

**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 Wednesday, 22 February 2023 at 10.58am**

**(Day 25)**

<b>Mr Peter Gray SC</b>	<b>(Senior Counsel Assisting)</b>
<b>Ms Claire Palmer</b>	<b>(Counsel Assisting)</b>
<b>Ms Meg O'Brien</b>	<b>(Counsel Assisting)</b>
<b>Mr Enzo Camporeale</b>	<b>(Director Legal)</b>
<b>Ms Caitlin Healey-Nash</b>	<b>(Senior Solicitor)</b>

**Also Present:**

**Mr Mark Tedeschi KC with Mr Anders Mykkeltvedt and  
Ms Amber Richards for NSW Police**

1 THE COMMISSIONER: Yes, Mr Gray.

2

3 MR GRAY: Commissioner, the next witness is Detective  
4 Sergeant Steven Morgan. He was to have begun his evidence  
5 this morning. However, a problem has arisen.

6

7 Mr Morgan's statement has many annexures. That  
8 statement was produced in, I think, November last year.  
9 Many of those annexures are in the tender bundle. Also in  
10 the tender bundle, the supplementary part of the tender  
11 bundle, are other documents which are causing the same  
12 problem which I'm about to outline.

13

14 The problem is this: the police are yet to confirm  
15 that they are content with the redactions and  
16 non-publication orders that have been proposed in relation  
17 to all these documents. The documents in question are very  
18 substantially documents that have come from the police -  
19 that is, that the police have produced to the Inquiry,  
20 either as annexures to Mr Morgan's statement or otherwise.

21

22 The Inquiry has been endeavouring to deal with the  
23 police with respect to these matters, in the case of at  
24 least the Morgan annexures, for some two and a half months,  
25 but it emerges that, even as at yesterday and the day  
26 before, there are still matters being raised by the police  
27 which they have said have the consequence that these  
28 documents cannot be shown on the live stream to the viewing  
29 audience and cannot yet be placed on the Inquiry's website.

30

31 The consequence is that, both in the evidence of  
32 Mr Willing over the last couple of days and, if something  
33 is now not done the same would apply in the case of the  
34 evidence of Mr Morgan, the viewing public and the media  
35 will not be able to follow what is happening because these  
36 documents will not be available.

37

38 Now, there is a long history to the attempts being  
39 made, no doubt in good faith, on the part of the police and  
40 on the part of the Inquiry to resolve these issues, but the  
41 point has now been reached where the interests of open  
42 justice require, in my submission, that these problems be  
43 resolved now, before Mr Morgan gives his evidence.

44

45 Apart from the obvious force in the underlying public  
46 nature of this Inquiry, there have been many calls from the  
47 representatives of the media to the Inquiry over the last

1 couple of days as to why it is that they can't have access  
2 to these documents, about which a witness is being  
3 questioned and about which answers are being given.  
4

5 In my submission, Commissioner - you will, of course,  
6 hear from my learned friend on this - this problem needs to  
7 be nipped in the bud now, before Mr Morgan gives his  
8 evidence.  
9

10 THE COMMISSIONER: Mr Tedeschi, what do you want to say?  
11

12 MR TEDESCHI: Your Honour, I'm unaware of the problem.  
13 I am going to need to get some instructions about it.  
14

15 THE COMMISSIONER: I'm going to do it this way: those  
16 advising you, unless they are entirely under-resourced,  
17 have had, as I understand it, since, at the latest, Monday  
18 morning of this week, the latest suggestion of redactions.  
19

20 It is plain and obvious for any on your side who  
21 understand anything about the law of libel that it is  
22 imperative that if a report emanates about what a witness  
23 says or doesn't say, it is, or can be seen to be, a fair  
24 and accurate report of what this Inquiry hears and  
25 ultimately of course determines.  
26

27 You have read no doubt, because you have done so,  
28 a number of the judgments that I have given already about  
29 open justice, and so therefore it is imperative, in my  
30 view, that as much as can reasonably, and consistent with  
31 the appropriate principles, be aired in public be aired in  
32 public.  
33

34 If a witness is being asked about a document which has  
35 redactions in it, at the moment, unless I have the wrong  
36 end of the stick, it makes a nonsense of the fact that the  
37 document with the redactions can't be shown on the screen,  
38 although the document is under the witness's nose and the  
39 witness is being asked questions about it.  
40

41 Frankly, the nonsensical aspect of this is that if  
42 Mr Gray had chosen - perhaps I wouldn't let him get too  
43 far, or you, for that matter - to read verbatim into the  
44 public domain what is in the unredacted section of the  
45 document, then theoretically, that could happen.  
46

47 I don't know that that's the be all and end all of the

1 problem, and perhaps you don't either. What I am disposed  
2 to do, though, because I said to Mr Mykkeltvedt yesterday,  
3 who perhaps has carriage of this aspect of the matter, that  
4 I would give him time to resolve it, I will give you more  
5 time to resolve it. You'll have until at least 2 o'clock  
6 today to resolve whatever outstanding issues. If they can  
7 be resolved in advance, please let me know. I would like  
8 a report on or before 2 o'clock as to what is going on.  
9 Mr Morgan can go about his other duties for the half day  
10 today.

11  
12 MR TEDESCHI: Could I suggest, if your Honour gives me  
13 even 15 minutes now, I might be able to resolve it rather  
14 than --

15  
16 THE COMMISSIONER: If it can be resolved in 15 minutes,  
17 then, of course.

18  
19 MR TEDESCHI: I can at least get instructions on what the  
20 issue is. I'm not aware of it at this stage.

21  
22 THE COMMISSIONER: I accept unequivocally you are unaware  
23 of it, but the reason you are unaware of it, I expect, is  
24 the Commission staff have not been dealing, obviously, with  
25 you about these matters, they have been dealing with other  
26 people, and there are other people who I understand are  
27 instructing you who are or ought to be right on top of the  
28 detail of this.

29  
30 Certainly I will give you 15 minutes for you to get to  
31 the bottom of it but my inclination at the moment is  
32 another half day will be given to your people if, as I say,  
33 it's a question of time or resources. It needs to be  
34 resolved, because it is appropriate that as much as  
35 possible, as I say, consistent with principle, be heard in  
36 public and understood by the public.

37  
38 This Inquiry is being conducted at the direction of  
39 the Executive Government to get information about  
40 a particular matter or particular matters and it is my  
41 obligation to ensure that that occurs as best I can. So  
42 I will go off for 15 minutes.

43  
44 MR TEDESCHI: Thank you.

45  
46 THE COMMISSIONER: Perhaps if you let Mr Gray know what it  
47 is, but at the moment, if you need until 2 o'clock I will

1 give you until 2 o'clock and Mr Morgan can perhaps go and  
2 do something else.

3  
4 MR TEDESCHI: Thank you.

5  
6 THE COMMISSIONER: All right. I will adjourn for  
7 15 minutes.

8  
9 **SHORT ADJOURNMENT**

10  
11 MR TEDESCHI: Your Honour, what I have been informed is  
12 that originally my team notified my friend's team of five  
13 instances that we thought were breaches of your Honour's  
14 new orders. They were communicated. Apparently they were  
15 accepted and the changes have been made.

16  
17 The only thing that remains is that we have done  
18 a quick name search of pseudonyms and we've found 23 cases  
19 where names have been included that we think shouldn't have  
20 been, but they may just be media articles --

21  
22 THE COMMISSIONER: Can I just interrupt you and say this:  
23 I really appreciate what you're telling me, I genuinely do,  
24 but these are documents that are your documents and they  
25 could have been handed over presumably in a redacted form,  
26 to start with, because you are the one - you are the  
27 applicant for redactions. We're not suggesting redactions  
28 back to you. So whilst I am entirely sympathetic to your  
29 position, far removed from the minutiae, a very simple  
30 process could have taken place - and if it did take place  
31 and I have offended anyone by saying what I have said, so  
32 be it. But you are the one who wants the redactions. So  
33 if redactions were necessary, it is a very straightforward  
34 thing.

35  
36 If anyone has been involved in litigation 101 you  
37 might have presented a document unredacted and those  
38 redacted so that a quick decision could have been made and  
39 this would not be an endless exercise where you are saying  
40 that your people need time to check the validity of what  
41 the other side has been doing.

42  
43 MR TEDESCHI: Ultimately it is a matter for you,  
44 Commissioner, to make an order for redactions, so we have  
45 to rely upon that.

46  
47 There has been extensive negotiation in relation to

1 numerous documents.

2

3 THE COMMISSIONER: I know. That's what --

4

5 MR TEDESCHI: It all takes time.

6

7 THE COMMISSIONER: I understand it takes time, but I will  
8 come to the point I made a moment ago. They are your  
9 documents; you are the ones moving for redactions. If you  
10 haven't yet systematised an efficient way of doing it, then  
11 I really suggest to those people who are instructing you or  
12 assisting you that you start using a bit of imagination as  
13 to the best way forward in terms of putting something that  
14 is already redacted with what you want.

15

16 Now, that might have happened, in which case, if  
17 I have said something which is inaccurate, then I would of  
18 course apologise. But at the moment, I'm getting a bit  
19 impatient with the fact that this is taking so long.  
20 Having said that, I will give you until 2 o'clock to sort  
21 it out.

22

23 MR TEDESCHI: The upshot of it is that we are in furious  
24 agreement. We have sent those 23 documents. It might be  
25 that they are totally unimportant because they are media  
26 articles so they don't need redactions. But as  
27 I understand it, my friend needs some time to upload the  
28 documents now on to the system so that they can be viewed  
29 by people outside watching the broadcast and so that we  
30 will need until 2 o'clock for that to happen.

31

32 THE COMMISSIONER: No, that's not a problem. I offered it  
33 because bitter experience suggests that whatever barristers  
34 think they need, you can easily make a safe guess and  
35 double it. So as far as I'm concerned, 2 o'clock is fine,  
36 and if any more time is needed, I would prefer for  
37 everything to be resolved so that efficiently Mr Morgan's  
38 evidence can proceed and he can go about other things that  
39 he needs to do.

40

41 MR TEDESCHI: I think we're pretty confident that  
42 everything will be ready by 2 o'clock.

43

44 THE COMMISSIONER: All right.

45

46 MR GRAY: My understanding from the discussions that have  
47 taken place while you have been off the Bench,

1 Commissioner, is that the problems about which the police  
2 had indicated concern now turn out to be very small in  
3 number, and in fact many of them may not be problems at  
4 all.

5  
6 That apparently will be communicated to us, if it  
7 hasn't already been in the last 10 minutes, almost  
8 immediately.

9  
10 Once that has been achieved, various technical steps  
11 have to be taken in terms of recalibrating the documents so  
12 that they can then be made available.

13  
14 THE COMMISSIONER: Okay.

15  
16 MR GRAY: So, yes, it seems, on my instructions, that  
17 a 2 o'clock start is feasible.

18  
19 The only other matter that I should raise,  
20 Commissioner, is that yesterday afternoon it was suggested  
21 at the Bar table, or it may have been understood to have  
22 been suggested from the Bar table, that some larger  
23 omissions had occurred in terms of redactions not being  
24 made that the police had sought.

25  
26 It turns out, on my instructions, that of the  
27 thousands of documents involved, or thousands of pages,  
28 five suggested missed redactions were identified, which, on  
29 my instructions, were all of a very minor nature.

30  
31 At any rate, that is now hopefully water under the  
32 bridge.

33  
34 THE COMMISSIONER: All right. Well, thank you both very  
35 much. What I will do is adjourn until 2 o'clock and you  
36 will keep me informed. Thank you.

37  
38 **LUNCHEON ADJOURNMENT**

39  
40 THE COMMISSIONER: Yes, Mr Gray.

41  
42 MR GRAY: Commissioner, the difficulties that I referred  
43 to this morning have been resolved and so we are in a  
44 position to proceed, and I call Steven Morgan.

1 <STEVEN MORGAN, affirmed: [2.33pm]

2  
3 <EXAMINATION BY MR GRAY:

4  
5 MR GRAY: Q. Mr Morgan, you have provided a statement to  
6 the Special Commission for these proceedings?

7 A. I have.

8  
9 Q. It is dated 31 October 2022?

10 A. Correct.

11  
12 Q. I take it the contents are true and correct?

13 A. With one minor alteration.

14  
15 Q. What's that?

16 A. I became - I was of the belief that I joined Strike  
17 Force Neiwand as of, I think, 30 June 2016, but yesterday,  
18 amongst the material that was tendered, I saw a document or  
19 something that suggested I think it was February 2016, and  
20 that had my name on it. So obviously I must have been part  
21 of the strike force prior to actually becoming the  
22 supervisor in the end of June 2016 - some months before.

23  
24 Q. Thank you. You tell us in your statement that you  
25 have been with the Unsolved Homicide Team since 2008?

26 A. Correct.

27  
28 Q. And when you did join the Unsolved Homicide Team in  
29 2008, it was in what was then called the Southern Region?

30 A. Yes, we had regional unsolved groups as well as the  
31 centralised group.

32  
33 Q. And what did Southern Region mean, geographically?

34 A. It covered from Wollongong down to Albury and the  
35 Victorian border, and out I think as far as about  
36 Balranald.

37  
38 Q. And you tell us that in 2015, the regional teams were  
39 absorbed into the centralised team?

40 A. That's correct.

41  
42 Q. And did that mean that you came to Sydney or --

43 A. Yes.

44  
45 Q. In 2015?

46 A. Yes.

47



1 Q. Do you remember when in 2015?

2 A. I think it was February.

3

4 Q. I'm just going to run a few dates past you to see if  
5 you were aware of these things at the time, and then we'll  
6 go to some of them in more detail. In June 2012 there was  
7 a second inquest into the death of Scott Johnson. Do you  
8 remember that?

9 A. I've - not sure if I was aware of it at the time but  
10 I'm certainly aware of it now.

11

12 Q. You are aware, at least now, that that second inquest  
13 overturned an earlier coronial finding of suicide and  
14 instead returned an open finding?

15 A. I'm aware of that now, yes.

16

17 Q. Then in February 2013 there was an ABC Australian  
18 Story program about Scott Johnson. Were you aware of that  
19 at the time?

20 A. Yes, I think I may have viewed it.

21

22 Q. The consequences which flowed from Australian Story,  
23 or at least happened shortly after Australian Story,  
24 included the setting up of a strike force called Macnamir?

25 A. Yes.

26

27 Q. Were you aware of that at the time?

28 A. I don't know if I was aware of it at the time, but  
29 I certainly became aware of it later.

30

31 Q. Then, a little later in 2013, there was a wave of  
32 articles in the Sydney Morning Herald, first some articles  
33 in February by Paul Sheehan, and later some articles  
34 in July by Rick Feneley, about gay hate attacks from the  
35 mid '70s to the mid '90s. Were you conscious of those  
36 articles?

37 A. I'm not sure about at that time, but certainly I have  
38 seen most or all of those articles now.

39

40 Q. So you're aware that, in the broad, the articles, or  
41 many of them, were suggesting that there may have been as  
42 many as 80 or more gay hate deaths in that period?

43 A. I'll take your word for that but yes, I'm aware there  
44 were many.

45

46 Q. But my question relates to the articles - were you  
47 aware that the articles were containing the views of

1 various people that the number of gay hate deaths from the  
2 '70s to the '90s was more than 80?

3 A. I have become aware of that, yes.

4

5 Q. And that as many as 30 of those 80 were unsolved?

6 A. I recall that being in the article.

7

8 Q. When is it that you've become aware of these articles  
9 if you didn't know about them at the time?

10 A. Well, I think it would have been after I returned to  
11 Sydney, which was post February 2015.

12

13 Q. And is that because the articles were a subject of  
14 discussion at the Unsolved Homicide Team in Sydney when you  
15 came there in 2015?

16 A. Oh, they were of interest. I don't specifically  
17 recall a discussion, but certainly it was something of  
18 interest.

19

20 Q. In late 2013 and perhaps into 2014, Detective Chief  
21 Inspector Pamela Young produced a very long statement  
22 relating to the death of Scott Johnson for what ultimately  
23 became the third inquest. Were you aware of that  
24 happening?

25 A. I certainly am now, but wasn't at the time.

26

27 Q. And does your awareness now include the understanding  
28 that the view of Pamela Young was that the most likely - in  
29 that statement was that the most likely explanation for  
30 Scott Johnson's death was suicide?

31 A. Yes, I'm aware of that.

32

33 Q. On 13 April 2015, State Coroner Barnes decided,  
34 notwithstanding that view on the part of Pamela Young, that  
35 he would hold a third inquest. Did you become aware of  
36 that?

37 A. Yes.

38

39 Q. That same night, 13 April 2015, Pamela Young went on  
40 ABC Lateline and was interviewed. Were you aware of that?

41 A. Yes.

42

43 Q. And I will come to this a little later, but she  
44 defended the original 1988/89 police investigation into  
45 Scott Johnson's death as not flawed?

46 A. I don't recall her specifically saying that, but -  
47 yes.

1  
2 Q. Did you see the program at the time, Lateline?  
3 A. I saw it at some stage, and it was around the time -  
4 whether it was specifically on that date I'm unaware.  
5  
6 Q. Within a short time of that date?  
7 A. Yes.  
8  
9 Q. Would you agree that in the way she expressed herself  
10 on that program, she was clearly indicating her view that  
11 suicide was the most likely explanation for Scott Johnson's  
12 death?  
13 A. Yes.  
14  
15 Q. And you recall that she, among other things, accused  
16 the Police Minister of kowtowing to Steve Johnson in  
17 agreeing to reinvestigate the death?  
18 A. Yes.  
19  
20 Q. Do you recall also that within a short time of that  
21 Lateline interview, State Coroner Barnes directed that  
22 DCI Young be removed from the Scott Johnson investigation?  
23 A. Yes.  
24  
25 Q. Then a few months later, in August 2015, there was  
26 a strike force called Parrabell set up. Were you aware of  
27 that?  
28 A. I am aware of that, yes.  
29  
30 Q. I understand you're aware now, but were you aware  
31 then, at the time it was being set up?  
32 A. Sorry, when was it being set up?  
33  
34 Q. About August 2015.  
35 A. Yes, I would have been.  
36  
37 Q. And you were aware then that its purpose, in summary,  
38 was to review the 80-plus cases that had been the subject  
39 of these articles and express a view as to whether they  
40 were gay hate related or not?  
41 A. Yes.  
42  
43 Q. Then a couple of months later again, October 2015,  
44 Strike Force Neiwand was set up?  
45 A. Yes - I - as I say, I didn't become involved until  
46 2016, but I'll take your word for it, yes.  
47

- 1 Q. All right, on the date, but at any rate, you knew, at  
2 least by some time in 2016, that the stated purpose of  
3 Neiwand was to reinvestigate three deaths from Bondi in the  
4 1980s?  
5 A. Correct.  
6
- 7 Q. Two of them in 1989, one of them in 1985 - ie, two of  
8 them just after and one of them some years before the death  
9 of Scott Johnson at North Head?  
10 A. Yes.  
11
- 12 Q. So from the second half of 2015, or at least the  
13 beginning of 2016, through to the end of 2017, there were  
14 three strike forces simultaneously under way, namely,  
15 Parrabell, Macnamir and Neiwand?  
16 A. Yes.  
17
- 18 Q. As you say in your statement, you became aware at some  
19 point along the line - and I'll ask you when - of Operation  
20 Taradale, which had occurred in the early 2000s?  
21 A. Yes.  
22
- 23 Q. Do you know when you became aware of it - that is to  
24 say, at the time, approximately, that it was happening or  
25 some time later?  
26 A. I don't recall exactly when, but certainly once  
27 I commenced duties with Neiwand, I very quickly became  
28 aware of Taradale.  
29
- 30 Q. Understandably, of course, because Neiwand was looking  
31 at the same three deaths that Taradale had looked at  
32 previously?  
33 A. Yes.  
34
- 35 Q. But you don't recall being aware of the Taradale  
36 operation, which was largely in 2001/2002, or the findings  
37 of Coroner Milledge in 2005, or the actual hearings before  
38 Coroner Milledge in 2003, around the time they were  
39 happening?  
40 A. I recall the findings by Coroner Milledge around that  
41 time because it was well publicised.  
42
- 43 Q. Exactly so - that is, the findings were well  
44 publicised?  
45 A. Yes.  
46
- 47 Q. And what about, to your recollection, the hearings

- 1 before Coroner Milledge and the operation itself prior to  
2 that? Do you recall --
- 3 A. No, well, I had no involvement in it and I - I was at  
4 the Homicide office at the time, but my understanding is  
5 that it didn't involve any Homicide personnel, so I may  
6 have heard about it on the news but that was the only way.  
7
- 8 Q. All right. At any rate, by the time you did become  
9 aware of it, at least by the time of Neiwand, you knew that  
10 Operation Taradale had been conducted by Detective Sergeant  
11 Page in about 2001/2002?
- 12 A. Yes.  
13
- 14 Q. And that originally it had been set up to look at the  
15 deaths of two men, Mr Warren and Mr Russell, in 1989?
- 16 A. Correct.  
17
- 18 Q. And an assault on another man, Mr McMahon, also in  
19 1989?
- 20 A. Yes.  
21
- 22 Q. But then, at a relatively late stage in the operation  
23 when the brief of evidence was otherwise completed and the  
24 matter had for some time been under the direction of the  
25 Coroner's office, a third death was added, namely, that of  
26 Mr Mattaini in 1985?
- 27 A. Yes.  
28
- 29 Q. And you became aware, at least by the time you were in  
30 Neiwand, that Taradale culminated in a lengthy inquest  
31 before Coroner Milledge?
- 32 A. Yes.  
33
- 34 Q. The hearings of which occupied many days during the  
35 course of 2003?
- 36 A. I would imagine so.  
37
- 38 Q. And the Commissioner of Police was represented  
39 throughout?
- 40 A. I believe so.  
41
- 42 Q. And after final addresses, which were - you may or may  
43 not know this - in December 2004, the Coroner's findings  
44 came down in March 2005?
- 45 A. Yeah, I'm aware of that.  
46
- 47 Q. You make mention of the findings in your statement,

1 but I do want to just take you to them, if Mr Morgan could  
2 have volume 6, please. And if you would turn to tab 161,  
3 [SCOI.02751.00021\_0001]?  
4 A. Yes.  
5  
6 Q. You have obviously seen this document, these findings  
7 and recommendations, before?  
8 A. I have.  
9  
10 Q. If you turn to page 14, the actual findings per se are  
11 the three paragraphs in bold under the heading "Findings"?  
12 A. Yes, sorry, my copy doesn't actually appear numbered,  
13 as far as pages.  
14  
15 THE COMMISSIONER: Q. In the upper right-hand corner.  
16 A. Sorry, what page was it?  
17  
18 Q. Fourteen.  
19 A. Fourteen, yes, I have that.  
20  
21 MR GRAY: Q. Do you see the heading "Findings" about  
22 halfway down?  
23 A. Yes.  
24  
25 Q. They are the findings proper, aren't they - those  
26 three paragraphs?  
27 A. Yes.  
28  
29 Q. In the case of Mr Warren, the finding is that he died  
30 on about 22 July 1989, first of all - you see that?  
31 A. Yes.  
32  
33 Q. Because, of course, his body had never been found, had  
34 it?  
35 A. No; that's correct.  
36  
37 Q. And the second finding for him was that while the  
38 cause and manner of death were unknown, the Coroner was  
39 satisfied that Mr Warren was a victim of homicide,  
40 perpetrated by person or persons unknown?  
41 A. Yes.  
42  
43 Q. In the case of Mr Russell, a similar finding expressed  
44 in slightly different terms, namely, that the cause of  
45 death, which had occurred on 22 or 23 November 1989, was  
46 "multiple injuries sustained when he was thrown from the  
47 cliff onto rocks, by a person or persons unknown"?

1 A. Yes.

2

3 Q. So again, although not using the word "homicide",  
4 clearly a finding of homicide?

5 A. Yes.

6

7 Q. And then as to Mr Mattaini, whose body had also never  
8 been found, the finding, first of all, was that he had died  
9 on or about 15 September 1985; correct?

10 A. Correct.

11

12 Q. And the finding thereafter as to cause and manner of  
13 death was stated as remaining undetermined "as the evidence  
14 before me does not enable me to say"?

15 A. Yes.

16

17 Q. Now, in addition to those formal findings, her Honour  
18 also made some remarks about her analysis of the evidence  
19 that was before her, and I'm looking at the top of that  
20 same page, do you see the sentence or paragraph beginning  
21 "Many of the Marks Park victims"?

22 A. Yes.

23

24 Q. And her Honour refers there to victims of assaults who  
25 had survived, obviously, in order to give evidence?

26 A. Yes.

27

28 Q. Speaking of their assailants threatening to throw them  
29 off the cliff face.

30 A. I see that.

31

32 Q. Her Honour says:

33

34 *There is no doubt that at the time of*  
35 *Mr Warren's and Mr Mattaini's disappearance*  
36 *and Mr Russell's death that this was a*  
37 *Modus Operandi of some gay hate assailants.*

38

39 Correct?

40 A. Yes.

41

42 Q. When she says "this", she means throwing people off  
43 the cliff?

44 A. Yes.

45

46 Q. She goes on to say:

47

1           This --

2

3           I'm quoting --

4

5           *strongly supports the probability that*  
6           *Mr Warren, Mr Mattaini and Mr Russell met*  
7           *their deaths this way.*

8

9           A.    I see that.

10

11          Q.    Yes.  And you have been aware of these findings at  
12          least since you started with Neiwand?

13

14          A.    Certainly.

15

16          Q.    And two paragraphs down, her Honour says:

17

18                *I am comfortably satisfied that I can make*  
19                *the finding of "foul play" in relation to*  
20                *Mr Warren and Mr Russell, but I cannot make*  
21                *a finding that Mr Mattaini met his death at*  
22                *the hands of another person or persons.*  
23                *The persons of interest that may have been*  
24                *responsible for the deaths of Mr Warren and*  
25                *Mr Russell --*

26

27          which, of course, interrupting myself, was in 1989 --

28

29          A.    Yes.

30

31          Q.    -- her Honour went on:

32

33                *would have been far too young at the time*  
34                *of Mr Mattaini's disappearance in August*  
35                *1985.*

36

37          A.    Yes.

38

39          Q.    So you are aware that she offered those views?

40

41          A.    Yes.

42

43          Q.    And she went on, finally, in the next paragraph to say  
44          about Mr Mattaini:

45

46                *I can however bring in a finding of "death"*  
47                *for Mr Mattaini, but where and how he died*  
              *remains unknown although there is a strong*  
              *possibility that he died in similar*  
              *circumstances to the other men.*



1  
2 A. That's what she said.

3  
4 Q. That's what she said. And then while we're at this  
5 document, below the findings, there's a heading  
6 "Recommendations"?

7 A. Yes, I see that.

8  
9 Q. Among the recommendations, could I ask you to turn to  
10 the one that's about four or five from the end, on the last  
11 page, beginning "Audit"?

12 A. Yes.

13  
14 Q. So one of her recommendations was:

15  
16 *Audit outstanding homicides --*

17  
18 and these are recommendations made to the Minister for  
19 Police and Police Commissioner:

20  
21 *Audit outstanding homicides and suspected*  
22 *deaths to ensure investigations are active*  
23 *and ongoing. Where investigations have*  
24 *stalled these matters are to be referred to*  
25 *the State Coroner for his consideration.*

26  
27 A. I see that.

28  
29 Q. Now, what knowledge do you have as to whether any or  
30 all of these recommendations were in some way adopted by  
31 the Minister for Police and/or the Police Commissioner?

32 A. I'm unable to say offhand.

33  
34 Q. If they were, how would that occur from the  
35 perspective of a detective in the Unsolved Homicide Team?  
36 Would there be some notification to you or not necessarily?

37 A. Well, if a - if the senior police saw fit to have  
38 a matter reviewed, then that would occur and we'd be  
39 directed to work on whatever particular matter or matters  
40 it was.

41  
42 Q. Thank you. My question was intended to aim at  
43 a slightly different topic, which is if the Minister for  
44 Police and/or the Police Commissioner actually adopted or  
45 ratified these recommendations, would their adoption of  
46 them become known to you?

47 A. Only if I personally was put on to a strike force that

1 was resulting from these recommendations I would have  
2 thought.

3

4 Q. All right, then. Now, back to June 2012, then, the  
5 second Scott Johnson inquest, that second inquest resulted  
6 in some findings by Deputy State Coroner Forbes. Have you  
7 seen those before today?

8 A. Oh, I've seen them before today, yes.

9

10 Q. Do you recall - and I'll put them in front of you if  
11 you need to have your memory assisted by seeing the  
12 document - that one of the reasons why Deputy State Coroner  
13 Forbes did not endorse the earlier finding of suicide and  
14 instead brought in an open finding was that in the  
15 intervening years between the first inquest in 1989 and her  
16 inquest in 2012, the work of Operation Taradale and the  
17 findings of Coroner Milledge had intervened?

18 A. Well, I'm accepting that from you. I didn't know that  
19 to be the case.

20

21 Q. I had better put it in front of you then, in that  
22 case. It's volume 14 and it's tab 317  
23 [SCOI.11115.00128\_0001].

24 A. Yes, I have that document.

25

26 Q. Good. Do you see in the second paragraph just before  
27 the part that has been blacked out, she refers to the  
28 finding in 1989 of Mr Johnson jumping with the intention of  
29 taking his own life?

30 A. Yes.

31

32 Q. And then just below the part that is blacked out,  
33 her Honour refers to further information coming to light  
34 since then about a culture of violence against the gay  
35 community in Sydney in the late 1980s; do you see that?

36 A. Yes.

37

38 Q. And she refers to the police operation named Taradale  
39 in 2005 uncovering that the deaths of three homosexual men  
40 in 1989 were as a result of them being forced to their  
41 deaths from cliffs at a gay beat?

42 A. Yes.

43

44 Q. In the next paragraph she refers to the fact that  
45 North Head, where Mr Johnson's body was found, was also  
46 a gay beat?

47 A. Apparently, yes.

1  
2 Q. And in the paragraph after that, in the third line,  
3 she says:

4  
5 *The information about the deaths at Bondi*  
6 *has ... sown a seed of doubt as to the*  
7 *positive finding of suicide.*

8  
9 Do you see that?

10 A. I do.

11  
12 Q. And in the sentence just after the next blacked-out  
13 section, her Honour says:

14  
15 *In this case the possibilities that*  
16 *Mr Johnson was the victim of a "gay hate"*  
17 *crime similar to those that occurred in*  
18 *Bondi or that he fell are also available*  
19 *explanations to the circumstances that*  
20 *surrounded his death.*

21  
22 A. I see that.

23  
24 Q. And in the next paragraph she makes an open finding  
25 and refers the file to "Cold Cases"?

26 A. Yes.

27  
28 Q. Now, you were aware of what I've just been putting to  
29 you, at some time earlier than today, that the Coroner --

30 A. Yes.

31  
32 Q. -- Coroner Forbes had said these things?

33 A. Yes.

34  
35 Q. And that, indeed, the Macnamir strike force, from its  
36 formation in February 2013, was set up in that context -  
37 namely, that the Coroner had said those things; correct?

38 A. Well, I believe so. I was never part of Macnamir.

39  
40 Q. Never?

41 A. Never.

42  
43 Q. Are you aware, then, that after Coroner Forbes made  
44 those findings in June 2012, and in about late 2012, the  
45 Unsolved Homicide Team assessed Mr Johnson's death as  
46 having a solvability of zero?

47 A. No, I wasn't aware of that.

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Q. Are you aware of the notion of solvability as used in the Unsolved Homicide Team?

A. I am.

Q. Could you explain to us what it is and how it is used?

A. It's a matrix that is put together with certain criteria and each has a score - I think it's a score of 1 to 10 or - yes, there's a score, and you go through and ultimately a total score is decided. Things such as the availability of exhibits in the matter, whether witnesses, possible witnesses, would still be alive, whether you have known suspects - there are varying criteria and as a result, a score is obtained.

Q. And a solvability of zero, I take it, indicates the view of the Unsolved Homicide Team officers in question that there was simply no prospect of ever finding out what happened?

A. That would appear to be the case.

Q. Why do you say it only "would appear"?

A. Well, I would have thought it was very subjective. It would - you may get one officer found a score of zero and somebody else might find a score of 2 or 4 or 6 or - it's not an exact science.

Q. No, but if the view of the Unsolved Homicide Team collectively was - and I invite you to accept that it was, on the material we've been given - that the solvability was zero, what that means is that the view of the Unsolved Homicide Team was that there was no chance of ever finding out what happened?

A. That's probably fairly close to the mark. But as I say, I wasn't part of that investigation.

Q. That decision, which the Commission has evidence about, that the case had a solvability of zero was, it seems, reached in late 2012 - just accept that from me for the moment.

A. Yes.

Q. And there followed a decision that because it had a solvability of zero, the UHT would not proceed with further active investigations. You can make that assumption from me as well.

A. I accept that.

- 1  
2 Q. Okay. However, following the Australian Story program  
3 on 11 February 2013, a month or two later, a strike force,  
4 namely, Macnamir, was set up to reinvestigate the Scott  
5 Johnson case; correct?  
6 A. You're telling me that, yes.  
7  
8 Q. You don't know that?  
9 A. Well, I'm aware there was an Australian Story on it.  
10 As to the exact dates of when that happened and when the  
11 strike force was set up I can't be certain. I wasn't part  
12 of the strike force.  
13  
14 Q. No, but putting aside the exact dates, in the  
15 aftermath of Australian Story, a strike force came into  
16 being?  
17 A. I accept that.  
18  
19 Q. Do you remember DCI John Lehmann appearing on the  
20 Australian Story program?  
21 A. Oh, very vaguely. Mr Lehmann was certainly  
22 a coordinator at the office at the time.  
23  
24 Q. And do you remember Steve Johnson, the brother of the  
25 deceased man, among others, on the program criticising the  
26 original police view of suicide as having been arrived at  
27 too quickly?  
28 A. I do recall seeing - Mr Steve Johnson saying that.  
29  
30 Q. And as you understand it, did the UHT, the Unsolved  
31 Homicide Team, continue to take the view for years  
32 afterwards that suicide was the most likely explanation for  
33 Mr Johnson's death?  
34 A. Apparently, yes.  
35  
36 Q. You've said today a couple of times that you were  
37 never in Strike Force Macnamir?  
38 A. No. I had access to the e@gle.i at one stage, but  
39 I was never an active member of the investigation team.  
40  
41 Q. Could Mr Morgan have volume 1, please, and turn to  
42 tab 9, [SCOI.82018\_0001]. This is an email from  
43 a Mr Hodgetts, who is from the Office of the General  
44 Counsel of the NSW Police?  
45 A. Yes.  
46  
47 Q. To a Ms Lockery, who is a solicitor assisting this

1 Special Commission, and it's dated 16 September last year,  
2 2022.

3 A. Yes.

4  
5 Q. What Mr Hodgetts is doing is providing an update in  
6 respect of a number of summonses that had been issued to  
7 the police, summons 11, summons 12 - do you see that?

8 A. Yes.

9  
10 Q. Now, summons 12 had sought, among other things,  
11 documents identifying who was in Strike Force Macnamir.

12 A. Yes.

13  
14 Q. And what Mr Hodgetts says, do you see, just right down  
15 near the bottom of the page, in the last sentence before  
16 the heading "Strike Force Macnamir", you will see  
17 Mr Hodgetts says:

18  
19 *In respect of Item 15 of the Summons, I am*  
20 *instructed that there is no document*  
21 *recording the names of the Strike Force*  
22 *Macnamir [or] Strike Force Macnamir-2*  
23 *investigation teams, however they comprised*  
24 *of the following officers ...*

25  
26 And then there's a list?

27 A. Yes.

28  
29 Q. And your name appears in both lists as "Team Leader".

30 A. I see that.

31  
32 Q. Are you telling us that that is wrong?

33 A. No, what I said to you earlier was that I was given  
34 access to the e@gle.i and by the look of this this has been  
35 taken straight from the e@gle.i system.

36  
37 Q. Well, what does "Team Leader" mean?

38 A. I was Team Leader of the - at that stage I think the  
39 review team at Unsolved Homicide. I was a team leader at  
40 the Unsolved Homicide.

41  
42 Q. So where, for example, in respect of the first name,  
43 Detective Superintendent Jason Dickinson, the description  
44 is "Investigation Supervisor" --

45 A. Yes.

46  
47 Q. -- does that apply to Strike Force Macnamir, as you

1 understand it, or to some more general notion?  
2 A. I would say that was - that was specific to Macnamir.  
3  
4 Q. And Pamela Young, "Original OIC"?  
5 A. OIC.  
6  
7 Q. That would be Macnamir?  
8 A. Replaced by Penelope Brown.  
9  
10 Q. As OIC?  
11 A. Yes.  
12  
13 Q. For Macnamir? For Macnamir?  
14 A. Yes.  
15  
16 Q. And then Detective Senior Constable Clancy, "2IC",  
17 that's for Macnamir, I take it?  
18 A. Yes.  
19  
20 Q. But then are you saying thereafter, including for  
21 yourself, these descriptions don't apply to Macnamir;  
22 they're just more general?  
23 A. They're part of the e@gle.i, which is our case  
24 management system. I was given access to that, and that's  
25 why, I believe, my name appears there. But I took no  
26 active part in that investigation, of Macnamir.  
27  
28 THE COMMISSIONER: Q. Does that mean, though, that your  
29 name is on the list only because you happened to be, in  
30 some other context, regarded within the force as a team  
31 leader, but not a team leader in the context of Macnamir?  
32 A. That is what I'm saying.  
33  
34 Q. Well, why would they include you if you had nothing to  
35 do with Macnamir just because you happened to be a team  
36 leader otherwise?  
37  
38 MR TEDESCHI: I object, your Honour. Sorry, this is  
39 a document produced by a solicitor.  
40  
41 THE COMMISSIONER: I'm not interested in that. I'm asking  
42 this man the question if he wants to tell me what role he  
43 played. Surely he knows; he's able to tell me.  
44  
45 MR TEDESCHI: Commissioner, you are asking why a  
46 solicitor --  
47

1 THE COMMISSIONER: No, I'm not asking why a solicitor did  
2 it at all. If you listen to the question, I'm asking this  
3 man why - he can explain, if he can - why his name is there  
4 as a team leader if that was just the general role he had.  
5 He has given an explanation, I'd like to hear it fully.  
6 And either way, Mr Tedeschi, are you telling me that we  
7 should not rely upon letters from the Police Department  
8 given on instructions to their solicitor?  
9

10 MR TEDESCHI: I'm not suggesting that at all. I'm  
11 suggesting that --  
12

13 THE COMMISSIONER: Well, then would you please -  
14 thank you. Let me continue for the moment, thank you.  
15

16 Q. Does that mean, Mr Morgan, that your name is there  
17 simply because, in general terms at the relevant time, you  
18 were a team leader but you had nothing whatever to do with  
19 Macnamir?

20 A. That is correct.  
21

22 Q. And you are there, what, to indicate that you, what,  
23 if you wished, had access to the Macnamir e@gle.i material  
24 or what does it signify?

25 A. I think I was given access to the Macnamir material as  
26 part of Neiwand, but I may be wrong about that. It may  
27 have been earlier.  
28

29 Q. All right. So one reason why you can explain, or you  
30 think you might be included on this list, or that someone  
31 in the Police Department thought you were connected, is  
32 because you have, do I misread you, a vague recollection of  
33 being given access to Macnamir because of your activities  
34 in Neiwand?

35 A. Yes. I was - I came to the centralised Unsolved  
36 Homicide Team in February 2015 and at that time, I was  
37 a team leader on the review team for Unsolved Homicide.  
38

39 Q. Right. Does that mean, though, anything that you  
40 had - you had no responsibilities, as you say, do you, in  
41 relation to Macnamir?

42 A. I don't believe I ever conducted any investigations in  
43 relation to Macnamir. I did make a statement in relation  
44 to one particular aspect, but other than that, I don't  
45 believe I took a statement, I didn't interview any persons  
46 of interest, I don't believe I had any other involvement in  
47 the matter.



1  
2 THE COMMISSIONER: All right. Well, I will let Mr Gray  
3 pursue it further.  
4

5 MR GRAY: Q. The statement that you referred to just  
6 then was a statement of 8 April 2015, wasn't it?

7 A. That's correct.  
8

9 Q. Which was five days before the hearing by Coroner  
10 Barnes of the argument as to whether there should or should  
11 not be a third inquest in the Johnson matter; correct?

12 A. Correct.  
13

14 Q. And the statement that - I'll go back a step. The  
15 position being taken by the police, as you understood it,  
16 was that suicide was the most likely explanation for Scott  
17 Johnson's death as the original inquest had said, and that  
18 there was unlikely to be any purpose served by a third  
19 inquest; correct?

20 A. I can't say that. I wasn't part of that  
21 decision-making. I wasn't part of the strike force,  
22 despite what it says.  
23

24 Q. I'm not asking this question from the perspective of  
25 whether you were or weren't in the strike force. You made  
26 mention of having made one statement referable to or  
27 relating to what Macnamir was doing, didn't you?

28 A. Yes, and that - that followed on from a television  
29 program I had seen where a Mr - I think it was Garry  
30 Wotherspoon --  
31

32 Q. Yes, look, I will come to the subject matter of your  
33 statement --

34 A. Okay.  
35

36 Q. -- but I'm drawing attention to when you made it and  
37 what was going on at the time. When you made it on 8 April  
38 2015, you knew, didn't you, that there was about to be  
39 a hearing as to whether or not there should be a third  
40 inquest?

41 A. I knew the matter was pending for decision as to  
42 whether it should be a third inquest.  
43

44 Q. And you knew, surely, that the position being taken by  
45 the police included that there really would be little  
46 purpose in having a third inquest, because there'd be  
47 unlikely to be any different result from the earlier

1 inquest; correct?

2 A. No, I'm not going to say "correct" to that. I wasn't  
3 involved in the investigation, so my knowledge of it was  
4 from talk in the office and from what I saw in the media.

5

6 Q. Well, the point of your statement, which I can put in  
7 front of you if you need it, but you're obviously  
8 remembering it, was to say that just because Scott  
9 Johnson's body had been found naked didn't mean that he  
10 couldn't have committed suicide. That was the point of  
11 your statement, wasn't it?

12 A. No. It was an ideology thing and it wasn't targeted  
13 at Mr Johnson. It was the fact that, as a negotiator,  
14 I had personally been to a job, or a couple of jobs, where  
15 people had taken their clothes off with the intention of  
16 self-harming or suiciding.

17

18 THE COMMISSIONER: Q. Well, presumably you weren't  
19 putting that statement on to support a conclusion of  
20 homicide, though, were you?

21 A. I wasn't putting it on for any - support of any -  
22 I was there to counteract something that Mr Wotherspoon had  
23 said in an article that I saw - I think it was a TV show.

24

25 Q. Who asked you to put the statement on?

26 A. I volunteered.

27

28 Q. You volunteered?

29 A. I did.

30

31 THE COMMISSIONER: Okay, we'll let Mr Gray take up perhaps  
32 the detail of that in due course.

33

34 MR GRAY: Q. Perhaps the statement can be put in front  
35 of you, and a copy for the Commissioner. I think my friend  
36 has it. So it is dated 8 April 2015.

37 A. It is.

38

39 Q. In paragraph 3 you say:

40

41 *In making this statement I have perused*  
42 *a number of "on-line" media reports*  
43 *relating to the death of the deceased Scott*  
44 *Johnson ...*

45

46 A. Yes.

47

- 1 Q. Pausing there - my friend is whispering to me that the  
2 last date on this document, where it has been signed, is  
3 12 December 2016.
- 4 A. Yes.
- 5
- 6 Q. I must say, I had not noticed that - my fault. When  
7 did you make this statement?
- 8 A. I commenced it on 8 April 2015, and I believe  
9 I finalised it on 12 December 2016.
- 10
- 11 Q. So when you commenced it, you knew, as I think you  
12 said a few minutes ago, that in a few days' time there was  
13 going to be a hearing about whether there should be a third  
14 inquest?
- 15 A. Yes.
- 16
- 17 Q. Into the death of Scott Johnson?
- 18 A. Yes.
- 19
- 20 Q. You were obviously aware that that was a live topic  
21 that the Unsolved Homicide Team was dealing with at the  
22 time?
- 23 A. Correct.
- 24
- 25 Q. In connection with a view expressed by Mr Wotherspoon  
26 to the effect that someone who was going to commit suicide  
27 would be unlikely to take off his clothes and leave them in  
28 a neat pile, you decided that you would make this  
29 statement, did you?
- 30 A. Yes.
- 31
- 32 Q. To whom did you provide it?
- 33 A. Well, I spoke to Detective Chief Inspector Pamela  
34 Young and I said, "I saw a program recently" - last night,  
35 whenever it was - "from Mr Wotherspoon", and I said "That's  
36 not correct. His assertion is not correct. People do take  
37 off their clothes and commit suicide." And - do you want  
38 me to continue?
- 39
- 40 Q. Yes.
- 41 A. And I personally had been to a negotiator's job up on  
42 the Hawkesbury Lookout where a man did just that, took off  
43 his clothes and threatened to jump.
- 44
- 45 THE COMMISSIONER: Q. And you had only had one previous  
46 experience, had you?
- 47 A. I think at that stage I had only had one, but I did

1 volunteer to make inquiries through various databases to  
2 see if other such occurrences had occurred.

3

4 MR GRAY: Q. And according to your statement, you found  
5 that there had been other such occurrences?

6 A. Many.

7

8 Q. Yes.

9 A. Quite a few, yes.

10

11 Q. And did you tell this to Pamela Young?

12 A. Yes.

13

14 Q. And was she disappointed to hear that or pleased to  
15 hear that?

16 A. I can't remember her reaction, but she did ask me to  
17 make a statement, and I did that.

18

19 Q. It's blindingly obvious, isn't it, that the effect of  
20 such a statement - namely, "People do commit suicide while  
21 naked on occasion" - would be material that would support  
22 the suicide theory that Pamela Young was advancing?

23 A. In this particular circumstance, yes, but can I say  
24 that this - the job I had attended was totally unrelated to  
25 Mr Johnson.

26

27 Q. Sure. But the reason you made the statement was  
28 precisely related to Mr Johnson?

29 A. No, it was to show - it was to counteract what  
30 Mr Wotherspoon had said.

31

32 Q. About --

33 A. About people taking their clothes off to commit  
34 suicide.

35

36 THE COMMISSIONER: Q. No, no, not "people"; he was  
37 commenting, wasn't he, about, in effect, it's unusual, or,  
38 rather, not acceptable, that someone would be suiciding and  
39 take their clothes off in advance, and you respond, don't  
40 you, by saying, "Oh, no, I've had an exact example of  
41 that." You tell Ms Young about it, you then look up other  
42 examples and find them, and it was to counteract the  
43 suggestion made by Mr Wotherspoon that it would have been  
44 an unusual set of circumstances for Mr Johnson to have  
45 taken his clothes off before he jumped to his death. You  
46 wanted to come forward and say, "Not at all. I've had one  
47 experience myself face to face with a person in that

1 situation; plus I've now uncovered some other cases"?  
2 A. That's correct.  
3  
4 Q. It was to counteract Wotherspoon's assertion --  
5 A. Yes.  
6  
7 Q. -- that it couldn't have been suicide in the case of  
8 Johnson because he took his clothes off, and you were  
9 saying, "No, no, no, not at all. I've had experience of  
10 the very thing"?  
11 A. That's correct.  
12  
13 MR GRAY: Q. The point being that your bringing forward  
14 this one experience of yours and this online research that  
15 you had conducted was in relation to the Scott Johnson  
16 case; that's what --  
17 A. Yes.  
18  
19 Q. Right. The Scott Johnson case where, as I think you  
20 have agreed, the view of Pamela Young and the Unsolved  
21 Homicide Team was clearly that suicide was the most likely  
22 explanation?  
23 A. Yes.  
24  
25 Q. And this was a statement that you were making to  
26 assist that argument, wasn't it?  
27 A. Yes.  
28  
29 MR GRAY: I'd better tender that statement.  
30  
31 THE COMMISSIONER: Yes, okay. It's probably a separate  
32 exhibit or do you want to put it somewhere else? I don't  
33 mind.  
34  
35 MR GRAY: I think either is fine, your Honour. It could  
36 be tab, whatever the next tab is, 320 of exhibit 6.  
37  
38 THE COMMISSIONER: I'm so sorry?  
39  
40 MR GRAY: It could be tab 320 of exhibit 6.  
41  
42 THE COMMISSIONER: Yes, all right, thank you.  
43  
44 MR GRAY: Q. Did you make any other such voluntary  
45 contributions to the work of Macnamir over the next couple  
46 of years?  
47 A. No, like I said to you, that was my one and only

1 involvement, I believe, with that strike force.

2

3 Q. Now, meanwhile, back in late 2012, October, a member  
4 of the Unsolved Homicide Team called Detective Senior  
5 Constable Alicia Taylor had produced a review document in  
6 relation to the three Taradale cases. Are you aware of  
7 that?

8 A. I am. I've read that document.

9

10 Q. Were you aware of it at the time - that is, in late  
11 2012?

12 A. No, as I pointed out, I didn't actually come to the  
13 centralised Unsolved Homicide Team until February 2015.  
14 I was concerned with matters in Southern Region prior to  
15 that.

16

17 THE COMMISSIONER: Q. Can I just interrupt and ask this:  
18 when you were in the Southern Region, does that mean you  
19 could not or did not access e@gle.i if you were interested  
20 to find out - I'm not suggesting you did, but could you  
21 have accessed e@gle.i to find out anything about any  
22 investigations which were going on in the Sydney region?

23 A. I had access to Strike Force Palace, which was the  
24 general unsolved database. Other than that, the only  
25 strike forces I had access to on e@gle.i were ones that  
26 I was personally concerned with as part of Southern Region.

27

28 MR GRAY: Q. So not Macnamir, then?

29 A. Definitely not.

30

31 Q. So you're telling us that you didn't become aware of  
32 or see the Alicia Taylor 2012 document until at  
33 least February 2015?

34 A. Oh, I would have thought it was closer to when  
35 I actually became involved in Neiwand, which was 2016.

36

37 Q. I see. So no earlier than February 2015, and more  
38 like around about the time you began with Neiwand?

39 A. Correct.

40

41 Q. As you sit here today, to your knowledge, what  
42 prompted the Alicia Taylor review?

43 A. I have no idea.

44

45 Q. The Taradale deaths, if I can use that slightly  
46 inelegant expression - the three deaths of the three men at  
47 Bondi - had occurred in the '80s, and the Taradale

1 operation itself had occurred in the early 2000s.  
2 A. Yes.  
3  
4 Q. And her document is dated October 2012, which is seven  
5 and a half years after the Milledge findings.  
6 A. Yes.  
7  
8 Q. Do you have any idea why those three deaths had not  
9 been investigated by the Unsolved Homicide Team earlier?  
10 A. I'm not able to comment on that. I don't know.  
11  
12 Q. The Commission has had some evidence to the effect -  
13 and tell me how accurate this is or isn't - in the Unsolved  
14 Homicide world, where there are hundreds of cases, up to  
15 700 at any one time --  
16 A. Correct.  
17  
18 Q. -- on the books, they, as it were, roll around from  
19 time to time and come to the top to be looked at. Is that  
20 approximately right?  
21 A. My understanding is that there is an assessment panel  
22 that sit and consider certain cases, but that is normally  
23 done by inspectors and above. I'm not an inspector, so  
24 I don't know.  
25  
26 Q. Well, you think that assessment panel looks at certain  
27 cases not all cases; is that right?  
28 A. I don't know how it works but cases are put forward,  
29 is my understanding, and then a group of senior police,  
30 inspectors and above, the Commander of Homicide, assess  
31 them and decide, yes, this is a - prioritise them.  
32  
33 Q. Well, who puts them forward for the senior people to  
34 think about?  
35 A. Well, constable - sergeants can put a case forward, if  
36 they have received certain, you know, information that they  
37 believe is compelling, but other than that I don't know.  
38  
39 Q. So as far as your knowledge extends, unless, in the  
40 case of a sergeant, some new information happened to come  
41 in, there would be no particular reason for a sergeant to  
42 put forward a case?  
43 A. It usually results where the sergeant or the senior  
44 constable has become aware of particular significant  
45 information - Crime Stoppers, for example - but something  
46 that is so startling that you think, "Oh, this has got some  
47 teeth", and you then go and see your inspector and speak to

1           them about it. It then gets put forward for assessment..

2

3           Q. I understand that. But if something like that doesn't  
4 happen in a given case, the given case would just sit there  
5 untouched indefinitely; is that right?

6           A. I wouldn't say "indefinitely" but I'm not sure how the  
7 rotation works.

8

9           Q. Now, coming into 2013 again, where we had been  
10 a moment ago, these articles in March 2013 in the Herald by  
11 Paul Sheehan, do you have - you don't have a particular  
12 recollection of them?

13          A. No, I don't.

14

15          Q. What about the July 2013 ones by Rick Feneley, of  
16 which there are about four or five?

17          A. I recall reading some of Mr Feneley's articles at some  
18 stage.

19

20          Q. And at least the Feneley articles that you're familiar  
21 with focused on concerns in the gay community of as many as  
22 80 or more gay hate murders in the '70s, '80s and '90s?

23          A. I believe that was the flavour of the article.

24

25          Q. And - well, articles plural?

26          A. Articles plural.

27

28          Q. There was a series of them I think you probably  
29 recall. And they focused also on the further concern in  
30 the gay community that up to 30 of those 80-plus were  
31 unsolved; do you remember that being part of what was being  
32 said?

33          A. I've become aware of that since. I don't - I don't  
34 specifically remember that from back then.

35

36          Q. Don't you recall a certain amount of alarm or  
37 consternation amongst your colleagues that these articles  
38 were saying these things?

39          A. Well, again, in 2013 I was at the Southern Region  
40 Unsolved and I was concerned only with the matters in my  
41 region.

42

43          Q. You seem to be saying that very often as though  
44 Wollongong is in some sort of closed universe where it  
45 doesn't know what's happening in Sydney. I'm asking you  
46 the question whether you knew that in the police Unsolved  
47 Homicide sphere generally, there was consternation as



1 a result of those articles?

2 A. I wasn't aware of it.

3

4 Q. All right. So you would say, would you, that you had  
5 no idea that there was a view among various levels of the  
6 police that something needed to be done to respond to these  
7 articles so that the public --

8 A. No.

9

10 Q. -- got the police view?

11 A. No.

12

13 Q. No?

14 A. I had 12 cases on my books at the Southern Region  
15 Unsolved, which were all in the country, and other than  
16 what may have occurred in the media, I - my contact with  
17 the central Unsolved in Sydney was once a week by way of a  
18 weekly report.

19

20 THE COMMISSIONER: Q. In writing or in person?

21 A. It was in writing but it was from me to them. It was  
22 updating them on what I'd done, what my team had done that  
23 week, and what we were proposing to do the following week,  
24 and obviously --

25

26 Q. All right, Mr Morgan, where were you physically  
27 located. I mean, I imagine you would have travelled to  
28 some of the locations where these offences had taken place,  
29 but where did you spend - were you centrally located in,  
30 say, Wollongong or --

31 A. Initially, we were based at Dapto Police Station in an  
32 office, and then about - that was from the inception  
33 in June 2008 until the end of 2009, and then we relocated  
34 to a new office at the newly built Oak Flats police  
35 station, Lake Illawarra Police Station.

36

37 THE COMMISSIONER: Thank you.

38

39 MR GRAY: Q. Could Mr Morgan have volume 2, please, and  
40 could you turn to tab 47, please [SC0I.74906\_0001]. This  
41 is an issue paper, and if you would flick over to the last  
42 page of it you'll see it is written by John Lehmann of the  
43 Unsolved Homicide Team and dated 25 September 2013.

44 A. Yes.

45

46 Q. My question to begin with is: have you seen this  
47 before?

1 A. I don't believe I have.

2

3 Q. You see it starts off by referring to the Feneley  
4 articles in the first paragraph?

5 A. Yes.

6

7 Q. And it refers to gay hate homicides being discussed in  
8 the articles and in the last line, the reference to up to  
9 30 matters being unsolved, the last line of that first  
10 paragraph?

11 A. Yes.

12

13 Q. And what Mr Lehmann does under the heading "Comment",  
14 you'll see - and I quote:

15

16 *The following is a summary of the*  
17 *assessment done --*

18

19 that is, by him --

20

21 *on each of the 30 "gay hate" related*  
22 *Unsolved Homicide cases from*  
23 *Ms [Sue] Thompson's list ...*

24

25 Do you see that?

26 A. I do see that.

27

28 Q. He then goes on to discuss the 30, and you can see  
29 them numbered 1 to 30?

30 A. Yes.

31

32 Q. Now, you think you've never seen this before?

33 A. I have definitely never seen that document before.

34

35 Q. All right. You see that his conclusions, on the  
36 second-last page under the heading "Summary" --

37 A. Yes.

38

39 Q. -- include various points made in bullet points? And  
40 do you see the last bullet point on the last page,  
41 beginning "Only 8"?

42 A. Yes.

43

44 Q. He says:

45

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

1  
2 Do you see that?  
3 A. I do see that.  
4  
5 Q. Now, has that assertion, whether from this document or  
6 any other source, come to your attention as a view held by  
7 anyone in the Unsolved Homicide Team?  
8 A. I - no.  
9  
10 Q. So today's the first you've heard of this?  
11 A. Yes.  
12  
13 Q. And if I suggested to you that Mr Lehmann in fact  
14 carried out this assessment jointly with Pamela Young, you  
15 would still say, "Well, I know nothing about it"?  
16 A. As I've been at pains to explain, I didn't come to the  
17 Sydney Unsolved until February 2015. This is  
18 dated September 2013.  
19  
20 Q. Yes. And I've asked you whether you've ever seen it,  
21 which takes in the last 10 years?  
22 A. I have never seen this document until today.  
23  
24 Q. Good. And the fact, if it is the fact, that Pamela  
25 Young participated in writing it makes no difference to  
26 that statement that you have never seen it?  
27 A. Well, I wouldn't know.  
28  
29 Q. All right. Now, I've asked you about Pamela Young's  
30 very lengthy statement, and you've given some answers about  
31 that which we don't need to go over again. And I've asked  
32 you about Commissioner Barnes - sorry, Coroner Barnes  
33 having a hearing on 13 April 2015 about whether there  
34 should be a third inquest. I take it you became aware on  
35 or about the day of his decision that indeed he was going  
36 to have a third inquest?  
37 A. Yes.  
38  
39 Q. And that was 13 April. And the same evening,  
40 Ms Young, Pamela Young, was interviewed on the Lateline  
41 program.  
42 A. Yes.  
43  
44 Q. I think you said you saw that, or did I miss --  
45 A. I did see that program.  
46  
47 Q. I had better take you to the transcript, I think,

1 which is in volume 14, at tab 318 [SC0I.82483\_0001]. Now,  
2 again, the pages are numbered in the top right, so if you  
3 turn to page 3, do you see down the bottom, the last three  
4 or four passages, Emma Alberici, designated as "EA",  
5 interviewing Pamela Young, designated as "PY"?

6 A. Sorry?

7  
8 Q. Page 3.

9 A. Yes, I'm on page 3. I don't appear to have initials  
10 there.

11  
12 Q. I wonder if someone can just check that to see if it's  
13 the right document. It's tab 318, I believe.

14 A. Oh, I thought you said 319, sorry. Thank you.

15  
16 Q. Just turn to page 3, if you would.

17 A. Yes.

18  
19 Q. So "EA", Emma Alberici, "PY", Pamela Young?

20 A. Yes.

21  
22 Q. And the first question that Ms Alberici asks is:

23  
24 *Do you accept now that the initial*  
25 *investigation into the death of Scott*  
26 *Johnson back in 1988 was flawed?*

27  
28 And she says:

29  
30 *Not at all. It was to the standard of the*  
31 *day.*

32  
33 Do you see that?

34 A. I do see that.

35  
36 Q. And you noticed that at the time when you saw the  
37 program?

38 A. I would have.

39  
40 Q. And she goes on one sentence later:

41  
42 *And there's still evidence and information*  
43 *that Scott may have suicided.*

44  
45 A. Yes.

46  
47 Q. And she goes on to talk about suicide some more. And

1 on page 5, down the bottom of the page, the very bottom,  
2 the last five or six lines or so, you see she goes on to  
3 talk about a Golden Gate Bridge incident?

4 A. Yes.

5

6 Q. And finishes up that little part of her account on the  
7 top of page 6 by saying:

8

9 *Lo and behold ...*

10

11 And she's comparing where Mr Johnson's body was found to  
12 the Golden Gate Bridge incident. Do you see that?

13 A. Yes.

14

15 Q. So she's obviously highlighting the likelihood of  
16 suicide, isn't she?

17 A. Yes.

18

19 Q. On page 5, just above halfway in on the page, do you  
20 see a "PY" passage beginning, "Mmm. Yes. Well again"?

21 A. Yes.

22

23 Q. Do you see the question that she was asked was:

24

25 *What of the claim by the Johnson family*  
26 *that there are at least 30 people whose*  
27 *deaths are unsolved and could fit the*  
28 *profile of Scott Johnson's death ...*

29

30 Et cetera. Do you see that's the question?

31 A. Yes.

32

33 Q. And her answer, after the first couple of lines, which  
34 I'll give you time to read, she says:

35

36 *They've all been looked into --*

37

38 that is the 30 --

39

40 *independently by us, whether or not the*  
41 *Johnson family mentioned them. We have*  
42 *eight from that list that are counted as*  
43 *unsolved homicides, which are probable or*  
44 *possible gay hate crimes - that's eight*  
45 *over a number of years.*

46

47 Do you see that?

- 1 A. Yes, I see that.  
2
- 3 Q. And you were aware of that at the time, that that was  
4 her view?  
5 A. I can't say that I specifically recall that  
6 conversation, but I did see the program.  
7
- 8 Q. All right. So you can see, at any rate, that she's  
9 saying that as to the assertion that there were 30  
10 unsolved, "we say it's only eight"?  
11 A. I see that.  
12
- 13 Q. I think on the page 7, just above halfway on the page,  
14 when she's asked about Steve Johnson having influence over  
15 the Government, you see that she describes the Police  
16 Minister's behaviour as kowtowing to Steve Johnson?  
17 A. Yes.  
18
- 19 Q. And later on, on page 8, she says that she thought  
20 that was absolutely improper and wrong on every level?  
21 A. I see that.  
22
- 23 Q. Now, the program, as I imagine you would recall,  
24 caused a lot of controversy?  
25 A. Yes, and cost Pam Young her career.  
26
- 27 Q. Well, the first thing that happened was that there was  
28 another burst of publicity about the Scott Johnson case and  
29 gay hate crimes generally?  
30 A. Yes.  
31
- 32 Q. And most of that publicity was unfavourable to the  
33 police?  
34 A. Yes.  
35
- 36 Q. And secondly, as you say - or you suggested, I think -  
37 there was a direction from the Coroner, Mr Barnes, that  
38 Pamela Young be removed from the Scott Johnson  
39 investigation?  
40 A. I recall that.  
41
- 42 Q. And that did happen; she was removed?  
43 A. Yes.  
44
- 45 Q. And she was replaced by Penny Brown?  
46 A. Yes.  
47

1 Q. You would say that the net result in the long run was  
2 that the incident cost her her career; is that your view?

3 A. Yes.  
4

5 Q. Do you have any knowledge as to how it was that Pamela  
6 Young went on the Lateline program?

7 A. No.  
8

9 Q. Or what conversations she may have had with other  
10 officers as to what it would be appropriate for her to say?

11 A. I've no idea of that.  
12

13 Q. Just jumping forward two years, briefly, because  
14 I will come back to the real sequence in a second, the  
15 third inquest into Scott Johnson, having been ordered on  
16 13 April 2015, wound up in the end with findings by Coroner  
17 Barnes on 30 November 2017, some two and a half years  
18 later. Are you aware of that?

19 A. I couldn't have given you the date but I was aware  
20 that there was a third inquest, yes.  
21

22 Q. And you were aware generally that it went for a couple  
23 of years and that eventually the Coroner brought down  
24 a finding of homicide?

25 A. Homicide, yes.  
26

27 Q. You know that? Now, what I want to ask you is this:  
28 at the end of 2017, when closing submissions were being  
29 made by the parties to that inquest, including the police,  
30 to your knowledge, was the position being put forward by  
31 the police that suicide was the most likely of the three  
32 possible causes of death, being suicide, homicide or  
33 misadventure?

34 A. I believe that would have been the case.  
35

36 Q. Are you aware or is it your understanding that the  
37 police position was that a homicide finding was simply not  
38 open?

39 A. As I say, I wasn't part of the investigation.  
40

41 Q. No. Are you aware, is my question?

42 A. It appears to be the case.  
43

44 Q. Well, that's the knowledge or the understanding that  
45 has come down to you?

46 A. Yes.  
47

1 Q. And did the knowledge or understanding also come down  
2 to you that it was submitted on behalf of the police that,  
3 first of all, an open finding should be made - not  
4 homicide - and, secondly, that thereafter, the Coroner  
5 should not make any further recommendations as to  
6 reinvestigating the case?  
7 A. I'm not aware of what the submissions were.  
8  
9 Q. By the way, when the Coroner's finding was handed  
10 down - namely, that Scott Johnson's death was a homicide --  
11 A. Yes.  
12  
13 Q. -- to your knowledge, were members of Strike Force  
14 Macnamir upset about that?  
15 A. I don't recall. I wasn't part of the investigation.  
16  
17 Q. No, I know you weren't part of the investigation. You  
18 can assume that we've gleaned that. You've now said that  
19 about 12 times, so I think we've got that. My question  
20 was: were you aware that members of Strike Force Macnamir  
21 were upset that the Coroner made a finding of homicide?  
22 A. I'm not aware.  
23  
24 Q. Were you in the same office as Penny Brown?  
25 A. Yes, I worked from the same office.  
26  
27 Q. She didn't indicate any dismay or upset at the  
28 finding?  
29 A. Well, as of 2017, she was part of the review team,  
30 I believe; I was at that stage on Team 11.  
31  
32 Q. What's the difference? You will have to help us  
33 there.  
34 A. Well, it's a reasonably - it's an open plan office,  
35 but they're up in one quarter and I was right down the very  
36 back in the other.  
37  
38 Q. So you wouldn't have had much day-to-day physical  
39 exchange?  
40 A. No. No, it was, you know, "Good morning" as you  
41 walked in and "Good afternoon" as you walked out. That was  
42 about it.  
43  
44 Q. All right, then. Now, back to 2015, where I was,  
45 so April 2015, Mr Barnes decides to have a third inquest,  
46 and we had the Lateline program - that's in April?  
47 A. Yes.



1  
2 Q. Now, in August 2015, Strike Force Parrabell gets under  
3 way?  
4 A. Yes.  
5  
6 Q. And I appreciate that it was not a Homicide Team  
7 project?  
8 A. No, it was run from Surry Hills, I believe.  
9  
10 Q. That's right. But you became aware of it at about the  
11 time it started; is that right?  
12 A. I - around that time, yes.  
13  
14 Q. Or not too long afterwards?  
15 A. Yes.  
16  
17 Q. Did your awareness include that it was going to be  
18 a review of the 80-plus cases referred to by Sue Thompson  
19 and by the media articles?  
20 A. Yes.  
21  
22 Q. As having been gay hate deaths?  
23 A. Well, to see if they were, to ascertain if they were  
24 likely to be gay hate deaths.  
25  
26 Q. Quite so. They had been said in the articles to be  
27 gay hate deaths and the object of Parrabell, as you  
28 understand it, was for the police to look at them and  
29 express a view as to whether they were or they weren't?  
30 A. Correct.  
31  
32 Q. And did you understand it to be a paper review only -  
33 that is to say, not a reinvestigation, but a review of the  
34 papers available?  
35 A. Yes.  
36  
37 Q. Now, you knew, at least because you had seen the  
38 Lateline program, that in respect of the 30 said by the  
39 media to be unsolved, Pamela Young's view was that it was  
40 only eight - you knew that?  
41 A. Well, I've been reminded of it today, but yes.  
42  
43 Q. And because you've been reminded of what Pamela Young  
44 said on Lateline, you've been reminded also that you knew  
45 that her view was that only eight of the 30 were even  
46 possibly or probably gay hate related?  
47 A. Oh, I think we're getting into semantics now. I've

1 read what I've read that there today but I couldn't have  
2 told you an independent recollection of that conversation.

3  
4 Q. All right. Did you have a view as at 2015 onwards as  
5 to whether the concept of 30 unsolved gay hate murders in  
6 those decades was an exaggeration or not? Did you have  
7 a view yourself?

8 A. I had no view.

9  
10 Q. Did you have any involvement with Strike Force  
11 Parrabell at all?

12 A. No.

13  
14 Q. Did you have any awareness as time passed, 2015, 2016,  
15 2017, as to how it was going about its work?

16 A. I was only aware that my boss, Mr Willing, had  
17 meetings with Mr Crandell, who I think at that stage was  
18 the Superintendent at Surry Hills, and I believe it was him  
19 that had set up Parrabell. I might be wrong in that but  
20 that was my understanding.

21  
22 Q. No, you're not wrong. And you knew that those two,  
23 Crandell and Willing, had had discussions about what, as  
24 you understood it?

25 A. Oh, I wasn't present and I don't know what - well,  
26 obviously about the matters that Parrabell were  
27 investigating, but I don't know the details.

28  
29 Q. All right. I'll come to Neiwand, then. It seems from  
30 the material that has been provided by the police that it  
31 was created in the first instance in October 2015?

32 A. Apparently, yes.

33  
34 Q. You had been in the Unsolved Homicide Team for eight  
35 months or so by then?

36 A. Correct.

37  
38 Q. So you were aware of its being created, I take it?

39 A. Yes.

40  
41 Q. Now, I probably have asked you this before, but in  
42 case I haven't, to the best of your knowledge, what was the  
43 reason for setting up Neiwand in 2015?

44 A. I don't actually know why it was set up at that time.

45  
46 Q. Did Mick Willing talk to you or talk to a group  
47 including you about why it was being set up?

- 1 A. No, not that I recall.  
2
- 3 Q. Did he convey to you, directly or indirectly - that  
4 is, Mick Willing - anything about what he wanted Strike  
5 Force Neiwand to do?  
6 A. Well, I think it was clear that there were three - or  
7 two disappearances/suspicious deaths and one confirmed  
8 death, being Mr Russell, and that the idea was to see if  
9 any of those was a homicide, keeping in mind that the  
10 Coroner in 2005 had ruled that two of them were, and, if  
11 so, to prosecute offenders if we could identify them.  
12
- 13 Q. Just picking up the first half of those two matters  
14 that you just raised, you said the first objective was to  
15 look at them to see whether they were homicides?  
16 A. Yes.  
17
- 18 Q. As the Coroner had said they were?  
19 A. Yes.  
20
- 21 Q. Why would the Unsolved Homicide Team do that, if the  
22 finding had already been made after an exhaustive inquest  
23 process?  
24 A. I think there were concerns that the investigation had  
25 not been all that objective.  
26
- 27 Q. Concerns held by whom?  
28 A. I don't recall a specific person, but certainly having  
29 read material, I became concerned myself.  
30
- 31 Q. We will come to that, but can you just do your best to  
32 tell us where these concerns emanated from that you were  
33 aware of existing at the start of it?  
34 A. It was fairly early on in the Neiwand investigation.  
35 There were some concerns raised about the Taradale  
36 investigation.  
37
- 38 Q. By whom?  
39 A. I don't recall specifically but it was the - it was  
40 the Neiwand - it was a team meeting that were there.  
41
- 42 Q. Well, was it Mr Willing?  
43 A. No, Mr Willing didn't attend those meetings.  
44
- 45 Q. Was it Mr Lehmann?  
46 A. I don't remember. I don't --  
47

1 THE COMMISSIONER: Q. It wasn't you, though, was it?  
2 A. Sorry?  
3  
4 Q. It wasn't you, I suppose, was it?  
5 A. I had concerns.  
6  
7 Q. Where did your concerns come from?  
8 A. From reading some of the material.  
9  
10 Q. It had been 10 years since Coroner Milledge had  
11 delivered her verdict, as it were. Any reason why it took  
12 10 years for the police to have concerns about her  
13 findings?  
14 A. Well, it took 10 years for the Neiwand investigation  
15 to be created.  
16  
17 Q. That's the point I'm making. Is there any reason why  
18 it took over 10 years, from 2005 to 2015, for police, if  
19 I may say, all of a sudden, to have concerns about coronial  
20 findings a decade earlier?  
21 A. I'm not aware of why it was - why Neiwand was actually  
22 created.  
23  
24 Q. But you just told me a moment ago you had concerns  
25 yourself?  
26 A. From early on in the investigation.  
27  
28 THE COMMISSIONER: All right. Mr Gray might follow that  
29 up, then.  
30  
31 MR GRAY: Q. But you also said at the very start of your  
32 answer, before any of these subsequent questions had been  
33 asked, that you understood two things that Mr Willing  
34 expected Neiwand to do were: one, look at whether these  
35 were homicides at all; and, secondly, if so, do something  
36 about finding out who had committed them?  
37 A. Yes.  
38  
39 Q. Well, why - I'll ask you again - where there had been  
40 express findings that two of them were homicides and an  
41 expression of a view by a Coroner that the third might well  
42 have been - why have a further inquiry 10 years later to  
43 check that?  
44 A. I - I can't answer that. I don't know.  
45  
46 Q. Just before we finish today, could Mr Morgan - is that  
47 volume 14 you have there or is that another one?

1 A. Yes, volume 14.  
2  
3 Q. Right. Could you turn to tab 285, please,  
4 [NPL.0115.0004.3512]?  
5 A. Yes, I have that.  
6  
7 Q. So that is an email from you?  
8 A. Yes, it is.  
9  
10 Q. On 26 February 2016?  
11 A. Yes.  
12  
13 Q. Is this the document that you referred to at the start  
14 of your evidence which made you think that you must have  
15 been on Neiwand since February?  
16 A. I think it must be, yes.  
17  
18 Q. Because you say to the person you are sending it to -  
19 who is Sebastian Herft?  
20 A. Sebastian Herft and Erin Pavitt were people who were  
21 my work colleagues at the Southern Region team, Unsolved.  
22  
23 Q. So you say to them:  
24  
25 *I've been taken off the Review team ...*  
26  
27 Tell us what the review team does?  
28 A. The review team was - there are several teams of -  
29 there's a review team and from six to 11, five teams of  
30 Unsolved - at the Unsolved Homicide Squad. The review team  
31 dealt with Crime Stoppers reports and originally was set up  
32 to review matters, and the other teams are investigation  
33 teams.  
34  
35 Q. All right. So you tell Sebastian and Erin that you  
36 have been taken off the review team and put with an  
37 investigation team. You say:  
38  
39 *Our priority job is [Strike Force]*  
40 *Neiwand - renewed investigation into the*  
41 *three gay guys ...*  
42  
43 Et cetera. Then you say:  
44  
45 *Apparently it is going to be a political*  
46 *and media-driven hot potato later this*  
47 *year, and the Boss wants to be able to say*

1           that his squad are further investigating  
2           the matter.

3

4           A.    Yes.

5

6           Q.    Now, "the Boss" is Mr Willing, I take it?

7           A.    Yes, at that stage, yes.

8

9           Q.    And you were telling your colleagues that the boss,  
10          Mr Willing, was setting this strike force up because he  
11          wanted to say that his squad were further investigating the  
12          matter?

13          A.    That was a view that I had, yes.

14

15          Q.    And what was that view based on?

16          A.    The fact that - and it had been advertised,  
17          I believe - the fact that in, I think, October of 2016, or  
18          certainly later that year, there were two programs being  
19          put to air by SBS, "Deep Water" or "Deeper Water" - I think  
20          one was a dramatic reenactment and one was allegedly  
21          a factual type - a documentary. And they were going to air  
22          and there had been conversation, I think from Mr Willing,  
23          but certainly I'd had conversation about the fact that that  
24          was going to happen, and I think it was a case of being  
25          proactive and wanting to get on the front foot for what  
26          were anticipated to be criticisms within those programs.

27

28          Q.    I see. So are you telling us, then - is this the  
29          right understanding for us to have - that, as you  
30          understood it, Mr Willing set up Neiwand because he knew or  
31          thought he knew that SBS was going to have some programs  
32          later in the year that might be critical of the police  
33          about these gay hate cases and he wanted to be able to say  
34          that you were looking at them again?

35          A.    That's the impression I had, yes.

36

37          Q.    And you got that impression from him telling you that?

38          A.    I don't remember whether it came from him directly or  
39          whether it came from one of the inspectors.

40

41          Q.    Such as who?

42          A.    Probably - well, Mr Lehmann was an inspector at the  
43          Unsolved Team at that stage - oh, at the review team at  
44          that stage.

45

46          THE COMMISSIONER:   Q.    Yes, but the reference to "Boss"  
47          in your email is unequivocally a reference to Mr Willing,

1 isn't it?

2 A. It is.

3

4 MR GRAY: Is that a convenient time, Mr Gray?

5

6 MR GRAY: Yes, Commissioner.

7

8 THE COMMISSIONER: All right. 10 o'clock in the morning,  
9 thank you.

10

11 MR GRAY: Sorry, Commissioner, I beg your pardon,  
12 apparently there is a matter - my apologies, Commissioner,  
13 I'm instructed that the agreed terms of some orders in  
14 relation to non-publication have now been arrived at and  
15 both the police and those instructing me would be content  
16 if you were to make those orders.

17

18 THE COMMISSIONER: All right. Thank you.

19

20 Mr Tedeschi, you are aware of this?

21

22 MR TEDESCHI: I am told that's by agreement.

23

24 THE COMMISSIONER: All right. Thank you. Yes, thank you,  
25 I have made those orders, thank you very much. I will now  
26 adjourn, thank you.

27

28 **AT 4.01PM THE SPECIAL COMMISSION OF INQUIRY WAS ADJOURNED**  
29 **TO THURSDAY, 23 FEBRUARY 2023 AT 10AM**

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