



Special Commission of Inquiry into LGBTIQ hate crimes

19 December 2022

Dr Linda Iles
Head of Forensic Pathology
Victorian Institute of Forensic Medicine
65 Kavanagh St
Southbank VIC 3006

By email: [REDACTED]

Dear Dr Iles

Special Commission of Inquiry into LGBTIQ hate crimes: Expert report on death of Andrew Currie

As you are aware, I assist the Honourable Justice John Sackar in the Special Commission of Inquiry into LGBTIQ hate crimes (“the Inquiry”). Bill de Mars, of counsel, and Caitlin Healey-Nash, solicitor, are assisting the Commissioner in his consideration of the death of Andrew Currie.

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

Mr Currie was found deceased on 13 December 1988 at a toilet block in Nolan’s Reserve, North Manly. Mr Currie’s death is one of the unsolved deaths which his Honour is inquiring into pursuant to item A of the Letters Patent.

By this letter, you are briefed to prepare a written report in relation to Mr Currie’s death to assist the Inquiry. It is requested that you provide your report by no later than **13 January 2022**. In the event that you require further time to prepare your report, please advise Ms Healey-Nash as soon as possible.

Background

To assist you in the preparation of your report, you are provided with the following background information in relation to Mr Currie. This information is provided by way of summary only, and should not be treated as a comprehensive record or a substitute for your own review of the materials.

1. Mr Currie was born on 5 August 1959. He lived at [REDACTED] Waine Street, Harbord (since renamed ‘Freshwater’), with his mother Margaret Smith (“the Currie residence”).
2. According to NSW Police Force records, Mr Currie was a known chronic drug user. He had frequently come under police notice for drug use and had been taken to hospital on several occasions for overdosing.¹ On 14 October 1988, two months prior to his death, Mr Currie was arrested in Manly after officers found an unlabelled bottle of Nembudeine on his person. Attending officers described Mr Currie as “well effected by a drug”. He disclosed that he had consumed 3-4 tablets about two hours earlier.²

Circumstances of death

3. At around 8:30pm on 12 December 1988, Mr Currie visited his friend [REDACTED] in Manly Vale, Sydney. According to [REDACTED] Mr Currie appeared to be under the influence of a drug and had slow and slurred speech. Mr Currie stated that he had taken 25 Nembudeine tablets that day but had no more in his possession. [REDACTED] then patted Mr Currie’s pockets and heard a “rattle”, after which Mr Currie told him that he in fact had three tablets on him. [REDACTED] suspected that there were more than three tablets judging by the sound of the “rattle”.³
4. At around 10:00pm–11:00pm, Mr Currie left [REDACTED]’s home.⁴ Mr Currie did not return home that night. The logical route between [REDACTED]’s home in Manly Vale and the Currie residence took Mr Currie past the toilet block in Nolan Reserve. According to police, the toilet areas around District Park (which incorporates Nolan Reserve) were a regular meeting place for Mr Currie and [REDACTED] to use drugs.⁵
5. At 7:15am the next morning, 13 December 1988, [REDACTED] and Ms Smith went looking for Mr Currie. [REDACTED] found Mr Currie’s body inside the toilet block in Nolan Reserve. Mr Currie was lying face down on the concrete floor “in a small amount of water on the ground” and appeared to have been deceased for some time (it had been 9 to 10 hours since Mr Currie had left

¹ Statement of Constable Phillip Dean Greenhalgh dated 13 December 1988, at [5] (Tab 7); Crime Information and Intelligence System report for Andrew Currie (Tab 8).

² Fact Sheet (Goods in custody and other offences) dated 14 October 1988 (Tab 9).

³ Second statement of [REDACTED] dated 13 December 1988, at [1] (Tab 11).

⁴ Ibid.

⁵ Statement of Constable Greenhalgh, at [5] (Tab 7).

[redacted GB]'s home). [redacted GB] turned Mr Currie over onto his back, left the toilet block and reported the death at Manly Police Station.⁶

6. Police attended shortly afterward. They observed that Mr Currie's face was covered in bile or body fluids, that he had a few grazes to his face and that his teeth appeared to be dislodged.⁷ His t-shirt (worn under a jumper) was torn around the neck area. No drugs or drug paraphernalia were located on or near Mr Currie.⁸ A small bundle of crime scene photographs are at **Tab 5** of your brief.

Post-mortem investigations

7. A post-mortem examination was conducted by Dr William Brighton at 10:30am on 17 December 1988. The post-mortem report noted some abrasion and/or reddening to the right temple, forehead and front of the nose, consistent with "pressure in the perimortem period". There was "no significant injury on the body" and no needle puncture wounds. A mass of dark brown to dark green material in the nostril region was similar to that present in the stomach. This material was thought to have been regurgitated and was also present in the "oro-pharynx", though had not caused gross obstruction to the air passage.⁹ No reference was made to Mr Currie's teeth being dislodged.
8. The toxicology results recorded a combination of the drugs Pentobarbitone, Codeine, Methadone, Morphine and Paracetamol.¹⁰ Dr Brighton recorded the cause of death as poisoning by a combination of the first four of those drugs. He estimated that death had taken place 4-5 days earlier.¹¹
9. The Coroner dispensed with an inquest into Mr Currie's death. Mr Currie's death certificate recorded the cause of his death as "poisoning by a combination of pentobarbitone, codeine, methadone and morphine".¹²

Expert report of Professor Alison Jones

10. Clinical toxicologist Professor Alison Jones has provided the Inquiry with an expert report in relation to Mr Currie's death. Professor Jones agreed with the direct cause of death, finding that "Mr Currie most likely died as a consequence of codeine and pentobarbitone oral overdose, on a background of methadone use".¹³
11. In relation to the post-mortem toxicology findings, Professor Jones opined:

"Pentobarbitone was found in toxic to lethal concentrations in Mr Currie's post-mortem blood and within the fatal range in his liver ... Alone it would be fatal, but when combined with codeine (in toxic to fatal ranges), methadone (in the therapeutic range) and morphine (in the therapeutic range) would have added effects on CNS and respiratory depression caused by all these opioid drugs.

⁶ First statement of [redacted GB] dated 13 December 1988, at [1]-[2] (**Tab 10**).

⁷ Statement of Constable Greenhalgh, at [2] (**Tab 7**).

⁸ See description of property located in statement of Constable Greenhalgh, at [3] (**Tab 7**).

⁹ Autopsy report dated 13 February 1989 (**Tab 3**).

¹⁰ Toxicology report dated 2 February 1989 (**Tab 2**).

¹¹ Autopsy report (**Tab 3**).

¹² Death certificate of Andrew Currie (**Tab 4**).

¹³ Toxicology Report of Professor Alison Jones, p. 14 (**Tab 12**).

In finding a post-mortem blood concentration of codeine well into the potentially toxic and fatal lethal ranges in Mr Currie, it is likely that opioid toxicity (i.e. CNS and respiratory depression) was the direct cause of his death together with a fatal dose of pentobarbitone also causing CNS and respiratory depression.”¹⁴

Materials with which you are briefed

For the purpose of preparing your report, you are briefed with the documents in the **enclosed** index. The material contained in this index has been extracted from the court file from the Coroners Court of NSW, the file of NSW Health Pathology – Forensic Services, and documents from the Registrar of Births, Deaths and Marriages.

Please note that the briefing materials contain sensitive images. The relevant tabs of your briefing material have been marked in red.

If there is any additional material that you consider would be of use to you in forming your opinion, please contact Ms Healey-Nash 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:

1. The adequacy of the post-mortem investigations conducted with respect to Mr Currie. Without limiting the matters which you may consider relevant to this question, please outline:
 - a. Your opinion, if you are able to give one, as to whether Mr Currie’s teeth were ‘dislodged’, as noted by the officer in charge?
 - b. What if any significance you consider there may be to the any disparity between the observation of the officer in charge and the post-mortem report regarding the state of Mr Currie’s teeth?
2. Your view as to the medical cause of Mr Currie’s death (including any reasons for taking a different view to that formed by Dr Brighton and/or Professor Jones). Without limiting the matters which you may consider relevant to this question, please outline:
 - a. Whether you consider that the water on floor is likely to have played any role in the mechanism of death?
3. Your view as to whether Mr Currie’s injuries and bodily condition were consistent with misadventure, suicide, or foul play.
4. Any recommendations for further investigations with respect to determining the manner and cause of Mr Currie’s death.
5. Please provide any other comment, within the area of your expertise, regarding the likely cause of Mr Currie’s death.

¹⁴ Toxicology Report of Professor Alison Jones, p. 13 (**Tab 12**).

The above questions are not intended to be exhaustive. Accordingly, if there is any matter arising from the circumstances of Mr Currie's death within your area of expertise on which you wish to express an opinion and which will be of assistance to the Commissioner, please do so.

I also request that you please attach a detailed curriculum vitae to your report.

Expert Code of Conduct

I **enclose** a copy of the Expert Code of Conduct and ask that you read it carefully. In the report you should acknowledge that you have read the Code and agree to be bound by it. I suggest the following form of words be included in the body of your report:

"I, Dr Linda Iles, acknowledge for the purpose of Rule 31.23 of the Uniform Civil Procedure Rules 2005 that I have read the Expert Witness Code of Conduct in Schedule 7 to the said rules and agree to be bound by it."

Please do not hesitate to contact Ms Healey-Nash on 0466 480 286 or caitlin.healey-nash@specialcommission.nsw.gov.au if you have any queries in relation to this matter.

Thank you for your consideration and assistance.

Yours faithfully



Caitlin Healey-Nash
Senior Solicitor
for Solicitor Assisting the Inquiry

Encl. 3

Inquiry into the death of Andrew CURRIE
INDEX TO EXPERT BRIEF TO DR LINDA ILES
(as at 19 December 2022)

Tab	Document	Date	Reference No
VOLUME 1			
Formal Documents			
1.	P79A – Report of Death to Coroner	13 December 1988	SCOI.00016.00010
2.	Toxicology report	2 February 1989	SCOI.00016.00012
3.	Autopsy report – Dr William Brighton	13 February 1989	SCOI.00016.00011
4.	Death certificate	6 March 1989	SCOI.73948
Photographs			
5.	Crime scene photographs [sensitive]	Undated	N/A
Material from NSW Health Pathology – Forensic Medicine			
6.	File concerning Andrew Currie (duplicates removed)	Various dates	N/A
NSW Police Force statements and other material			
7.	Statement of Constable Phillip Dean Greenhalgh (officer in charge)	13 December 1988	SCOI.00016.00007
8.	Crime Information and Intelligence System – person of interest report for Andrew Ronald Currie	13 December 1988	SCOI.00016.00021
9.	Fact Sheet (Goods in custody and other offences) – Andrew Ronald Currie	14 October 1988	SCOI.00016.00022
Statements and interviews of witnesses			
10.	Statement of [redacted] GB	13 December 1988	SCOI.00016.00017
11.	Second statement of [redacted] GB	13 December 1988	SCOI.00016.00018
Expert reports			
12.	Toxicology Report of Professor Alison Jones	22 October 2022	SCOI.82188
	A. Curriculum Vitae	2022	SCOI.82195
	B. Letter of Instruction	26 September 2022	SCOI.82190