



## Special Commission of Inquiry into LGBTIQ hate crimes

30 September 2022

Dr Danny Sullivan  
 Consultant Forensic Psychiatrist  
 PO Box 1060  
 NORTH MELBOURNE VIC 3051

By email: [REDACTED]

Dear Dr Sullivan,

### **Special Commission of Inquiry into LGBTIQ hate crimes: expert report in relation to the death of John Gordon Hughes**

As you are aware, I assist the Honourable Justice John Sackar in the Special Commission of Inquiry into LGBTIQ hate crimes ("the Inquiry").

#### **The Inquiry**

By way of background, on 13 April 2022 the Governor of NSW, by Letters Patent, issued a commission to his Honour to inquire into and report on historical LGBTIQ hate crimes. Specifically, the Letters Patent require his Honour to inquire into and report to the Governor and Premier on the following matters by 30 June 2023:

- A. The manner and cause of death in all cases that remain unsolved from the 88 deaths or suspected deaths of men potentially motivated by gay hate bias that were considered by Strike Force Parrabell; and
- B. The manner and cause of death in all unsolved suspected hate crime deaths in New South Wales that occurred between 1970 and 2010 where:
  - i. The victim was a member of the lesbian, gay, bisexual, transgender, intersex and queer (LGBTIQ) community; and
  - ii. The death was the subject of a previous investigation by the NSW Police Force.

#### **Request for expert opinion**

Further to your conferences with the Commissioner and assisting team on 23 May 2022 and 31 August 2022, by this letter, you are briefed to prepare an expert report for the Inquiry in relation to death of John Hughes from the perspective of a forensic psychiatrist addressing certain matters identified below.

I would be grateful if you could provide your report by **21 October 2022**. If you anticipate any difficulties with this timeframe, please let me know as soon as possible.

## Special Commission of Inquiry into LGBTIQ hate crimes

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In addition to providing your report, you may be required to give oral evidence at any hearing in relation to Mr Hughes' death. If you are required to give oral evidence, I will notify you as soon as practicable to discuss suitable arrangements.

### Assumptions

In preparing your report, you are requested to assume the facts set out in the below summary. Additionally, please have regard to any other relevant information contained in the briefing materials provided to you.

1. Mr Hughes (born 10 April 1944) was found dead in his apartment at 311/3 Greenknowe St, Potts Point, sometime after 11:00am on 6 May 1989, after a friend who had been staying with Mr Hughes climbed a drainpipe in order to access the property.
2. He was last seen alive at approximately 3:30pm on 5 May 1989. Several persons attempted to visit him in his apartment on the evening of 5 May 1989 and the morning of 6 May 1989, either buzzing at the security door or knocking at his door, without response.
3. Police attending the crime scene observed the following:
  - a. Mr Hughes' body was laying face down across the bed, with his feet hanging over the side of the bed.
  - b. Mr Hughes' hands were bound behind the back with white electrical cord, as were his feet, bound just above the ankles.
  - c. A pink pillow slip covered his head.
  - d. White electrical cord and a leather belt were wrapped around his neck. A pair of kitchen tongs were "protruding" from the back of Mr Hughes' neck, and appeared to have been used to tighten these bindings by having twisted them.
  - e. Pieces of broken pottery were scattered around on the bed, around Mr Hughes' head.
  - f. A light bulb was next to his right arm.
  - g. There were blood stains on the pillowslip and the bed, below Mr Hughes' head.
  - h. Next to the right side of the body were a number of personal papers, scattered around on the bed.
  - i. On top of the papers was a kitchen knife, with a blade approximately 30cm long, with blood on the blade.
4. There were no signs of a struggle and the scene appeared relatively undisturbed. Mr Hughes' wallet and credit card were not located, nor was any money found in the flat.
5. The post-mortem examination of Mr Hughes' body found that the cause of death was asphyxia due to strangulation with a ligature, with a blunt object injury to the head forming a significant contributing factor. The report identified the following injuries:
  - a. Ligature mark around the neck and abrasion to the left side of the neck;
  - b. Petechial haemorrhages on the face, nose, eyes and neck;
  - c. Bruises to the neck;
  - d. Multiple bruises to the back of the head, particularly on the left hand side, including a large bruise measuring 5 cm x 3.5 cm to the back of the head (occipital region); and

## Special Commission of Inquiry into LGBTIQ hate crimes

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- e. Multiple lacerations to the back of the head, some superficial and others to the periosteum.
6. Mr Hughes was an openly gay man. He was known to be involved in the use and sale of drugs. At the time of his death he was on trial for the possession and supply of heroin, and on a methadone maintenance program.
7. The primary suspect in the murder was Ian Jones, an acquaintance who at one point resided with Mr Hughes in his apartment (although there is no evidence of a romantic relationship). Mr Jones was familiar with Mr Hughes' sexuality and involvement in the sale of drugs.
8. Mr Jones was charged with the murder of Mr Hughes but acquitted following a trial by jury.
9. The relationship between Mr Hughes and Mr Jones deteriorated when Mr Jones ceased residing with Mr Hughes in mid-March 1989, at which time Mr Hughes believed Mr Jones stole drugs, cash and electronics from him and had threatened to report him to the police.
10. Mark Locke provided a statement to police, in which he described an occasion in early 1989 where Mr Jones had "really got mad" after Mr Locke told him that Mr Hughes had gone to the Police about him "knocking off his stuff." Mr Jones had allegedly said "I'll fix him properly" and "I'll kill the little cunt." He then sought Mr Locke's assistance "to rot" Mr Hughes. Mr Jones also allegedly said, "If anything happened to John, do you honestly thing [sic] there would be [a] big inquiry over another Junkie dealer."
11. Mr Locke gave a further statement to police, in which he stated that Mr Jones had said "You know, not too many people know I killed the cunt."
12. Janice Dowsey gave evidence at the trial of Mr Jones that she heard Mr Jones say, in relation to Mr Hughes, "Don't worry, he was a fucking faggott dog anyway and he deserved to die and he deserved everything that he got."
13. Mr Jones' then girlfriend, Kerrie-Anne Stanton, told Police that she had seen Mr Jones on the morning of 5 May 1989 and that he was suffering from heroin withdrawal symptoms. She did not see Mr Jones again until approximately 11am on 6 May 1989, at which time she noticed he was no longer suffering from withdrawal symptoms.
14. Police alleged that a bank book belonging to Mr Hughes was found in the lining of a jacket belonging to Mr Jones.

### Material with which you are briefed

For the purpose of preparing your report, you are briefed with the materials in the **enclosed** index. The material contained in the index has been extracted from the NSWPF investigation file, the court file from the Coroners Court of NSW and files held by Office of the Department of Public Prosecutions.

Please note that the briefing materials contain sensitive images. The relevant tabs of your briefing material have been marked with an asterisk on the index.

If there is any additional material that you consider would be of use to you in forming your opinion, please contact Ms Burston and this material will be provided to you (if available).

### Matters to be addressed in your report

I would be grateful if you could address the following matters in your report, having regard to the material with which you are briefed and to the extent that they are matters which fall within your expertise:

## Special Commission of Inquiry into LGBTIQ hate crimes

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1. Whether there are any aspects of the manner of death (including the nature and extent of the injuries inflicted) and/or crime scene which may indicate that a homicide has occurred in the context of LGBTIQ hate/prejudice/bias (hereafter collectively referred to as "hate");
2. The possible motivation/s of the perpetrator of Mr Hughes' injuries to the extent that this can be discerned from the available evidence. In answering this question, please consider the following alternate scenarios:
  - a. Mr Jones is in fact the perpetrator. In this scenario, please assume further that the statements of Mr Locke, Ms Dowsey and Ms Stanton are accurate, and that the bank book was in fact in the lining of a jacket belonging to Mr Jones;
  - b. Another unknown person is the perpetrator. In this scenario, please disregard assumptions 7-14.

Please also consider any relevant concepts including (but not limited to) notions of masculinity, male honour, internalised homophobia, medicalised stigma, conflating homophobia with paedophilia, perceptions of the characteristics of LGBTIQ persons, and particular psychopathologies;

3. Aspects of victimology that may be relevant to Mr Hughes' death;
4. Any recommendations for further investigations with respect to determining the manner and cause of the person's death; and
5. Any other matters you wish to raise within your expertise that may be of assistance to the Inquiry.

Subject to your discretion, the Inquiry requires only a succinct analysis of the above matters and does not anticipate that your report need exceed three pages. However, you should not feel constrained to this page guidance if you consider a longer report necessary or appropriate.

In the event that you are called to give evidence before the Inquiry, either as to general matters in connection with LGBTIQ hate crimes or particular cases, it may be necessary for the Inquiry to disclose to interested parties any correspondence or conference notes with you.

### Expert Witness Code of Conduct

I **enclose** a copy of the Expert Code of Conduct with which expert witnesses in Supreme Court proceedings in NSW are typically required to comply. While the present inquiry is not a Court proceeding, I would be grateful if you would read the Code of Conduct and agree to be bound by it. I suggest the following form of words be included in the body of your report in due course:

"I, Dr Danny Sullivan, acknowledge that I have read the Expert Witness Code of Conduct in Schedule 7 to the Uniform Civil Procedure Rules 2005 (NSW) and agree to be bound by it."

Thank you for your consideration and assistance.

Please do not hesitate to contact Emily Burston, Senior Solicitor on (02) 9372 8538 or Kate Lockery, Principal Solicitor on (02) 9372 8600 if you have any queries in relation to this matter.

Yours faithfully,



Emily Burston  
Senior Solicitor  
**for Crown Solicitor**  
Encl. 2



## Special Commission of Inquiry into LGBTIQ hate crimes

### Death of John Hughes

#### Index to Brief to Dr Sullivan

Tab	Document	Date	Relativity reference
<b>Forensic material</b>			
1.	Autopsy report prepared by Liliana Schwartz	23 June 1989	SCOI.10081.00007
2.	Statement of Constable Sandra Langsford	17 May 1990	SCOI.10081.00064
3.	Statement of Constable Howard Fox	4 June 1990	SCOI.10081.00064
4.	Statement of Detective Constable Samuel Khoudair	1 March 1990	SCOI.10081.00020
5.	Crime scene and autopsy photographs (incomplete) *	Undated	SCOI.10052.00002
<b>Information regarding deceased and police investigation</b>			
6.	Statement of Detective Constable Michael Plotecki	2 June 1990	SCOI.10081.00011
7.	Summary of facts relevant to murder charge against Ian Jones	21 June 1990	SCOI.10081.00002
8.	Statement of Ian Jones	4 October 1989	SCOI.10081.00013
9.	Record of interview with Ian Jones	30 April 1990	SCOI.10081.00012
10.	Statement of Mark Locke	13 September 1989	SCOI.10081.00024
11.	Statement of Mark Locke	28 May 1990	SCOI.10081.00025
12.	Statement of Gavin Scobie	17 May 1989	SCOI.10081.00043
13.	Statement of [REDACTED] <b>I51</b>	19 May 1990	SCOI.10081.00042
14.	Record of interview with [REDACTED] <b>I51</b>	25 May 1990	SCOI.10054.00039
15.	Extract of transcript of trial ( <i>R v Jones</i> ) including evidence of Janice Dowsley	27 August 1992	SCOI.10400.00053
16.	Statement of Kerrie-Anne Stanton	29 December 1989	SCOI.10081.00028

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

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17.	Statement of Gregory West	6 May 1989	SCOI.10082.00098
18.	Extract of transcript of trial ( <i>R v Jones</i> ) including evidence of Gregory West	27 August 1992	SCOI.10400.00053
19.	Statement of Raymond Seidler	14 June 1990	SCOI.10081.00045



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# Uniform Civil Procedure Rules 2005

Current version for 1 December 2021 to date (accessed 21 September 2022 at 11:52)

Schedule 7

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## Schedule 7 Expert witness code of conduct

(Rule 31.23)

### 1 Application of code

This code of conduct applies to any expert witness engaged or appointed—

- (a) to provide an expert's report for use as evidence in proceedings or proposed proceedings, or
- (b) to give opinion evidence in proceedings or proposed proceedings.

### 2 General duties to the Court

An expert witness is not an advocate for a party and has a paramount duty, overriding any duty to the party to the proceedings or other person retaining the expert witness, to assist the court impartially on matters relevant to the area of expertise of the witness.

### 3 Content of report

Every report prepared by an expert witness for use in court must clearly state the opinion or opinions of the expert and must state, specify or provide—

- (a) the name and address of the expert, and
- (b) an acknowledgement that the expert has read this code and agrees to be bound by it, and
- (c) the qualifications of the expert to prepare the report, and
- (d) the assumptions and material facts on which each opinion expressed in the report is based (a letter of instructions may be annexed), and
- (e) the reasons for and any literature or other materials utilised in support of each such opinion, and
- (f) (if applicable) that a particular question, issue or matter falls outside the expert's field of expertise, and
- (g) any examinations, tests or other investigations on which the expert has relied, identifying the person who carried them out and that person's qualifications, and
- (h) the extent to which any opinion which the expert has expressed involves the acceptance of another person's opinion, the identification of that other person and the opinion expressed by that other person, and
- (i) a declaration that the expert has made all the inquiries which the expert believes are desirable and appropriate (save for any matters identified explicitly in the report), and that no matters of significance which the expert regards as relevant have, to the knowledge of the expert, been withheld from the court, and

- (j) any qualification of an opinion expressed in the report without which the report is or may be incomplete or inaccurate, and
- (k) whether any opinion expressed in the report is not a concluded opinion because of insufficient research or insufficient data or for any other reason, and
- (l) where the report is lengthy or complex, a brief summary of the report at the beginning of the report.

#### **4 Supplementary report following change of opinion**

- (1) Where an expert witness has provided to a party (or that party's legal representative) a report for use in court, and the expert thereafter changes his or her opinion on a material matter, the expert must forthwith provide to the party (or that party's legal representative) a supplementary report which must state, specify or provide the information referred to in clause 3(a), (d), (e), (g), (h), (i), (j), (k) and (l), and if applicable, clause 3(f).
- (2) In any subsequent report (whether prepared in accordance with subclause (1) or not), the expert may refer to material contained in the earlier report without repeating it.

#### **5 Duty to comply with the court's directions**

If directed to do so by the court, an expert witness must—

- (a) confer with any other expert witness, and
- (b) provide the court with a joint report specifying (as the case requires) matters agreed and matters not agreed and the reasons for the experts not agreeing, and
- (c) abide in a timely way by any direction of the court.

#### **6 Conferences of experts**

Each expert witness must—

- (a) exercise his or her independent judgment in relation to every conference in which the expert participates pursuant to a direction of the court and in relation to each report thereafter provided, and must not act on any instruction or request to withhold or avoid agreement, and
- (b) endeavour to reach agreement with the other expert witness (or witnesses) on any issue in dispute between them, or failing agreement, endeavour to identify and clarify the basis of disagreement on the issues which are in dispute.