

**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**

**On Tuesday, 6 December 2022 at 10.25am**

**(Day 11)**

**Mr Peter Gray SC (Senior Counsel Assisting)  
Ms Christine Melis (Counsel Assisting)  
Mr William de Mars (Counsel Assisting)  
Ms Kathleen Heath (Counsel Assisting)  
Ms Gráinne Marsden (Counsel Assisting)  
Ms Meg O'Brien (Counsel Assisting)  
Ms Claire Palmer (Counsel Assisting)  
Mr Enzo Camporeale (Director Legal)  
Ms Kate Lockery (Principal Solicitor)**

**Also Present:**

**Mr Mark Tedeschi KC (for NSW Police)  
Mr Anders Mykkeltvedt (for NSW Police)  
Mr Ken Madden (for Sergeant Steer)**

1 THE COMMISSIONER: What I'm about to say is not to be  
2 taken in lieu or in substitution for the detailed reasons  
3 which I will deliver in a moment, but by way of brief  
4 explanation.

5  
6 Yesterday, Mr Tedeschi of King's Counsel argued before  
7 me that certain matters were not the subject of, in effect,  
8 the Terms of Reference and were therefore not matters in  
9 respect of which I could investigate.

10  
11 For the reasons that are set out in more detail in a  
12 published judgment I propose to hand around in a moment,  
13 I reject those arguments. In my view, each of the matters  
14 that he identified yesterday falls squarely within the  
15 Terms of Reference and are matters in respect of which I am  
16 entitled, if not obliged, to investigate.

17  
18 Mr Tedeschi, I will then publish my reasons, which are  
19 detailed, and they will be distributed to you, and I think  
20 we have got extra copies for Mr Mykkeltveldt and others and  
21 Mr Madden, insofar as Mr Madden needs them.

22  
23 Two things. The first is, you mentioned yesterday  
24 that your side hadn't had an opportunity to check the  
25 annexures to, if I may use the description without  
26 intending any disrespect, the Crandell statement,  
27 Mr Crandell's statement. First, do you need any more time  
28 for that purpose? Secondly, would it be of any assistance  
29 if I permitted you and Mr Gray to have a short discussion  
30 to see whether whatever issues, if any, are still  
31 outstanding can be identified so as to make the disposal of  
32 those issues more efficient?

33  
34 MR TEDESCHI: Commissioner, there were, I think, two  
35 documents that we felt should not have been included in the  
36 bundle that is going to be made public. My understanding  
37 is that that has been communicated.

38  
39 There is still, I think, one document in the  
40 supplementary tender bundle, a statement of a police  
41 officer by the name of Page, that is still the subject of  
42 suggested redactions by us, I think in order to protect  
43 a trial that is anticipated but not yet listed. You,  
44 Commissioner, would know which one I'm referring to.

45  
46 THE COMMISSIONER: All I'm really indicating to you - it's  
47 not a direction by any means; it's only a - sorry.

1  
2 MR TEDESCHI: Sorry.

3  
4 THE COMMISSIONER: No, no, you are getting helpful  
5 assistance or not as the case may be.

6  
7 MR TEDESCHI: A very short discussion would assist us,  
8 thank you. We don't think --

9  
10 THE COMMISSIONER: May I say something about the matter  
11 that you have adverted to, without any concerns. I think  
12 I know what it is you are referring to. In the first  
13 instance, I would be disposed to allow you to have  
14 a discussion with Mr Gray. If there can be an  
15 accommodation as a matter of pragmatism, whatever it is,  
16 I am content. If both you and Mr Gray tell me that there  
17 has been an accommodation, I am happy to proceed and  
18 Mr Crandell can come and give some evidence.

19  
20 Would it be convenient, then, if I go off for five or  
21 10 minutes just to allow you to explore that?

22  
23 MR TEDESCHI: Thank you very much.

24  
25 THE COMMISSIONER: I will adjourn for, say, 10 minutes,  
26 and let me know via some means - there is plenty of  
27 capacity to do that - if you need any more time, and  
28 whatever time is reasonably available is available.

29  
30 MR TEDESCHI: Thank you.

31  
32 THE COMMISSIONER: All right. I will adjourn shortly,  
33 then, thank you.

34  
35 **SHORT ADJOURNMENT**

36  
37 MR TEDESCHI: Commissioner, thank you for that time. We  
38 have resolved all the issues and we are ready to proceed.

39  
40 THE COMMISSIONER: Thank you. Mr Crandell, would you be  
41 kind enough to come forward, thank you.

42  
43 <ANTHONY CRANDELL, affirmed: [10.44am]

44  
45 <EXAMINATION BY MR GRAY:

46  
47 MR GRAY: Q. Mr Crandell, if I may, I will address you

1 as "Mr Crandell" rather than using your title every time.  
2 I hope you don't mind.

3 A. Thank you, Mr Gray.

4

5 Q. You gave some evidence before the parliamentary  
6 committee in November 2018, just over four years ago. Do  
7 you remember that?

8 A. Yes, I do.

9

10 Q. That was about four or five months after the Parrabell  
11 report had been published?

12 A. Yes.

13

14 Q. And you made some very frank and open remarks in the  
15 course of your evidence, which I would like to take you  
16 to briefly. They are in the tender bundle at what is  
17 volume 10, tab 235, [SCOI.82089]

18

19 Now, Mr Crandell, if you at any time - and if you are  
20 like me you will prefer this, to have the paper document in  
21 front of you, or I think for the most part they will be put  
22 on the screen, but if at any time you would like the paper,  
23 then all you have to do is say so and we will have it.

24

25 The parts that I wanted to ask you about, if they  
26 can't come up on the screen, perhaps Mr Crandell could have  
27 volume 10, or maybe he can find it behind him - it is at  
28 tab 235.

29 A. Yes.

30

31 Q. Can you find that?

32 A. Yes.

33

34 Q. If we go to page 13, which is in fact the first  
35 page of the text?

36 A. Yes.

37

38 Q. You were asked if you would like to make an opening  
39 statement, and you say yes, you would. I'm looking at the  
40 second paragraph there, the one beginning "Within the  
41 period under review"; do you see that?

42 A. Yes.

43

44 Q. You said, very fairly, in the third line:

45

46 *The NSW Police Force is acutely aware of*  
47 *and acknowledges without qualification the*

1           *shocking violence directed at the LGBTIQ*  
2           *communities during the seventies, eighties*  
3           *and nineties. It is clear that the level*  
4           *of violence inflicted outside of Strike*  
5           *Force Parrabell's charter because of the*  
6           *victims' survival, was elevated, extreme*  
7           *and brutal. It is equally clear that many*  
8           *of these cases were not properly*  
9           *investigated and that victims were let*  
10           *down. The NSW Police Force accepted*  
11           *a culture and society that marginalised*  
12           *people who happened to be sexually or*  
13           *gender diverse.*

14  
15       Do you see that?

16       A.   Yes, I do.

17  
18       Q.   May I take it that you adopt those statements, stand  
19       by them today?

20       A.   Yes, I do.

21  
22       Q.   Then at page 15, two pages on, about just below  
23       halfway down the page, the context is that one of the  
24       members of the committee is asking you about one particular  
25       case, and you can see it referred to there just above where  
26       your name appears, and the parliamentarian is asking you  
27       why did the police persist in the stance they took in the  
28       three successive inquests in that case, and your answer  
29       included on the second line:

30  
31           *The comment I ought to make about that is*  
32           *that [that] case, and many other cases,*  
33           *originally go before a Coroner. The*  
34           *Coroner, under section 10 of the Coroner's*  
35           *Act, has to be satisfied that the evidence*  
36           *before him or her is appropriate and that*  
37           *appropriate and full inquiries are being*  
38           *conducted. This was a difficulty with*  
39           *Parrabell too, by the way. Parrabell looks*  
40           *at that. When a coroner says, "This is*  
41           *what I find", they are in a much better*  
42           *position than we are because that person*  
43           *has looked at it objectively.*

44  
45           *They have all sorts of different evidence*  
46           *before them.*

47

1 Again, I assume that you stand by that statement and adopt  
2 it today?

3 A. Yes, I do.

4

5 MR GRAY: Pausing there, Commissioner, I should have,  
6 I think, resumed my tender of the tender bundle, and it  
7 perhaps should be marked exhibit 6.

8

9 THE COMMISSIONER: I will mark it exhibit 6 subject to, if  
10 I just note for the moment, the arrangements between  
11 counsel. If that can be reflected, if I can be told in due  
12 course that my exhibit 6 reflects those arrangements so  
13 that I don't look at anything that is not the subject of  
14 arrangement between counsel.

15

16 MR GRAY: Certainly.

17

18 **EXHIBIT #6 TENDER BUNDLE**

19

20 MR GRAY: Q. On page 17, towards the top of the page,  
21 you were responding to a criticism that was attributed to  
22 ACON.

23

24 THE COMMISSIONER: Mr Gray, could you just pardon me  
25 a moment?

26

27 MR GRAY: Yes.

28

29 THE COMMISSIONER: Thank you. Sorry, Mr Gray.

30

31 MR GRAY: Q. Mr Crandell, at page 17, the chair referred  
32 to a criticism attributed to ACON that the police were not  
33 collecting enough information on the COPS system - do you  
34 see that's the context?

35

36 A. Yes, I do.

37

38 Q. Your response was, in that paragraph, on the third  
39 line:

40

41 *The difficulty for me is that the officers*  
42 *on the ground do not necessarily have the*  
43 *time or wherewithal to go through all of*  
44 *the details to determine whether or not it*  
45 *is a [bias] crime.*

46

47 That should be "bias", I think, not "vice", this is  
page 17. There we are. Yes, that's the passage,

1 thank you. Going on you said:

2

3 *I think they need support from people in*  
4 *positions of supervision who can make*  
5 *a call on whether an incident is or is*  
6 *not ...*

7

8 Then you said:

9

10 *The difficulty for me is the actual*  
11 *recording of it, because an archive cannot*  
12 *show bias if it is not recorded in the*  
13 *first place.*

14

15 And that's still your view, I take it?

16

A. Yes, it is.

17

18 Q. Indeed, the absence of records relating to the  
19 possibility of bias crime was a central problem for the  
20 whole Parrabell exercise; correct?

21

A. Yes. Yes, it was.

22

23 Q. Because Parrabell was only assessing whatever was  
24 written down in the old original files about each case in  
25 the first place?

26

A. Yes, that's true.

27

28 Q. And so, if nothing was written down back in 1972 or  
29 1982, then no assessment about the presence or absence of  
30 bias was possible; correct?

31

A. Yes.

32

33 Q. Then a bit lower down that same page, there is  
34 a question from the Hon Greg Donnelly. It goes to the  
35 solved and unsolved topic. Mr Donnelly asks, do you see  
36 just above the middle of the page:

37

38 *If the brutal killing of an individual is*  
39 *conducted behind closed doors, so to speak,*  
40 *how does one start to comprehend whether or*  
41 *not that crime involved bias?*

42

43 And then a few lines below that in the same paragraph he  
44 says:

45

46 *If there is a public incident, it might be*  
47 *easier to determine whether the crime*

1           *involved bias, but if it is behind closed*  
2           *doors, how does one discover bias?*

3

4           And a fair question, of course, and you gave a fair answer,  
5           which was:

6

7           *It is very difficult. The sole purpose of*  
8           *an investigator, if they want to determine*  
9           *bias, is to jump into the mind of the*  
10           *perpetrator and what is motivating that*  
11           *crime.*

12

13           That's your view still?

14

A.   Yes, it is.

15

16           Q.   And Mr Donnelly asks if that is undertaken by the  
17           investigating officer. You say:

18

19

          Yes.

20

21           And you go on to say:

22

23           *When you have a look at Parrabell*  
24           *statistics, the solved matters will show us*  
25           *greater indicators of bias or no bias*  
26           *because we have evidence of what the*  
27           *perpetrator was thinking or intending to do*  
28           *at the time. If we can get that evidence*  
29           *from the perpetrator, then it is quite*  
30           *simple to allocate it as a bias crime.*

31

32           And that's still your view?

33

A.   Yes, it is.

34

35           Q.   The point is, isn't it, as I understand it, if you  
36           don't know who the perpetrator was - in an unsolved case -  
37           it's very hard to work out whether bias was present or not?

38

A.   Yes.

39

40           Q.   So for solved cases, where the perpetrator is known,  
41           you might be able to learn or to infer something about  
42           motive, although even then not necessarily; correct?

43

A.   Yes.

44

45           Q.   But for unsolved cases, that may be simply impossible?

46

A.   Yes.

47



1 Q. Thank you. Now, I will turn also just briefly at this  
2 initial stage to the Parrabell report itself. So you can  
3 put that volume away. The Parrabell report is found in  
4 what was exhibit 1, ie, an exhibit from the November  
5 hearing, at tab 2 [SCOI.02632]. I don't know whether you  
6 have that there, Mr Crandell. I think you do but I'm not  
7 certain.

8

9 It has been found on the screen.

10 A. That's fine.

11

12 Q. That is progress.

13 A. That's fine. I'm okay with it on the screen, Mr Gray.

14

15 Q. Thank you. I think you probably can for the moment.  
16 I'm sure you are pretty familiar with this document?

17 A. Yes, I am.

18

19 Q. But we'll find it for you during the course of the  
20 morning?

21 A. No problem.

22

23 Q. So this is the actual final report of Strike Force  
24 Parrabell of June 2018. I mainly just want to outline now  
25 with you what is in it, how it is structured. If we go to  
26 the first substantive page after the lists of which  
27 officers were involved and the lists of the cases reviewed,  
28 we get to page 11.

29

30 THE COMMISSIONER: Mr Crandell, I don't know whether it is  
31 on the screen immediately in front of you. That's probably  
32 more convenient than trying to look across the hearing  
33 room.

34

35 THE WITNESS: Yes, thank you, Commissioner.

36

37 MR GRAY: Q. Again, I don't want to do this at any  
38 length but I just want to see whether you still adhere to  
39 some of the, if I may say so, also very frank remarks that  
40 you made here. When I say "you", you were the commanding  
41 officer of Strike Force Parrabell?

42 A. Yes.

43

44 Q. And were one of the authors, if not the main author,  
45 of the actual police part of the report?

46 A. Yes.

47

1 Q. On page 11 you refer to the 1978 Gay Mardi Gras and  
2 you describe it as having attracted a response from police  
3 involving excessive force and arrests, followed by the  
4 publication of participants' identities in a public shaming  
5 exercise. And you don't shrink from that language now?

6 A. No, I don't.

7

8 Q. You refer to the degree of animosity towards gay men  
9 not being isolated to any particular section of society,  
10 and you add that within that context, the NSW Police Force  
11 was no different, with the backing of legislation that  
12 identified criminality by natural behaviour - meaning, in  
13 this case, homosexuality?

14 A. Yes.

15

16 Q. And that remains your view of things?

17 A. That remains my view, yes.

18

19 Q. If we turn over to page 12, and I do this briefly, at  
20 the bottom of the page and over on to 13 you refer to some  
21 of the features of recent modern history that play a part  
22 in the events that we are all concerned with - the onset of  
23 AIDS, the Grim Reaper campaign, over on page 13, and then  
24 in the third paragraph, beginning "In the eyes of many gay  
25 men", you say in the second sentence:

26

27 *The link between anti-gay violence and*  
28 *moral panic associated with the spread of*  
29 *AIDS in Australian states is well*  
30 *documented.*

31

32 Do you see that?

33 A. Yes, I do.

34

35 Q. And you refer to an article by Stephen Tomsen and Gail  
36 Mason. Now, when you used the phrase "moral panic" there,  
37 what were you referring to?

38 A. I'm referring to people feeling uncertain about their  
39 safety, particularly towards members of the gay community,  
40 particularly towards gay men.

41

42 Q. Because of AIDS, do you mean?

43 A. Because of the AIDS epidemic at the time and the  
44 increased publication, I suppose, of that sentiment.

45 I mean, they were very emotional campaigns and --

46

47 Q. The Grim Reaper?

1 A. The Grim Reaper campaigns, very emotional, and I think  
2 whilst that might have been fine for an advertisement, in  
3 the gay community the feedback that I have is that it was  
4 very, very bad for gay men; it became even more dangerous  
5 for people in that category.

6

7 Q. Is that because, according to what you were told --

8 A. From the gay community, yes.

9

10 Q. -- by the gay community, that there was a view abroad  
11 that the AIDS crisis was the fault of gay men?

12 A. Yes.

13

14 Q. And, did it go this far, that therefore gay men were,  
15 in effect, fair game?

16 A. Absolutely.

17

18 Q. Then in the paragraph below that you refer to "beats",  
19 and to the fact that some of the most highly publicised  
20 disappearances and deaths of men during this period were at  
21 known beats, including the Bondi headlands?

22 A. Yes.

23

24 Q. Now, over on page 14, the next page in the top  
25 paragraph you say that there is no doubt that police  
26 culture inhibited the kind of impartial support now  
27 becoming a feature within LGBTIQ community relationships,  
28 so you are referring to "now" as in 2018, but you are  
29 saying, I take it, that in the period in question, 70s,  
30 80s, 90s, police culture itself was an inhibitor to, for  
31 example, gay men in particular but gay people, lesbians,  
32 reporting incidents of violence to police?

33 A. Yes, absolutely.

34

35 Q. Many people have said this, but you have no doubt  
36 about it yourself?

37 A. No doubt.

38

39 Q. You say:

40

41 *Strike Force Parrabell was developed to*  
42 *show proactivity, from this point ... at*  
43 *least, in the investigation of anti-gay*  
44 *bias crime.*

45

46 We will come back to that later when we look at what you  
47 have said in your statement.

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Then lower down page 14, under the heading beginning "Context", you said this - and I am not doing this, Mr Crandell, to, as it were, make you say things that you might otherwise prefer not to have to say, but I just want to establish that these are still your view?

A. Yes.

Q. So you say there:

*The NSW Police Force is acutely aware of and acknowledges without qualification both its and society's acceptance of gay bashings and shocking violence directed at gay men, and the LGBTIQ community between 1976 and 2000.*

So the Force, through you, was acknowledging its acceptance, its having accepted, gay bashings in that time?

A. Yes.

Q. And you don't move away from that position?

A. No, I don't.

Q. You say, very fairly, below that, a few lines below:

*It is clear and beyond question that levels of violence inflicted upon gay men in particular were elevated, extreme and often brutal.*

And you are referring there to the period specifically between 1976 and 2000?

A. Yes.

Q. And it is that era of 30 or so years generally, I take it?

A. Yes.

Q. Then in the bottom paragraph leading to the top of page 15, you refer to the fact that the gay and lesbian bodies, such as the Gay and Lesbian Rights Lobby and the AIDS Council, actually kept records of violence from during that period, and you say, "usually comprising self-reported incidents of gay-hate violence". You were aware of that at the time, or did you become aware of that later, that they were keeping these records?

1 A. I became aware of that when I undertook the sexuality  
2 and gender diversity and intersex corporate sponsorship and  
3 that information was given to me by the CEO of ACON and  
4 senior members of ACON, saying that there were written  
5 records at the time of up to at least 20 reports per day of  
6 bashings of gay men.

7

8 Q. Thank you. You, I presume, immediately appreciated  
9 that that was a much higher reporting scale than had been  
10 reported to the police?

11 A. Absolutely.

12

13 Q. You accept - and I don't again mean to overdo this -  
14 that that is because, largely, gay people were mistrustful  
15 of the police and unwilling to report to police?

16 A. Yes, and I think there's elements of that today.

17

18 Q. Still?

19 A. Still.

20

21 Q. You say, again very fairly, at the top of page 15,  
22 that:

23

24 *This inherent lack of consequences or*  
25 *accountability --*

26

27 ie, flowing from the fact that people weren't reporting --

28

29 *meant that perpetrators were given a kind*  
30 *of "social licence" to continue inflicting*  
31 *violence upon members of the gay community.*

32

33 You stand by that today?

34 A. Yes, I do.

35

36 Q. On page 16, if we turn over the page, under the  
37 heading "The NSW Police Force Response", you say very  
38 directly:

39

40 *The NSW Police Force must acknowledge and*  
41 *has, to some extent, acknowledged its part*  
42 *in marginalisation of the LGBTIQ community*  
43 *during the 1970s, 80s and 90s especially.*

44

45 Again, you stand by that?

46 A. Yes, I do.

47

1 Q. Now, at the bottom of page 17, there is a heading "Why  
2 These 88 Deaths." I don't want to get bogged down in this  
3 but I wonder if I can just ask you a couple of questions  
4 about this. The report says:

5  
6 *During 2013 a number of articles were*  
7 *published in mainstream Sydney media --*

8  
9 and there is certainly no doubt about that and we will have  
10 a look at some of those later. You say --

11  
12 *together with a scholarly article published*  
13 *by the Australian Institute of*  
14 *Criminology ... relating to 88 suspicious*  
15 *deaths ...*

16  
17 Now, there are various references, including in this report  
18 and many others elsewhere, to the origins of this list of  
19 88?

20 A. Mmm.

21  
22 Q. I don't think it needs to be a major issue but  
23 I wonder if I can see if you have the same understanding of  
24 this as I do, putting aside whatever has been written?

25 A. Yes.

26  
27 Q. That in fact, the articles about 88 didn't start back  
28 in 2000 or 2002; they came later?

29 A. That's correct.

30  
31 Q. And the scholarly article in the Australian Institute  
32 of Criminology journal was one in, I think, 2002 referring  
33 not to 88 deaths but to about 37 deaths in a slightly  
34 different time span?

35 A. Yes, that's true.

36  
37 Q. So that are, for whatever reason - which I don't  
38 propose to delve into - there has been a little bit of  
39 confusion or a bit of a mishmash in the way that has been  
40 described?

41 A. Yes. I agree, from what I know now, by the way.  
42 I didn't know that at the time it was written but I do now.

43  
44 Q. No, but you accept it now?

45 A. I do, yes.

46  
47 Q. At page 18, the overriding objective is described, of

1 Strike Force Parrabell, which is the laudable objective of  
2 bringing the police and the LGBTIQ community closer  
3 together, et cetera. Now, accepting that, the actual task  
4 that the strike force set itself is what we see at the  
5 bottom of page 19 under the heading "Investigative Review",  
6 where you say:

7  
8 *On 30 August 2015 Strike Force Parrabell*  
9 *commenced a thorough investigative review*  
10 *to determine whether 88 deaths --*

11  
12 and I will pass over the next bit for the reasons we just  
13 touched upon --

14 A. Yes, thank you.

15  
16 Q.

17  
18 *... and commonly referred to by media*  
19 *representatives, could be classified as*  
20 *motivated by bias including gay-hate.*

21  
22 And that, in summary - and we'll have to go into a bit more  
23 detail - is what Strike Force Parrabell set out to do?

24 A. Absolutely.

25  
26 Q. Two paragraphs below that, you say:

27  
28 *Up to 10 criminal investigators were*  
29 *seconded to Strike Force Parrabell over an*  
30 *18-month period ...*

31  
32 Again, I don't mean to suggest that this is an earth  
33 -shattering point, but the numbers of police officers who  
34 worked on Strike Force Parrabell fluctuated over the time?

35 A. Yes, they did.

36  
37 Q. Correct?

38 A. Yes.

39  
40 Q. And I think in total it seems that 13 had some  
41 involvement at some or other point along the continuum?

42 A. Yes.

43  
44 Q. But the number actually on the job at any one point  
45 would have been lower than that?

46 A. Yes. There was some overlap between them, and when  
47 I say "up to 10", I'm probably indicating some of the ones

1 from Surry Hills, because Surry Hills really took carriage  
2 of the overall oversight. So when I think of the crime  
3 manager, Craig Middleton, the investigations manager - all  
4 those people in that governance structure, I suppose -  
5 I was probably thinking of those as well.

6  
7 Q. Yes?

8 A. But, yes, that's probably why I have selected "up to  
9 10", but you're right, there was crossover throughout that  
10 18-month period.

11  
12 Q. At page 20, a bit below halfway down the page, there's  
13 a heading "Strike Force Parrabell Terms of Reference", and  
14 then some half a dozen short paragraphs in quotes. There  
15 doesn't seem to be an actual document called "Terms of  
16 Reference" anywhere, at least that we have been provided  
17 with. Is that your understanding as well?

18 A. Yes. Yes, it is. I haven't been able to find that  
19 document either. I can only assume that I've been given  
20 that information from somewhere for that final report, but  
21 when I look at that time frame as well, our original time  
22 frame wasn't 18 months; our original time frame was six  
23 months and we actually said three months at one stage. So  
24 really we had not a great insight into the enormity of the  
25 undertaking, and that required me to continually go back to  
26 my assistant commissioner and ask for the extension of  
27 resources. So when I look at that 18 months, that's not  
28 a terms of reference at the very start; that's something  
29 that has probably been added to.

30  
31 Q. I see.

32 A. Otherwise, that would have said six months, not 18.

33  
34 Q. Quite so, yes.

35 A. But along with you, I can't find the actual original  
36 Terms of Reference, albeit I know there was one.

37  
38 Q. I won't pursue the detail of what appears in those  
39 five paragraphs except just to flag, because it will come  
40 up later, on the top of the next page, the second-last  
41 paragraph within this "Terms of Reference" section, which  
42 says:

43  
44 *Each incident will be filtered through the*  
45 *NSW Police Force 10 bias crime indicators*  
46 *as a general guide to identify direct or*  
47 *circumstantial evidence of bias motivation.*



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Now, two things: the strike force did indeed use the list of 10 bias crime indicators?

A. Yes.

Q. And we will come to that?

A. Yes.

Q. When, if you know, do you think this "Terms of Reference" document, if it was a document, or the "Terms of Reference" set of paragraphs was created?

A. I believe they were originally created prior to the commencement of Parrabell, because that was to guide the investigators and the investigation itself. So I believe that that document would be prior to 30 August 2015.

Q. Although you mention that, as at 30 August 2015 you wouldn't have been expecting 18 months?

A. No, no. So that's what I mean - that's obviously something that I have probably added in, because it was an 18-month undertaking, albeit originally that should have said six months, not 18.

Q. The last section in this quoted "Terms of Reference" part reads:

*Examine and report upon evidence capable of identifying suspected bias of the original police investigator.*

A. Yes.

Q. Now, in summary, is it fair to say that, in the end, that topic was not able to be pursued to any significant extent?

A. Yes.

Q. And why is that?

A. We had difficulty separating investigative incompetence from bias. And without reinvestigating matters, we found it very difficult to attribute any deliberate bias towards any investigator. And as you said at the very opening, if something's not recorded, then it's very difficult for me to then review that on paper and say there was or there wasn't bias. Comforting to me was that the academic team also had difficulty in that regard, because I felt that we could come to a view on the

1 investigators' bias, but it soon became apparent to me that  
2 we could not, and as I understand it, the academics had the  
3 same difficulties.

4  
5 Q. Just on the academics, if we could just scroll  
6 slightly down further, the next thing that appears on  
7 page 21 is that funding was approved by the police for an  
8 academic review of the strike force by Flinders University,  
9 and we know that that did indeed occur. May I just ask  
10 this at the outset - and I will need to explore it in a bit  
11 more detail later - but the material that the academics  
12 were given was the completed bias crime indicator forms in  
13 each - for the 88-odd cases; correct?

14 A. Yes. Yes, they were.

15  
16 Q. And perhaps speaking a little generally, those  
17 completed forms, at least going on the ones that I have  
18 seen, typically seemed to have been around 20-odd pages?

19 A. Yes.

20  
21 Q. And so for 88, we're looking at about 1700 pages or  
22 something of that order; is that your understanding?

23 A. Yes. Look, I don't know whether they were provided  
24 other material. The reason I say that is because my review  
25 of Derek Dalton's emails and correspondence indicated that  
26 he was concerned about the number of documents that he had  
27 to go through, and he was including in that the ACON report  
28 and the ACON documents. So I don't know whether he had  
29 access to other material - I would probably have to check  
30 that with the senior investigators - or whether it was just  
31 the bias crime tools, indicators.

32  
33 Q. Thank you. I will come to that with you.

34 A. Sure.

35  
36 Q. But of course, if you don't know, you don't know, but  
37 so it is clear, on your understanding, subject to  
38 correction, is that the academics were given the completed  
39 bias crime indicator forms for the 80-odd cases, but were  
40 not given the voluminous original historical holdings that  
41 the Parrabell police officers looked at?

42 A. Yes. So I can guarantee you that they did not get all  
43 of the holdings that the investigators looked at, because  
44 that was about 400 boxes, from my memory.

45  
46 Q. Yes.

47 A. There is no way that they got that much information.

1 I'm just wondering whether they had any further  
2 documentation besides just the bias crime indicator tools.  
3 I could probably make some inquiries in that regard.  
4

5 Q. Okay, thank you. If you can do that overnight I would  
6 be very happy for to you do that. Certainly it's clear, as  
7 you say, that at some point at least Dr Dalton and perhaps  
8 the others had some material from ACON?

9 A. Yes.

10

11 Q. And indeed, that was partly why he suggested that  
12 perhaps the payment needed to be increased a bit?

13 A. Yes.

14

15 Q. You recall that?

16 A. Yes, I do.

17

18 Q. If you can check overnight, I would be grateful,  
19 because, as I say, our understanding, rightly or wrongly,  
20 is that the investigators - putting aside the ACON  
21 material - only had from police the completed, filled-in  
22 bias crime indicator forms?

23 A. Yes.

24

25 Q. If you could check that, I would be grateful.

26 A. Certainly.

27

28 Q. Now, at the middle of that page, a sentence above - in  
29 fact, a paragraph or two above where we are on the screen,  
30 thank you, reference is made to the fact that  
31 recommendations have been fashioned for improvements to the  
32 NSW Police Force system of bias crime classification. Do  
33 you see that?

34 A. Yes, I do.

35

36 Q. Without making you turn over to it or have the screen  
37 turned over to it, at page 39 there is indeed a list of  
38 recommendations, and one of them, number 3, is that there  
39 needs to be some improved or better system of identifying  
40 bias crimes. Do you recall that?

41 A. Yes, I do.

42

43 Q. I'll leave that there. I'll need to come to that  
44 topic later.

45 A. Sure.

46

47 Q. A couple of paragraphs below that - just scroll down

1 slightly more, thank you - the report says that a number of  
2 cases had to be left as "insufficient information" - we  
3 know that that is correct.

4 A. Yes.

5

6 Q. You say then:

7

8 *To be clear, NSW Police Force investigators*  
9 *assigned to Strike Force Parrabell applied*  
10 *a general tenet to case classification by*  
11 *answering a simple question: "Is there*  
12 *evidence of a bias crime?"*

13

14 Appreciating that you are here giving a kind of summary --

15 A. Yes.

16

17 Q. -- but the true position was a little bit more  
18 complex than that, wasn't it?

19 A. Yes. Yes, it was more than just that one question.

20 That was probably the start but there was a number of  
21 questions particularly in terms of motivation beyond them.

22

23 Q. At the bottom of that page, the few lines that we can  
24 see there, you say, quite accurately:

25

26 *... the academic team did not necessarily*  
27 *adopt the same classification*  
28 *interpretation ...*

29

30 In fact, the word "necessarily" is really superfluous  
31 there, isn't it?

32 A. Yes. They did not.

33

34 Q. They did not, in fact, adopt the bias crime indicator  
35 methodology at all?

36 A. No, there was - some of the factors that they looked  
37 at were consistent with what Strike Force Parrabell  
38 investigators looked at, but their method of classifying  
39 different bias or animus, as they called it, was completely  
40 different.

41

42 Q. Completely different, yes. So again, without meaning  
43 to be nitpicking, at the top of the next page, page 22,  
44 this sentence appears:

45

46 *Whilst different findings and*  
47 *classifications were made, each team*

1                    *understood and endorsed the systemic*  
2                    *approach of the other.*  
3

4                    Is that something of an exaggeration in the case of the  
5                    academics' view of what the strike force did?

6                    A.    No, I don't think so, because what I'm referring to  
7                    there was probably more discussions with Derek Dalton and  
8                    the team and saying to them, "Look, this is how we went  
9                    about it. This is the way that we identified bias or no  
10                    bias." Because there's some findings that are polar  
11                    opposites where you have a finding from Strike Force  
12                    Parrabell that says "no bias" and you have "gay hate bias"  
13                    from the academics.

14  
15                    So we discussed those cases and said, "Well, how can  
16                    that be?" That's what I'm referring to there. So they're  
17                    saying, "We understand how you have come to that, but we  
18                    don't resile from the position that we have on the basis of  
19                    our - the way that our methodology has worked." So they  
20                    understood our methodology. They didn't necessarily agree  
21                    with the way that we went about it, as they may have  
22                    written in their report, but I think they understood why we  
23                    were using the bias indicators that we used.

24  
25                    Q.    Sure.

26                    A.    Particularly given they were part of our policy  
27                    arrangements.

28  
29                    Q.    Sure. Thank you, that's helpful. I want to just put  
30                    to you, though, that to say that the academics, for their  
31                    part, endorsed the approach of the police is not really  
32                    right?

33                    A.    No, I know what you are saying. Look - yeah.

34  
35                    Q.    Because they said that the form was not really the way  
36                    to do it?

37                    A.    No, that's right. So I was probably more thinking  
38                    about our verbal interaction, but when you read their  
39                    report, I think you're correct. They don't say, "We think  
40                    that's a better way of doing it"; they obviously support  
41                    their own way and methodology, yes.

42  
43                    Q.    Just before we have a break, as I expect we will -  
44                    I am sorry you don't have the document in front of you, but  
45                    you probably remember it, and it can be scrolled through  
46                    quickly, but for the next 15 pages or so, 23 onwards --

47                    A.    Yes.

1  
2 Q. -- there are various pie charts and graphs?  
3 A. Yes.  
4  
5 Q. And statistics of one form or another?  
6 A. Yes.  
7  
8 Q. Which are, in effect, the output and the results of  
9 the strike force review of the 80-odd cases?  
10 A. Yes.  
11  
12 Q. And so, for example, one page tells us that 63 were  
13 solved and 23 remain unsolved; another page tells us that  
14 of the 86 - because a couple weren't dealt with for one  
15 reason or another --  
16 A. Yes.  
17  
18 Q. -- eight found evidence of bias crime, 19 suspected of  
19 bias crime, 34, no evidence of bias crime, 25, insufficient  
20 information. You remember these pages?  
21 A. Yes, I do.  
22  
23 Q. And there are various other pages with various  
24 breakdowns of other statistics in terms of what was found?  
25 A. Yes.  
26  
27 Q. And then at 39 to 41 we have the recommendations,  
28 12 in all?  
29 A. Yes.  
30  
31 Q. One of which was about the bias crime tool or method?  
32 A. Yes.  
33  
34 Q. And then from 43 to 46 there's an annexure, which -  
35 and you may or may not remember this --  
36 A. Yes.  
37  
38 Q. -- sets out a kind of summary of the way in which  
39 records were kept by the police generally speaking?  
40 A. Yes.  
41  
42 Q. Sequentially over the 70s, 80s, 90s and 2000s; do you  
43 recall that?  
44 A. Yes, I do.  
45  
46 Q. And although it is a summary, it is presumably, as far  
47 as you know, basically accurate?

1 A. Yes.

2

3 Q. Then from pages 47 to 133, which is a much longer  
4 part, we have the academic review?

5 A. Yes.

6

7 Q. And at the very back of that, as an annexure,  
8 I suppose - yes, it's annexure B - we have the bias crimes  
9 indicator review form set out?

10 A. Yes.

11

12 Q. Being one that the Parrabell police officers used?

13 A. Yes.

14

15 Q. Thank you for that. I want to just turn now to some  
16 aspects of your statement, especially the preliminary parts  
17 about your career and how you came to be in the corporate  
18 sponsor role?

19 A. Yes.

20

21 Q. Perhaps I'll make a start.

22

23 THE COMMISSIONER: I think make a start, given the fact we  
24 started slightly late, and I will take the adjournment in a  
25 few minutes, thank you.

26

27 MR GRAY: Q. You need your statement, I'm sorry, which  
28 is in volume 1, I think it is tab 4 [SCOI.76961].

29 A. Did you say tab 4, Mr Gray?

30

31 Q. Yes, tab 4, I believe.

32 A. Yes.

33

34 Q. Is it there?

35 A. Yes.

36

37 Q. Good. So you are currently - I'm looking at  
38 paragraph 3 - the commander of the Digital Technology and  
39 Innovation Command within the force?

40 A. That title has now changed, since 16 November, it's  
41 now called Technology Command.

42

43 Q. It's now what, sorry?

44 A. Technology Command.

45

46 Q. Commander of the Technology Command?

47 A. Yes.

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Q. In paragraph 4 you tell us that you joined the force back in 1986 and you became a detective in 1994. May I ask you fairly briefly, what was the training or the requirements to become a detective, when you became detective?

A. So you originally were allocated a position in a detectives office and you would sit what they call a bullring, which they still have today, which essentially does look like a bullring where you have a number of senior detectives that sit around and ask you a number of questions on your capability as an investigator, what you know about criminal law, and you're given a number of documents to read and familiarise yourself with.

If you pass through that bullring process, you then would typically do an investigators course or something similar, which would lead into a detectives designation course or the detectives education program, is what I did. That was a program of about 18 months, where you would prepare briefs of evidence and you would present them, as well as learning along the way different proofs and different aspects of the criminal - mainly criminal law and evidence, they were the two main subjects that you would learn.

Q. So was that a full-time course or something you did while also doing your day job?

A. Yes, something you did while also doing the day job, but the intent was to teach you various aspects and then have you put them into practice, if at all possible, and then to come back and reflect upon your learnings.

Q. By 2005 - I'm up to paragraph 6 - you had been promoted to the rank of superintendent.

A. Yes.

Q. We know from your CV, which I probably don't need to take you to because you will remember this, that at the rank of superintendent you held three successive commands, local area commands?

A. Yes.

Q. Deniliquin, then Kings Cross, and then Surry Hills?

A. Yes.

Q. What is a command?



1 A. A command is really an area geographically defined and  
2 you have a number of police resources within that command -  
3 they might be at different stations - and basically you are  
4 responsible for policing of that particular area.

5

6 Q. So we have local area commands, LACs?

7 A. Yes. They're now called police area commands, just  
8 a bit of change in terminology, but the same concept.

9

10 Q. But are there other commands that aren't geographical?

11 A. Yes, there are, yes. Well, Technology Command is one.

12

13 Q. For example?

14 A. Yes.

15

16 Q. Again, I don't want to pursue this very far but how  
17 many commands are there, dozens or hundreds?

18 A. No, there is high 50s, so around about the 60 mark in  
19 operational field commands, but then you have other support  
20 commands. So they are from corporate areas, obviously my  
21 area is in a corporate area, but you also have counter  
22 terrorism, prosecutions, those different commands that feed  
23 in to support field operations.

24

25 Q. Thank you. Then in 2017 you were promoted to  
26 assistant commissioner. How many assistant commissioners  
27 are there?

28 A. There's 20 now.

29

30 Q. And in your case, as assistant commissioner in 2017,  
31 you were appointed commander of the Education and Training  
32 Command?

33 A. Yes.

34

35 Q. And you held that command until 2019?

36 A. Yes.

37

38 Q. What does or did that Education and Training Command  
39 do?

40 A. So that command is responsible for basically education  
41 and training of all police officers and unsworn officers or  
42 employees of the NSW Police Force; also responsible for  
43 weapons training and defensive tactics training; also for  
44 bringing in mandatory training that might be required  
45 because of hearings such as this, or others, and developing  
46 new ways of educating police officers through technology.

47

1 Q. And would that include such things as detective  
2 training courses?

3 A. Yes, absolutely.  
4

5 Q. And are they now - that is, detective training  
6 courses - more elaborate or more extensive than they were  
7 in your time or much the same?

8 A. No, I believe they're more elaborate. I only know  
9 that because when I was there, we changed the way that the  
10 detectives undertook their course, and it really - it  
11 really does look at what separates a person with specialist  
12 criminal investigative knowledge from the rest of the  
13 people in the organisation and also focuses in a great deal  
14 on practical experience, as to how you put your learnings  
15 into practice.  
16

17 Q. Then briefly, from 2019 you were at State Intelligence  
18 Command?

19 A. Yes.  
20

21 Q. In a nutshell, what does that do?

22 A. So that basically provides support to State Crime  
23 Command, in terms of all of their different squads. It  
24 also provides support and gives direction to intelligence  
25 officers right across the state, and provides leadership  
26 and direction in the development of intelligence products  
27 and the value that they can give to people on the front  
28 line.  
29

30 Q. And then earlier this year you were appointed to your  
31 present position?

32 A. Yes.  
33

34 Q. Meanwhile, back in 2013, when you were still  
35 a superintendent and the commander of the Surry Hills local  
36 area command, you were given another appointment, namely,  
37 corporate sponsor for sexuality, gender diversity and  
38 intersex?

39 A. Yes.  
40

41 Q. You tell us that later on in your statement at around  
42 paragraph 22. So, first of all, what does the term  
43 "corporate sponsor" mean in the context of the police?

44 A. So the corporate sponsor becomes the spokesperson for  
45 the organisation on behalf of the Commissioner. The  
46 corporate spokesperson is, in my sponsorship, responsible  
47 for maintaining community relations with different

1 communities in the LGBTIQ space; also for educating police  
2 officers throughout the organisation about bias, gender,  
3 sexuality issues and the importance of maintaining  
4 impartiality, in a nutshell. It's very challenging.

5

6 Q. Thank you. How many of these corporate sponsor  
7 positions are there?

8 A. I could check. As a rough estimate, I would say that  
9 almost every assistant commissioner at that time would have  
10 had some sort of a sponsorship, or in my case, it was  
11 a superintendent that turned into an assistant  
12 commissioner. So I would say there'd be around about 20  
13 different sponsorships.

14

15 Q. And the title or the concept was applicable to the  
16 individual, is that right, rather than there being an  
17 apparatus under that individual?

18 A. Yes, so Operational Programs, which is where  
19 Sergeant Steer was attached to, they had different areas,  
20 so you can imagine for domestic violence, for example,  
21 there were a number of support and policy officers in that  
22 area, multiculturalism, they would have a number of support  
23 officers, and then they would provide support to the  
24 corporate spokesperson.

25

26 In my area, I had an officer, a policy officer, who  
27 assisted me, but I also had a big gay lesbian liaison  
28 officer network and I used to draw upon them to come in and  
29 help us if we needed more assistance to deal with events or  
30 issues that arose in the portfolio.

31

32 Q. But you were, of course, in what I inaccurately call  
33 your day job, the commander of the Surry Hills local area?

34

A. Yes.

35

36 Q. But this position, corporate sponsor position,  
37 presumably was - well, I won't presume it, I will ask you -  
38 state-wide?

39

A. Yes, definitely. That was in addition to my day job,  
40 say.

41

42 Q. Yes. You succeeded Chief Superintendent Donna Adney  
43 in that corporate sponsor role?

44

A. Yes, I did.

45

46 Q. Do you still hold that position?

47

A. No.

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Q. When did you cease to be the corporate sponsor?

A. It would have been in 2019. That then handed over to Assistant Commissioner Gelina Talbot. She gave evidence in a recent --

Q. At the parliamentary inquiry?

A. Yes, she did. And now she has been replaced with Assistant Commissioner Tony Cooke, since about - since earlier this year.

Q. As at 2013, when you were appointed to that role, there was also a corporate sponsor for bias crime?

A. Yes.

Q. Who at that time was Superintendent Danny Sullivan?

A. Yes.

Q. What were the responsibilities, as you understand them, of that role and how did it overlap or not overlap with your role?

A. Yes, so in my mind, the bias crime, so Danny Sullivan's area, looked at elements of bias not just in LGBTIQ community but right across the board. So he has a number of other areas, whether that be homelessness, racial, there was a number of different categories of bias crime, so he was concentrated in that area. I had a fair bit to do with his portfolio, simply because there was a great deal of bias towards marginalised community of LGBTIQ.

But LGBTIQ had a much broader remit in terms of not just the bias aspect but also the community engagement aspect. We had several significant events each year that we would prepare for and show support to the community for. So there was a community arm side of it, there was also a bias side of it, and Parrabell came into that bias side.

Q. In paragraph 13 - in fact, I should start at paragraph 12, really, referring to the Bias Crime Unit, you say that you have no particular knowledge about the background to or reasons for establishment or day-to-day business or roles of personnel within the Bias Crime Unit. Given what you have just been explaining to us about your role as corporate sponsor and the interrelationship with the bias crime sponsor, it seems surprising that you would have such little knowledge?

1 A. Yes, I think I'm saying it from now. So now - because  
2 the Bias Crimes Unit, when Geoff Steer - when I knew about  
3 Geoff being involved in it, I know that he was appointed to  
4 the role, he was taken out of the role and he was  
5 reappointed to the role, and then obviously he went out  
6 I think in 2017 - that, when I left my portfolio, the one -  
7 one of the main things that I wanted to pass on was the  
8 Strike Force Parrabell recommendations to change the way  
9 that we look at bias crime.

10  
11 I'm happy to say that that has occurred in terms of  
12 our current standing operating procedures, but in terms of  
13 the structure of that unit now, given it now sits under  
14 a different area of the organisation, it now sits under  
15 Counter Terrorism and Special Tactics Command, I didn't  
16 have knowledge of that unit as it's constructed now or what  
17 their remit is, other than me reading their standard  
18 operating procedures.

19  
20 Q. I see. But in 2013 --

21 A. Yes.

22  
23 Q. -- and the years up to, say, 2017 when you were doing  
24 Parrabell --

25 A. Yes.

26  
27 Q. -- we shouldn't understand you to be saying that you  
28 had no idea what the Bias Crime Unit was?

29 A. No, no. I had an idea of what the bias - look, I had  
30 an impression of what had happened with the Bias Crimes  
31 Unit. I didn't actually research what they did, but to me,  
32 Geoff Steer was the person that was the Bias Crimes Unit.  
33 Essentially, he was not a - you know, not a lone actor but  
34 he held a great deal of responsibility.

35  
36 Q. Does the same answer, in effect, apply to  
37 paragraph 13, which talks about the Engagement and Hate  
38 Crime Unit which, in effect, is the name for the body which  
39 includes what used to be the Bias Crime Unit?

40 A. Yes. So I believe that was born out of the - or  
41 perhaps built upon what Geoff had started on, and I know  
42 Geoff went out in 2017, so I'm presuming that the  
43 Engagement and Hate Crime Unit was born some time after  
44 that.

45  
46 I had a discussion with them before I left my  
47 portfolio based on the outcome, the recommendations, of

1 Parrabell and what really needed to be progressed in terms  
2 of those recommendations, and I believe that they took them  
3 on board. But other than that, I can't tell you how they  
4 operate now or - I could guess at their numbers but it  
5 would be certainly more than --  
6

7 Q. No, that's okay. What I was interested in was  
8 checking whether what you were saying there in those two  
9 paragraphs was that you didn't know anything about it at  
10 the time, but that's not what you're saying?

11 A. No, no, that's right. I mean, the Engagement and Hate  
12 Crime Unit I don't know, because that was created after the  
13 period in question, but the Hate Crimes Unit and Geoff  
14 Steer, I did have dealings with Geoff in the time between  
15 2013 and 2017.  
16

17 MR GRAY: Is your Honour proposing to take a break?  
18

19 THE COMMISSIONER: Yes, I will take a break now. Yes,  
20 I'll take a break, thank you. I'll adjourn, thank you.  
21

#### 22 SHORT ADJOURNMENT 23

24 THE COMMISSIONER: I need to adjourn today at about 10 to  
25 one. I have a matter that I need to attend to. So if you  
26 can keep that in mind and if we need to catch up the time,  
27 I can sit a bit later this afternoon, if that becomes  
28 necessary. All right, thank you.  
29

30 MR GRAY: Q. Mr Crandell, I just want to ask you, on the  
31 topic of the Bias Crime Unit, some questions about what in  
32 fact its history was as it appears. To do that, could you  
33 find volume 7, behind you, tab 190, [SC0I.77469].  
34

35 Now, this document is called "Bias Crimes Unit  
36 Handover". We know from the last page of it that it's  
37 dated 15 June 2018. I just want to run through with you  
38 mainly what is on the first page of it, under the heading  
39 "Unit History". Have you got that?  
40

41 A. Yes.  
42

43 Q. So we learn that in 2006, then Senior Constable Steer  
44 proposed a hate crime capability for the police. Do you  
45 see that?  
46

47 A. Yes, I do.  
48

49 Q. And you I imagine also know, although it's not stated  
50

1 here, that that was prompted by or followed the Cronulla  
2 riots?

3 A. Yes.

4

5 Q. Do you recall that that was the catalyst for this  
6 initiative?

7 A. Yes.

8

9 Q. And so following Constable Steer's proposal, the  
10 position of hate crime coordinator was established in 2007,  
11 and basically that position was comprised of himself,  
12 Geoff Steer?

13 A. Yes.

14

15 Q. And we see in the last paragraph of that, that in 2009  
16 the position was de-established. So it existed for  
17 a couple of years and then for the next three years, 2009  
18 to 2012 - well, certainly he wasn't in it but when it says  
19 "de-established", that means the position ceased to exist,  
20 doesn't it?

21 A. I would say yes, because it was only a temporary  
22 position in the first place, so "overstrength" just means  
23 it's in addition to our strength which means it's not  
24 a permanent position.

25

26 Q. So it was not a permanent position and then for three  
27 years, it was de-established, to use the word that's there?

28 A. Yes.

29

30 Q. Then in 2012, a slightly changed name from hate crime  
31 coordinator to team leader, bias motivated crimes, was  
32 re-established - effectively the same position, as  
33 I understand it?

34 A. Yes.

35

36 Q. And again, the position filled by then Sergeant Steer?

37 A. Yes.

38

39 Q. Now, Operational Programs Command means what? What  
40 are Operational Programs?

41 A. Operational Programs Command basically have  
42 predominantly policy officers that look at the different  
43 corporate sponsorships. So you'll have a policy officer  
44 for LGBTIQ, which was me, you'll have a number of other  
45 officers for domestic violence, and they all come in under  
46 Operational Programs Command.

47

1 Q. And that's the area, "Operational Programs Command",  
2 where Shobha Sharma was located?

3 A. Yes, she's the manager - she was the manager there.  
4

5 Q. The manager of that unit; is that what we call it?

6 A. Yes, yes.  
7

8 Q. Is she a sworn police officer?

9 A. No. No, she's unsworn.  
10

11 Q. In the hierarchy, if this is a coherent question,  
12 where does she sit in terms of, for example,  
13 a superintendent or yourself?

14 A. I would say she would be at a level of inspector to  
15 superintendent level, so a fairly senior role.  
16

17 Q. So reasonably high up the totem pole?

18 A. Yes.  
19

20 Q. Thank you. Then back to this document, we see that in  
21 2015, there was a second person added to Sergeant Steer,  
22 namely, Senior Constable Corbett, on loan?

23 A. Yes.  
24

25 Q. So that, in effect, created the Bias Crimes Unit,  
26 because there's now two people; is that how we understand  
27 that?

28 A. Yes.  
29

30 Q. And again in 2015, a third person was added,  
31 a civilian intelligence analyst, and in 2016, using the  
32 language you pointed to before, an overstrength position  
33 was added attaching the on-loan officer, Corbett,  
34 permanently to the unit. Now, I don't pretend to  
35 understand all of that entirely but is the net result that  
36 by that point there were three people?

37 A. Yes.  
38

39 Q. And then the next paragraph tells us that there was  
40 a senior policy officer who had responsibilities for bias  
41 motivated crimes and vulnerable communities --

42 A. Yes.  
43

44 Q. -- also in the picture. So there were three and a  
45 half people, in effect?

46 A. Yes.  
47



1 Q. Then we are told that in July 2017 the Bias Crimes  
2 Unit was affected by a restructure. It was realigned to  
3 the newly created Fixated Persons Investigation Unit?

4 A. Yes.

5

6 Q. Did you know that, when that was happening?

7 A. Yes, I knew, I knew that was the case, and I think  
8 that came in under Commissioner Fuller.

9

10 Q. Commissioner Fuller?

11 A. Yes.

12

13 Q. And according to this document, in an overnight  
14 fashion - before I ask that, the Fixated Persons  
15 Investigation Unit was under a different command, namely,  
16 Counter Terrorism and Special Tactics?

17 A. Yes.

18

19 Q. And that was as a result of the restructure, I take  
20 it?

21 A. Yes.

22

23 Q. And did the Counter Terrorism and Special Tactics  
24 Command have a number of units apart from the Fixated  
25 Persons Investigation Unit?

26 A. Yes, certainly. I think from memory the Fixated  
27 Persons Investigation Unit was a new unit that was  
28 established by Commissioner Fuller, but Counter Terrorism  
29 and Special Tactics Command comprised many other areas,  
30 whether it's anti-terrorism intelligence units,  
31 investigation units, public order and riot squad, tactical  
32 operations squad, all of those units fall in under Counter  
33 Terrorism and Special Tactics.

34

35 Q. And so the concept of fixated persons, is this right,  
36 in the main, at least, is looking at extremists and  
37 radicals of one sort or another, rather than something to  
38 do with LGBTIQ?

39 A. Yes, look, I think - I'm not sure whether LGBTIQ fell  
40 in under that charter as well, but predominantly it was for  
41 people that, for whatever reason, would fixate on  
42 particularly targets, people for targets, which, as  
43 I understand it, was alluded to in research for counter  
44 terrorism. I don't pretend to be an expert in any of that,  
45 but that's where the genesis was, and it also found that  
46 there was a number of people with mental health issues that  
47 would become fixated people, and so we were trying to get

1 ahead of that and try to prevent the fixation before it  
2 occurred.

3

4 Q. Now, the Bias Crime Unit, and Sergeant Steer as the  
5 bias crime coordinator, was looking at bias generally, as  
6 I understand, not just sexuality or gender bias but other  
7 forms of bias; correct?

8 A. Yes.

9

10 Q. Such as race-based bias or ethnically based bias or  
11 religion-based bias, and so on?

12 A. Yes, yes.

13

14 Q. And it does look, looking at that paragraph, when  
15 we're told that the Bias Crimes Unit has been meshed in  
16 with under the counter terrorism command, as though it's  
17 been sort of buffeted from pillar to post somewhat in terms  
18 of where it's been located within the police; is that  
19 a reasonable observation?

20 A. Yes, look, I don't know the reasons for moving from  
21 Operational Programs, but certainly bias crimes now  
22 obviously sits in with the Engagement and Hate Crime Unit,  
23 which is still within Counter Terrorism and Special Tactics  
24 Command.

25

26 Q. Back to where I was, the document tells us that, in an  
27 overnight fashion, this restructure, which had the features  
28 we have just looked at, caused 75 per cent of the staff -  
29 that is, three out of the four people - to leave the Bias  
30 Crimes Unit. Did you know that that was what happened?

31 A. No, no, I don't.

32

33 Q. And as it points out, the Bias Crimes Unit after two  
34 short years had reduced from four staff and reverted back  
35 to just one, Senior Constable Corbett. Did you know that?

36 A. No. Sorry, I knew that Sergeant Steer had left in  
37 2017. I didn't know the circumstances around that.

38

39 Q. This seems to be telling us, but correct me if I'm  
40 wrong, that, in effect, three of the four were redeployed  
41 elsewhere, leaving only one survivor in the Bias Crimes  
42 Unit, as now moved under counter terrorism; is that right?

43 A. Yes, it - that's what it appears from the document.

44

45 Q. And then the document says that several months later,  
46 in 2017 - although in fact, from another document that  
47 I can show you, if I need to, it may have been slightly

1 later than that but it perhaps doesn't matter very much -  
2 the Bias Crimes Unit, now consisting of one officer, was  
3 again realigned with counter terrorism from the fixated  
4 persons unit to the Engagement Intervention Unit, so it  
5 moves again with the structure?

6 A. Yes.

7

8 Q. And we're told that at that time, from November  
9 to December, the police force effectively had no Bias  
10 Crimes Unit, for the reasons that are spelt out there.  
11 We're told that in January 2018 the vacant team leader  
12 position was laterally filled by Sergeant Husseini, and  
13 then, reading through the balance of that paragraph,  
14 Sergeant Husseini had to go and do something else, so again  
15 there was really only one person. Are you following me  
16 through that?

17 A. Yes, I am, yes.

18

19 Q. Then the last paragraph tells that that person, Senior  
20 Constable Corbett, was going to be leaving the unit in 2018  
21 which would leave the Police Force with no Bias Crime Unit  
22 at all. Was all of that rather forlorn history known to  
23 you?

24 A. No.

25

26 Q. I probably don't need to make you get this document  
27 out, but in fact if you turn to next one, it's actually the  
28 next two on, tab 192 [SC0I.82046]

29 A. Yes.

30

31 Q. This is an issues paper dated December 2019, and it  
32 tell us, under the heading "Background", that the Bias  
33 Crimes Unit had sat within the Engagement Intervention Unit  
34 since November 2018?

35 A. Yes.

36

37 Q. Which may be slightly different from the one we just  
38 looked at, which said 2017?

39 A. Yes, '17, yes.

40

41 Q. And the recommendation being made is that the in  
42 effect, combined units, engagement and intervention, and  
43 bias crimes, be changed to a single unit called "Engagement  
44 and Hate Crime", which is how we come to have that one now.  
45 You may or may not know this. Is this known to you?

46 A. The process wasn't known to me but I do know the  
47 outcome of it now currently being the Engagement and Hate

1 Crime Unit.

2

3 Q. Namely, that outcome?

4 A. Yes.

5

6 Q. So from the document we were looking at first, the one  
7 at tab 190 [SC0I.77469] the position seems to be that the  
8 BCU, the Bias Crimes Unit, was essentially disbanded  
9 overnight; correct?

10 A. I can't comment. I don't know.

11

12 Q. Well, that's what the document --

13 A. The document indicates that, something similar, but --

14

15 Q. So three of the four were deployed somewhere else,  
16 including Sergeant Steer; correct?

17 A. Yes, that's what the document says, yes.

18

19 Q. Do you know where he was redeployed to?

20 A. I know where he is currently, and I don't believe  
21 that's changed. He's at Hawkesbury at the moment.

22

23 Q. Is that where he was sent in 2017?

24 A. I believe so.

25

26 Q. And what are his duties at Hawkesbury?

27 A. He's a team leader - he's a team leader of general  
28 duties police.

29

30 Q. General duties police?

31 A. Yes, indeed.

32

33 Q. Have you read Sergeant Steer's statement in this --

34 A. Yes, I have, yes.

35

36 Q. You'll recall that he speaks of having been forced out  
37 in 2017. I can show it to you, but obviously, but do you  
38 recall him saying that?

39 A. Look, I accept what you say, yes.

40

41 Q. Is that language that you would agree with? Do you  
42 understand that he was forced out?

43 A. I really didn't have any vision of that at the time.

44

45 Q. One way or the other?

46 A. No, no.

47

1 Q. Who would have been making these decisions about  
2 disbanding the unit and sending Sergeant Steer off to  
3 Hawkesbury?

4 A. My understanding was that the Bias Crimes Unit had the  
5 support of Deputy Commissioner Kaldas. He was a large  
6 supporter of bias crimes investigation. It may have been  
7 a change from deputy to relocate, bearing in mind we had  
8 a new commissioner at that time as well, in 2017.

9

10 Q. So - I'm sorry, I missed that?

11 A. In 2017, with the arrival of our new commissioner,  
12 that being Commissioner Fuller, I know that it was his  
13 intent to create the Fixated Persons Unit, and - but I'm  
14 not sure of the impact on the Bias Crimes Unit to create  
15 that unit and I'm not sure whose decision that would have  
16 been beyond understanding that Mr Fuller wanted a Fixated  
17 Persons Unit created.

18

19 Q. Just remind me if you can, because I just don't have  
20 the date in my mind, when was the Lindt Cafe siege?

21 A. That was in December. I don't want to misstate the  
22 date. I'm thinking it was the 10th --

23

24 Q. No, but which year?

25 A. -- of December. That was in two thousand and --

26

27 THE COMMISSIONER: Fourteen.

28

29 THE WITNESS: Fourteen.

30

31 MR GRAY: Q. 2014, I'm told.

32 A. Yes, 2014, yes.

33

34 Q. Was the Fixated Persons Unit in part a response to  
35 that?

36 A. I'm not sure. I'm just thinking - end of 2014,  
37 Mr Fuller comes in in 2017. It may well have been,  
38 particularly given the coronial inquest may well have been  
39 around that time as well, so I would say probably -  
40 probably very likely.

41

42 Q. Which inquest?

43 A. The Lindt Cafe inquest, I would - I'm thinking would  
44 have been around about that time. Certainly it was prior  
45 to the appointment of Commissioner Fuller. And I don't  
46 know whether that was a recommendation from the coroner,  
47 but certainly Mr Fuller brought that, in to my mind, as

1 a mandate.

2

3 Q. Briefly - and it will be brief - could I ask you to  
4 find volume 10 of the bundle and turn to tab 249,  
5 [SCOI.79872].

6 A. Yes.

7

8 Q. If we start from the back, because it is an email  
9 chain, there is an email from Geoffrey Steer to Derek  
10 Dalton on 29 May 2017. Do you see that?

11 A. Yes.

12

13 Q. First of all, you may or may not have ever seen this  
14 before. Have you ever seen this before?

15 A. I don't believe so. I've seen a lot of documents but  
16 I don't believe this one.

17

18 Q. Sure. And it is not addressed to you?

19 A. No.

20

21 Q. It's between Steer and Dalton. But I just need to ask  
22 you, and I accept your answer that you haven't seen it -  
23 yes, if it can be put on the screen that would be helpful.  
24 It's tab 249.

25

26 Now, I will just give you a moment to read  
27 Sergeant Steer's email there to yourself.

28

29 MR GRAY: Commissioner, I am told - and Mr Tedeschi - that  
30 these additional documents in tab 10 are not yet able to be  
31 put on the screen. I don't know if you have paper folders,  
32 but the documents have been provided.

33

34 If it's inconvenient, I can come back to this later.  
35 I don't want to put someone at a disadvantage.

36

37 THE COMMISSIONER: Well, no, I think if everyone has the  
38 document. Is the document, though, at tab 249?

39

40 MR GRAY: Yes.

41

42 THE COMMISSIONER: If Mr Tedeschi and others have it, then  
43 I think we should proceed, and if the witness has it, then  
44 that's perfectly satisfactory.

45

46 Q. Mr Crandell, I assume you've got it?

47 A. Yes, I have, Commissioner.

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Q. You've got this email?

A. Yes, I do Commissioner.

Q. All right. I won't interrupt you again. Keep reading it whilst Mr Tedeschi and others get a copy.

MR TEDESCHI: Thank you.

MR GRAY: Q. Have you had a chance to read that, Mr Crandell?

A. Yes, I have.

Q. According to Mr Steer, in that email on 29 May, the effect of the restructure that was happening at this time, which is the one we've just been looking at, was that the Bias Crimes Unit would effectively cease to exist.

A. Mmm-hmm.

Q. And he says:

*Bias crimes will be left to the relevant corporate sponsors and the unit will focus on right wing, left wing and anti-government groups. The capability around bias crimes will no longer exist.*

And at the bottom of that long paragraph he says:

*The ability of the [NSW Police] to identify, investigate and respond effectively to bias crimes in my opinion is not there.*

Now, appreciating that you haven't seen it and appreciating also that you say you didn't know everything about what was happening at this time, but from having just read the document at tab 190 of volume 7, [SCOI.77469] the handover document, Sergeant Steer's description of the effect of the restructure seems to be pretty accurate, doesn't it?

A. Look, I can't recall whether there was a substituted capability for bias crimes. To be honest, if it was removed in that fashion that Geoff has described, as in Sergeant Steer's described, it would be surprising, but I'm not saying that that's not the case. I simply didn't have that vision at that time.

Q. Then just for completeness, because it's not really

1 what I need to ask you about, but Dr Dalton responds at the  
2 front --

3 A. Yes.

4

5 Q. -- the first page of that chain, to say that he's  
6 troubled, and so forth. But again, was this something  
7 which at the time neither Steer nor Dalton raised with you?

8 A. No, I don't recall Derek Dalton raising any of that  
9 with me. You may well point to an email that I'm not aware  
10 of, but I don't recall having a conversation with Derek in  
11 relation to that. I can't even recall speaking to Geoff  
12 about that, to be honest. All I know is that Geoff left in  
13 2017, but I didn't really know the circumstances why.

14

15 Q. You don't know the circumstances?

16 A. No, not the specific circumstances that you've  
17 outlined to me today. I wasn't aware of those at the time,  
18 as to why he was - he left the unit. Sorry, I knew that  
19 there was a restructure, but the circumstances of him  
20 leaving I wasn't aware of.

21

22 Q. And including a lack of awareness of what at least in  
23 his mind amounted to his being forced out?

24 A. Yes.

25

26 Q. Is that something you weren't conscious of?

27 A. No, no.

28

29 Q. I just want to pursue that again briefly and then we  
30 will move on to something else. If we turn to volume 4, so  
31 you can put that one away and go to volume 4, and turn to  
32 tab 126, [SCOI.74679]. Now, this is an email from Sergeant  
33 Steer to you about a year later, June 2018, a lengthy  
34 email?

35 A. Yes.

36

37 Q. He is prompted to write it, he tells us - or he tells  
38 you, I should say - by an article in The Australian about  
39 that time. Do you remember this email?

40 A. I do remember this email. I was very concerned about  
41 it.

42

43 Q. He touches upon - and I'll come back to this in  
44 another context, but just in the present context - some of  
45 the history of the Bias Crimes Unit including in relation  
46 to himself?

47 A. Yes.



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Q. You can see that, and again it's pretty long, so even though you've seen it before, if you need a bit of time to remind yourself what's in it, that's fine.

A. Did you want me to read --

Q. Well, if you need time to check anything, let me know, otherwise I'll just take you to the bits I want to ask you about?

A. If you could take me through, I'm happy with that.

Q. On the last page he says:

*... I don't expect a response ... but if you wish to discuss anything with me I will be more than willing ...*

As best we are aware, he didn't get a response, you don't seem to have responded to this?

A. No, I didn't respond to Geoff, I responded - because in part, I think he was upset about comments that I had made --

Q. That's right.

A. -- in relation to having a look at a different way of classifying bias, which was reported upon. I was actually concerned for him at that time and I sent an email to his commander, Jim Stewart, Superintendent Stewart, and asked him to have a conversation with him and just check on him to make sure he was okay, but I didn't think it was helpful for me to respond given the length of the email and obviously the passion that he had put into those words, particularly given - I stood by what - I don't - I can't remember exactly what was reported, but I stood by the fact that we should look at how we classify bias crimes because 10 bias crime indicators was very, very difficult for an officer on the street to look at a crime and say, "Well, let me go through those 10 indicators", and given the experience with Parrabell, I thought that it was most appropriate to have a look at another way of allowing officers to better classify bias crimes much quicker and much earlier.

Q. Yes. I can take you to the actual article or I can just remind you of what you are quoted in the article as saying?

A. Sure.

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Q. If anyone needs it, it's at tab 225 of volume 8, [SC0I.82032]. It is an article in The Australian, and you are quoted as saying, more or less as you have just said:

*... Strike Force Parrabell would recommend a better assessment tool for "bias" crimes.*

And you're quoted as saying:

*Our current bias assessment tools are not practical for everyday police officers on the frontline.*

*A new system would ensure "bias motivation" is considered in every investigation.*

That's the gist of it?

A. Yes.

Q. That's what you recall saying?

A. Yes.

Q. And that's what has evidently prompted his email?

A. Yes.

Q. Now, I just want to take you to a couple of bits of it again. In the first couple of lines he uses the expression that he was "forced out"?

A. Yes.

Q. Something that he says was confirmed by multiple sources. So you say that you don't know anything about that?

A. To be honest, the tenor of the document led me not to necessarily take everything that he said with - not honesty but complete value, if that makes sense. So I - he was obviously upset and, you know, "forced out" or otherwise, I didn't read into that. I just thought he was a deeply hurt person at that time.

Q. He refers in the third line to "ongoing attacks and harassment by the NSWPF" with respect to his work in the hate crimes field. Did you have any understanding of what he was referring to there?

A. No, no.

1 Q. And if you turn over to the third page - his  
2 paragraphs are numbered --

3 A. Yes.

4

5 Q. -- at paragraph 8, and slightly going over the same  
6 ground, he says that he had been forced out nearly  
7 12 months ago - ie, in about July 2017 it would seem, given  
8 the date of this email - and that the actions taken by the  
9 police with respect to the BCU had effectively crippled the  
10 NSW Police Force capability in that area, so he's saying  
11 that that's the case in 2018. Did you have an  
12 understanding in 2018 as to whether that was right or  
13 wrong?

14 A. No. In 2018, my belief was that we could do better in  
15 relation to the education component particularly, and that  
16 was indicated in the Parrabell recommendations, but the  
17 status of - so I guess what I'm saying is that the status  
18 of our education, at least, in terms of bias crimes, needed  
19 work, absolutely, so I would agree with him there, and  
20 that's indicated in the Parrabell recommendations.

21

22 Q. Well, can I just pick up on that. You have put that  
23 very gently, understandably, no doubt. At the bottom of  
24 his email on the third page, in effect paragraph 11, that's  
25 sort of just below the number 11 --

26 A. Yes.

27

28 Q. -- I will give you a moment to read that, but  
29 according to him in that email, in reality:

30

31 *... the issue has always been that hate*  
32 *crimes have never been accepted by the*  
33 *NSWPF and has never had organisation*  
34 *support.*

35

36 What's your view on that?

37 A. I think that to policing it's - for policing in  
38 New South Wales I think the concept of hate crimes was  
39 something fairly new, particularly when Geoff started off  
40 as the original bias crimes coordinator, and then obviously  
41 the position is devolved and then he's brought back in. So  
42 I think that there has probably been an evolution of  
43 understanding the importance of hate crime, and also -  
44 I mean, I presume it was Geoff's area that did analysis,  
45 intelligence analysis, of bias crimes, because I used to  
46 get a report regularly, at least every quarter, on bias  
47 crimes as they related to the LGBTIQ community, and you

1 would see areas, pockets of bias crime, for example, just  
2 prior to Mardi Gras, you would see, which seems remarkable  
3 to me nevertheless, pockets of bias crime occurring  
4 particularly in my local area command of Surry Hills.  
5

6 So to me that was helpful, and no doubt other  
7 portfolio holders and corporate sponsors would have found  
8 that helpful. But I personally think that there was  
9 probably an evolution to where we are now to actually give  
10 value to bias crimes that we do - that I think we do now.  
11 I can't tell you categorically because I don't know exactly  
12 the scope of their work, but I don't know that I would put  
13 it in the terms that Geoff's put it given at the time that  
14 he wrote this I think he was extremely upset, and obviously  
15 he will give evidence later. And at that time I believe he  
16 would have thought that there was no corporate focus on  
17 bias crimes. I would say that our awareness has evolved.  
18

19 Q. Just pursuing that point, in a couple of lines below  
20 in that same paragraph, he says this:  
21

22 *My experience with hate crimes in the [New*  
23 *South Wales Police Force] fully supports*  
24 *the concept of organisational cognitive*  
25 *dissonance. If the information supplied*  
26 *differs from the core belief then all*  
27 *information, no matter how relevant or*  
28 *accurate will be disregarded to avoid*  
29 *conflict with core belief systems. As the*  
30 *[New South Wales Police Force] clearly has*  
31 *fought every attempt to integrate a hate*  
32 *crimes response into every day policing,*  
33 *I am not surprised by the way it has ended.*  
34

35 Now, putting aside for the moment the level of passion or  
36 upset that might be involved in his writing to you at all  
37 about these matters, but just focusing on the substance of  
38 what he's suggesting there and the concept of - I don't  
39 mean this has any magic but he uses the expression  
40 "organisational cognitive dissonance", a kind of disconnect  
41 between information available and unwillingness to react  
42 appropriately --

43 A. Yep.  
44

45 Q. -- is he on to something there, in your view?

46 A. It's hard for me to comment in that regard. You know,  
47 I'm sure that that was his perception. I can't tell you --

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Q. Yes. I do have to press you a little bit. You were a person who was the corporate sponsor --

A. Not for bias crimes, I wasn't.

Q. No, but you were the corporate sponsor for sexuality, gender diversity and intersex --

A. Yes.

Q. -- and as you candidly told us earlier, there was an obvious intersection between that role and the world of bias crime --

A. Yes.

Q. -- for the reasons you gave?

A. Yes.

Q. So you must have a view, I suspect, as to whether what he is saying there has some force?

A. Look, I know what you're saying, Mr Gray. Can I say this: my interpretation of the product that was being produced and how I used it, I think that was appropriate as to how it should be used. So I was looking for trends, I was looking for patterns, I was looking for indicators of bias crimes from my particular section. Whether all the other corporate sponsors did that, I don't know. The intelligence product I could get in other ways, if I wanted to, and I probably did that, without Geoff's being there to provide me with that. But whether or not that means that the organisation turned its back on bias crimes, from my perspective in LGBTIQ, I would say absolutely not.

Q. All right. I'll ask you some questions about some other parts of that email later, but not on this point.

A. Sure.

Q. Let me turn to the next topic, which is that the year 2013, when you were appointed to your corporate sponsor position, was a year which saw a great deal of publicity about gay-hate murders, wasn't it - you would remember that?

A. Yes.

Q. You make a brief reference to this in your statement at paragraph 36, where you've referred to it. Perhaps if you have your statement - sorry, you're being bombarded with these folders. It's in volume 1. So it's at tab 4,

1 [SCOI.76961], I think.

2 A. Yes.

3

4 Q. At any rate, you've found it, I think. You have your  
5 statement?

6 A. Yes, I have, yes.

7

8 Q. So at 36, you refer to the 2013 Mardi Gras, which was  
9 in early March 2013 that year, I think as most years. You  
10 said you became aware of a number of articles and media  
11 publications concerned 88 historical deaths, and at  
12 paragraph - I should say before I go back - you'd recall as  
13 well, I expect, that about two years later, in 2015, there  
14 was another wave of publicity about gay-hate murders and  
15 related matters after the Lateline interview of DCI Pamela  
16 Young. You would remember that?

17 A. Yes, I do.

18

19 Q. In paragraph 38 you say, given the community interest  
20 in the 88 deaths and the observations you've made of the  
21 work of Operation Parrabell, which I'll come back to, you  
22 decided as corporate sponsor that the Police Force should  
23 take steps to examine the 88 deaths. Now, that decision  
24 to, in effect, create what became Strike Force Parrabell is  
25 at a time which is 2015 rather than 2013, isn't it - that's  
26 when you were --

27 A. Yes, closer to 2015, yes.

28

29 Q. And you explain in paragraph 41 that you had a number  
30 of initial planning meetings with various people to discuss  
31 the objectives of Strike Force Parrabell in around early  
32 2015.

33 A. Yes.

34

35 Q. Would it be fair to say that that reference to early  
36 2015 - I don't mean to pin you down precisely - would have  
37 involved the April 2015 Lateline burst of publicity?

38 A. Yes, it wasn't - my recollection was that Parrabell  
39 wasn't necessarily just because of that, it wasn't  
40 motivated by that Lateline interview, because when I think  
41 back now, I think of - there were questions being asked in  
42 parliament by Alex Greenwich. There was a lot of political  
43 interest and the 88 list kept getting referred to, and it  
44 just struck me that, as a policing organisation who  
45 specialise in investigation, we should be looking at. How  
46 we did that is another question and I think Geoff Steer was  
47 on the right path; it was just the process of how he went

1 about that, that Strike Force Parrabell --

2

3 Q. Yes, and we'll come to that. When you say he was on  
4 the right path, you are referring there to Operation  
5 Parrabell?

6 A. I am, yes.

7

8 Q. And is this right, by "on the right path", he had in  
9 mind, it seems, at the Operation Parrabell stage, an actual  
10 investigative approach --

11 A. Yes.

12

13 Q. -- to the 88 cases?

14 A. Yes.

15

16 Q. And you're saying he was on the right path?

17 A. I mean, if he had unlimited resources and he was able  
18 to resource that, absolutely, for those cases that warrant  
19 reinvestigation, absolutely. The problem was that he  
20 didn't have resources and he didn't really have the  
21 standing in the organisation to organise those resources,  
22 whereas I did.

23

24 Q. I follow that.

25 A. So that was the difference.

26

27 Q. No, thank you. That's very helpful. And I will come  
28 back to that, but thanks for that. I'll come back to  
29 paragraph 41 and the meetings about setting up Strike Force  
30 Parrabell, but firstly, I want to just go with you through  
31 some of these media articles from 2013 and we find a lot of  
32 them in a tab that I'll take you to, but just to orient you  
33 and the Commissioner in terms of chronology, you will  
34 recall that in June 2012, there was the findings of the  
35 second inquest into the death of someone at North Head?

36 A. Yes.

37

38 Q. And that was obviously something that you were aware  
39 of at the time?

40 A. Yes.

41

42 Q. And an earlier finding of suicide was overturned and  
43 instead there was an open finding?

44 A. Yes.

45

46 Q. And the coroner referred in her findings to the  
47 evidence that had been gathered in Strike Force Taradale in

1 the early 2000s about deaths of gay men at Bondi?

2 A. Yes.

3

4 Q. So that's June 2012. Then on 11 February 2013 there  
5 was an ABC Australian Story program about that death, and I  
6 imagine you were aware of that at the time?

7 A. Yes.

8

9 Q. And following that Australian Story program in 2013,  
10 Strike Force Macnamir was established to reinvestigate that  
11 death?

12 A. Yes.

13

14 Q. And I imagine you were aware of that as well?

15 A. I was.

16

17 Q. Then could I ask you to find volume 8 in the bundle.

18 A. Yes.

19

20 Q. At tab 207, [SC0I.82071], there is an article in the  
21 Sydney Morning Herald of 13 February, which is two days  
22 after the Australian Story program, mainly about the death  
23 that had been the subject of that second inquest the  
24 previous year.

25 A. Yes.

26

27 Q. But on the third page - if we could scroll through to  
28 that, and just scroll slightly lower again, please, thank  
29 you, in fact, scroll a little bit further down as well - we  
30 get a reference to the theory that was advanced at the  
31 second inquest and subsequently, based on the murders of  
32 men in the Eastern Suburbs as distinct from North Head?

33 A. Yes.

34

35 Q. And there's reference to Coroner Milledge's findings  
36 that violent gangs had probably hurled three men to their  
37 deaths in Marks Park. You remember all that?

38 A. Yes, I do.

39

40 Q. This is one of the articles that you were conscious  
41 of, no doubt?

42 A. Yes, yes.

43

44 Q. And then if we turn over to tab 208, [SC0I.82031],  
45 this article is in the Sydney Morning Herald on 4 March,  
46 and I can tell you, if you're happy to accept it from me,  
47 that on 2 March was the Mardi Gras parade?



1 A. Yes.

2

3 Q. So the Saturday, the 2nd?

4 A. Yes.

5

6 Q. So this article was by Paul Sheehan on 4 March, headed  
7 "Gay hate: the shameful crime wave", and you will recall  
8 this one as well. This is one of the ones you had in mind?

9 A. Yes.

10

11 Q. He talks about, on the bottom of page 2, that it was  
12 mainly groups who preyed upon the men; on page 3, just  
13 a bit lower down, he talks about a wave of crime washing  
14 through Sydney between 1985 and 1999; in the next  
15 paragraph he says that they are now seen to fit a pattern  
16 of gay-hate murder; he refers to Sue Thompson's estimate of  
17 deaths in a period of 10 years from 1989 to 1999; he refers  
18 to an article by Stephen Tomsen in 2002 referring to 50  
19 gay-hate murders in a different period between 1985 and  
20 1995. He says - Paul Sheehan says - that these estimates  
21 now appear to understate the problem.

22

23 Then on the next page, after he talks a bit about the  
24 particular one that had been the subject of the second  
25 inquest, you will see, if we scroll just down a bit  
26 further, please, there is a paragraph beginning "The first  
27 sign":

28

29 *The first sign that any police were picking*  
30 *up the pattern of murder came in August,*  
31 *1991, when Detective Sergeant Steve McCann*  
32 *filed a report ...*

33

34 et cetera.

35 A. Yes.

36

37 Q. By the time 2013 came around and you were reading this  
38 article, or earlier, if it's the case, were you aware of  
39 these reports of Sergeant McCann?

40 A. No, I wasn't. I've since become aware of them.

41

42 Q. You've since become aware but you didn't know about  
43 them at that point?

44 A. No.

45

46 Q. Then the article refers to the fact that McCann's  
47 report formed the basis of Operation Taradale?

1 A. Mmm.

2

3 Q. And refers to the Milledge inquest, it refers to the  
4 2012 second inquest on the last page of the article, and  
5 then the Australian Story, and the next day the police  
6 announcing Strike Force Macnamir. So all of that was  
7 material that you read and indeed were aware of at the  
8 time?

9 A. Yes. Yes, I was aware of Steve Page's investigation  
10 certainly. Yes, I was aware of that.

11

12 MR GRAY: Commissioner, is this the time when you need  
13 to --

14

15 THE COMMISSIONER: Yes, it is, I'm afraid. Thank you.  
16 I'll adjourn until 2 o'clock.

17

### 18 LUNCHEON ADJOURNMENT

19

20 THE COMMISSIONER: Yes, Mr Crandell, please come back into  
21 the witness box. Yes, Mr Gray.

22

23 MR GRAY: Q. Mr Crandell, I was just moving to the next  
24 article, which is at tab 209, [SCOI.82027]. It's  
25 a follow-up article two days, I think, or three days, after  
26 the last one, again by Paul Sheehan and this time on  
27 7 March 2013; do you see that?

28 A. Yes.

29

30 Q. The heading is "Digging up the past to reveal scale of  
31 gay-hate deaths". I take it you would remember this one as  
32 well?

33 A. Yes, generally.

34

35 Q. In general, yes. On the first page, towards the  
36 bottom, the author, Mr Sheehan, says:

37

38 *The number of gay men murdered in gay-hate*  
39 *crimes between 1985 and 2000 ... may be as*  
40 *high as 70.*

41

42 He refers to Sue Thompson in the first paragraph and says  
43 that she estimated that there were 46 gay-hate murders in  
44 the state between '89 and '99, which was what was in his  
45 first article. He refers as well to the Tomsen estimate,  
46 which we looked at in the first article, and then the  
47 author, Mr Sheehan, says with the benefit of hindsight and

1 more evidence, the numbers might be higher. In effect  
2 that's the point that's being made.

3 A. Yes.

4

5 Q. You remember that kind of suggestion being publicised.

6 A. Yes.

7

8 Q. At the bottom of the next page, or almost at the  
9 bottom, there's a paragraph beginning "The biggest  
10 mystery"; do you see that one?

11 A. Sorry, at the bottom of that page?

12

13 Q. Almost at the bottom of that page, there's  
14 a paragraph beginning "The biggest mystery"?

15 A. Yes.

16

17 Q.

18 *The biggest mystery --*

19

20 says the author --

21

22 *is why it has taken 25 years for the scale*  
23 *of the awful possibilities to be*  
24 *understood.*

25

26 He then lists four factors, and I just wanted to run  
27 through them and see if you agree with them. The first is:

28

29 *The structure of the police, divided into*  
30 *area commands and treating all these crimes*  
31 *as local.*

32

33 Is that something you would agree with as a factor as to  
34 why it took so long for the scale to emerge?

35 A. Not necessarily. I think at the moment the structure,  
36 and the structure then, was local area commands in regions,  
37 so you do have coordination in regions and then between  
38 regions themselves. So there is an element, particularly  
39 in intelligence, of connection with like crimes, so it may  
40 be a factor, but I don't think it would be a predominant  
41 factor.

42

43 Q. Sorry, you don't think it would be --

44 A. I don't think it would be a predominant factor.

45

46 Q. Predominant factor, right. What about the second one,  
47 which he says was:

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*... the culture of the police, which had an overt institutional distaste of gay men 20 years ago.*

A. I would say that would be more the case, not necessarily - I mean, "a distaste" - I'm not sure about that, but I do think that there were - that the police were a reflection of society and I do think that society has been on an evolution. Those times, particularly in the 70s and 80s and 90s, I do think that there was a misunderstanding of gay men and a disinterest in necessarily pursuing justice for them.

Q. The third factor he suggests was AIDS, and I take it you would agree with that?

A. I would.

Q. After this morning?

A. Yes.

Q. And the fourth factor is the association of AIDS with gay men also contributing to the malicious attacks. And you would agree with that?

A. Yes, I agree with that.

Q. Now, then if we turn to 210, [SC0I.77369], and I won't go through all of these in detail, but from 210 to 211 to 212 to 213 are four articles in the Sydney Morning Herald in July 2013 by Rick Feneley?

A. Yes.

Q. You would remember this series of articles, I think?

A. I do.

Q. The first one, at tab 210, [SC0I.77369], was in the Good Weekend, the lift-out supplement on the Saturday paper. You know what I'm talking about?

A. Yes.

Q. And it's a very big headline, "Up to 80 men murdered 30 cases unsolved". Now, in this article - and I'm sure you remember this - the author publishes quite a deal of material about conversations that had been recorded on listening devices and so on, among people thought to have been possibly involved in some of these attacks. You remember that?

A. Not specifically, no.

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Q. Well, just if you read the first few paragraphs, you'll see what I am referring to.

A. Yes, I have read that.

Q. And the author says that the two - the people that are being referred to in those first few paragraphs became known as among those who formed the Alexandria Eight?

A. Yes.

Q. And then you're familiar with that expression?

A. Yes, I am.

Q. It's an expression that covers the people who killed Richard Johnson in Alexandria in 1990?

A. Yes.

Q. The article goes on to talk about, among other things, the three deaths at Bondi - the deaths and/or disappearances - of Mr Mattaini, Mr Warren and Mr Russell?

A. Yes.

Q. And talks about the Tamarama Three, as another group of people who had actually been convicted of the murder of the Thai national, Mr --

A. Rattanjurathaporn.

Q. Thank you. And the Bondi Boys, who were another group of young people, widely understood or believed to have been involved in bashings of gay people at that time?

A. Yes.

Q. So the article refers to gay men not trusting police to report?

A. Yes.

Q. And that building on itself and causing more problems in the way that we discussed before lunch?

A. Yes.

Q. It talks about gay beats and talks about Operation Taradale, and that's the operation conducted by Detective Stephen Page --

A. Yes.

Q. -- and talks about various of the deaths that have in one way or another, many of them, become very well

1 publicised over the years?

2 A. Yes.

3

4 Q. So it was a very prominent article and it made  
5 a splash, obviously?

6 A. Yes.

7

8 Q. And then it was followed up - well, not followed up,  
9 on the same day, if we turn to 211 - this is the same day,  
10 the same Saturday newspaper - there was a breakout article  
11 headed "Murderous rampage of gay-hate gangs", with pictures  
12 and some details about some of the victims?

13 A. Yes.

14

15 Q. At 212, on the next day, the Sunday, the 28th, an  
16 article headed "Breaking the silence over gay killings",  
17 which is mainly to do with the death of John Russell?

18 A. Yes.

19

20 Q. And about Marks Park being a well-known gay beat?

21 A. Yes.

22

23 Q. And about the findings of Deputy State Coroner  
24 Milledge in 2005?

25 A. Yes.

26

27 Q. And then we have at 212 also on the Sunday - I am  
28 sorry, that's the hard copy version of the same article,  
29 really, but at 213, on the Monday, 29 July, another  
30 article, headed, "Easy game, not only for vicious gang but  
31 for police intimidation", and this article is mainly about  
32 allegations suggesting wrongdoing of one sort or another by  
33 police in connection with gay hate; you agree?

34 A. Yes.

35

36 Q. Those four articles are among those - and they're  
37 often referred to specifically, but they're among those -  
38 that prompted people within the Police Force, including  
39 Sergeant Steer and others, to feel that something needed to  
40 be done by the police to react to this publicity being  
41 given to accusations that so many cases were unsolved; you  
42 agree?

43 A. Yes. I guess when I think about Sergeant Steer,  
44 though, my understanding was that he originated Operation  
45 Parrabell in 2013.

46

47 Q. That's right. Well, these articles are from 2013.

1 A. Okay. So I can't really speak for him, but to me that  
2 would be a motivating factor, to start off at least  
3 something that's aspirational in terms of Operation  
4 Parrabell.

5

6 Q. I'll come to this in a minute, but it didn't only  
7 prompt Sergeant Steer to have that kind of reaction; it  
8 prompted others in the Police Force as well, didn't it?

9 A. I would expect so, yes.

10

11 Q. If we turn to 214, we have about a week later, a  
12 little over a week later, on 9 August 2013, another article  
13 by Rick Feneley in the Sydney Morning Herald - do you see  
14 that one?

15 A. Yes.

16

17 Q. Headed "Public help sought with evidence of gay-hate  
18 killings". Do you see in the second paragraph, Detective  
19 Superintendent Mick Willing is quoted as saying, "We can't  
20 solve some of these cases without the help of the  
21 community".

22 A. Yes.

23

24 Q. Who was Mick Willing?

25 A. He was the commander of the Homicide Squad at the  
26 time.

27

28 Q. Is he still in the Police Force?

29 A. No. He went on to become a deputy commissioner and he  
30 left the Police Force when - shortly after the appointment  
31 of Commissioner Webb.

32

33 Q. Because?

34 A. I'm unsure. There was a message circulated from the  
35 Commissioner indicating that Mr - that Deputy Commissioner  
36 Willing was leaving the Police Force, and wishing him all  
37 the best with his future.

38

39 Q. Was he a contender for Commissioner?

40 A. Yes.

41

42 Q. And passed over or not selected?

43 A. Not selected, yes.

44

45 Q. In the next paragraph, Superintendent Willing is  
46 quoted as saying:

47

1            *I know I've been quiet until this point and*  
2            *there is a reason for that - and that's*  
3            *because we're quietly working away on it.*

4

5            Now, this is on 9 August 2013. To your knowledge, was  
6            there some police work being done as at August 2013 about  
7            these Bondi killings or Bondi deaths?

8            A. Not to my knowledge, but things may happen in unsolved  
9            homicide that I'm not aware of.

10

11           Q. But at least to your knowledge, you're not aware of  
12           any actual reviews or reinvestigations of these deaths  
13           being under way as at August 2013?

14           A. Not to my knowledge.

15

16           Q. The article goes on to say - not clear whether this is  
17           said to have come from Mr Willing or not, but the article  
18           says:

19

20                   *Police are reviewing the cases covered*  
21                   *by ... Operation Taradale ...*

22

23           Namely, according to the bullet points, John Russell,  
24           Ross Warren and Gilles Mattaini?

25           A. Yes.

26

27           Q. And it says the review will also consider the murder  
28           of Mr Rattanajurathaporn?

29           A. Yes.

30

31           Q. But you're not aware of any such review being under  
32           way as at that time?

33           A. I'm not. Having said that, if the Deputy  
34           Commissioner, or at that stage the Commander of the  
35           Homicide Squad, said that he was working on it, I would  
36           take that on its face.

37

38           Q. It won't be a question for you, because you obviously  
39           don't know, but we'll be looking at that a little later.

40           A. Thank you.

41

42           Q. In February 2013, in the wake of the Australian Story  
43           broadcast, as we mentioned this morning, Strike Force  
44           Macnamir was set up, and that was to reinvestigate the  
45           death of the man at North Head?

46           A. Yes.

47



1 Q. The officer in charge of Strike Force Macnamir was DCI  
2 Pamela Young?  
3 A. Yes.  
4  
5 Q. Of the Unsolved Homicide Team?  
6 A. Yes.  
7  
8 Q. You knew that at the time, I presume?  
9 A. Yes, I did.  
10  
11 Q. Now, the others who were in senior positions in Strike  
12 Force Macnamir were, as officer in charge, Detective  
13 Sergeant Penelope Brown; did you know her?  
14 A. Yes. Yes, I did.  
15  
16 Q. And as case officer, Detective Senior Constable Alicia  
17 Taylor?  
18 A. I don't specifically remember that name, but --  
19  
20 Q. In 2013, I'm not sure precisely when - and you may be  
21 able to help or you may not - we know that Sergeant Steer  
22 instigated the establishment of what was called Operation  
23 Parrabell?  
24 A. Yes.  
25  
26 Q. Can I show you two documents, and you will need  
27 volume 1 for this, and if we turn to tab 10,  
28 [SC0I.75072] --  
29 A. Yes.  
30  
31 Q. -- this is a document called "Program Development  
32 Team Project Proposal Form". The banner at the left is  
33 "Operational Programs"?  
34 A. Yes.  
35  
36 Q. It's a document, and I can show you if you need it,  
37 the email when you got this, but it's a document that some  
38 time later Sergeant Steer sent to you?  
39 A. Okay.  
40  
41 Q. Take it - trust me on that.  
42 A. I accept what you say.  
43  
44 Q. I will bring you to that.  
45 A. Yes.  
46  
47 Q. He sends it to you. You may have seen it earlier, but

1 he sends it to you two years later in May 2015. I'll come  
2 to that.

3 A. Okay.

4

5 Q. But at any rate, this is a document that you've seen  
6 before?

7 A. Okay.

8

9 Q. And the project title is, in the first line:

10

11 *Review of potential gay hate crimes and*  
12 *deaths from 1970's to 1990s to determine if*  
13 *any bias crime indicators exist.*

14

15 Do you see that?

16 A. Yes. Yes, I do.

17

18 Q. This document is not dated, but if you look at the  
19 bottom of the page, the bottom of the first page, you see  
20 it says:

21

22 *The Sydney Morning Herald ... recently ran*  
23 *four articles over three days ...*

24

25 A. Yes.

26

27 Q. It would be fair to say, wouldn't it, that he's  
28 referring there to those four articles in late July 2013?

29 A. Yes, I - well, I would agree with that, also on the  
30 basis that he talks about police heavy handedness at "this  
31 year's Mardi Gras parade", and 2013 was when we had that  
32 incident.

33

34 Q. So it puts it not only at 2013 but some time after  
35 late July?

36 A. Yes.

37

38 Q. Because that's when the four articles were?

39 A. Yes.

40

41 Q. Just looking at that project title, the stated  
42 purpose of the proposed review was:

43

44 *... to determine if any bias crime*  
45 *indicators exist.*

46

47 Do you see that?

1 A. Yes, I do.

2

3 Q. So that point - that doesn't, on its face, indicate an  
4 investigative or re-investigative exercise?

5 A. No.

6

7 Q. On the bottom of the page, just after the mention of  
8 the Sydney Morning Herald, four articles over three days,  
9 in the last line, he says - after referring to police heavy  
10 handedness at the Mardi Gras --

11 A. Yes.

12

13 Q. He says:

14

15 *These articles have significant potential*  
16 *to damage the reputation of [the*  
17 *NSW Police] ...*

18

19 Do you see that?

20 A. Yes, I do.

21

22 Q. And he goes on:

23

24 *and [also to] damage the relationships with*  
25 *the [LGBTIQ] community and police,*  
26 *especially after the negative [media*  
27 *coverage about the Mardi Gras] ...*

28

29 A. Yes.

30

31 Q. He says:

32

33 *There is significant risk that if NSWPF*  
34 *fails to undertake a comprehensive*  
35 *investigation --*

36

37 he is now bringing the concept of investigation into it --

38

39 *and review of these cases from a bias crime*  
40 *perspective these articles will continue to*  
41 *be published and continue to damage our*  
42 *reputation.*

43

44 So it seems that, in his mind, according to what he has  
45 written, the need to respond to the negative media is  
46 a large factor in coming up with the idea of doing  
47 something like this?

1 A. Yes.

2

3 Q. So the "Objectives" heading - I should say, in the  
4 third paragraph on that page he says:

5

6 *[It will be] different from a Homicide*  
7 *investigation as its primary focus will be*  
8 *in determining whether any of the*  
9 *identified deaths were in fact motivated by*  
10 *an anti-gay bias ...*

11

12 A. Yes.

13

14 Q. So far - and I will do this in more detail - it begins  
15 to have some of the kind of component ideas that Strike  
16 Force Parrabell later had?

17 A. Yes.

18

19 Q. Under the heading "Objectives", he says that the  
20 objective is to do this review:

21

22 *To determine if an anti-gay bias was*  
23 *a motivating factor.*

24

25 A. Yes.

26

27 Q. He talks about what the time frame might be and, as  
28 with your own exercise, was perhaps a little optimistic --

29 A. Mmm-hmm.

30

31 Q. -- saying 3 to 6 months. And under the heading  
32 "Additional notes", he says the risks that doing this might  
33 result in continued negative media, might result in further  
34 damage to relationships, and it might damage the  
35 reputation, if there was further negative media; you see  
36 all of that?

37 A. Yes.

38

39 Q. Then he says the opportunities are - and the first one  
40 he notes is that the police may be able to use it as  
41 a positive media story.

42 A. Yes.

43

44 Q. So you would agree that, overall, it's pretty clear  
45 that a dominant part of the thinking behind what became  
46 Operation Parrabell was responding to negative media and  
47 trying to generate positive media?

1 A. Yes.

2

3 Q. Then if we go to tab 12, [SCOI.75056] - I won't do  
4 this in detail now because I'll come back to it a little  
5 later, but this one's headed "Bias Crimes Investigation  
6 Agreement"?

7 A. Mmm-hmm.

8

9 Q. Do you remember - if you trust me again, you did  
10 receive this, at least in 2015, but do you remember seeing  
11 it?

12 A. No, I don't. No, I don't remember that one or the  
13 previous one, but if I've received it, then I accept that.

14

15 Q. I'll come to it in due course, but just assume for the  
16 moment that you did.

17 A. Yes.

18

19 Q. This one also is not dated, but again, from the very  
20 first line:

21

22 *The Sydney Morning Herald recently ran four*  
23 *articles over three days ...*

24

25 It's a fair inference that it is probably around August  
26 2013?

27 A. Yes.

28

29 Q. Again, the first paragraph talks about the significant  
30 potential of the articles to damage the reputation of the  
31 police?

32 A. Yes.

33

34 Q. And then the mission is then described slightly  
35 differently again in these terms:

36

37 *To conduct a bias crime assessment of*  
38 *suicides and suspicious deaths in [two*  
39 *areas] the Northern Beaches and Central*  
40 *Metropolitan Region areas, between 1976 and*  
41 *2000, to determine if an anti-gay bias was*  
42 *involved ...*

43

44 A. Yes.

45

46 Q. So not all unsolved homicides in that period, just  
47 the ones under the heading of "Suicides and suspicious

1 deaths" - agree?

2 A. Yes.

3

4 Q. And not state-wide?

5 A. Yes.

6

7 Q. And under the heading "Agreement", paragraph 2, he  
8 spells that out:

9

10 *The assessment will be limited to ...*

11

12 Those very points that I've just mentioned.

13 A. Yes.

14

15 Q. Then at the top of page 2, he has said these incidents  
16 will be filtered through the current 10 bias crimes  
17 indicators.

18 A. Yes.

19

20 Q. And he says:

21

22 *The purpose of [that] is to identify*  
23 *potential deaths that may have a bias*  
24 *motivation.*

25

26 A. Yes.

27

28 Q. Not whether it did in fact but that it may?

29 A. Yes.

30

31 Q. Do you see that? And he spells out that:

32

33 *The indicators do not mean that an incident*  
34 *was in fact bias motivated, but suggest*  
35 *a possibility of a bias motivation.*

36

37 A. Yes.

38

39 Q. His proposal for the Operation Parrabell then had  
40 a heading "Local Crime Analysis & Profile" which involved  
41 an analysis of areas to identify patterns and so on. Do  
42 you see that?

43 A. Yes.

44

45 Q. It's right, isn't it - and I don't say this  
46 critically - that that's not something that Strike Force  
47 Parrabell ventured upon?

1 A. In relation to patterns?

2

3 Q. In patterns, in terms of areas?

4 A. No. Strike Force Parrabell really looked at the 88  
5 names.

6

7 Q. Yes, and similarly under his heading "Victim Profile",  
8 the procedures that he's suggesting he had in mind there is  
9 also not something that Strike Force Parrabell set out to  
10 do?

11 A. No, that's true.

12

13 Q. And the same applies for "POI Profile", on the next  
14 page?

15 A. Well, that may have been part of the process, but only  
16 to the 88 deaths.

17

18 Q. Sorry?

19 A. That may have been part of the process, but only in  
20 relation to the 88 deaths, as in looking at MOs and group  
21 make-up, et cetera. Yes, that process would have been  
22 undertaken by the investigative team, but only for the 88;  
23 it wouldn't have been a broader scope to look at whoever  
24 might fit into that category.

25

26 Q. But if it was undertaken by the investigative team -  
27 that is, to develop a POI profile, where is that? Has that  
28 been produced?

29 A. No. I guess what I'm saying is that when the team  
30 looked at the bias crime indicators, part of that would  
31 have been the person and whether they're associated with  
32 any organised hate groups, for example, so that was  
33 included as one of the indicators, as it were.

34

35 Q. Then, under the heading "Miscellaneous", Mr Steer or  
36 Sergeant Steer had in mind various sources that would be  
37 utilised and one of them was discussions with the beat  
38 users.

39 A. Yes.

40

41 Q. That's not something that Strike Force Parrabell did?

42 A. No, no.

43

44 Q. Another one was discussions with victims of similar  
45 incidents or other bias motivated incidents, and that's not  
46 something that Strike Force Parrabell did?

47 A. No, no.

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Q. And the document, although it's not signed, appears to have been intended to be sent, or perhaps was sent, to various people, one of them being you --

A. Yes.

Q. -- as corporate sponsor for sexual and gender diversity, and one of them being Superintendent Sullivan as corporate sponsor, bias crimes, and one of them being Chief Superintendent Shepherd as commander of operational programs?

A. Yes.

Q. Do you know if it ever was signed - and I'm not expecting that you would necessarily know it?

A. I don't know, simply because I can't remember the document. To my mind, if this document was going to be forwarded, it would normally go through Chief Superintendent Shepherd, as Mr Steer's supervisor or commander, and then come to myself and Danny Sullivan for endorsement.

Q. I'll come in a little while to the email that appears on what I have available to me is when you certainly got it - whether or not you got it earlier is another matter?

A. Yes, I'm just trying to work out what happened to it after then.

Q. But for the moment, let me just move to a slightly different topic. Would you agree with this: what Operation Parrabell, which was indeed set up in 2013 --

A. Yes.

Q. -- actually did in 2013 was to provide assistance to Strike Force Macnamir with respect to the reinvestigation of the North Head death?

A. Yes, I agree with that.

Q. Which had been the subject of the second inquest?

A. Yes.

Q. And Operation Parrabell did that by carrying out a bias crime assessment in respect of the gay beat at North Head?

A. Yes, by comparison with the Marks Park.

Q. Well, two documents, in fact. If you turn to tab 13,



1 [SC0I.74085], there was, first of all, a bias crime  
2 assessment of the North Head beat itself, which is dated on  
3 the front page October 2013?

4 A. Yes.

5

6 Q. And then there is, secondly - and by all means I can  
7 put this in front of you, it's in volume 10, though, at  
8 tab 231, [NPL.0116.0001.0001] - this second document, which  
9 is the comparison between the Marks Park beat and the North  
10 Head beat?

11 A. Yes.

12

13 Q. And that's dated May 2014?

14 A. Yes.

15

16 Q. Were you aware either at the time, 2013, 2014 or at  
17 some later time, that those two exercises had been done by  
18 Operation Parrabell?

19 A. Yes - I can't say that I was aware of it in 2014.

20 Certainly I'm aware of it now. I did read certainly the  
21 comparison document. I recall that in 2013 or '14 I was  
22 concerned about the use of Parrabell and what they were  
23 actually doing - as in Operation Parrabell - because to my  
24 mind, this didn't really fit what Operation Parrabell had  
25 been put together for, and I guess the other thing I was  
26 concerned about was the length of time and resources that  
27 were being consumed by this one aspect.

28

29 Q. A couple of things about that. Both of these  
30 documents, the one at tab 13 in volume 1, [SC0I.74085],  
31 which is the bias crime assessment, and the one that we are  
32 now looking at in May 2014, according to the last page,  
33 before we get to the annexures, it says:

34

35 *Copies disseminated to ...*

36

37 And one of them in each case is yourself as corporate  
38 sponsor for sexuality and gender diversity. It's not  
39 signed, as I say, but does that indicate to you that it  
40 probably was disseminated to you, both of these?

41 A. I would say so. I guess - it depends on how it was  
42 disseminated, too. Usually, these things would come  
43 through as a formal document, through the chain of command.  
44 But if it's done by email, you know, there's a number of  
45 ways to get it to me, I suppose.

46

47 Q. The comparison, though, the one at tab 231,

1 [NPL.0016.0001.0001] --

2 A. Yes.

3

4 Q. -- was also, would you agree, a task undertaken by  
5 Operation Parrabell by way of assistance to Strike Force  
6 Macnamir?

7 A. Yes, absolutely.

8

9 Q. Were you aware, or are you aware now, even, of  
10 Operation Parrabell actually doing anything else in 2013  
11 and 2014 apart from those two - generating those two  
12 assessments?

13 A. No.

14

15 Q. So as far as you know - and I don't say this  
16 critically of anyone - Operation Parrabell had not got to  
17 the point of starting to do any review or reinvestigation  
18 or anything else with the 80-odd cases?

19 A. Yes, that's right, and that was my concern, I think.  
20 Because - mind you, just to clarify, there was really only  
21 two people that I saw working on that, so that was Geoff  
22 Steer, who had a much larger portfolio to look at, as well  
23 as Jo Kenworthy, who was a gay and lesbian liaison officer.

24

25 Q. And as I think we've established this morning, they  
26 basically were the only two people in the Bias Crime Unit?

27 A. That's right.

28

29 Q. So those two resources were the only two resources it  
30 had?

31 A. Yes.

32

33 Q. So in a sense, it's not hard to see why you might  
34 think that it was too big a job for one or two people?

35 A. Absolutely.

36

37 Q. If you turn to volume 2, just briefly, and turn to  
38 tab 50, [SCOI.77313], this is the, I suspect, parliamentary  
39 question that you referred to a while ago?

40 A. Yes.

41

42 Q. Does that come to mind, a question on notice from  
43 Mr Greenwich, the MP?

44 A. I know Mr Greenwich did ask a number of questions on  
45 notice, absolutely.

46

47 Q. At any rate, he has asked these questions, it seems,

1 in October 2014, and that seems to have produced some  
2 responses from the various officers, including at tab 51,  
3 if you go to tab 51, [SC0I.74080], the second page of the  
4 email chain, Geoff Steer, at the bottom of the page, is  
5 responding to a question from Nicole - I don't know who  
6 Nicole was, but you might know. Was she someone in the  
7 media department or something?

8 A. I'm not sure who Nicole is. I know Jackie Braw was my  
9 policy officer for LGBTIQ portfolio.

10

11 Q. At any rate, whoever exactly Nicole was, Geoff Steer  
12 is responding to a request from her to provide some  
13 information as part of the answer to the parliamentary  
14 question?

15 A. Yes.

16

17 Q. And what Geoff Steer says - and this is at October  
18 2014 - Operation Parrabell was started to assess all  
19 80 cases, and it seems that he meant by that started with  
20 the idea of assessing the 80 - but he says:

21

22 *Unfortunately Parrabell is on permanent*  
23 *hold due to workload and resourcing.*

24

25 A. Yes.

26

27 Q. That's as of October:

28

29 *Even with the 2 new staff Parrabell will*  
30 *remain on hold as anti-Muslim [organised*  
31 *hate groups], Skin crews, Squadron 88 [and*  
32 *other matters] will be the priority.*

33

34 So as of 2014, October, Parrabell was on permanent hold?

35 A. Absolutely.

36

37 Q. And if we look, just to wrap that up, at the next tab,  
38 tab 52, [SC0I.74083], it is an issues paper from Shobha  
39 Sharma dated February 2015, and under the heading  
40 "Comment", she also says that Operation Parrabell was then  
41 on hold?

42 A. Yes.

43

44 Q. And she mentions that given current staffing levels it  
45 would take Operation Parrabell a very long time to do this  
46 exercise.

47 A. Absolutely.

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Q. And on the second page, she summarises essentially what you have just told us about what Operation Parrabell had in fact done - namely, the two assessments - and she says in the last paragraph:

*... any suggestion that Operation Parrabell is not a current priority will undoubtedly receive adverse reactions.*

And she refers to negative media commentary.

A. Yes.

Q. Did that issue paper come to you?

A. I don't recall seeing it. I know I'm not in the chain of command. She put that through her chain of command. But that doesn't mean that I may not have been aware at the time of this information, because Shobha was working fairly closely with myself and Jackie at the time.

Q. And at tab 54, [SCOI.74081], there is an email from Shobha Sharma to you of April 2015, where she says, among other things:

*Nothing is happening with Parrabell at present, which is something Alex will not like to hear.*

And she says two paragraphs down:

*I have also attached a brief from Unsolved Homicide Team from about September 2013 which refers to 30 of the names from ... Sue Thompson's list of names ...*

Do you see that?

A. Yes, I do.

Q. And that list - sorry, that brief, I should say, from September 2013, is the document at tab 47, [SCOI.74906], I believe - perhaps you could confirm.

A. Yes, is that from Lehmann?

Q. Yes.

A. Yes, I did read that document.

1 Q. It's a reasonably lengthy issue paper from DCI John  
2 Lehmann of 25 September 2013 about Sue Thompson's list and  
3 his response, if you like, to Sue Thompson's list.

4 A. Yes.

5

6 Q. And you saw that?

7 A. Yes.

8

9 Q. It was obviously sent to you by Shobha Sharma?

10 A. Yes.

11

12 Q. Just to wrap up the timing question, given the  
13 material we've just been looking at, you are  
14 appointed corporate sponsor for sexuality, gender diversity  
15 and intersex in August 2013?

16 A. Yes.

17

18 Q. Operation Parrabell only started at about that time,  
19 as it happens?

20 A. Yes.

21

22 Q. The bias crime assessment for North Head was completed  
23 in October 2013, and the pattern between North Head and  
24 Marks Park was completed in May 2014?

25 A. Yes.

26

27 Q. And thereafter, it would seem that Operation Parrabell  
28 essentially does nothing further?

29 A. Yes.

30

31 Q. Correct? Then in May 2015, Sergeant Steer emails you  
32 some documents, and I'll take you to that email.

33 A. Yes.

34

35 Q. It's in volume 2, which I think you still have, at  
36 tab 55, [SC0I.74110]. I think you did have it open. It  
37 must be one of those ones at the top, I think

38 A. Sorry. So, sorry, what was the tab?

39

40 Q. Tab 55, [SC0I.74110].

41 A. Yes.

42

43 Q. So if we start from the back of this email chain, you  
44 will see the first one in sequence at the back is from  
45 Geoffrey Steer to you of 19 May 2015? Down the bottom of  
46 that page?

47 A. Yes. Yes, I do, yes.

1  
2 Q. And the heading is - the subject is "Operation  
3 Parrabell"?  
4 A. Yes, sorry, I've been copied in to that. So it's not  
5 to me, but obviously I'm aware of it.  
6  
7 Q. Quite right, thank you. It's to Craig Middleton?  
8 A. Yes.  
9  
10 Q. Copied to you. And he starts off "Boss and Paul"?  
11 A. Yes.  
12  
13 Q. "Paul" being Paul Grace?  
14 A. Yes.  
15  
16 Q. And you being the boss --  
17 A. No, no, the boss - he'll be calling Craig Middleton  
18 the boss.  
19  
20 Q. Oh, would he?  
21 A. Yes, so it's a policing thing. I'm also the boss, but  
22 I'm the cc'd boss, if that makes sense.  
23  
24 Q. Understood. So he tells Mr Middleton and Mr Grace  
25 that they have both been added to Parrabell, which at that  
26 point was still Operation Parrabell?  
27 A. Yes.  
28  
29 Q. And he says, "Attached are the following documents",  
30 and there are six documents attached in the bullet points.  
31 One of them is the original proposal. Do you see that's  
32 the second-last bullet point? Do you see that?  
33 A. Sorry, the second-last point?  
34  
35 Q. Yes, "Proposal Bias Crimes "?  
36 A. Yes.  
37  
38 Q. That's what we just looked at a minute ago?  
39 A. Yes.  
40  
41 Q. And another one of them is the investigation  
42 agreement, which is the one we also looked at a moment ago.  
43 A. Yes.  
44  
45 Q. And there are others, which I don't come to for the  
46 time being, but you remember the ones we just looked at --  
47 A. Yes.

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Q. -- including that investigation agreement --

A. Yes.

Q. -- and what Steer had in mind?

A. Yes.

Q. So Middleton then sends his email to you and he does address you as "Boss"?

A. Yes.

Q. And he comments on the documents that Steer had sent through.

A. Yes.

Q. And he says:

*I must admit I wasn't aware that there was an existing Investigation Agreement.*

He says:

*... in some respects it goes beyond what I would term "review".*

It goes on, I won't read it all, but you can see especially down the bottom:

*... it's no wonder Geoff has taken 4 months to review one matter.*

And he goes on to express the view, basically, that this is too much and too broad?

A. Yes.

Q. In the light of that, at about May 2015 - can I just take you to your own statement, if you've got that handy --

A. Sorry, is that in volume 1?

Q. Yes, it is. It's tab 4, [SCOI.76961], your own statement?

A. Yes, yes.

Q. At paragraph 26 and following, you talk about becoming aware of Operation Parrabell and of what you realised about it and what view you came to form about it and what you did. What I want to suggest to you, given what we've just

1           been going through, is that that time period for your  
2 paragraphs 26 through to about 31 or so is 2015; it seems,  
3 in the light of what we have been looking at, it must be  
4 around about early 2015.

5           A.    For Operation Parrabell?

6

7           Q.    For your becoming aware of these things?

8           A.    Yes.

9

10          Q.    Because I've shown you the Steer email sending you  
11 through these documents --

12          A.    Yes.

13

14          Q.    -- and Middleton saying, "This is all too extensive  
15 and we need to", in effect, "trim it back"?

16          A.    Yes.

17

18          Q.    And that all happens in May 2015?

19          A.    Yes.

20

21          Q.    And can I suggest that, therefore, what you are saying  
22 in these paragraphs is associated with that time frame?

23          A.    It may be, I suppose. I know in my mind, in 2013,  
24 that I - it might have been 2013 or 2014, I held concerns,  
25 just simply because there'd only been one thing or two  
26 things, as it turns out, in terms of the assessment of  
27 location by Operation Parrabell. And then when  
28 Craig Middleton received all the documentation, he quickly  
29 came to a view that the parameters were too broad and did  
30 not believe that we could deliver any sort of a  
31 reinvestigation.

32

33                I was asking those questions because I wanted  
34 reinvestigation as well, if I could get it - if I could get  
35 reinvestigation. But at the end of the day, there simply  
36 wasn't the resources to do a complete reinvestigation.

37

38                And even when I think Sergeant Steer talks about  
39 a five-year time frame with him doing it alone, I don't  
40 believe that he would be able to do that in five years. So  
41 to me, that wasn't - that time frame was never going to be  
42 acceptable to the community, and so that's when I went to  
43 Craig Middleton and said, "Well, then, tell me what can be  
44 done with resources, and I'll go to bat for the resources".

45

46          Q.    Okay, thank you. I'll come back to that topic of  
47 what, in the end, could have been done and what choices



1 were made --

2 A. Sure.

3

4 Q. -- because it's an important matter. But before I do  
5 that, I just want to diverge slightly to some other things  
6 that were happening in 2013 and 2014, and if you still have  
7 volume 2 nearby, that's what I'd like to go to. Start with  
8 tab 47, [SCOI.74906].

9 A. Yes.

10

11 Q. This is the Lehmann issues paper of September 2013?

12 A. Yes.

13

14 Q. There are a couple of things I want to try to  
15 establish about this. He also starts off by referring to  
16 the Feneley articles in late July 2013, and he says about  
17 six lines down that the articles quoted a number of persons  
18 including Sue Thompson, who claimed that up to 30 matters  
19 could be unsolved homicides. He says that at that  
20 time, July 2013, he contacted Sue Thompson, requested that  
21 she provide information, and that as a result, she  
22 forwarded "me" a list of 80 cases. If we turn to tab 56,  
23 [SCOI.74113] --

24 A. Yes.

25

26 Q. -- there is a short email chain between John Lehmann  
27 and Craig Middleton?

28 A. Yes.

29

30 Q. The first one in time, in sequence, which starts at  
31 the bottom of the first page, is Middleton to Lehmann,  
32 referring him to the articles, the July articles?

33 A. Yes.

34

35 Q. And saying that you cop a fair bit of pressure - this  
36 is in the third paragraph - "to provide an update as to  
37 Operation Parrabell". And he says to Lehmann that he,  
38 Middleton, has Lehmann's 2013 document, and he tells  
39 Lehmann that there's reference in Lehmann's document to  
40 Sue Thompson 's list of 80 and he asks Lehmann could he  
41 send him the list. Then we go to tab 56A, [SCOI.77314].

42 A. Yes.

43

44 Q. In fact, before I do that, the actual response comes  
45 back from Lehmann, DCI Lehmann, I should say, I guess:

46

47 *Attached is what we received from Sue T.*

1  
2 A. Yes.  
3  
4 Q. And at 56A is the attachment.  
5 A. Yes.  
6  
7 Q. You will see that it is a two-page list of names of  
8 deceased persons. At the very bottom of the second page,  
9 there's a line item that says "Total = 87", but for the  
10 anal amongst us, if one actually counts them up, one gets  
11 to 88?  
12 A. Right.  
13  
14 Q. To your knowledge, is that what has become known  
15 through the years as "the list"?  
16 A. Yes, I believe so.  
17  
18 Q. Now, on page 4 - they're not numbered but the fourth  
19 page - second from the top, number 12 --  
20 A. Sorry, I'm just lost.  
21  
22 Q. Still in tab 47, [SCOI.74906].  
23 A. 47, sorry. Yes.  
24  
25 Q. On the deaths, the people are numbered, and we get to  
26 number 12. You can see that one on the fourth page?  
27 A. Yes.  
28  
29 Q. This is Mr Lehmann speaking - it is his document - and  
30 you can see what he says in the last two or three lines of  
31 that entry, "at this late stage of the investigation"?  
32 A. Yes.  
33  
34 Q. And so he's talking about Strike Force Macnamir under  
35 DCI Young?  
36 A. Yes.  
37  
38 Q. On page 9 in the conclusion, under the heading  
39 "Summary", part of what's under the heading "Summary", the  
40 last bullet point, which is on the last page, the page that  
41 has his name as the author - do you see the last bullet  
42 point?  
43 A. Twelve cases?  
44  
45 Q. No, on the very last page of this summary or issues  
46 paper --  
47 A. Yes.

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Q. -- he says - Mr Lehmann says:

*Only 8 cases from 30 were probable or possible "gay hate" motivated murders ...*

Do you see that?

A. Yes, I do.

Q. And he says in the next paragraph:

*There is no doubt that anti-gay hostility, particularly in the 1980's and 1990's resulted in a number of murders and serious crime of violence in NSW.*

You see that?

A. Yes.

Q. He then offers his opinion which is:

*In my opinion, the suggestion of 30 "gay hate" related unsolved murders is a gross exaggeration.*

Do you see that?

A. Yes, I do.

Q. He goes on to say what he thinks about the Sydney Morning Herald for publishing that?

A. Yes.

Q. That particular version of it is unsigned, but if we go to the next tab, 48, [NPL.0113.0001.0156], there is an issues paper signed by Michael Willing a few months later, on 10 January 2014 - do you see that?

A. Yes, I do.

Q. And he, Michael Willing, then detective superintendent, commander of the Homicide Squad, is talking about, in response to correspondence from the office of the Commissioner, some questions that he is evidently being asked to address which are listed in the three bullet points there towards the top of the first page. In answer to the first two questions, he refers to DCI Lehmann's September 2013 one that we just looked at?

A. Yes.

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Q. And indeed, he attaches it, as you can see, to this document in a form where it's signed by Mr Lehmann and initialled or noted in various ways by various recipients, including Michael Willing. Do you see that?

A. Yes.

Q. What Mr Lehmann - sorry, what Mr Willing says under the heading "Comment", is to pick up what Lehmann had said in his September 2013 note, and refer to the articles published by the Herald, he says in early August 2013, and a couple of paragraphs down he says that Sue Thompson provided a list - do you see that, the paragraph beginning "Following liaison"?

A. Oh, yes. Yes, I do.

Q. He says Sue Thompson provided the list, and he, Willing, says in this document that that list "were assessed by Detective Chief Inspectors John Lehmann and Pamela Young"?

A. Yes.

Q. So it seems that the assessment that we just looked at, and which is attached to this one, although signed by Lehmann, was also participated in by Pamela Young?

A. Yes.

Q. Agreed?

A. Yes.

Q. And Mr Willing says, in the second-bottom paragraph, picking up what Lehmann and, as it turns out, Young had said, that the suggestion of 30 unsolved gay-hate related murders was a gross exaggeration and it actually was only eight out of the 30 that were assessed as probable or possible.

A. Yes.

Q. In the last couple of paragraphs of this issues paper, under the heading - and you'll see the heading in about the middle of the page, there's a heading "Further comment" and then there's a subheading and then a second subheading --

A. Yes.

Q. -- and he's talking about the work of Strike Force Macnamir; do you see that?

A. Yes.

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Q. He refers in the next paragraph to Strike Force Macnamir investigators having been diverted from other unsolved matters; do you see that?

A. Yes.

Q. And he says that they, Strike Force Macnamir investigators, have not discovered any evidence at all to confirm that the person in question was the victim of a homicide, let alone a gay-hate murder, so that is evidently the view of the Strike Force Macnamir people, including Pamela Young, as at that time?

A. Yes.

Q. And it's a view that Superintendent Willing is, in effect, adopting or endorsing?

A. Yes.

Q. Now, you mentioned that Mr Willing is no longer with the force?

A. Yes.

Q. And DCI Young, I understand, is also no longer with the force?

A. That's right.

Q. What about DCI Lehmann?

A. I believe he still is with us.

Q. Do you know where he is?

A. He would be something to do with homicide.

Q. Having regard to the views of DCI Lehmann in September 2013, which were evidently the views of DCI Young as well, and the views of Superintendent Willing as at 2014, would it be fair to say that, at least as at 2014, there was a widely held view at senior levels of the police that claims relating to the numbers of gay-hate related murders and bashings, especially in the 80s and 90s, were exaggerated and unfounded?

A. Based on this documentation I would have to agree.

Q. And was there a widely held view, do you think at that time, that such claims about the numbers of gay-hate related murders and bashings needed to be publicly refuted?

A. I would say so, given the document that you have just read from is advice to the minister - I would say so.

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Q. Would it be fair to say this, that both at that time, which is 2014, and subsequently, many senior police officers, to your knowledge, have wanted to downplay such claims about the numbers of gay-hate deaths and to suggest that the scale of the problem was much less serious?

MR TEDESCHI: I object.

THE COMMISSIONER: What's the objection?

MR TEDESCHI: Commissioner, how can he say what is in the mind of other people?

THE COMMISSIONER: He can say what his understanding is, Mr Tedeschi, surely.

MR TEDESCHI: Thank you.

THE WITNESS: Sorry, could you - I apologise.

MR GRAY: Q. Would you accept that it is a fair proposition, based inter alia on what we have just been looking at, that at that time, 2014, and subsequently, many senior police officers, to your knowledge or in your understanding, have wanted to downplay claims about the levels of gay-hate murders and to suggest that the scale of the problem was less serious?

A. I would say not necessarily downplay, but I would say certainly in the case of - in my case, I actually wanted to get some truth around - get some investigative truth around the numbers and around what was in fact thought to be gay hate and what was not.

Now, what that outcome was did not concern me and does not concern me now, but I wanted to have some evidence that we had actually gone through a process to determine whether or not these deaths were homicides and were gay-hate related.

THE COMMISSIONER: Q. And is it fair to say that at the time, you were sceptical about the numbers that were being discussed?

A. I'm sorry, Commissioner?

Q. Is it fair to say that at the time, back in 2013 or '14, you were sceptical personally about the numbers of

1 alleged gay-hate murders that were being discussed?

2 A. I thought they were high.

3

4 Q. I'm so sorry?

5 A. I thought the number was high.

6

7 Q. So is it fair to say you were sceptical about the  
8 numbers that were being discussed?

9 A. I would say so, simply because - and the reason I say  
10 that, Commissioner, is because I was eager to do an  
11 investigation, to review these cases.

12

13 THE COMMISSIONER: All right. Thank you. Yes.

14

15 MR GRAY: Q. Mr Crandell, thank you for those answers.  
16 I just want to go back, though, and I appreciate, as my  
17 friend says, you can't be literally inside the mind of  
18 someone else. I understand that. But you, like the rest  
19 of us, know, in the way that one knows things, what  
20 people's views are. Is it fair to say - apart from  
21 yourself, taking yourself out of the equation --

22 A. Yes.

23

24 Q. -- that at 2014 and later, subsequently, there were  
25 many senior police officers, to your knowledge, who wanted  
26 to downplay the claims about the numbers of gay-hate  
27 murders and the numbers of unsolved gay-hate murders?

28 A. I don't think - I don't think that there was an  
29 intention to downplay. It's hard for me to separate myself  
30 from the equation. My view was that I wanted to know the  
31 truth about what was happening. I don't know - I don't  
32 think that there was any - anything overt that I knew, from  
33 more senior people than me, but I do think that there was  
34 concern about the numbers. Whether or not to downplay is  
35 another question, but there was concern about the numbers  
36 on the basis that 88 gay-hate deaths, in my opinion, was  
37 a lot.

38

39 Q. It is one thing, though, for there to be concern about  
40 the numbers, as in "Dear me, that's a lot and we should be  
41 worried about it", on the one hand --

42 A. Yes.

43

44 Q. -- and concern about the numbers as in "That's  
45 ridiculous; of course it's not that many" - they are two  
46 different types of concern. I'm really asking you whether,  
47 to your observation or in your understanding, there was at

1 least a part or a component of the force who held that  
2 view, namely, that these numbers were exaggerated and, in  
3 effect, ridiculous?

4 A. Well, I would have to agree with that when I look at  
5 the comments from homicide, as a part of the force.

6

7 Q. Now, just picking up our timeline, so Sergeant Steer  
8 sends you those documents in May 2015, and Mr Middleton  
9 gives his comments. Just before that, about a month  
10 before, actually, in April 2015, there had been another  
11 burst of publicity about gay-hate murders and about the  
12 North Head death in particular?

13 A. Yes.

14

15 Q. And you would recall this, I am sure?

16 A. Yes.

17

18 Q. On 13 April 2015, then State Coroner Barnes decided to  
19 hold a third inquest into the North Head death?

20 A. Yes.

21

22 Q. That very night, 23 April, DC Young went on ABC  
23 Lateline and had an interview with Emma Alberici?

24 A. Yes.

25

26 Q. In the course of that interview, as I am sure you  
27 remember, DCI Young said a number of things which led to  
28 a great deal of media commentary?

29 A. Yes.

30

31 Q. And one of them was that, according to DCI Young, the  
32 police minister at the time, Mr Gallacher, had "kowitzed"  
33 to a family member of the North Head victim --

34 A. Yes.

35

36 Q. -- when he had agreed to establish Strike Force  
37 Macnamir?

38 A. Yes.

39

40 Q. And she said - she, DCI Young, said - that the  
41 minister's conduct in that regard had been "very wrong"?

42 A. Yes.

43

44 Q. And she, DCI Young, said in that Lateline interview  
45 that suicide remained the most likely explanation for the  
46 North Head death, and she went on to say that there was  
47 hardly any evidence of homophobia at North Head?



1 A. Yes.

2

3 Q. And you would remember all that?

4 A. Yes, I do.

5

6 Q. And then the next night, Mr Gallacher, the former  
7 minister, went on Lateline and denied all of those things?

8 A. Yes.

9

10 Q. Or at least the allegations against him, I should say?

11 A. Yes.

12

13 Q. And what Pamela Young said on Lateline caused the  
14 coroner, Mr Barnes, to demand that the police remove  
15 DCI Young from that investigation?

16 A. Yes.

17

18 Q. And Mr Barnes, the coroner, said that what she had  
19 said had the potential to undermine public confidence in  
20 the impartiality of her investigation and her commitment to  
21 it, and all of that, everything that I've just been  
22 putting, was then the subject of quite a lot of media  
23 coverage?

24 A. Yes.

25

26 Q. For the record, but I don't need to take the time,  
27 I don't think, with you Mr Crandell, but in volume 8, tabs  
28 216 to 220, there is a selection of various articles in  
29 newspapers about those very matters?

30 A. Yes.

31

32 Q. But you remember that?

33 A. I do.

34

35 Q. Again, if I speak generally, that media attention was  
36 for the most part, perhaps not entirely but largely,  
37 negative from the perspective of the police; you would  
38 agree with that?

39 A. Yes, I agree.

40

41 Q. And it was in that context, wasn't it, post Lateline,  
42 that two strike forces were created a few months later in  
43 2015. One of them was Strike Force Parrabell - when I say  
44 in the context, I mean timing-wise it was in that  
45 context --

46 A. Yes, yes.

47

1 Q. -- and the other one was Strike Force Neiwand. Now,  
2 yours, Strike Force Parrabell, was at least under way, I'm  
3 not quite sure what the correct date is for its  
4 establishment, but it was under way by 30 August?

5 A. 30 August is when it started, 2015, yes. Mind you -  
6 sorry - there was a little bit of preparation prior to  
7 that, obviously, to get it started.

8

9 Q. I understand. I'll come to that in a little bit. But  
10 30 August is, in effect, the start date --

11 A. Yes.

12

13 Q. -- for Parrabell?

14 A. Yes.

15

16 Q. And Neiwand, it seems, from material we have been  
17 provided with, was initially set up in October 2015. Did  
18 you know about the setting up of Neiwand --

19 A. No, I didn't.

20

21 Q. -- when it was set up in October 2015?

22 A. No.

23

24 Q. I do want to ask you a few questions about Parrabell  
25 and Neiwand, which were set up, as a matter of history, at  
26 almost the same time. Firstly, as to Parrabell, the  
27 investigation plan for Strike Force Parrabell, which I will  
28 take you to now, seems to have been in existence or  
29 prepared by as early as 25 May - I don't know whether you  
30 would have that in mind?

31 A. That's possible, yes.

32

33 Q. If you can find volume 1 of the bundle, and go to  
34 tab 14, [SCOI.74385] --

35 A. Yes.

36

37 Q. -- you will recognise this, I'm sure. It's the  
38 investigation plan for Strike Force Parrabell?

39 A. Yes.

40

41 Q. And the reason I mention 25 May is that on the last  
42 page, under Mr Grace's name, there is a date, 25 May.

43 A. Yes.

44

45 Q. Under Mr Middleton's name, there's a different date,  
46 namely, 3 August?

47 A. Yes.

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Q. But does it follow, as it would appear to, that if the document bears two dates, one of which is 25 May, presumably, it was in existence by then?

A. Yes.

Q. Or does that not follow?

A. No, I - I would think that's reasonable. I'm not sure why Detective Inspector Middleton signed it three months later, but --

Q. No.

A. Albeit I presume there's a signed copy.

Q. I must say, speaking for myself, I haven't seen a signed copy, but there may be one somewhere?

A. I would expect there would be one somewhere.

Q. I do want to ask you a couple of questions about it. Before I do, the next tab, 15, is the coordinating instructions. Do you have tab 15, [SCOI.75071]?

A. Yes.

Q. For Strike Force Parrabell?

A. Yes.

Q. Now, these are undated coordinating instructions. I will come later to some surrounding documents that may help you, but before I do, if you know, when were these coordinating instructions drafted and created?

A. This would have been prior to the commencement of the operation, definitely, because any new staff that came in to work with Operation [sic] Parrabell would require this documentation to orientate them.

Q. All right. So whenever it was - the drafting of it was commenced, it would have been completed by 30 August?

A. Yes.

Q. Was this document, the coordinating instructions, provided to all the various officers who worked on Strike Force Parrabell when they started?

A. Yes.

Q. Now, generally for a strike force to be set up, what is the approval process? What rank has to approve it? How does it work?

1 A. It - to my mind, I don't know if this is the corporate  
2 position, but it would depend on resourcing. So  
3 essentially, I could seek to set up a strike force if I was  
4 a commander and I'm using my own resources, but if you want  
5 additional resources from somewhere else, then you would  
6 have to go to a higher level of command and seek permission  
7 from that commander who owns those resources to apply them  
8 to a particular strike force.

9

10 Q. I see. So at the level of commander, you can  
11 establish a strike force subject to resources?

12 A. Yes, absolutely. That's my understanding. The reason  
13 that I had to go to my region commander was because I was  
14 asking for resources outside of my control.

15

16 Q. And your regional commander then happened to be then  
17 Assistant Commissioner Fuller?

18 A. Yes.

19

20 Q. So it was, in effect, a budgetary question or  
21 a personnel question?

22 A. More a personnel, because I was - essentially we took  
23 resources from different commands under the control of the  
24 region commander at the time.

25

26 Q. Thank you. Now, as to Strike Force Neiwand, which  
27 I appreciate you were not a member of --

28 A. No.

29

30 Q. -- the original Terms of Reference, you can accept  
31 they're in the bundle, in fact, I can show you, they're at  
32 tab 16, seem to have been dated - tab 16 of volume 1,  
33 [SCOI.76962.00001].

34 A. Sorry, I've got a "blank" notice.

35

36 THE COMMISSIONER: So have I.

37

38 MR GRAY: I'm in a better position than most.

39

40 THE COMMISSIONER: That's what I have, what is showing on  
41 the screen.

42

43 MR GRAY: I'll come back to that, in that case,  
44 Mr Crandell.

45

46 Q. I will ask you then just to accept from me for the  
47 time being that according to a document I'm looking at,

1 which nobody else seems to have, the original Terms of  
2 Reference for Neiwand dated from October 2015?

3 A. Right.

4

5 Q. And the original investigation supervisor was DCI  
6 Lehmann?

7 A. Right.

8

9 Q. And the original officer in charge was Detective  
10 Sergeant Penelope Brown?

11 A. Right.

12

13 Q. And we know Penelope Brown was the officer in charge  
14 of Macnamir?

15 A. Yes.

16

17 Q. And we know that Lehmann had written that issues paper  
18 of September 2013 which was also the view, evidently, of  
19 DCI Young?

20 A. Yes.

21

22 Q. Now, you've said, I think, that you were not aware of  
23 the setting up of Neiwand yourself, at the time?

24 A. No, no.

25

26 Q. When did you become aware of the existence of Neiwand?

27 A. I'm really not sure. It wasn't something that was in  
28 my mind back in 2015. It's not unusual that I wouldn't  
29 necessarily know about that. I presume that was a strike  
30 force under the Homicide Squad.

31

32 Q. Yes, under the Unsolved Homicide Team?

33 A. Yes. Normally I wouldn't be privy to any strike  
34 forces that they put together.

35

36 Q. All right. Do you know who it was who instigated or  
37 sought the setting up of Neiwand?

38 A. No, I don't. I'm not exactly sure of their scope,  
39 either, of Neiwand. I'm thinking that was a review of  
40 Taradale cases - was that --

41

42 Q. Basically?

43 A. Essentially?

44

45 Q. Essentially, yes.

46 A. I think I've read that, though, in the material,  
47 rather than having knowledge of it in 2015.

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Q. I see. So if it was Detective Superintendent Willing - and I'm not necessarily suggesting it was - who set it up or wanted to have it set up, you don't know?

A. No, but it would make sense to me that - that Commander Willing would have endorsed the strike force, if he's using his own resources.

Q. I was going to ask you that next. If it was, speaking generally, a reinvestigation of Taradale, the three Taradale cases, would Superintendent Willing, as commander of homicide, have been able to authorise that himself?

A. I think he would. However, it may well be, particularly in that environment of State Crime Command - it's probably likely that he would get endorsement or agreement from his commander, being the assistant commissioner in charge of State Crime Command, or at least he would make him aware of that.

Q. And who was that?

A. I think that was Mark Jenkins - Assistant Commissioner Mark Jenkins at the time.

Q. Now, at some point along the line - and perhaps you can tell us when, if you recall - you became aware that the objective of Neiwand was to investigate the three Taradale deaths?

A. Yes.

Q. So you're aware of that today, but when did you become aware of that?

A. I don't know. I don't think I knew that in 2015. I certainly didn't know that there was a closeness of commencement between Parrabell and Neiwand. I wasn't aware of that until you said it. Essentially, Neiwand - Neiwand, I can understand how it would have a relationship with Parrabell, but it would not be unusual for me not to know what was going on unless I was specifically told by homicide.

Q. Now, I just need to put a few things to you about the subject matter of Neiwand, nonetheless, some of which, at least, you will be familiar with?

A. Yes.

Q. The three deaths had been the subject of a lengthy inquest before Deputy State Coroner Milledge, back in 2003

1 and 2004. You knew that?

2 A. Yes. I'm aware of that, yes.

3

4 Q. And the Commissioner of Police had been represented  
5 throughout that inquest by counsel and solicitors?

6 A. Yes.

7

8 Q. And the coroner, Milledge, had made express findings  
9 at the end of the inquest about those three deaths?

10 A. Yes.

11

12 Q. That is Mattaini, Warren and Russell?

13 A. Yes.

14

15 Q. And her findings were, in summary, that as to Warren,  
16 he was the victim of a homicide?

17 A. Yes.

18

19 Q. As to Russell, he was the victim of a homicide?

20 A. Yes.

21

22 Q. And as to Mattaini, first of all that he was dead?

23 A. Yes.

24

25 Q. And, secondly, that the cause and manner of death  
26 could not be determined?

27 A. Yes.

28

29 Q. And you were aware, I take it, because this was all  
30 very public at the time, that Coroner Milledge also stated,  
31 as to Warren and Russell, that the evidence "strongly  
32 supported the probability" that they met their deaths at  
33 the hands of "gay-hate assailants"?

34 A. Yes.

35

36 Q. You knew that?

37 A. Yes.

38

39 Q. And as to Mattaini, she, Coroner Milledge, said that  
40 there was a "strong possibility that he died in similar  
41 circumstances to the other two"?

42 A. Yes.

43

44 Q. Now, in the light of those definite findings and those  
45 strong remarks back in 2005, after a lengthy inquest,  
46 speaking as at today, why was Strike Force Neiwand set up  
47 in 2015 to reinvestigate those deaths?

1 A. I don't know.

2

3 Q. (We know - and I'm presuming that you know, now - that  
4 Strike Force Neiwand, having been set up in late 2015,  
5 extended through until the end of 2017 or the very  
6 beginning of 2018, and it did reinvestigate those three  
7 deaths. I assume you know that now?

8 A. That Neiwand didn't reinvestigate?

9

10 Q. Neiwand reinvestigated those three deaths?

11 A. Yes --

12

13 Q. I'm assuming you know that now?

14 A. Sorry, are you saying they did reinvestigate them?

15

16 Q. That they did reinvestigate those three deaths between  
17 late 2015 and late 2017?

18 A. Okay.

19

20 Q. Is that something you know or not something you know?

21 A. Not necessarily. I didn't know whether they were  
22 reviewing them, whether they would - I don't know. But  
23 I do know the outcome that they came to.

24

25 THE COMMISSIONER: Q. Sorry, can I just interrupt and  
26 ask is this the first time, then, that it has been brought  
27 to your attention that Neiwand was a reinvestigation of  
28 those three deaths?

29 A. Commissioner, I just can't tell you that I knew that  
30 it was a reinvestigation.

31

32 Q. So this could well be the first time you've heard --

33 A. It could be.

34

35 Q. -- that Neiwand was a reinvestigation?

36 A. Yes - yes.

37

38 THE COMMISSIONER: All right. Thank you. Yes?

39

40 THE WITNESS: Sorry, Commissioner, can I just clarify  
41 that?

42

43 THE COMMISSIONER: Q. Of course. Of course.

44 A. So I may --

45

46 Q. You did say you had heard about it?

47 A. Yes.



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Q. And Mr Gray will ask you some more questions. I'm just - I've just watched your response and your response indicated to me that you were hearing something potentially for the first time, but maybe I was wrong?

A. Yes, the only qualification of that is I may have picked it up in the material that I've looked at, so I might have known about that a little bit earlier, but I didn't - I don't know the scope of Neiwand. I didn't have a lot to do with it.

THE COMMISSIONER: Thank you.

MR GRAY: Q. Now, as at the same time that I've just mentioned, namely, 2015, 2016, 2017 of course, Strike Force Macnamir was still under way --

A. Yes.

Q. -- having started back in 2013, and as we have seen, the original officer in charge or supervisor - perhaps I may have the language wrong - for Macnamir was DCI Young?

A. Yes.

Q. But in about April 2015, she had been removed from that investigation, as we have seen?

A. Yes.

Q. But if you have volume 1 still available, just turn to tab 9, [SCOI.82018].

A. Yes.

Q. Tab 9 is an email from the general counsel's department within the police just notifying the Special Commission who were the members of Strike Force Macnamir. You can see that down towards the bottom of the page?

A. Yes. Yes, I can.

Q. And we're told that the original officer in charge of Macnamir was Pamela Young, and a subsequent officer in charge was Penelope Brown?

A. Yes.

Q. And over the page, other members of Macnamir were Detective Sergeant Morgan - you'll see on the second line?

A. Yes.

Q. And a couple of lines down, Detective Senior Constable

1 Rullo?

2 A. Yes.

3

4 Q. And a few lines from the bottom of that list,  
5 Detective Senior Constable Chebl?

6 A. Oh, yes.

7

8 Q. And then it seems that there was a kind of second  
9 version of Macnamir called Macnamir 2, and all of the same  
10 people were in that, including the ones that I have just  
11 mentioned?

12 A. Yes.

13

14 Q. Now, if we turn to tab 16 - you, of course, don't have  
15 tab 16, [SCOI.76962.00001]?

16 A. No.

17

18 Q. Again, if you take it from me --

19 A. Yes.

20

21 Q. -- that Detective Sergeant Penelope Brown was also the  
22 officer in charge of Neiwand?

23 A. Yes.

24

25 Q. Just as she was in Macnamir, and that Detective Chief  
26 Inspector John Lehmann was the original investigation  
27 supervisor for Neiwand. And that's the DCI Lehmann who  
28 wrote the September 2013 issues paper saying that 30  
29 unsolved gay-hate homicides was a gross exaggeration?

30 A. Yes.

31

32 Q. What is your view of the suitability of DCI Lehmann,  
33 having expressed that view, for the role of supervising  
34 a reinvestigation of three of the deaths in question?

35 A. Yes, look, I - I think that his - what he has  
36 expressed in terms of his understanding of those cases  
37 would probably exclude him from that investigation.

38

39 Q. Do you think he might have been chosen precisely  
40 because he held those views?

41

42 MR TEDESCHI: I object.

43

44 THE COMMISSIONER: I allow it.

45

46 THE WITNESS: I can't say. I don't know.

47

1 MR GRAY: Q. He expressed the views very trenchantly,  
2 didn't he - gross exaggeration, the Sydney Morning Herald  
3 was irresponsible, and so on?

4 A. Yes.

5

6 Q. And he was basically bucketing Sue Thompson's view of  
7 the world; correct?

8 A. Yes.

9

10 Q. And of all people, he's the one chosen to  
11 reinvestigate three of those very 30 deaths?

12 A. Yes.

13

14 Q. It's a very striking choice, don't you think?

15 A. Yes. I think it's an unfortunate choice but the  
16 motivations for that choice I can't assist with. I don't -  
17 I just don't know.

18

19 THE COMMISSIONER: Q. It certainly doesn't aid the  
20 notion of objectivity, though, does it?

21 A. No, sir, no.

22

23 MR GRAY: Q. Who chose him?

24 A. I'm speculating but I would assume that  
25 Commander Willing would have had something to do with that  
26 selection. It may have involved Assistant Commissioner  
27 Jenkins, if in fact he referred the matter to him, but as  
28 I say, I don't know that.

29

30 Q. Commander Willing, of course, as we have seen, because  
31 we've read his issues paper, adopted and endorsed the very  
32 views that Mr Lehmann had expressed?

33 A. Yes.

34

35 Q. So it might be open to an observer to surmise  
36 that Commander Willing chose DCI Lehmann because he,  
37 DCI Willing, agreed very much with what Lehmann had said  
38 and thought that Lehmann might arrive at a certain result.

39 A. Perhaps.

40

41 Q. Does the coincidence of personnel between Neiwand and  
42 Macnamir, involving in various ways DCI Young, DCI Lehmann,  
43 Detective Sergeant Morgan, Detective Senior Constable  
44 Rullo, Detective Senior Constable Chebl being in both of  
45 them --

46 A. Yes.

47

1 Q. -- does that suggest do you that they both may have  
2 had a similar objective?

3 A. Sorry, may?  
4

5 Q. May have had a similar objective?

6 A. It's difficult for me to comment on another command.  
7 I don't know what their situation was in relation to  
8 resourcing and I don't know the reasons for why they would  
9 put those people in those positions. I think it's very  
10 difficult for them to have objectivity, given their  
11 history. Obviously with the benefit - I have the benefit  
12 of hindsight, and I just can't comment on what was in their  
13 mind at the time.  
14

15 Q. Well, Macnamir concerned one death at North Head, as  
16 we know; agreed?

17 A. Yes.  
18

19 Q. And Taradale and later Neiwand concerned three deaths  
20 at Bondi?

21 A. Yes.  
22

23 Q. And I don't think I would be giving away any state  
24 secrets if I suggested that basically, the likelihood was  
25 that different lines of inquiry would apply to the two?

26 A. Yes.  
27

28 Q. They weren't connected in some investigative way, were  
29 they?

30 A. No, I don't believe so. No, I don't believe so.  
31

32 Q. And yet the same people, or several of the same  
33 people, were put on both of them?

34 A. Yes. I suppose when there's a review of homicides,  
35 then the natural place to go is homicide. Whether there's  
36 a divergence from that or not, there'd have to be some  
37 reasons for that.  
38

39 Q. Well, does the material that I've put in front of  
40 you --

41 A. Yes.  
42

43 Q. -- and some of the answers that you have just have I  
44 candidly given, lead to the suggestion that one possibility  
45 is that the objective of someone was to support  
46 a contention that all four of those deaths - namely, the  
47 North Head death and the three Bondi deaths - were not or

1 may not have been gay-hate related?

2 A. That's a possibility. I suppose it's one thing to say  
3 that that might have been in an investigator's mind, but  
4 it's another thing to say that the investigator went out of  
5 their way not to show that, particularly when you're  
6 talking about homicide investigations. To my mind, that's  
7 probably one of our most important investigations, so  
8 I would be - I would expect that they would come to the  
9 Marks Park investigations with an open mind and some  
10 objectivity. That would be my expectation. For them not  
11 to do that would be unacceptable.

12  
13 THE COMMISSIONER: Q. Can I ask this: in the face of  
14 coronial findings over a long - in a hearing that was  
15 conducted over a good deal of time, with counsel assisting  
16 and counsel for the police represented, what on earth would  
17 require a reinvestigation, absent, say, fresh material?

18 A. Commissioner, the only suggestion that I can come up  
19 with is that we were, as an organisation, looking to solve  
20 those crimes.

21  
22 Q. To solve them?

23 A. To solve them.

24  
25 Q. I see. But --

26 A. Yes. Because questioning a coroner - sorry, sir -  
27 questioning a coroner's finding I don't think would be  
28 appropriate.

29  
30 THE COMMISSIONER: All right, thank you.

31  
32 MR GRAY: Q. To question the coroner's finding you don't  
33 think would be appropriate?

34 A. No, I don't, unless - if the coroner left an open  
35 finding, then the coroner sometimes will refer the  
36 investigation to police to say, "Continue the  
37 investigation", and then it's appropriate for us to  
38 continue on that investigation. To my mind, if we were  
39 undertaking those investigations off our own instigation,  
40 then I would expect that to be to find the perpetrator  
41 rather than question the coroner's finding.

42  
43 Q. You, I think I have understood this, haven't been in  
44 the Homicide Squad yourself?

45 A. Many, many years ago, Mr Gray.

46  
47 Q. A long time ago?

1 A. Yes.

2

3 Q. But let's say in the last 20 years?

4 A. No.

5

6 Q. For Neiwand, at least in its latter iteration, the  
7 investigations coordinator was an officer called DCI  
8 Christopher Olen, and the officer in charge was, as I think  
9 I mentioned, DSC Michael Chebl. Are you familiar with  
10 either of those officers?

11 A. I've - I know Chris Olen but not well, simply to  
12 acknowledge and say hello to, and I don't know the other  
13 officer.

14

15 Q. It seems, from material that we've been given, that  
16 both of them - that is, DCI Olen and Detective Chebl - are  
17 no longer with the police?

18 A. I think that's right.

19

20 Q. Do you know when either of them left?

21 A. No, I don't. I can check.

22

23 Q. Do you know - I think you've said you don't know,  
24 really, about Chebl at all?

25 A. No.

26

27 Q. But in terms of Olen, do you know why he left?

28 A. No, I don't. I wasn't that close to Chris Olen.  
29 I know his name.

30

31 Q. I just want to come to some dealings between  
32 Parrabell, your strike force, and Neiwand, and if you could  
33 turn to volume 6, please. The tab I'd like you to turn to  
34 is tab 164A, [SCOI.82054].

35 A. I have a blank page.

36

37 Q. You have a blank page?

38

39 MR GRAY: What has happened here, Commissioner,  
40 is that - my oversight - some of these documents, this  
41 being one of them, by agreement, have been held back from  
42 the tender bundle pending the debate next week about some  
43 relevance questions.

44

45 THE COMMISSIONER: I see.

46

47 MR GRAY: I know one of the concerns in that regard is the

1 documents being made public, but subject to that - I can  
2 come back to it, of course, but I would prefer to do it now  
3 because we are on the train. I could put the document in  
4 front of him --

5

6 THE COMMISSIONER: Can I just suggest this. In order to  
7 assuage Mr Tedeschi's concern, and subject to hearing from  
8 him if he has an objection to what I propose, you can  
9 show - and provided Mr Tedeschi and others have it in front  
10 of them, you could put it in front of the witness but  
11 I would ask that the court operators not display it on the  
12 screen so that it isn't available to the public streaming.  
13 Would that suit you?

14

15 MR TEDESCHI: Thank you.

16

17 MR GRAY: That would certainly be sufficient for me.

18

19 THE COMMISSIONER: That preserves your position,  
20 Mr Tedeschi, except it means we don't have to get  
21 Mr Crandell back for one or two documents. If you are  
22 concerned at all about the process at any point, just let  
23 me know.

24

25 Q. What we are going to do is you will be given  
26 a document - and so will I because mine is blank as well -  
27 and if I can ask those at the back of the room not to bring  
28 the particular document up on the screen, thank you.

29

30 MR GRAY: It seems, Commissioner - and I apologise for  
31 this, this is essentially my fault - we just have to have  
32 copies made.

33

34 THE COMMISSIONER: Why don't you do it this way - is it  
35 inconvenient to move to another topic?

36

37 MR GRAY: No, I can do that.

38

39 THE COMMISSIONER: Move to another topic, and then  
40 Mr Tedeschi and others - rather, tomorrow morning,  
41 Mr Crandell can be taken to this document when the copies  
42 are available, or if it becomes available shortly, then we  
43 can do it. But if it doesn't inconvenience you or the  
44 witness, let's go out of order and go to another matter, if  
45 that's convenient.

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47 MR GRAY: Certainly.

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THE COMMISSIONER: Thank you.

MR GRAY: Q. So a change of topic, or partial change of topic. Back to the formation of Strike Force Parrabell in early to mid 2015.

A. Yes.

Q. We've looked at Mr Steer sending the email with his original Operation Parrabell documents, Mr Middleton's response?

A. Yes.

Q. You saying you agree with Middleton for the reasons you've explained?

A. Yes.

Q. If I can get you to go to volume 1 again, if that's the one you have open?

A. No.

Q. If you just turn to tab 11, [SCOI.75090] - I won't take time on this, but tab 11 evidently is the Terms of Reference for Operation Parrabell?

A. Yes.

Q. And the Terms of Reference are three lines long, towards the front of the document, and they correspond, you would accept, more or less with the other documents that he had sent, which are at tab 10, [SCOI.75072], and tab 12, [SCOI.75056], namely, the proposal and the suggested investigation agreement.

A. Yes.

Q. And we have established - and you have agreed - that for whatever reason, for Strike Force Parrabell, there doesn't seem to be, at least any more, an actual document comprising the Terms of Reference, although they're quoted in the report.

A. Yes. I'm not sure whether these are - the Terms of Reference are automatically generated. I'm not certain of that. But certainly there would be one for Strike Force Parrabell. The only reason that there was a distinction between Operation Parrabell and strike force was simply because of the change of resourcing and the focus of it being purely a review, not a reinvestigation. So I kind of wanted to make that distinction.



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The simple thing to do would have been to change the name, but the reason I didn't want to do that is because I thought Geoff Steer was on the right track. He wasn't essentially terribly wrong. It was just that he didn't have the resources or the standing or anything to really push that forward. So that's why I - I went with that distinction as at 30 August, and I acknowledge also that I've referred to Operation Parrabell after that date, by the way, but for the purposes of consistency, that's how it all unfolded.

Q. Now, what I want to do - I will eliminate some of the material I was going to use because I don't think it's needed - I'll get you to just keep that folder nearby because we will come back to it, but just to look at your Terms of Reference, Strike Force Parrabell's Terms of Reference, we need the Parrabell report in order to do that, and that's exhibit 1, which might still be on the top of your - I think it's the top left. I think it's that.

A. That's volume 8.

Q. No, that's not the one. So in that exhibit 1, it's tab 2, [SC0I.02632]

A. Yes.

Q. And we find the Terms of Reference quoted at pages 20 to 21?

A. Yes.

Q. So I just wanted to run through the language with you. The first word is "Assess"?

A. Yes.

Q. Does that have any particular significance or meaning in the world of strike forces or the police?

A. Not necessarily, but to me, starting with "assess" doesn't say "investigation", so it's a review, an assessment and a review.

Q. Now, I particularly wanted to ask you about the parts of the Terms of Reference on page 21. I should, in fairness, observe that the third paragraph is consistent with what you just said - namely, if, during the assessment, suspects are identified, it should be sent off to the unsolved homicide team?

A. Yes.

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Q. And that was the structure of things that you had in mind?

A. Yes.

Q. Then on the top of the next page, it says:

*After each assessment --*

that is, of each case, I presume --

*a detailed report outlining the bias classification of each incident and justifying material will be prepared and presented to prominent representatives of the [LGBTIQ] community.*

A. Yes.

Q. In a nutshell, that didn't happen, I don't think?

A. Yes, it did.

Q. After each assessment of all the 88 cases?

A. No, so we commenced them, we were doing them I think quarterly, the very first one was on 1 December. I remember that one.

Q. Yes.

A. In 2015.

Q. Yes.

A. The difficulty with that was matters of confidentiality, because we were - we had invited not only members of parliament, Alex Greenwich and Jenny Leong, but also academics from Sydney University, ACON and some of the other - some of our other key partners, and it became very awkward to discuss matters, particularly when we were always thinking about confidentiality. So kind of --

Q. And as a consequence, you didn't persevere with the objective as set out here on the top of this page?

A. No, my recollection is no. I think we might have done one, maybe two, and I personally met with some of the parliamentarians and briefed them. But even then, I was concerned about confidentiality on some of the details that I was providing. But don't get me wrong, they gave me some great guidance in relation to the report and

1 recommendations and expectations, but in terms of actual  
2 case reviews, I don't know if there was one or two that we  
3 actually held. But it wasn't for all of them, you're  
4 correct.

5

6 Q. And then the next paragraph of the Terms of Reference  
7 says:

8

9 *Each incident will be filtered through the*  
10 *[police] 10 bias crime indicators ...*

11

12 And that did happen in ways that we'll come to, no doubt  
13 about that?

14

15

16 Q. But the words then used that that will happen:

17

18 *As a general guide to identify direct or*  
19 *circumstantial evidence of bias motivation.*

20

21

22

23 Q. That is to say, do you agree, that the objective was -  
24 is this right - to identify from the historic materials,  
25 the holdings, whether or not there was material in the  
26 holdings that amounted to evidence of bias?

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1 findings. So - but I guess the difference is that Coroner  
2 Milledge had the advantage of talking to people and also  
3 looking at witnesses, whereas we were doing a - simply  
4 doing a review.

5

6 Q. That's right, as you very fairly pointed out to the  
7 parliamentary committee which we looked at this morning?

8 A. Yes.

9

10 Q. A coroner, just in the nature of things, has more  
11 available to her or him --

12 A. Yes.

13

14 Q. -- than you would have had in the exercise you were  
15 doing?

16 A. Yes.

17

18 Q. And that would apply to any of the cases?

19 A. Well, I say so, and I - my view on Parrabell was that  
20 if a coroner made a finding, that we should be bound by  
21 that finding on that basis.

22

23 Q. You should what, sorry?

24 A. We should be bound by that finding. There would have  
25 to be good reasons for us going against a coroner's  
26 finding, I would have thought.

27

28 MR GRAY: I might, just because it would be a suitable  
29 use - are we going to stop at 4 o'clock, Commissioner?

30

31 THE COMMISSIONER: Pardon me?

32

33 MR GRAY: Will we be rising at 4 o'clock?

34

35 THE COMMISSIONER: What suits you?

36

37 MR GRAY: I'm in the Commissioner's hands.

38

39 THE COMMISSIONER: We will rise at 4 o'clock, then. Do  
40 you want to go back to those documents?

41

42 MR GRAY: I will just go back to those documents .

43

44 THE COMMISSIONER: As a discrete topic?

45

46 MR GRAY: As a discrete topic.

47

1 THE COMMISSIONER: I think if we just put the tab in  
2 wherever it is meant to go.

3

4 MR GRAY: The tab which is blank, and where this would  
5 otherwise go, is 164A, [SCOI.82054].

6

7 THE COMMISSIONER: Of volume, what, 6?

8

9 MR GRAY: Of volume 6.

10

11 THE COMMISSIONER: Thank you.

12

13 MR GRAY: Q. Mr Crandell, you can see that this is  
14 a progress report.

15 A. Yes.

16

17 Q. From the front page?

18 A. Yes.

19

20 Q. And on the top right it says "Progress report number  
21 1"?

22 A. Yes.

23

24 Q. For a period ending 12 July 2016 - top right?

25 A. Yes, thank you, yes.

26

27 Q. And it's a progress report for Strike Force Neiwand?

28 A. Yes.

29

30 Q. On the second and third pages, which I don't need to  
31 ask you about, you will see that there's a summary of what  
32 it is that they're doing?

33 A. Yes.

34

35 Q. And it concerns the three Bondi deaths, Mattaini,  
36 Warren and Russell?

37 A. Yes.

38

39 Q. In each case, towards the end of each item about those  
40 three, there is a reference to what the findings of  
41 Coroner Milledge had been?

42 A. Yes.

43

44 Q. And then on page 4, there is a heading "Status" -  
45 first of all, there is "Terms of Reference", and the Terms  
46 of Reference are to reinvestigate those three deaths. Do  
47 you see that?

1 A. Yes, I can.

2

3 Q. And from what you have told us before, you didn't know  
4 that that was what they were doing, either until today or,  
5 if not today, quite recently?

6 A. Yes, I believe so, yes.

7

8 Q. Now, in the first bullet point under "Status of  
9 Investigation", it's said that Neiwand had:

10

11 *Reviewed and submitted voluminous archived*  
12 *case file items (42 boxes) from Strike*  
13 *Force Taradale ...*

14

15 A. Yes.

16

17 Q. In the second bullet point the reader is told that  
18 a number of products, predominantly statements from  
19 Taradale, are being submitted into Neiwand for review.  
20 Then what I wanted to ask you is about the fourth bullet  
21 point, which says that on 14 April 2016, DCI Olen and  
22 Superintendent Willing met with you to discuss Strike Force  
23 Parrabell and any relevance to UHT investigations. Now,  
24 what was that meeting and what was it about?

25 A. Oh, I don't have an independent recollection of that  
26 meeting. I don't recall speaking to them about Neiwand,  
27 but that doesn't mean that I may not have spoken to them  
28 about potential gay-hate motivated crimes, given I was well  
29 and truly involved in Strike Force Parrabell at that time.

30

31 Q. Well, what might it have been, do you think, that you  
32 would have been discussing with those running Neiwand?

33 A. I would presume that it's - that it related to the  
34 three deaths that Neiwand is looking after, and I suppose  
35 whether or not there's any evidence of other deaths in and  
36 around those areas, potentially, but I - unfortunately  
37 I just don't have an independent recollection. I don't  
38 know whether I would have made notes about that  
39 conversation. I do keep notes of conversations I have,  
40 which I'm happy to check.

41

42 THE COMMISSIONER: Q. Can I ask you this: is it  
43 possible that they had a general conversation - that is,  
44 Detective Superintendent Willing and Chief Inspector Olen -  
45 about investigation generally and did not tell you that  
46 Neiwand was existing as a separate entity?

47 A. It's possible, Commissioner.

1  
2 Q. Well, does that seem to accord with your recollection?  
3 Because as I understood your evidence today, in the past,  
4 and certainly as I apprehend what you said, you were - as  
5 you sit here today, you certainly don't appear to have been  
6 aware of Neiwand as an exercise as such in 2016?

7 A. Yes, that's right.

8

9 THE COMMISSIONER: All right, thank you.

10

11 MR GRAY: Q. Well, then, the last bullet point on that  
12 page may result in a similar answer from you, but I'll just  
13 ask, it says on 27 May that year, 2016, Strike Force  
14 Parrabell detectives attended police headquarters,  
15 I assume --

16 A. Yes.

17

18 Q. -- to hand over documents relating to investigations  
19 conducted under Strike Force Neiwand. Now, we know at  
20 least now that Neiwand was looking at the three Bondi  
21 deaths and indeed was reinvestigating them, according to  
22 this document.

23 A. Yes.

24

25 Q. So does that tell us, that last bullet point, that  
26 somebody at Strike Force Parrabell, whether it was you or  
27 not - and it may not tell us this, I'm only reading the  
28 document --

29 A. Yes.

30

31 Q. -- is it telling us that Parrabell knew what  
32 investigations Neiwand were carrying out?

33 A. I would say so. Parrabell, though - Parrabell  
34 investigators, that could have been any number of  
35 investigators on Strike Force Parrabell. Certainly it  
36 wasn't me, but it could have been Detective Inspector  
37 Middleton, it could have been a number of others, I'm not  
38 sure. But it would make sense, if that is the case, for  
39 Neiwand and - Parrabell and Neiwand to talk. I just don't  
40 have any independent recollection of Neiwand.

41

42 THE COMMISSIONER: Q. But is it something you'd forget?  
43 I mean, if you were doing Parrabell and there was another  
44 strike force which was looking at a number of the cases --

45 A. Yes.

46

47 Q. -- that were you going to look at, is it really

1 something you think you'd forget?

2 A. I don't think so, Commissioner.

3

4 Q. So it's more - your recollection at the moment is,  
5 whatever went on back in 2016, you are of the view that you  
6 weren't aware of Neiwand, but you certainly don't deny that  
7 you may have had a meeting with these people about  
8 something?

9 A. Yes. I may have had that meeting and I - I would  
10 agree that the - that Parrabell did talk to Neiwand, but  
11 whether or not I'm aware of that is another question.

12

13 THE COMMISSIONER: All right.

14

15 MR GRAY: Q. Did you know that whatever UHT were doing  
16 about these three deaths was called Neiwand?

17 A. I don't have an independent recollection of that.  
18 That's not to say that Detective Inspector Middleton wasn't  
19 aware of that, given he was doing a great deal of oversight  
20 in relation to those investigations, so I would expect that  
21 he would have some idea as to what was happening there, but  
22 from my perspective - and I understand that may seem weak  
23 as a commander, but to my recollection, I don't recall that  
24 nexus.

25

26 Q. I will come to at least one other aspect of this when  
27 we get to another email tomorrow involving Mr Middleton's  
28 knowledge of things, but --

29 A. Yes.

30

31 Q. -- it can wait until tomorrow.

32 A. All right.

33

34 MR GRAY: If that's a convenient time.

35

36 THE COMMISSIONER: That's a convenient time. 10 o'clock.  
37 Thank you. I will adjourn until 10 o'clock.

38

39 MR TEDESCHI: Before you adjourn, Commissioner --

40

41 MR GRAY: I mentioned to my friend, Commissioner, I hope  
42 this was in order, that it may be that on Thursday, the  
43 Commission would not be sitting in the morning.

44

45 THE COMMISSIONER: I am sorry, I should have indicated as  
46 a courtesy, Mr Tedeschi. I won't be able to sit on  
47 Thursday morning, so I'll - at the moment I wouldn't be



1 able to sit before 2 o'clock on Thursday. We've got next  
2 week allocated, so we'll get rid of the evidence insofar as  
3 we lose time.

4

5 MR TEDESCHI: Commissioner, I am available on Monday and  
6 Tuesday of next week but after that Mr Mykkeltveldt will be  
7 appearing.

8

9 THE COMMISSIONER: Can I just say this: I'm happy for you  
10 to accommodate Mr Gray and he to accommodate you. If  
11 there's any argument or any matter that your presence in  
12 your client's view might be assisted by, without any  
13 disrespect intended to your enthusiastic and knowledgeable  
14 junior, can you just see whether, if you want to progress  
15 some argument - if it doesn't work, it doesn't work -  
16 otherwise, we can carry on in your absence if that has to  
17 happen. All right?

18

19 MR TEDESCHI: Thank you.

20

21 THE COMMISSIONER: I'll adjourn, then, until 10 in the  
22 morning, thank you.

23

24 **AT 3.58PM THE COMMISSION WAS ADJOURNED**  
25 **TO WEDNESDAY, 7 DECEMBER 2022 AT 10AM**

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