

Questions on Notice

1. NSW Police established "Strike Force Wyndarra" in February 2020 after a woman came forward to allege that she had been raped by the Commonwealth Attorney-General in 1988. Is that accurate?

Strike Force Wyndarra was formally established on the 4th March 2020

2. On what date in February 2020 did the complainant speak to NSW Police?

Phone call on the 26th Feb 2020

Met on the 27th February 2020 at Kings Cross PS

3. On what date in March were detectives due to travel to Adelaide?

16th March to meet with Victim

TRAVEL DATES Sunday 15th – 18th March

4. On what date exactly did the complainant contact NSW Police to say that she no longer wished to proceed with the investigation?

23 June 2020

5. Did the complainant ever ask if - or suggest that - she could provide a formal statement over the telephone or via video?

It was discussed but due to the complexities of the statement that was required and in the interests of the mental health and wellbeing of the victim it was deemed not to be an appropriate manner in which the statement should be obtained

6. Between the day on which the complainant first spoke to NSW Police in February 2020 and the day she took her own life, what communication was there between the complainant and NSW Police? Please provide details (how many telephone calls, how many emails and when did the communications occur)

Between 26th February 2020 – 23rd June 2020

SMS contact - 5 occasions

Email contact – 8 occasions

Phone call/attempted calls – 11 occasions

7. More recently, the Prime Minister reportedly referred a letter from the complainant's friends and a detailed statement written by the complainant to the Australian Federal Police, which the AFP reportedly passed on to NSW Police. Is that correct?

A summary email was provided by AFP on the 25/2/2021 however no attachments were provided to the CA&SCS.

8. To the best of your knowledge, on what date did the Prime Minister's office provide that material to the Australian Federal Police?

The NSW Police Force is not privy to this information

9. On what date did the Australian Federal Police provide that material to NSW Police?

As above, the CA&SCS has not received the described documentation.

10. What material did the AFP provide to NSW Police? Please be detailed.

A summary email was provided by AFP on the 25/2/2021 however no attachments were provided to the CA&SCS.

- a. Specifically, did the AFP provide NSW Police with a copy of the letter to the Prime Minister by the complainant's friends?

No

- b. Did the AFP provide NSW Police with any material from the Prime Minister or his office or the Attorney-General or his office (such as, for example, a denial of the allegation by the Attorney-General)?

No

11. Did the referral from the AFP to NSW Police included a cover letter or as covering email? What did it say? Could you provide the Committee with a copy?

No cover letter

12. It has been reported that the statement written by the complainant, which was reportedly enclosed with the letter to the Prime Minister from the complainant's friends, was a witness statement the woman had prepared for NSW Police in February 2020. Is that reporting correct?

NSW Police Investigators were aware that the victim was preparing a document however the victim declined to provide it to Police until it was legally reviewed and finalised.

On the 6th March 2020 a two page document was provided to Investigators.

On the 2nd July, 2020 investigators received the 88 page dossier from a [redacted], a friend of the victim. We had not received the document prior to that date.

13. Did the AFP provide NSW Police with any material that NSW Police had not seen before? If so, what material?

The email on the 25/2/2021

14. Following the initial referral of the matter to NSW Police by the AFP, did the AFP provide NSW Police with any further material in relation to the allegation against the Attorney-General? If so, what material, when was it provided and who provided it?

No

15. Did the Prime Minister or his office, or any other Commonwealth Minister or their offices, provide NSW Police with any material in relation to the allegation against the Attorney-General? If so, what material, when was it provided and who provided it?

No

16. Has anyone at NSW Police had any conversations or communications, whatsoever, with any Commonwealth Minister - including the Attorney-General - or the office of any Commonwealth Minister about the allegation against the Attorney-General? If yes, provide details (who made contact, why was contact made, when was contact made, what was discussed)

Holdings checked. Letter received via email through Police Secretariat on 28 Feb 2021 from [redacted]. Acknowledgement email sent in reply.

The Commissioner has not seen the letter and has not been in communication with [redacted].

17. Has anyone at NSW Police had any conversations or communications, whatsoever, with any NSW Minister about the allegation against the Commonwealth Attorney-General? If yes, provide details (who made contact, why was contact made, when was contact made, what was discussed)

No

18. Who made the decision not to interview, or even contact, Mr Porter? Was that decision discussed with you, Commissioner Fuller, or other senior officers?

The decision not to interview or contact Mr Porter was made by the OIC due to the fact there was no formal complaint or admissible evidence that could be put to the accused and the victim declined to take the matter any further on 23rd June.

19. It was reported on Tuesday 2 March 2021 that NSW Police sought "legal advice" after receiving a document "purportedly made by the woman" before she died. Could you please clarify a few matters:

- a. First, why exactly did NSW Police seek legal advice? What question did you ask the lawyers and what did the advice say?

Sufficiency of evidence to commence proceedings.

- b. Second, who did you seek the advice from? An external firm? Internal NSW Police lawyers?

Operational Legal Services Command.

- c. Third, on what date did you request that advice and on what date was that advice provided?

Requested on 1 March 2021. Advice was provided on 1 March 2021.

20. Between the date on which the AFP contacted NSW Police about this matter (reportedly on or around 27 February 2021) and the date on which NSW Police announced on 2 March 2021 that the investigation was closed, what did NSW Police do? Could you outline each of the steps you took?

It was not the AFP who referred the matter, it was SAPOL.

There is an investigation chronology commencing from November 29th 2019 until the 28th August 2020.

The victim in this matter provided an email to the NSWSP on the 23rd June 2020 outlining that she did not want to proceed. A follow up email was sent by [redacted] on the 24th June. These were recorded on the Eagle1 system.

Information was received from SAPOL on 25th June 2020 advising that on the 24th June the victim was located deceased with limited information.

Investigators created a Post Operational assessment for SF Wyndarra which was signed off by the Director State Crime Command 28th August 2020.

NSW Police however continued to collect and record relevant information associated with this matter on a corporate system [redacted] given the high level of media interest.

21. Specifically, did NSW Police contact any of the complainant's friends or the complainant's partner?
- a. If not, why not?
 - b. If yes, who did you contact, when did you contact them, what did the NSW Police learn from the complainant's friends?

NSW Police had contact with the victim's sister on the 24th September 2020 upon request by SAPOL. The request related to conversations about the sexual assault report made by the victim. It should be noted that the victim explicitly stated to investigators that she did not wish for Police to make contact with her family as her Father has medical conditions that would exacerbate his condition.

[redacted], the victim's friend contacted Police 30th June 2020

2nd July 2020 – provides a copy via email of an 88 page document authored by the victim

6th July 2020 – Phone call with [redacted]

Victim's involved in all phone contact with Police during investigation.

22. Did NSW Police contact the Attorney-General or his office?

No

- a. If not, why not?
As stated above in question 18
- b. If yes, when, what did NSW Police ask and what did the Attorney-General or his office say?

23. Did NSW Police contact the complainant's family?

Yes on the 24th September, victim's Sister as stated above.

- a. If not, why not?
- b. If yes, what was the nature of that contact?

24. Did NSW Police collect other evidence, such as contemporaneous diary notes? If not, why not?
If yes, what was the nature of that other evidence?

The only evidence provided was the 88 page dossier which was provided by [redacted] and a two page "account" that was sent to Police by the victim on the 6th March 2020

25. How many staff were there in Strike Force Wyndarra?

4 Investigators and a Senior Supervisor

26. Who was the senior officer in strike force Wyndarra?

[redacted] was the OIC with [redacted] oversighting

27. How much contact and when did the strike force have with SA Police?

A number of times between the 21st & 28th November 2019 where the investigation was initially transferred.

24th June death notice

Continued ongoing contact from November 2019 to September 2020

Statement [redacted] provided to SAPOL on 23RD June 2020

Contacted SAPOL on 3rd March re: offer of NSW Police providing information to assist with Coronial matter.

Email sent on the 4th March outlining formal offer

Phone contact on 10th March to speak with Coronial OIC

28. Were applications made by NSW Police to travel to SA in March-June 2020?

a. How many and when?

One application for request to travel on the 16th March, declined on the 13th March 2020

When were you contacted by the AFP about this case?

25/2/2021 as stated above

29. How were you advised that the woman wished to withdraw the case?

As stated above an email was sent on the 23rd June

30. How was this responded to by the NSW Police? Was it an email or a phone call?

Response provided by email with request to make further by phone

31. Did you request any prior written statements or accounts from the woman?

Police did ask for the main 88 page document to be provided however she declined at the time to provide it.

32. Wouldn't it be standard practice for historical sexual assaults to ask for prior statements from a person?

In this case as with others during the formal statement process evidence would be drawn out including any material which would corroborate allegations.

33. Were there any efforts made to speak to any independent witnesses who were at the same event as the woman and Christian Porter?

No

34. Was consideration to South Australian police undertaking the role of taking a statement from the woman? Was a request made?

On the 2nd April, 2020 investigator's had a conversation with the victim around the possibility of having the statement taken by a South Australian Detective. The alleged victim expressed concerns over this course of action and it was not pursued. On the 26th April, 2020 a South Australian Police Detective spoke to victim and she no longer wanted to supply statement to them, preferring contact with NSWPF investigators.