



Special Commission of Inquiry into LGBTIQ hate crimes

21 December 2022

Professor John Norman Carter AO
 Clinical Professor of Medicine (Endocrinology)
 University of Sydney
 39 Palmerston Rd
 HORNSBY NSW 2077

By email: [REDACTED]

Dear Professor Carter

Special Commission of Inquiry into LGBTIQ hate crimes: Expert report in relation to Samantha Raye

I assist the Honourable Justice John Sackar in the Special Commission of Inquiry into LGBTIQ hate crimes (“the Inquiry”). Kathleen Heath, of counsel, and Caitlin Healey-Nash, solicitor, are assisting his Honour in his consideration of the death of Samantha Raye (“Ms Raye”). Thank you for your willingness to provide an expert report to the Inquiry from the perspective of an endocrinologist.

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

Ms Raye’s death is one of the unsolved deaths which his Honour is inquiring into pursuant to item A of the Letters Patent.

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On 20 March 1989, Ms Raye's body was found in a cave below Hornsby Lighthouse at South Head, Sydney. On 30 June 1989, Coroner Waller dispensed with an inquest into Ms Raye's death, writing: "? O/D insulin or death by natural cause."

By this letter, you are briefed to prepare a written report in relation to Ms Raye's death to assist the Inquiry. It is requested that you provide your report no later than **23 January 2023**. 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 Ms Raye. 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.

Personal history

1. Ms Raye was born on 22 January 1958, in New Zealand. Ms Raye was an intersex person and given the name Frederick Lethbridge at birth. Ms Raye emigrated to Australia in the mid-1970s. At some point prior to or around 1980, Ms Raye began to publicly identify as female.¹ She commenced her transition process and, in October 1988, underwent gender affirming surgery.²
2. At the time of her death, Ms Raye lived in a housing commission unit in Potts Point. However, she allegedly experienced harassment and abuse from her neighbours, which contributed to a decline in her mental health.³

Medical history

3. Ms Raye suffered from asthma, which required Ventolin and an oxygen mask.⁴ There are also references to her suffering from type one diabetes which required daily insulin injections.⁵ However, Ms Raye's treating doctors told police that there was no evidence of her being diabetic or requiring insulin of any type.⁶
4. Further, Ms Raye had a history of anxiety neurosis, adjustment disorder and severe depression with suicidal thoughts. There is evidence of two previous suicide attempts in 1987 and 1988. Prior to her death, Ms Raye's mental health deteriorated significantly.⁷

¹ Statement of Cliff Connors dated 12 April 1989 (SCOI.48976) [Document not provided and available on request].

² P79A Report of Death to Coroner dated 21 March 1989 (SCOI.48915) (**Tab 1**); letters from Dr Helen Borman and Dr P J Steinheuer to the Housing Commission dated 1 February 1989 (SCOI.48930) [Documents not provided and available on request].

³ Ibid.

⁴ P79A Report of Death to Coroner (**Tab 1**); statement of Dr E Grieve dated 3 May 1989 (SCOI.48950) (**Tab 9**); statement of Dr P J Steinheuer dated 14 April 1989 (SCOI.48980) (**Tab 8**).

⁵ P79A Report of Death to Coroner (**Tab 1**); statement of Wayne Hurrell dated 20 March 1989 (SCOI.48973) (**Tab 7**).

⁶ Statement of Dr E Grieve (**Tab 9**); statement of Dr P J Steinheuer (**Tab 8**).

⁷ Statement of Dr E Grieve (**Tab 9**); statement of Dr P J Steinheuer (**Tab 8**); statement of Wayne Hurrell dated 20 March 1989 (SCOI.48973) (**Tab 7**); statement of Cliff Connors (SCOI.48976) [Document not provided and available on request].

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Last known movements

5. Ms Raye was last seen by her close friend Wayne Hurrell on 5 March 1989, when he visited her flat. Ms Raye last spoke to Mr Hurrell when she telephoned him at 7:00pm on 11 March 1989 from the Wayside Chapel. Mr Hurrell said that the telephone conversation lasted for about 30-45 minutes. While Ms Raye seemed to be upset, she did not mention suicide.⁸
6. On 16 March 1989, Ms Raye did not attend her appointment with her psychiatrist Dr Helen Borman.⁹
7. Around midday on 17 March 1989, Mr Hurrell attended Ms Raye's unit and found it empty. Mr Hurrell saw a note in the living room, in Ms Raye's handwriting that read "At lighthouse, will be back????".¹⁰
8. On 19 March 1989, Mr Hurrell and Hanna Hedler, Ms Raye's social worker, attended Ms Raye's unit and again found it empty. They reported Ms Raye as a missing person at King's Cross Police Station.¹¹

Circumstances of death

9. At 9:30am on 20 March 1989, David Willis discovered Ms Raye's body in a cave below Hornby Lighthouse at South Head.¹²
10. Officers from Bondi Police attended the scene at 10:25am. According to the officers' reports:¹³
 - a. A plastic bottle, similar to a film case, was found next to Ms Raye's body. It contained a white substance.
 - b. A large syringe and needle were found underneath a rock shelf around 1.5m from Ms Raye's head.
 - c. An empty syringe packet and an empty lance packet were found around 1.5m from Ms Raye's feet, lying in some water filled rock pools.
 - d. An empty box of "Mixtard" was found around 5m south of Ms Raye's body.
 - e. A blister packet containing six 5mg Valium tablets, with two tablets missing, was found on Ms Raye's person.
11. At 12:25pm, police took Ms Raye's body to the top of the cliff face. Ms Raye was identified by Mr Hurrell.¹⁴

Post-mortem investigations

12. On 22 March 1989, Dr Peter Bradhurst conducted a post-mortem examination. Dr Bradhurst found no significant injuries or signs of violence. However:
 - a. Sections of Ms Raye's lungs showed an acute bronchopneumonia affecting both lungs. The changes in the left lung were florid and appeared as a lobar pneumonia. In addition, the left lung had numerous gram-positive cocci in pairs, short chains or clusters, which suggested streptococci.¹⁵

⁸ Statement of Wayne Hurrell dated 20 March 1989 (SCOI.48973) (**Tab 7**).

⁹ Ibid.

¹⁰ Ibid.

¹¹ Ibid.

¹² Statement of Constable William Wilcher dated 8 May 1989 (SCOI.48953) (**Tab 10**).

¹³ Ibid.

¹⁴ Ibid.

¹⁵ Post-mortem report of Dr Peter Bradhurst dated 8 May 1989 (SCOI.48922) (**Tab 5**).

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- b. Microscopic examination of Ms Raye’s brain revealed cell changes that were consistent with a viral infection of mild meningoencephalitis.¹⁶
13. Toxicology found insulin in Ms Raye’s blood (21 micro units per mL) and glucose in her urine (0.90mmol per litre). The plastic syringe and jar found near Ms Raye’s body were both found to contain insulin.¹⁷
14. Dr Bradhurst recorded the cause of death as acute bilateral bronchopneumonia and viral meningoencephalitis. An antecedent cause of death was “possible use of insulin”, with “transexual, depression” listed as other significant conditions. Time of death was estimated to be between 7:00pm on 19 March and 7:00pm on 20 March 1989.¹⁸
15. NSW Police searched Ms Raye’s unit and found several syringes, with one being identical to the syringe found near Ms Raye’s body. No insulin was found. Police also made enquiries with the chemists around Ms Raye’s home address after her death and found that no chemist had supplied Ms Raye insulin.¹⁹

Material 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 the index has been extracted from the NSW Police Force investigation file and the court file from the Coroners Court of NSW.

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. Was Ms Raye’s blood sugar level indicative of insulin use? If so, are you able to give an estimate of the time of use?
2. In your view, did the level of insulin recorded in Ms Raye’s blood and/or her urine contribute to her death:
 - a. alone; or
 - b. in conjunction with Ms Raye’s severe lung infection; and/or
 - c. in conjunction with Ms Raye’s viral meningoencephalitis?
3. If the answer to question 2 is no, was the level of insulin found in Ms Raye’s toxicology too low to cause death?
4. Please provide any other comment, within your expertise, which you consider to be relevant to the manner and cause of Ms Raye’s death.

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

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

Expert Code of Conduct

¹⁶ Microscopic examination of brain dated 12 May 1989 (SCOI.48923) (Tab 3).

¹⁷ Toxicology report dated 24 May 1989 (SCOI.48923) (Tab 4).

¹⁸ Post-mortem report of Dr Peter Bradhurst dated 8 May 1989 (SCOI.48922) (Tab 5).

¹⁹ Statement of Constable William Wilcher (Tab 10).

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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, Professor John Carter, 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.”

Fees

I note your estimate of **\$1800 to \$2800** to review the briefing material and prepare your expert report. Please advise Ms Healey-Nash in the event that you need to revise this estimate. Please address your invoice to the Department of Premier and Cabinet, ABN: 34 945 244 274. Ms Healey-Nash will be in contact separately about any further paperwork required.

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

Yours faithfully,



Caitlin Healey-Nash
Senior Solicitor
Solicitor Assisting the Inquiry

Encl. (3)

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Inquiry into the death of Samantha RAYE INDEX TO BRIEF FOR PROFESSOR JOHN CARTER (as at 21 December 2022)

Tab	Document	Date	SCOI Ref
VOLUME 1			
Formal documents			
1.	P79A Report of Death to Coroner	21 March 1989	SCOI.48915
2.	Handwritten autopsy notes	22 March 1989	SCOI.10333.00004
3.	Microscopic examination of brain	12 May 1989	SCOI.48923
4.	Toxicology report	24 May 1989	SCOI.48923
5.	Post-mortem report of Dr Peter Bradhurst	23 June 1989	SCOI.48922
6.	Death certificate	6 July 1989	SCOI.73943
Statements			
7.	Statement of Wayne Hurrell	20 March 1989	SCOI.48973
8.	Statement of Dr Peter Joseph Steinheuer	14 April 1989	SCOI.48980
9.	Statement of Dr Edward Grieve	3 May 1989	SCOI.48950
10.	Statement of Constable William John Wilcher (officer in charge)	8 May 1989	SCOI.48953
Photographs			
11.	Crime Scene Photographs [sensitive]	20 March 1989	N/A
12.	Post-mortem photographs [sensitive]	22 March 1989	N/A