of the police in relation to those various
27 investigations, reviews and practices, but also the way in
28 which the police have chosen to go about their
29 participation in this Inquiry in 2022 and 2023. I will say
30 something about that also later in these closing remarks.

31
32 I will start with some basic statistics. First,
33 summonses for production of documents and summonses to give
34 evidence.

35
36 The Special Commission issued a total of 200 summonses
37 to the NSW Police Force to produce documents. A further
38 283 summonses to produce documents were issued to more than
39 80 other institutions, agencies and entities, both in
40 New South Wales and interstate. There were also 51
41 requests to the Coroners Court of New South Wales, other
42 courts throughout New South Wales and other agencies and
43 organisations. 121 summonses were issued to persons
44 requiring them to attend and give evidence, some of those
45 in public hearings and some in private hearings.

46
47 Mainly as a result of those summonses and requests,

1 more than 150,000 separate documents, many of those very
2 lengthy, some of them running to hundreds of pages each,
3 have been received and reviewed. Much of that material,
4 especially from the police, was in hard copy, in hundreds
5 of boxes. A vast amount of material was also received in
6 digital form, and I outlined a year ago the various ways in
7 which the Special Commission organised the handling and
8 preserving of all that material. The number of documents
9 produced by the NSW Police Force alone was in excess of
10 100,000.

11
12 I turn to hearings. There were 17 separate public
13 hearings. Thirteen of those 17 hearings, over a total of
14 22 days, were for the presentation of the evidence and
15 written and oral submissions in respect of 32 individual
16 deaths.

17
18 The other four public hearings were: firstly, Public
19 Hearing 1, which concerned the social and political
20 contexts referable to the 40-year period under review;
21 secondly, Public Hearing 2, which occupied 32 hearing days
22 and principally concerned three strike forces, namely,
23 those called Parrabell, Macnamir and Neiwand; thirdly,
24 Public Hearing 13, which occupied five hearing days and
25 concerned investigative practices in relation to unsolved
26 homicides, primarily those of the NSW Police; and,
27 fourthly, Public Hearing 15 which concerned delays and
28 problems in relation to the production of police records.
29 In all, there were 66 days of public hearings, in which
30 a total of 38 witnesses gave oral evidence.

31
32 In addition to those 17 public hearings, there have
33 also been 48 private hearings. Many of those related to
34 particular deaths under investigation; others related to
35 aspects of police investigative practices, including
36 confidential methodology. The evidence from private
37 hearings will be the subject of a confidential volume of
38 the Report.

39
40 The Special Commission received and reviewed
41 information provided by more than 130 members of the public
42 through the contact form on the Inquiry's website. In
43 addition, Inquiry staff engaged in conferences, telephone
44 calls and correspondence with family and friends of the
45 deceased persons. The Special Commission is grateful to
46 everyone who has assisted in these ways.
47

1 Over the span of the Special Commission, nine
2 barristers and a total of some 32 solicitors and legal
3 support staff have assisted you. More than 30 experts and
4 consultants from various fields have been engaged to
5 provide reports, analyses and other specialist assistance.
6

7 The Special Commission also established a witness
8 support and counselling service, whose staff were available
9 to assist the diverse range of people who gave evidence or
10 otherwise interacted with the Special Commission. They
11 were offered the choice of receiving counselling support
12 from the Special Commission's own service or from an
13 external counselling service provided by ACON Pride
14 Counselling.
15

16 I turn to the Terms of Reference. The Terms of
17 Reference authorise you, as Commissioner, "to inquire into
18 and report and make recommendations" on two categories of
19 "unsolved" deaths. Those two categories, Category A and
20 Category B, are expressed as follows:
21

22 *[Category] A. The manner and cause of*
23 *death in all cases that remain unsolved*
24 *from the 88 deaths or suspected deaths of*
25 *men potentially motivated by gay hate bias*
26 *that were considered by Strike Force*
27 *Parrabell.*
28

29 *[Category] B. The manner and cause of*
30 *death in all unsolved suspected hate crime*
31 *deaths in New South Wales that occurred*
32 *between 1970 and 2010 where:*
33

34 *(i) the victim was a member of the*
35 *lesbian, gay, bisexual, transgender,*
36 *intersex and queer ... community; and*
37

38 *(ii) the death was the subject of*
39 *a previous investigation by the NSW Police*
40 *Force.*
41

42 As I explained in my opening just over a year ago, the
43 precise words chosen by Parliament in those two categories
44 are of considerable importance in a number of respects.
45 I will briefly recapitulate some of the points I made in
46 the opening.
47

1 First, the Special Commission is only to inquire into
2 and report on "deaths", not on crimes such as assaults and
3 bashings, which may have been bias crimes but did not
4 result in death.

5
6 Secondly, both Category A and Category B are
7 restricted to cases that were still "unsolved" as at the
8 date of the Terms of Reference - that is, in April last
9 year. It is for you, as Commissioner, to make your own
10 determination in each case as to whether that case was
11 unsolved or not as at April last year.

12
13 Whether a given case is to be regarded as "solved" or
14 "unsolved" will depend on the circumstances of that case.
15 At one end of the scale would be cases where perpetrators
16 have been positively identified, charged and convicted. At
17 the other end would be cases where a deceased is found in
18 circumstances where what actually happened - that is, the
19 manner of death - is simply unknown, even where the cause
20 of death might be clear enough, for example, injuries
21 caused by a blow to the head or injuries consistent with
22 a fall from a height. In other cases, the possibility of
23 suicide or misadventure might be unable to be ruled out.
24 As I say, each case, each death, has to be considered
25 individually, and that is what the Special Commission has
26 done.

27
28 Thirdly, the name of this Special Commission includes
29 the expression "LGBTIQ hate crimes". That acronym, LGBTIQ,
30 comes directly from the Terms of Reference, which use that
31 specific acronym to refer to certain specific words,
32 namely, "lesbian, gay, bisexual, transgender, intersex and
33 queer". The Special Commission is fully aware that other
34 words and other acronyms are sometimes used in various
35 contexts, however, because those specific words and that
36 specific acronym are used in the Terms of Reference, the
37 Special Commission, for its purposes, has adopted them.

38
39 Fourthly, Category A refers to 88 deaths of "men" that
40 were "considered by Strike Force Parrabell". In fact, some
41 of the deaths considered by Strike Force Parrabell were of
42 people who were transgender, intersex and/or identified as
43 women. Category B, by contrast, refers to the deaths of
44 people described as "victims". The Special Commission
45 regards Category A as having a similar intent. It has
46 treated both categories, A and B, as referring to LGBTIQ
47 "people".

1
2 Fifthly, Category B uses the expression "member of the
3 LGBTIQ community". Whether there is one such identifiable
4 community or many LGBTIQ communities, and whether
5 a particular person was or was thought to be a member of
6 such a community, may be questions of some intricacy or
7 nuance.

8
9 The Special Commission has taken the approach that
10 a person is considered to come within the meaning of the
11 expression "member of the LGBTIQ community" where: (a) the
12 person self-identified as an LGBTIQ person; or (b) there is
13 reason to believe or suspect that the person was an LGBTIQ
14 person; or (c) there is reason to suspect that those
15 involved in the death believed or assumed that the person
16 was or may be an LGBTIQ person.

17
18 Sixthly, whereas Category A refers to deaths that were
19 "potentially motivated by gay hate bias", Category B uses
20 slightly different language, namely, "suspected hate crime
21 deaths ... where ... the victim ... was a member of the
22 [LGBTIQ] community".

23
24 Those two different verbal formulations have been
25 treated by the Special Commission as referring to what is
26 substantially the same concept or criterion. The
27 expression "suspected LGBTIQ hate crime death" has been
28 used to reflect that one criterion.

29
30 I draw attention in particular to the word "potential"
31 in Category A and the word "suspected" in Category B. You
32 were not asked, as Commissioner, to make a positive finding
33 that LGBTIQ bias definitely was or definitely was not
34 a factor in a death. Rather, you were asked to inquire
35 into, and report on, deaths which were "potentially
36 motivated" by such bias, those are the words in Category A,
37 or which were "suspected" of being "hate crime deaths",
38 those being the words in Category B. That is significant
39 in a number of respects, including when one comes to the
40 question of the applicable standard of proof, to which
41 I now turn.

42
43 Both Category A and Category B direct the attention of
44 the Special Commission to the "manner and cause" of the
45 deaths.

46
47 Speaking somewhat generally, the "cause" of a death

1 refers to the medical reasons for the cessation of life,
2 while the "manner" of death refers to the circumstances
3 that surrounded those medical reasons - that is, who or
4 what was responsible for that medical cause of the death.
5

6 In almost all of the cases considered by this Special
7 Commission, apart from cases of missing persons where even
8 the fact of death is not known with certainty, it is likely
9 to be possible for you, as Commissioner, to make findings
10 as to cause of death. In many but not all cases, it will
11 also be possible to make findings as to manner of death.
12 In all those respects, such findings will be made by
13 reference to the civil standard of proof, namely, the
14 balance of probabilities, taking into account the
15 well-known *Briginshaw* principles.
16

17 Critically, however, the Terms of Reference also
18 require that consideration be given to the separate
19 question of the presence or absence of LGBTIQ bias as
20 a factor in the death. In the majority of cases considered
21 by the Special Commission, the identity of the perpetrator,
22 and thus that perpetrator's motivation, were and are
23 unknown. In such cases, the question as to whether LGBTIQ
24 bias was present would rarely be susceptible of a positive
25 finding of fact one way or the other. Nor, as I explained
26 a few moments ago, is that the question which is asked in
27 the Terms of Reference.
28

29 Accordingly, as I made clear at my opening more than
30 12 months ago, on the issue of bias, the task of the
31 Special Commission is not to make "findings", as such.
32 Neither the civil standard of proof - balance of
33 probabilities - nor the higher criminal standard - beyond
34 reasonable doubt - is the applicable test. Rather, for the
35 purposes of the Special Commission, a death will be
36 regarded as a "suspected LGBTIQ hate crime death", and
37 thus, if it is unsolved, prima facie within one or both of
38 Categories A and B, in circumstances where there is
39 objectively reason to suspect both: (a) that the death was
40 a homicide; and (b) that the sexuality or gender identity,
41 actual or assumed, of the deceased person as an LGBTIQ
42 person was a factor in the commission of the crime.
43

44 The approach taken by the Special Commission to the
45 issue of bias is thus markedly different from the approach
46 taken to that issue by Strike Force Parrabell. I will say
47 more about this later.

1
2 The Terms of Reference specifically require you, as
3 well, to have regard to various earlier reports, including
4 the Parrabell Report and the ACON Report, both published in
5 2018, and the two reports of the Parliamentary Committee
6 which considered some of these matters between 2018 and
7 2021.

8
9 I turn now to Category A and to the deaths which come
10 within Category A for the purposes of this Special
11 Commission.

12
13 Category A consists of those cases which "remained
14 unsolved" as at April last year from among the 88 deaths or
15 suspected deaths considered by Strike Force Parrabell.

16
17 Strike Force Parrabell was established in about August
18 2015. It was a review on the papers of a list of 88 deaths
19 which had been the subject of intense media attention since
20 at least 2013.

21
22 That list had been developed over many years, since
23 about 1990, principally by Ms Sue Thompson, who was the
24 NSW Police Gay and Lesbian Client Consultant from 1990 to
25 2002. Ms Thompson was assisted by others in developing the
26 list over those 20 years or more, notably,
27 Professor Stephen Tomsen.

28
29 Those 88 deaths occurred in a 23 year period between
30 1976 and 1999.

31
32 Strike Force Parrabell reviewed only 86 of the 88
33 deaths, for reasons which I do not need to canvass today.

34
35 Both Strike Force Parrabell and ACON regarded many of
36 the 88 deaths, well over half, as "solved", sometimes
37 because perpetrators had been charged and convicted,
38 sometimes for other reasons. The Special Commission, as
39 I have said, is required by the Terms of Reference to give
40 consideration only to deaths that "remain unsolved".

41
42 In the Case Summaries which it prepared, Strike Force
43 Parrabell described 24 of those 86 as "unsolved". In the
44 Parrabell Report itself, 23 were described as "unsolved".
45 The reason for that discrepancy also need not detain us
46 today.
47

1 Strike Force Parrabell did not identify any criterion
2 which it may have used in designating deaths as "solved" or
3 "unsolved".
4

5 In its 2018 Report, ACON referred to "approximately
6 30" of the 88 deaths as unsolved.
7

8 The Special Commission embarked upon its own
9 assessment of this issue. The question for the Special
10 Commission was: which of the 88 Parrabell deaths should be
11 properly be regarded as having "remained unsolved" as at
12 the inception of the Special Commission in April 2022, and
13 thus as falling within Category A?
14

15 All the deaths the subject of the Parrabell Report
16 were reviewed. That review involved, among other things,
17 consideration of publicly available information, including
18 court judgments and all the material eventually produced
19 over many months by the NSW Police.
20

21 A provisional view was formed that there were
22 32 deaths to which close consideration should be given
23 as possibly being "unsolved" and thus within Category A.
24 Those 32 deaths were the 24 so described by Strike Force
25 Parrabell, together with eight additional deaths identified
26 by the Special Commission.
27

28 However, as at April 2022, two of those 32 deaths,
29 namely, those of Raymond Keam in 1987 and Scott Johnson in
30 1988, were the subject of ongoing criminal proceedings.
31 Indeed, in the case of Scott Johnson, a man had pleaded
32 guilty to murder in January 2022, a plea that was
33 subsequently withdrawn.
34

35 Accordingly, having regard, in particular, to
36 paragraph E of the Terms of Reference, the Inquiry did not
37 investigate those two deaths. This year, in 2023, as
38 events transpired, in both of those cases offenders were
39 convicted of homicide: murder, in the case of
40 Raymond Keam, and manslaughter, in the case of
41 Scott Johnson.
42

43 The Special Commission, for its part, therefore, gave
44 close consideration to a total of 30 deaths as possibly
45 falling within Category A of the Terms of Reference.
46

47 At the same time, for each of those 30 deaths, the

1 Special Commission also set out to obtain and review, for
2 its own investigative purposes, all available historical
3 material, as well as all further information that could be
4 obtained by way of present-day forensic testing and/or by
5 other means, including expert review.
6

7 The avenues explored in that exercise were very
8 extensive, as I foreshadowed in November last year and as
9 your Report will record. Among other things, a very large
10 volume of documents and records of various kinds was sought
11 and obtained, as I have mentioned. Many of those records
12 were incomplete, sometimes obviously so, sometimes not.
13 Some police files were missing or lost, in whole or in
14 part. Some exhibits, including the murder weapon in a
15 number of cases, had been lost. Those gaps in the records
16 and exhibits were very damaging from the point of view of
17 the efforts of the Special Commission to reinvestigate such
18 cases.
19

20 A detailed review of all the material received in
21 relation to each case was conducted and an initial "Case
22 Summary" was produced by the solicitors assisting the
23 Special Commission.
24

25 The next step was the completion of a separate and
26 more focused document identifying specific "Factors for
27 Decision". One of those factors was whether the case ought
28 properly to be regarded, in the light of all the material
29 now available, as solved or unsolved.
30

31 The completed "Factors for Decision" document included
32 recommendations as to what further investigative steps
33 should be taken and a preliminary assessment as to the
34 possible presence of LGBTIQ bias.
35

36 The Case Summary and the Factors For Decision were
37 then discussed in a "First Case Review Meeting". Decisions
38 were made as to which, if any, of the recommendations
39 should be implemented.
40

41 The investigative avenues that were then deployed
42 included conducting witness conferences, holding private
43 hearings with witnesses and persons of interest, issuing
44 summonses to various agencies and organisations for
45 additional records, reviewing information provided by
46 members of the public, media reviews and scene visits.
47

1 Critically, summonses were issued for the production
2 of the relevant physical exhibits. Unfortunately, what all
3 too frequently emerged was that exhibits could not be
4 found.

5
6 Where the police were able to locate and produce
7 exhibits, in appropriate cases, the Special Commission
8 arranged for various forms of modern forensic testing and
9 checking, including, for example, by way of fingerprint
10 analysis and/or DNA analysis.

11
12 The Special Commission also sought and obtained advice
13 and reports from a wide variety of consultants, expert
14 consultants from various specialist fields, including
15 forensic pathology, cardiology, neurosurgery, forensic
16 psychiatry, toxicology, bloodstain pattern analysis, and
17 coastal geomorphology.

18
19 For each case, once those various steps had been
20 taken, a second "Factors for Decision" document was
21 prepared with the outcome of all the steps taken to date,
22 any revised assessments or analyses, and any
23 recommendations as to further possible steps that might be
24 taken. This document also presented the more developed
25 views of those reviewing the material as to whether the
26 death was "unsolved" and as to whether it was one in which
27 LGBTIQ bias was or may have been a factor.

28
29 A "Second Case Review Meeting" was then convened. At
30 that meeting, final decisions were made, firstly as to
31 whether the case was considered to fall within Category A
32 or not, and, secondly, if so, as to any further avenues of
33 inquiry to be pursued.

34
35 Ultimately, Counsel Assisting formed the view, for
36 reasons which were addressed in submissions, that eight of
37 the 30 deaths under consideration were not "unsolved" as at
38 the inception of the Inquiry in April 2022 and thus were
39 not within Category A.

40
41 Those eight deaths were: two of the 24 cases
42 described by Strike Force Parrabell in 2018 as "unsolved";
43 and six of the eight additional deaths to which the Inquiry
44 gave consideration in this regard.

45
46 Accordingly, in the view of the Special Commission,
47 22 of the deaths considered by Strike Force Parrabell were

1 properly to be regarded as having "remained unsolved" as
2 at April 2022.

3
4 The 22 deaths were those of the following people:

5
6 Mark Stewart, also known as Mark Spanswick, who died
7 in 1976;

8
9 Paul Rath, who died in 1977;

10
11 Walter Bedser, who died in 1980;

12
13 Richard Slater, who died in 1980;

14
15 Gerald Cuthbert, who died in 1981;

16
17 Peter Sheil, who died in 1983;

18
19 Wendy Waine, who was given the name Wayne Brennan at
20 birth, and who died in 1985;

21
22 Gilles Mattaini, who died in 1985;

23
24 William Rooney, who died in 1986;

25
26 William Allen, who died in 1988;

27
28 John Hughes, who died in 1989;

29
30 Ross Warren, who died in 1989;

31
32 Graham Paynter, who died in 1989;

33
34 John Russell, who died in 1989;

35
36 Michael Swaczak, who died in 1991;

37
38 Cyril Olsen, who died in 1992;

39
40 Crispin Dye, who died in 1993;

41
42 James Meek, who died in 1995;

43
44 Kenneth Brennan, who died in 1995;

45
46 Carl Stockton, who died in 1996;

47

1 Scott Miller, who died in 1997; and

2

3 Samantha Rose, who was given the name David Rose at
4 birth, who died in 1997.

5

6 With two exceptions, all 30 of the possible Category A
7 deaths - that is, including the eight which were ultimately
8 considered not to fall within Category A - were the subject
9 of a formal documentary tender in a public hearing of the
10 Special Commission. The additional eight deaths were those
11 of the following people:

12

13 David Lloyd-Williams, who died in 1976;

14

15 Andrew Currie, who died in 1988;

16

17 Russell Payne, who died in 1989;

18

19 Samantha Raye, who died in 1989;

20

21 Simon Blair Wark, who died in 1990;

22

23 William Dutfield, who died in 1991;

24

25 Robert Malcolm, who died in 1992; and

26

27 Brian Walker, who died in 1992.

28

29 From the overall mass of material and information
30 assembled, a bundle of documentary evidence was selected
31 and compiled for each of these deaths. Such tender bundles
32 typically included: documents relating to the
33 circumstances of the death itself; documents relating to
34 previous investigations of that death, whether by the
35 police or the Coroner; documents relating to the various
36 steps taken by this Inquiry in relation to that death, and
37 the results and conclusions flowing from those steps; and
38 any statement which a family member may have made.

39

40 For each documentary tender there were written and
41 oral submissions by Counsel Assisting, reply submissions by
42 the NSW Police Force, and, where appropriate, submissions
43 from interested parties such as family members of the
44 deceased.

45

46 The two exceptions were the cases of Michael Swaczak
47 and Cyril Olsen. Although those two deaths were also the

1 subject of all the reviewing and investigative steps that
2 I have outlined, they were not presented in a public
3 hearing. They will be addressed in a confidential section
4 of the Report. However, I make it clear that on the
5 publicly known facts, it is very likely that both of those
6 two cases were homicides. In both cases, in the view of
7 Counsel Assisting, there is also objectively reason to
8 suspect that LGBTIQ bias was a factor in the death.
9

10 Taking those two cases into account, then, the
11 position likely to be reached in your Report is that of the
12 22 unsolved Parrabell deaths, you may come to the view
13 that: 14 of the deaths were homicides, and for six of the
14 deaths there is, objectively, reason to suspect that they
15 were homicides, while two were not homicides. Of those
16 20 deaths that either were homicides or there is,
17 objectively, reason to suspect that they were, all 20 were
18 cases in which there is also, objectively, reason to
19 suspect that LGBTIQ bias was a factor.
20

21 There is a stark contrast between these numbers and
22 the results arrived at by Strike Force Parrabell in 2018.
23 That is in part because the questions addressed by the
24 Special Commission, and its approach to doing so, are quite
25 different from the methodology adopted by Strike Force
26 Parrabell.
27

28 Strike Force Parrabell, it will be recalled, created
29 and utilised a particular form called a "Bias Crimes
30 Indicator Form", which required officers to select for each
31 death one of four alternative findings, namely, either
32 "Evidence of Bias Crime"; or "Suspected Bias Crime"; or "No
33 Evidence of Bias Crime"; or "Insufficient Information".
34

35 For the first of those, "Evidence of Bias Crime", the
36 standard of proof was the criminal standard, namely,
37 "beyond reasonable doubt". Perhaps, in part, because of
38 that high threshold, the results of Strike Force Parrabell
39 with respect to the 23 deaths which it treated as
40 "unsolved" were: "Evidence of Bias Crime", zero;
41 "Suspected Bias Crime", five; as to the other 18, either
42 "No Evidence of Bias Crime" or "Insufficient Information".
43

44 By contrast, as I have noted, of the 20 Parrabell
45 deaths which you may regard as "remaining unsolved" as
46 at April 2022, all 20 would be regarded as deaths where
47 there is objectively reason to suspect that LGBTIQ bias was

1 a factor.

2
3 I turn to Category B. Category B covers a much wider
4 range or possible range of deaths than does Category A.

5
6 Category B directed you to inquire into all unsolved
7 deaths in a 40-year period from 1970 to 2010, whether
8 reviewed by Strike Force Parrabell or not, which are
9 "suspected hate crime deaths", where the victim was
10 a member of the LGBTIQ community.

11
12 As is immediately apparent, that 40-year period is
13 nearly twice as long as the 23 years within which the 88
14 Parrabell deaths occurred.

15
16 Dealing with the scope of the task bound up within
17 Category B proved to be an enormous exercise for the staff
18 of the Special Commission, one which was complicated,
19 painstaking and time-consuming.

20
21 In particular, it required close examination of two
22 spreadsheets produced by the NSW Police Force. The first
23 was a document called the "Tracking File", maintained by
24 the Unsolved Homicide Team, sometimes called the "UHT",
25 that Tracking File lists more than 700 unsolved cases from
26 the period 1970 to 2010; and a second document called the
27 "Long-Term Missing Persons Spreadsheet", which is
28 maintained by the Missing Persons Registry, and that
29 document lists another 559 persons as Missing Persons in
30 that same 40-year period.

31
32 The Special Commission requested the NSW Police Force
33 to identify from those two lengthy lists those cases which
34 were or might be LGBTIQ bias-related. Unfortunately,
35 however, the NSW Police responded to the effect that it did
36 not have either sufficient personnel or adequate electronic
37 means to do so.

38
39 The Special Commission was therefore obliged to devise
40 its own protocols, procedures and methods for scrutinising,
41 analysing and researching the nearly 1,300 cases on those
42 two spreadsheets.

43
44 Firstly, as to the Unsolved Homicide Tracking File,
45 that Tracking File itself, with few exceptions, does not
46 contain any indication as to whether a particular matter is
47 or might be a bias-related homicide, nor any indication of

1 the sexuality or gender identity of the victim. Hence it
2 was necessary for the Special Commission to seek, obtain
3 and analyse some or all of the underlying material relating
4 to each of those 700 plus deaths.
5

6 As an initial step, the Inquiry team first conducted
7 preliminary word searches of the Tracking File using broad
8 search terms, covering such themes as sexual and gender
9 identities, locations, and types of crime. From those
10 preliminary searches, five cases were immediately
11 identified for further consideration as cases which might
12 fall within Category B. The Special Commission requested
13 all the material held by the Coroners Court and the
14 NSW Police for each of those deaths.
15

16 Next, the Inquiry sought and obtained from the
17 NSW Police any case summaries or review documents which had
18 been prepared by the Unsolved Homicide Team for any of the
19 700-plus homicides in question. That material, when
20 provided, comprised more than 1,000 separate documents in
21 total. However, for many of those 700-plus cases, there
22 were no such review documents.
23

24 A team of solicitors reviewed all these UHT documents
25 and made various preliminary classifications: first, as to
26 deaths clearly outside Category B; and, second, several
27 other subclassifications as to deaths which might fall
28 within Category B once further information was available.
29

30 At all times in the sifting and consideration of
31 possible Category B deaths, the solicitor team took
32 a conservative approach. A case would only be excluded,
33 particularly at these early stages, if it was clearly
34 outside the Terms of Reference - for example, because the
35 victim was a young child or the death related to organised
36 crime, or the death was a misadventure, such as a boat or
37 plane crash.
38

39 From these UHT documents, the solicitor team
40 identified a further 12 deaths which might fall within
41 Category B. Requests were made to the NSW Police, to the
42 Coroners Court and to the Director of Public Prosecutions
43 for the files relating to those deaths.
44

45 Another nine possible deaths were added, following
46 a further review by counsel and solicitors, of 23 other
47 cases which the solicitor team has flagged as potentially

1 also within Category B. Coronial and police files were
2 requested for those nine deaths as well.

3
4 In very many cases there was simply insufficient
5 information on the Tracking File to make an assessment.
6 For those deaths, a number of additional steps were taken.

7
8 First, online searches were conducted for any publicly
9 available information. That led to the identification of
10 one death as possibly falling within Category B, for which
11 the files were requested, and also to a number of cases
12 being excluded.

13
14 Secondly, for all remaining cases, the Special
15 Commission sought and obtained from the police the
16 documents known as the "police facts", and, from the
17 Coroners Court, any report of death or suspected death, or
18 findings, or reasons for dispensing with an inquest.

19
20 In total, by the end of this process, in connection
21 with the Tracking File, 27 deaths were identified as
22 potentially within Category B. Two of those were excluded
23 at an early stage following review of the material
24 produced. One of those involved ongoing criminal
25 proceedings, and the second was considered to be solved.
26 The remaining 25 deaths identified as a result of the work
27 done in connection with the Unsolved Homicide Tracking File
28 moved to the final case review process, which followed
29 a similar sequence as for the Category A deaths which
30 I have mentioned, and I will come to that in a moment.

31
32 Secondly, as to the Long-Term Missing Persons
33 Spreadsheet, the information in that spreadsheet comprised
34 only the name of the missing person, the date of the
35 disappearance and the event or case reference. Again, the
36 spreadsheet contained no indication as to whether
37 a particular disappearance was or might be a bias-related
38 case or as to the sexuality or gender identity of the
39 missing person. The Special Commission accordingly
40 reviewed each of these 559 cases itself as well.

41
42 First, the solicitor team conducted online searches of
43 publicly available information about each of the missing
44 persons on the spreadsheet and the circumstances of their
45 disappearance. Preliminary classifications were then made,
46 as with the UHT "Tracking File". Again, a conservative
47 approach was taken.

1
2 Seven cases were immediately identified as possibly
3 falling within Category B. For each of those, a summons
4 was issued to the NSW Police for all investigative files,
5 including material from the Missing Persons Registry and
6 the Unsolved Homicide Team, and that material was reviewed
7 by the solicitor team.
8

9 For hundreds of cases, 277 in total, a summons was
10 issued to the NSW Police for any COPS event entries or case
11 reports referenced in the Long-Term Missing Persons
12 Spreadsheet. Material was produced for 274 of those cases.
13 All of that material was reviewed by the solicitor team
14 according to a similar regime as adopted in respect of the
15 UHT "Tracking File". From that review, a further eight
16 cases were identified as possibly falling within
17 Category B. All records for those cases were requested
18 from the NSW Police and the Coroners Court and all those
19 records were reviewed.
20

21 There remained about 43 missing persons cases for
22 which there was still insufficient information to enable
23 a considered assessment to be made. For these cases, the
24 Special Commission turned to the courts and requested the
25 report of death or suspected death and the findings, or
26 reasons for dispensing with an inquest, from the Coroners
27 Court or relevant Local Court. A further summons was then
28 issued for all NSW Police investigative files in relation
29 to four of those 43 cases. Following the review of all the
30 material thereby obtained from the Coroners and the Local
31 Courts and from the police, none of those 43 cases was
32 considered to fall within Category B.
33

34 Ultimately, from the 559 cases in the Long-Term
35 Missing Persons Spreadsheet, 14 cases proceeded to the
36 final case review process.
37

38 Thirdly, in addition to the two spreadsheets,
39 additional cases were also identified by seeking and
40 obtaining information from numerous other sources, to which
41 I referred in November last year, including the National
42 Coronial Information System, the Australian Institute of
43 Criminology, historical LGBTIQ media publications, and
44 submissions made to the Parliamentary Committee, as well as
45 information from community groups, from the public, and
46 from the families and friends of people who have died.
47

1 In total, 12 more possible Category B cases were
2 identified by these means. The coronial and police files
3 for all of those 12 cases were sought and obtained,
4 reviewed and analysed. Following that review, seven of
5 those 12 cases proceeded to the case review process.
6

7 So the overall result of all these various successive
8 stages of information-gathering, sifting and review, was
9 that of the approximately 1,300 cases which were possibly
10 cases which might fall within Category B, all of them
11 having been considered in the ways that I have mentioned,
12 46 cases ultimately moved to the comprehensive case review
13 process here at the Special Commission. Of those 46 cases:
14 25 came from the Unsolved Homicide "Tracking File"; 14 came
15 from the "Long-Term Missing Persons Spreadsheet"; and seven
16 came from elsewhere.
17

18 Those 46 cases were then the subject of the intensive
19 sequence of review steps by the Special Commission that
20 I have described in relation to the deaths in Category A,
21 namely: the production of a detailed "Case Summary" - at
22 that stage two cases were assessed as falling outside
23 Category B; then the more focused "Factors For Decision"
24 document, including recommendations for further
25 investigative steps and a preliminary assessment as to the
26 possible presence of LGBTIQ bias; then the "First Case
27 Review Meeting" - and at that point 16 cases were
28 determined to be clearly outside Category B, leaving 28
29 cases regarded as needing further consideration.
30

31 For those remaining 28 cases, various further
32 investigative steps were then taken, as with the Category A
33 deaths.
34

35 Following the completion of those steps, it was
36 determined that 10 of the 28 deaths did not fall within
37 Category B.
38

39 For the remaining 18 cases, a "Second Factors For
40 Decision" document was prepared and a "Second Case Review
41 Meeting" convened.
42

43 At that final point, 14 of those 18 remaining cases
44 were determined to fall outside Category B.
45

46 Accordingly, the conclusion arrived at by the Special
47 Commission was that there were four unsolved deaths which

1 fell within Category B of the Terms of Reference. Those
2 cases were:

3
4 Ernest Head, who died in June 1976;

5
6 Barry Jones, who died in September 1976;

7
8 Peter Baumann, who died in 1983; and

9
10 Anthony Cawsey, who died in 2009.

11
12 Those four cases were the subject of documentary
13 tenders at public hearings of the Special Commission and of
14 oral and written submissions by Counsel Assisting, as well
15 as reply submissions on behalf of the NSW Police.
16

17 When I gave the opening address just over a year ago,
18 it was far from clear how many cases would ultimately be
19 identified as falling within Category B. It seemed likely
20 at that time that the number might be in the range of 15 to
21 30. However, ultimately, as I have outlined, the outcome
22 of the lengthy and painstaking process just described is
23 that the number of cases, so far as the Special Commission
24 has been able to determine in the time available to it,
25 which fall within Category B is four. That is obviously
26 less than the provisional estimate 12 months ago of 15 to
27 30.
28

29 I make two observations about that lower than expected
30 number. First, on one view, that lower number might appear
31 to be, although, of course, only in relative terms,
32 comparatively reassuring - that is, it might suggest that
33 there were not, in addition to the 88 cases identified
34 years ago by Ms Thompson, Professor Tomsen and others,
35 large numbers of other LGBTIQ bias-related deaths in the
36 period under review. It might suggest, in other words,
37 that the numbers of violent killings of LGBTIQ people in
38 that period were not significantly worse than had already
39 been documented in the list of 88.
40

41 Second, however, a note of caution must be struck.
42 Such a suggestion could not be made with any real
43 confidence. Notwithstanding the indefatigable efforts of
44 the solicitors, counsel and other personnel involved here
45 in carrying out the information-gathering, sifting and
46 analysing tasks that I have summarised, it is,
47 unfortunately, possible that cases have been missed. That

1 is so for a variety of reasons, including the following, no
2 doubt among others.

3
4 First, the two lists produced by the NSW Police, the
5 Unsolved Homicide "Tracking File" and the Long-Term Missing
6 Persons Spreadsheet, are themselves almost devoid of
7 information as to whether the deaths and disappearances in
8 question might have had an LGBTIQ-related aspect.

9
10 Second, the efforts of the Special Commission to
11 obtain the primary records relating to the deaths and
12 disappearances on those lists were only partly successful.
13 Those efforts often met the problem which also recurred
14 frequently in relation to deaths being considered by
15 reference to Category A, namely, that there were gaps in
16 those records. In many cases, the gaps were such as to
17 have the effect that investigation and analysis were
18 substantially thwarted.

19
20 Third, especially in cases dating from the earlier
21 part of the 40-year period, even where primary records were
22 available, they were often brief or rudimentary, containing
23 little or nothing from which the possible presence of
24 LGBTIQ bias might be discerned or inferred.

25
26 Fourth, the finite time and resources available to the
27 Inquiry.

28
29 Because of the possibility that cases have been
30 missed, you may consider recommending: (a) that the
31 NSW Police Force now conduct a thorough review itself of
32 all the cases on both of those two lists as to whether
33 other cases on either list were or might be cases where
34 LGBTIQ bias was a factor; and (b) that the NSW Police
35 publish the results of that review within a specified time.

36
37 I move away from Categories A and B specifically to
38 turn to an outline of the hearings that have been conducted
39 here.

40
41 As I have mentioned, the Special Commission conducted
42 a total of 17 public hearings and 48 private hearings.
43 I will summarise some of the central features of those
44 various hearings.

45
46 Firstly, first and foremost, 13 public hearings
47 concerning deaths falling within Categories A and B. The

1 34 unsolved cases which the Special Commission examined
2 very closely, 30 as possibly falling within Category A and
3 four which fell within Category B, were at the heart of the
4 work of the Special Commission.

5
6 As I mentioned earlier, there were 13 public hearings
7 over 22 days, at which Counsel Assisting formally presented
8 the evidence which had been assembled, selected and
9 analysed in 32 of those 34 cases, along with written and
10 oral submissions. NSW Police made written submissions in
11 reply in all those cases. Those 32 cases will be
12 considered in the public volumes of the Report, and the
13 other two, as I have mentioned, will be considered in the
14 confidential part of the Report.

15
16 I have emphasised today that the work of the Special
17 Commission has focused, as is required by the Terms of
18 Reference, on cases that were unsolved. Of course, it goes
19 without saying that all the 88 Parrabell deaths, solved or
20 not, as well as every other death that was or may have been
21 LGBTIQ bias-related, are important for everyone following
22 this Inquiry. In every case, families and loved ones and
23 the LGBTIQ community generally have been left grieving and
24 devastated.

25
26 In the cases that remain unsolved, such as those
27 I have referred to, there is the additional curse of
28 uncertainty and doubt, a curse which may never go away.
29 For many of the parents of the people whose unsolved deaths
30 have been the subject of the Special Commission's work,
31 that uncertainty and doubt stayed with them until they,
32 themselves died, as many of those parents have done, and in
33 other cases, it remains with them still in their old age.

34
35 For the brothers and sisters of those who have died,
36 the pain can be especially acute. Your brothers and
37 sisters are meant to know you throughout the whole arc of
38 your own life, the good and the bad, the ups and the downs.
39 When your brother or sister dies suddenly and unexpectedly,
40 and in a violent or unexplained way, something goes
41 hopelessly wrong. The tectonic plates shift and nothing is
42 the same.

43
44 One of the striking features of the Special
45 Commission's work has been the way in which, in so many
46 cases, the deceased's siblings have stepped in and have
47 continued to advocate for them over the years and decades

1 since the death. Many of those siblings have been in close
2 contact with the lawyers here, they have attended public
3 hearings, they have made statements and submissions. The
4 love and care they have shown has been impressive, powerful
5 and very moving.
6

7 Many other family members, including the children or
8 grandchildren of some of the deceased persons, as well as
9 old friends, have naturally also been deeply affected by
10 the deaths of the people we are talking about, and many of
11 those family and friends have also taken a close interest
12 in the work of the Special Commission.
13

14 To every one of those parents, brothers and sisters,
15 children and grandchildren, family and friends, the Special
16 Commission extends its condolences and its hope that in
17 some small way the work that has been done here is of some
18 help to you.
19

20 The second of the public hearings which I will mention
21 was the one called "Public Hearing 1". It concerned the
22 background of the times. It took place over five days
23 in November last year. Five volumes of documentary
24 evidence were received and 10 witnesses gave oral evidence.
25

26 Broadly, the evidence of that first hearing covered
27 four main topics.
28

29 First, the impact on the LGBTIQ community of some of
30 the significant events within the 40-year period in
31 question, including the first Mardi Gras in 1978, the
32 decriminalisation of "homosexual conduct" between
33 consenting adult males in 1984, the AIDS epidemic and the
34 "Grim Reaper" campaign, and the upsurge of violence in the
35 1980s and 1990s, including the convictions of the so-called
36 "Alexandria Eight" and "Tamarama Three".
37

38 Second, the striking frequency and level of violence
39 perpetrated against the LGBTIQ community during this
40 period - at beats, in private homes and elsewhere.
41

42 Third, changes in the relationship between the LGBTIQ
43 community and police and the changing nature of the police
44 response to anti-LGBTIQ violence.
45

46 Fourth, the advocacy and campaigns on behalf of the
47 LGBTIQ community over that period and the effect of those

1 campaigns.

2
3 The second of the Special Commission's public
4 hearings, known as "Public Hearing 2", concerned three
5 recent strike forces and the Bias Crime Unit. Public
6 Hearing 2 began in December last year and eventually ran
7 for a total of 32 hearing days, concluding only last month
8 in October 2023. Twenty volumes of documentary evidence
9 were received and 20 witnesses gave oral evidence.

10
11 Public Hearing 2 concerned four main topics. The
12 first was Strike Force Macnamir. This was a strike force
13 established in February 2013 to reinvestigate the death of
14 Scott Johnson at North Head in 1988. It was established in
15 the context of a number of significant events, including:
16 firstly, a coronial inquest the previous year, in June
17 2012, which had overturned an initial coronial finding of
18 suicide in 1989 and instead brought in an open finding;
19 secondly, a highly publicised inquest into the deaths of
20 three gay men near Bondi in the 1980s, which had occurred
21 in the early 2000s, and which I will mention in a moment;
22 thirdly, intense media interest in concerns raised by the
23 Johnson family, especially Scott's brother Steve Johnson,
24 that Scott Johnson's death, like those of the three men at
25 Bondi, might have been a gay hate homicide; and, fourthly,
26 an "Australian Story" program on ABC television in February
27 2013 about the death of Scott Johnson.

28
29 Strike Force Macnamir continued from February 2013
30 until late 2017, when a third inquest found that Scott
31 Johnson had been the victim of a homicide.

32
33 The Special Commission examined, among other things,
34 the reason for the establishment of Strike Force Macnamir
35 and also whether, and why, it persisted in favouring the
36 view that Scott Johnson's death was likely to have been
37 suicide, a theory which was described as "absurd" earlier
38 this year by the judge who sentenced the man who ultimately
39 pleaded guilty to the manslaughter of Scott Johnson.

40
41 The second strike force considered in Public Hearing 2
42 was Strike Force Parrabell. Strike Force Parrabell, which
43 is specifically referred to in the Terms of Reference, was
44 established in about August 2015 to review the list of
45 88 cases that I have mentioned. Its work was largely
46 completed by late 2017. It published its results, along
47 with the academic review of the strike force, in the

1 Parrabell Report of June 2018.

2
3 Those results included the figures to which I referred
4 a moment ago as to the 23 deaths that were treated by the
5 strike force as "unsolved". The results also included
6 figures for all the 86 deaths reviewed by the strike
7 force - that is, both solved and unsolved. The results
8 announced by Strike Force Parrabell were that of those 86,
9 eight were categorised as "Evidence of Bias Crime"; 19 as
10 "Suspected Bias Crime"; 34 as "No Evidence of Bias Crime";
11 and 25 as "Insufficient Information".

12
13 The Special Commission examined the reasons for the
14 establishment of Strike Force Parrabell and its
15 methodology. It also examined the selection of, and
16 methodology used by, the team of academics which was
17 engaged by police to review the work of the strike force.

18
19 The third strike force considered in Public Hearing 2
20 was Strike Force Neiwand. This strike force was
21 established in October 2015. Like Strike Force Parrabell
22 and Strike Force Macnamir, it also continued until late
23 2017.

24
25 It was a review of three deaths near Bondi in the
26 1980s, those of Gilles Mattaini in 1985, and of Ross Warren
27 and John Russell in 1989. Those three deaths had been the
28 subject of a substantial investigation called Operation
29 Taradale in the early 2000s, led by Detective Sergeant
30 Stephen Page. Operation Taradale identified and
31 investigated numerous gangs and individuals who had been,
32 or were alleged to have been, involved in violent attacks
33 on gay men in the Bondi area, including the well-known beat
34 at Marks Park. However, there was insufficient evidence at
35 that time to charge any of those individuals with any of
36 the three deaths.

37
38 The work of Operation Taradale resulted in a lengthy
39 inquest before Senior Deputy State Coroner Jacqueline
40 Milledge, who in March 2005 made clear findings that the
41 deaths of Mr Warren and Mr Russell were homicides, probably
42 at the hands of gay hate assailants, and that Mr Mattaini
43 could well have met his death in similar circumstances.

44
45 The methodology which Strike Force Neiwand chose to
46 adopt some 10 or 12 years later was not to make any attempt
47 to pursue the gangs and individuals already identified by

1 Operation Taradale, but instead to devote its attention
2 overwhelmingly to the possibility of other explanations for
3 the deaths, such as suicide or misadventure.
4

5 In its documented conclusions, Strike Force Neiwand
6 made heavy criticisms of Operation Taradale and of
7 Detective Sergeant Page, and effectively purported to
8 overturn the findings and views of Coroner Milledge.
9

10 Neiwand's conclusions were never publicly released,
11 nor were they reported, either to the Coroner or to the
12 families.
13

14 The Special Commission examined, among other things,
15 the reasons for the establishment of Strike Force Neiwand,
16 why it chose to adopt the methodology which it did, and
17 whether its criticisms and conclusions were reliable.
18

19 It was eventually conceded by the NSW Police Force
20 earlier this year in submissions to the Special Commission,
21 firstly, that Neiwand's criticisms of Operation Taradale
22 and Detective Sergeant Page were "unjustified", and that
23 Mr Page should be "commended" for his work on Taradale,
24 which the NSW Police Force accepted was "exhaustive",
25 "comprehensive" and "impeccable"; and, secondly, the police
26 conceded that the findings of Coroner Milledge in all three
27 cases remained appropriate.
28

29 The fourth general subject covered in Public Hearing 2
30 was the way in which the NSW Police Force has approached
31 issues related to "bias crime" or "hate crime" over the
32 years from 1970 to the present, including the various
33 successive changes to the position of Bias Crimes
34 Coordinator and to the Bias Crimes Unit.
35

36 As part of its consideration of the three strike
37 forces, Parrabell, Macnamir and Neiwand, the Special
38 Commission sought to explore some of the similarities in
39 outcome of all three and the possible reasons for those
40 similarities.
41

42 The fourth example of a public hearing conducted by
43 the Special Commission was called "Public Hearing 13",
44 concerning investigative practices.
45

46 The Special Commission conducted this public hearing
47 in July and August this year in relation to various aspects

1 of the investigative practices and procedures adopted by
2 the NSW Police Force in particular, and also by other
3 agencies, in relation to unsolved homicides generally,
4 including LGBTIQ deaths.

5
6 There were five hearing days, seven witnesses gave
7 oral evidence and 12 volumes of documentary evidence were
8 received.

9
10 One of the reasons why this hearing was considered
11 necessary was the difficulties which were repeatedly being
12 encountered by the Special Commission in obtaining, from
13 the police, exhibits and documentary material in relation
14 to the unsolved cases under review.

15
16 At the request of the Special Commission, the
17 NSW Police Force provided statements from a number of
18 senior officers which addressed topics such as the handling
19 and storage of physical exhibits in homicide cases
20 generally; the procedures applicable to the Homicide Squad
21 and the Unsolved Homicide Team at various points in time;
22 and particular matters of concern in relation to specific
23 individual cases. Those officers also gave oral evidence.

24
25 Evidence was also received, both written and oral,
26 from two experts witnesses. They were Sharon Neville, of
27 the Forensic & Analytical Science Service, known as "FASS",
28 and Dr Cheryl Allsop, Senior Lecturer in Criminology at the
29 University of South Wales. Written submissions were made
30 by Counsel Assisting and by the NSW Police about all of
31 these matters.

32
33 Several of the recommendations proposed by Counsel
34 Assisting as recommendations which you might consider
35 making in your Report in relation to investigative
36 practices have been adopted and endorsed by the NSW Police.
37 Some of those recommendations relate to: firstly, the
38 systematic and regular review of all unsolved homicide
39 cases, including an audit of the exhibits retained in
40 respect of each case and their location. As to this
41 recommendation, I note, Commissioner, that you have
42 received evidence from Dr Allsop that a two-year review
43 cycle is appropriate; secondly, a review of the existing
44 procedures and allocation of resources within the Unsolved
45 Homicide Team; and, thirdly, additional mandatory training
46 for NSW Police personnel concerning the LGBTIQ community,
47 to be developed with input from LGBTIQ representatives and

1 organisations.

2
3 The fifth kind of hearing which I will mention is the
4 private hearings that the Special Commission has conducted.

5
6 In addition to the 17 public hearings which I have
7 talked about, the Special Commission also held 48 private
8 hearings. You received oral evidence in private from
9 45 witnesses, as well as 175 documentary exhibits tendered
10 in private. Those assisting you also conferred with many
11 other people who provided important information without
12 making statements which were formally received into
13 evidence.

14
15 For all of those witnesses who gave evidence in
16 private hearings, including persons of interest, the
17 Special Commission offered pro bono legal representation.
18 Most of those witnesses availed themselves of that offer.
19 The Special Commission is very grateful to the many
20 barristers and solicitors who generously gave of their time
21 and expertise to assist those witnesses and thus the
22 Special Commission and the community in this way.

23
24 A great deal of the evidence received in private
25 involved Counsel Assisting questioning either persons of
26 interest or other witnesses who were thought likely to have
27 information about one or more of the individual deaths
28 under investigation. Those witnesses needed to be examined
29 privately, both so as to preserve the integrity of your own
30 investigations, and also to avoid prejudice to future
31 criminal investigations or prosecutions.

32
33 Similarly, evidence and information received privately
34 from police or other law enforcement sources has also been
35 kept private to avoid disclosing sensitive matters such as
36 police methodology or the possible content of current or
37 future police investigations.

38
39 These private hearings and investigations have shed
40 considerable additional light on several of the deaths
41 under review by the Special Commission, including a number
42 of possible new lines of investigation for follow-up by the
43 police.

44
45 For obvious reasons, I will not refer to any of those
46 matters in any detail in this open hearing. However, by
47 way of example only, the subject matter in respect of which

1 evidence was received in private included: firstly, deaths
2 and also other non-fatal assaults in the relevant period in
3 areas that were known or suspected beats, including, among
4 others, Moore Park, Alexandria Park and Marks Park near
5 Bondi; secondly, the death of William Rooney in Wollongong
6 in 1986; and, thirdly, the death of James Meek in Surry
7 Hills in 1995.

8
9 It is expected that your Report will include a volume
10 as to which there will be a recommendation that it be kept
11 confidential for a significant period, with the exception,
12 as appropriate, of law enforcement bodies such as the
13 NSW Police, so as to avoid prejudice to future
14 investigations and prosecutions.

15
16 That confidential part of the Report, it is
17 anticipated, will include your assessments and opinions of
18 the witnesses examined and of the evidence gathered in
19 private, and as to possible future lines of inquiry, and
20 also confidential recommendations flowing from the private
21 hearings. The use which is ultimately made of that
22 material and those recommendations will be a matter for the
23 Governor and so, as a practical matter, therefore, the New
24 South Wales Government.

25
26 The relationship between the NSW Police Force and
27 the LGBTIQ community, and the ways in which the NSW Police
28 Force has approached crimes affecting that community,
29 especially homicides which had or may have had an LGBTIQ
30 bias factor, have seen many changes over the more than
31 50 years since 1970.

32
33 That relationship and those changes have been and
34 remain complex and, at times, contentious. The same is
35 true of the relationship between the NSW Police Force and
36 this Special Commission. That relationship, too, has been
37 complicated and at times difficult. From the perspective
38 of the Special Commission, the attitude of the NSW Police
39 Force has sometimes appeared overly defensive, even
40 adversarial. I will touch upon some of these matters in a
41 moment.

42
43 Today, though, is a day for reflection, not for
44 submissions. By written submissions in the various public
45 hearings, Counsel Assisting have not hesitated to point out
46 shortcomings and failings on the part of the police where
47 they have been perceived to exist. The NSW Police Force

1 has made submissions in reply. In your Report, you will no
2 doubt make your own observations about such issues.

3
4 However, as we approach the end of what has been,
5 perhaps inevitably, a gruelling process, not only for the
6 LGBTIQ community and for the families and friends of the
7 deceased persons, but also for the NSW Police Force as an
8 institution, it is important to look forward as well as
9 back.

10
11 Once this Inquiry concludes and your Report is in due
12 course made public, it may be hoped that some lessons will
13 have been learned. Some hard truths have certainly been
14 told. Many voiceless people have been given a voice.
15 Recommendations will be made. Improvements in processes
16 and procedures should follow. There is scope for people of
17 goodwill - of whom there are many in this arena - to come
18 together, if they so choose, and work towards a better
19 future.

20
21 With that overall framework clearly in mind - that
22 forward-looking framework - I will mention briefly three
23 disappointing aspects of the involvement of the NSW Police
24 in LGBTIQ issues, both over time and in the course of this
25 Special Commission, in the hope that, on reflection,
26 different approaches might be adopted in the future.

27
28 Before I do that, however, I wish to stress the
29 following: first, it goes without saying that the
30 NSW Police Force is an indispensable part of the fabric of
31 our society. Not only is the workload of police officers
32 enormously varied and often very complicated and delicate
33 and psychologically draining, but it can also involve
34 physical danger and risk. It can and does take a heavy
35 toll on individual officers in terms of stress and
36 pressure. The Special Commission is acutely aware of those
37 realities, all of which have been in full view here over
38 the past 18 months.

39
40 Second, the difficulties and challenges faced by
41 Homicide detectives generally and those working on unsolved
42 homicides or "cold cases" in particular, are both real and
43 substantial. Investigating murders and bringing killers to
44 justice is demanding and sometimes thankless work. It
45 requires professionalism and dedication, and those
46 qualities are amply found within the NSW Police Force.

1 Third, as many of the LGBTIQ witnesses in Public
2 Hearing 1 readily acknowledged, the NSW Police Force has
3 made significant efforts, since the 1990s, to reassess and
4 improve the ways in which it relates to the LGBTIQ
5 community and responds to LGBTIQ concerns. Examples are
6 numerous and they include the introduction and development
7 of the Gay and Lesbian Liaison Officer program; the
8 establishment of the role of Corporate Sponsor for
9 Sexuality, Gender Diversity and Intersex; and the
10 participation of the NSW Police Force in many LGBTIQ
11 community activities, including the annual Mardi Gras.
12

13 Fourth, in many respects, the NSW Police Force has
14 given substantial assistance to the Special Commission in
15 its work. I mentioned earlier that the Special Commission
16 issued 200 summonses to the NSW Police for the production
17 of documents. Responding to such a volume of summonses,
18 calling for a vast range of material going back many
19 decades, has required the deployment of considerable police
20 resources and the hard work of many police officers and
21 many police lawyers. The number of documents produced to
22 the Inquiry by the police alone, as I said, is in excess of
23 100,000. The NSW Police Force also, at the request of the
24 Special Commission, prepared some 56 witness statements for
25 police officers and other personnel in relation to various
26 aspects of the public and private hearings.
27

28 The Special Commission acknowledges the extent of
29 these efforts on the part of the NSW Police Force and its
30 lawyers without which the work of this Inquiry could not
31 have been accomplished.
32

33 Against that general background, I turn briefly to
34 those three disappointing matters that I mentioned. The
35 first concerns the production of documents.
36

37 Because the task entrusted to the Special Commission
38 was to inquire into unsolved homicides which occurred
39 a long time ago and were initially investigated a long time
40 ago, it was immediately obvious, both to the Special
41 Commission and to the NSW Police, that the records held by
42 the police in relation to those deaths and investigations
43 would be utterly essential.
44

45 The simple fact is, and always was, that the
46 NSW Police Force was the sole repository of the vast
47 majority of the documents needed for the effective

1 discharge of the Special Commission's functions.

2
3 Accordingly, the work of the Special Commission was,
4 in large part, reliant on three factors: first, the
5 breadth and depth of the original police investigation into
6 a death, and the quality and thoroughness of the
7 documentation which recorded that initial investigation;
8 second, whether the NSW Police had retained the documents
9 and exhibits in the case; third, if so, the production of
10 that material to the Special Commission by the police in a
11 timely way.

12
13 Problems in relation to any of these three factors
14 would obviously have a seriously negative impact on the
15 ability of the Special Commission to fulfil its function.
16 In particular, what was truly essential for present
17 purposes was that the NSW Police Force had retained the
18 documents and exhibits and that they were promptly produced
19 when called for.

20
21 Unfortunately, neither of those essential requirements
22 was met. The picture which painstakingly emerged, over
23 more than a year of successive summonses and drawn-out
24 correspondence, included the following unsatisfactory
25 features, among others: (a) in some cases, documents and
26 exhibits had not been retained at all, but had been
27 destroyed or lost; (b) in some cases, entire investigative
28 files were not able to be produced; (c) in others, there
29 was uncertainty or ambiguity as to whether various
30 investigative steps had simply not been taken, or whether
31 they had been taken but no record made, or whether they had
32 been taken and recorded but the records had been lost or
33 destroyed; and (d) the systems and processes for retaining
34 and storing materials and documenting their retention were
35 so many and varied, with no overarching auditing or
36 checking capacity, that the NSW Police Force was apparently
37 unable to be sure that its production of documents in any
38 one case was ever complete. As one corollary, documents
39 called for by summonses issued in mid-2022 were still being
40 belatedly produced more than 12 months later, as
41 discoveries were made - some of them apparently quite
42 fortuitously - of caches of material in unexpected places
43 or places which had not previously been checked.

44
45 Even more unfortunately, it also belatedly emerged
46 that there had been an awareness at senior levels of the
47 NSW Police Force, for at least several years prior to 2022,

1 of these unsatisfactory and defective record-keeping and
2 exhibit management practices, specifically concerning
3 unsolved homicides. But, for whatever reason, it was not
4 until well into 2023 - when the Special Commission insisted
5 on being informed why it was that production of documents
6 was so often slow, incomplete and spasmodic - that the
7 Special Commission was made aware of this underlying
8 systemic problem.

9
10 The nature and severity of the problem was brought
11 into stark relief in June this year. Large quantities of
12 additional documents relating to a number of the deaths
13 being investigated, which had been sought by summonses as
14 early as May 2022, were suddenly produced for the first
15 time in June 2023. Those documents included a great deal
16 of significant new material, which gave rise to the need
17 for the Special Commission to pursue further investigative
18 possibilities, including expert review and/or forensic
19 testing. Numerous scheduled documentary tenders had to be
20 postponed at the last minute, to the distress, no doubt, of
21 the families.

22
23 The systemic problem was so great that it was one of
24 the reasons why a second extension to the reporting date of
25 the Special Commission had to be sought.

26
27 The second disappointing matter relates to the
28 suggestion, many times advanced by the NSW Police, that,
29 while it may once have harboured negative or dismissive
30 attitudes towards LGBTIQ people, or towards the
31 investigation of crimes committed against them, that was
32 a relic of the past.

33
34 Assertions to that effect were made, for example, in
35 the Milledge Inquest in the early 2000s, in the Parrabell
36 Report in 2018, in the submissions and evidence on behalf
37 of the police to the Parliamentary Committee between 2018
38 and 2021, and in evidence and submissions to this Special
39 Commission.

40
41 As I have mentioned, it is certainly true, and fully
42 recognised by the LGBTIQ community, that there have been
43 many positive developments within the NSW Police Force,
44 since the 1990s, in terms of its relationship with the
45 LGBTIQ community.

46
47 However, on one view, it might be thought, there are

1 some noticeable resonances among the three strike forces
2 considered in Public Hearing 2 - strike forces Macnamir,
3 Parrabell and Neiwand.
4

5 All three were directed, at the same time, all within
6 the last five to 10 years, at aspects of possible LGBTIQ
7 bias-related homicide. All three arose in the context of,
8 and to greater or lesser extent as a response to, media
9 publicity about "gay hate murders". All three arrived at
10 outcomes at virtually the same time in about 2016 to 2017
11 that were remarkably consistent.
12

13 Strike Force Macnamir maintained - absurdly, in the
14 view of the judge who sentenced Scott Johnson's killer
15 earlier this year - that the death of Scott Johnson at
16 North Head in 1988 was unlikely to be a homicide at all and
17 much more likely to be suicide.
18

19 Strike Force Neiwand maintained that the deaths of the
20 three men near Bondi in the 1980s, contrary to the explicit
21 findings by Coroner Milledge in 2005 after a lengthy
22 inquest, may well not have been gay hate murders either.
23

24 Strike Force Parrabell maintained that of the
25 23 deaths that it regarded as unsolved, not one met the
26 threshold for "evidence of bias crime", and only five were
27 even "suspected" bias crimes.
28

29 Thus, in all three strike forces, all of which were
30 still under way as recently as six years ago, there was
31 a convergence on outcomes that had the effect of indicating
32 that the extent of LGBTIQ bias, as a possible factor in all
33 of these heavily publicised deaths of LGBTIQ people, was
34 far less than had been suggested by LGBTIQ activists or the
35 media. Unsurprisingly, the reaction of many in the LGBTIQ
36 community was one of dismay and disbelief.
37

38 What is telling for today's purposes is that, so
39 recently, there would appear to have been present, in three
40 separate strike forces simultaneously, an attitude of mind
41 which was resistant to acknowledging the extent of the
42 hostility experienced by LGBTIQ people in the 40-year
43 period under examination in this Special Commission. If
44 that is so, it is to be regretted, and it may be hoped that
45 the experience of this Special Commission may assist in
46 dispelling such views for all time.
47

1 The third disappointing matter is this: the
2 NSW Police Force has, on several occasions since the
3 Special Commission was established, made public statements
4 of its support for the work of the Special Commission.
5 That is, of course, to be welcomed.
6

7 However, a reasonable observer might perhaps have
8 thought that some of the positions actually taken by the
9 NSW Police Force, and stances actually adopted, over the
10 last 18 months were not easy to reconcile with that
11 publicly stated support. To the contrary, such
12 a reasonable observer might have thought those positions
13 and stances often gave the appearance of a defensive, if
14 not adversarial, mindset. If so, that would indicate an
15 unfortunate missed opportunity on the part of the
16 NSW Police.
17

18 I mention only two examples.
19

20 First, on several different occasions, from as long
21 ago as 2022 to as recently as September this year, the
22 NSW Police Force made public statements to the effect that
23 the work of the Unsolved Homicide Team in investigating
24 unsolved homicides had been hampered, indeed, had
25 "stalled", because of the need to respond to the
26 requirements of this Special Commission. You were obliged
27 to point out in a public hearing on 5 December last year
28 that such an accusation was both "offensive" and "entirely
29 without foundation".
30

31 Second, on several occasions, submissions were
32 advanced by the police that important aspects of the work
33 of the Special Commission were outside the Terms of
34 Reference, with the consequence, so it was contended, that
35 those matters could not be examined or reported on by the
36 Special Commission. The various topics which were said to
37 be in that category - topics which the police contended
38 that the Special Commission should not be permitted to
39 examine at all - included: the establishment of Strike
40 Force Parrabell, its methodology and the methodology of its
41 academic reviewers; various aspects of Strike Force
42 Macnamir; and various aspects of the subject matter of the
43 investigative practices hearing.
44

45 In separate judgments you gave reasons for rejecting
46 all those submissions.
47

1 My purpose in mentioning these matters today is not to
2 re-agitate the strengths or weaknesses of such stances and
3 positions taken by the police. They have already been
4 dealt with, as needs be, by your judgments and in the
5 correspondence which is in evidence. Rather, if such
6 examples do indicate, as they might appear to do,
7 a defensive or adversarial approach on the part of the
8 police, that would represent, in the minds of many
9 observers of goodwill, a regrettable missed opportunity.

10
11 The Special Commission was established by the
12 Parliament to examine the matters set out in the Terms of
13 Reference. Those matters have been at the heart of very
14 longstanding problems in the relationship between the
15 NSW Police and the LGBTIQ community. This Special
16 Commission represents a chance for the NSW Police to
17 cooperate with that community in enabling a much fuller
18 picture to emerge of how and why those problems developed
19 in the ways that they did and to the extent that they did,
20 and in visualising ways in which the future might be
21 different from the past.

22
23 That opportunity, of course, still exists, and it is
24 hoped, as I said, that this Special Commission and your
25 Report will, in the end, have contributed to that more
26 positive outcome.

27
28 In that regard, it is encouraging that in a letter to
29 the Special Commission only seven days ago, on 7 November,
30 the NSW Police Force said this:

31
32 *The Inquiry has provided a valuable*
33 *opportunity to further explore these deaths*
34 *with the aid of compulsory powers that*
35 *would not otherwise have been available to*
36 *the [NSW Police Force]. The significant*
37 *resources invested into the Inquiry, and*
38 *the substantial efforts of its staff, have*
39 *allowed a more detailed exploration of*
40 *these cases than would otherwise have been*
41 *possible.*

42
43 *That exploration has also facilitated*
44 *consideration of the historical and current*
45 *investigative practices of the [NSW Police*
46 *Force], particularly in unsolved homicide*
47 *investigations.*

1
2 *The Commissioner acknowledges the violence*
3 *and discrimination suffered by members of*
4 *the LGBTIQ community, and the [NSW Police*
5 *Force's] historical failure to respond*
6 *adequately to that violence and*
7 *discrimination. Of particular importance,*
8 *well into the 1990s, the [NSW Police Force]*
9 *failed to create an environment where*
10 *sexuality and gender diverse people felt*
11 *able to safely report the true extent of*
12 *the violence they suffered.*

13
14 ...

15
16 *The Commissioner looks forward to*
17 *considering the Inquiry's report, and to*
18 *reviewing the evidence gathered by the*
19 *Inquiry in its private hearings with a view*
20 *to exploring whether further progress can*
21 *be made in relation to the cases*
22 *investigated by the Inquiry.*

23
24 Commissioner, earlier in my remarks today I referred to
25 some deaths where the Special Commission might fairly be
26 regarded as having made breakthroughs. I will make brief
27 mention of two of those.

28
29 The first is the death of Crispin Dye. Mr Dye's death
30 fell within Category A of the Terms of Reference, as it had
31 been considered by Strike Force Parrabell and it remained
32 unsolved. He died on Christmas Day in 1993, after being
33 assaulted in Darlinghurst two days earlier.

34
35 In the 30 years since 1993, almost none of the
36 exhibits collected by the police at the time, in particular
37 his bloodstained clothing, had been subjected to forensic
38 testing.

39
40 The Special Commission arranged for such testing to
41 occur, and this led to two major developments.

42
43 First, it emerged this year, in the course of that
44 testing, that inside the top left-hand pocket of Mr Dye's
45 shirt were two folded pieces of paper, which had never
46 previously been discovered at all or tested - for example,
47 for fingerprints. On one of those pieces of paper was

1 a handwritten name and phone number, and the other
2 contained a brown mark, which it has now been confirmed was
3 a bloodstain.
4

5 The Special Commission arranged for both papers to be
6 tested for fingerprints. Unfortunately, due in part to the
7 degradation of the material over 30 years, no fingerprints
8 able to be compared with relevant databases could be
9 developed from either piece of paper. If Mr Dye's clothing
10 had been more carefully examined during the original
11 examination in 1993-94, the papers would inevitably have
12 been found. If that had occurred it may be - although it
13 is impossible to say with any certainty - that more
14 informative fingerprints could have been recovered.
15

16 Secondly, the testing this year revealed the presence
17 of DNA from an unknown man on a bloodstain on Mr Dye's
18 jeans. Eventually, that yielded a match to a DNA profile
19 taken from a 2002 crime scene, resulting in the
20 identification of that unknown man. This is a powerful
21 indication of the involvement of that individual, perhaps
22 among others, in Mr Dye's death. He had never previously
23 been identified as a person of interest in the death.
24

25 He himself, the Special Commission has established, is
26 deceased. However, the DNA match to him has opened up
27 possible avenues of inquiry into him and his associates.
28

29 The second death that I will mention is that of
30 Ernest Head. Ernest Head was a member of the LGBTIQ
31 community who was murdered in his home in Summer Hill
32 in 1976. His body was found naked, having been stabbed
33 35 times.
34

35 The Special Commission identified Mr Head's death as
36 one which fell within Category B. Various circumstances
37 relating to the death, including the frenzied nature of the
38 attack, indicated that there was objectively reason to
39 suspect that Mr Head died as a consequence of LGBTIQ bias.
40 The case had not previously been identified or investigated
41 as a death which may have been a gay hate crime.
42

43 Two different blood groups had been detected on
44 various exhibits taken from the scene, one of which was
45 that of Mr Head. On the wall of the kitchen above where
46 Mr Head's body was found were located a number of
47 palmprints in blood.

1
2 The Special Commission arranged for re-analysis of
3 those palmprints and certain other exhibits. As a result
4 of that testing, again, the palmprints were matched to
5 a known man. This, again, is a powerful indication of that
6 man's involvement in Mr Head's death.

7
8 The man in question had never previously been
9 identified as a possible person of interest in relation to
10 this unsolved homicide. The Special Commission has
11 subsequently established that he left Australia in 1994,
12 and he is now deceased himself.

13
14 Commissioner, there are many, many people and groups
15 to whom the sincere thanks of the Special Commission are
16 due. Time does not permit me to single out all of them
17 today. I will mention some of them now, but I stress that
18 the Special Commission is very grateful to every single
19 person who has assisted in the work of the past 18 months
20 in whatever way and to whatever extent.

21
22 I mention, firstly, ACON and other LGBTIQ groups. The
23 establishment of this Special Commission emerged from the
24 recommendations of the Parliamentary Committee following
25 its own inquiry between 2018 and 2021. That inquiry, in
26 turn, was prompted in large part by the two reports
27 published in 2018, namely, the Parrabell Report produced by
28 the NSW Police, and the Report by ACON entitled "In Pursuit
29 of Truth and Justice", which I have referred to as the
30 "ACON Report".

31
32 The work of ACON, and many other groups and
33 individuals in the LGBTIQ community over many years, has
34 been pivotal in raising awareness of the possibility that
35 a disturbing number of deaths, both solved and unsolved,
36 including some not originally recognised as homicides, may
37 have been homicides affected by LGBTIQ bias. That work has
38 raised awareness also of the ongoing impact of those cases
39 on families, loved ones, and the LGBTIQ community.

40
41 I express the thanks of the Special Commission to ACON
42 and to all those LGBTIQ groups and individuals for all that
43 work and for the assistance given to the Special
44 Commission.

45
46 Secondly, as I mentioned earlier, the Special
47 Commission was able to offer pro bono legal representation

1 to all the witnesses who gave evidence in private hearings,
2 including persons of interest, and also to families granted
3 authorisation to appear as interested parties.
4

5 On behalf of the Special Commission I express my
6 sincere thanks to those barristers and solicitors who
7 generously gave of their time and expertise to assist those
8 witnesses and families and thus the Special Commission in
9 this way. Some 33 barristers and solicitors did so, and
10 the community is in debt to them.
11

12 Thirdly, Commissioner, the Special Commission is most
13 grateful for the expert professional work of icourts, who
14 have been responsible for the smooth operation of this
15 hearing room, including sound recording, court reporting,
16 transcript preparation, live-streaming and much more.
17

18 Generally, I express the thanks of the Special
19 Commission to all the lawyers who have represented
20 interested parties before the Special Commission, both in
21 the hearing room and otherwise; to the many experts who
22 have assisted the Special Commission, whether by way of
23 reports and oral testimony or by way of background
24 consultation; to the staff of the Forensic & Analytical
25 Science Service within the New South Wales Department of
26 Health, known as "FASS", who have carried out a substantial
27 amount of forensic testing at the request of the Special
28 Commission; to the numerous community members who have made
29 themselves available to assist in various ways, including
30 Sue Thompson, Professor Stephen Tomsen, Duncan McNab, Peter
31 Rolfe and Rick Feneley; to the many members of the public
32 who have contacted the Special Commission and provided
33 information and recollections; to all the solicitors and
34 barristers retained to assist the Special Commission; to
35 the many other vital members of our Special Commission
36 team, including investigators, analysts, secretaries, media
37 and project officers, witness support personnel and court
38 reporters.
39

40 Finally, and most of all, I thank all the family
41 members and friends of the deceased persons who have worked
42 with the Special Commission in many different ways. Your
43 efforts can only be admired, and they have been most
44 gratefully and respectfully received.
45

46 Commissioner, those are my concluding remarks.
47

1 THE COMMISSIONER: Thank you, Mr Gray.

2

3 May I embrace, first, the gratitude you have expressed
4 personally to all of those persons and entities that you
5 have mentioned.

6

7 I also extend my sincere condolences to all those
8 partners, parents, siblings, children and grandchildren,
9 family and friends of all of the persons whose deaths we
10 have been required to analyse.

11

12 Over the life of this Inquiry, I think it is fair to
13 say there have been, from time to time, controversies.
14 However, there is something which I regard as
15 uncontroversial, and that is that hatred and prejudice
16 against any person, because of their identity, is an
17 affront to a civilised society.

18

19 I will report to the Governor, as I plan to do, on
20 14 December this year. I will recommend that much of my
21 Report be made public. For the reasons you have expressed
22 in the course of your submission today, some will
23 necessarily have to be private.

24

25 Thank you all. I will now adjourn.

26

27 **AT 12.35PM THE SPECIAL COMMISSION OF INQUIRY WAS ADJOURNED**

28

29

30

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