



Special Commission of Inquiry into LGBTIQ hate crimes

25 January 2023

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 in relation to Samantha Raye

As you are aware, 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”).

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 Hornby 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."¹

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 **28 February 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.² She commenced her transition process and underwent gender affirming surgery in October 1988.³
2. At the time of her death Ms Raye lived in a housing commission unit in Potts Point. She allegedly experienced harassment and abuse from her neighbours, which contributed to a decline in her mental health.⁴

Medical history

3. Ms Raye suffered from asthma, which required Ventolin and an oxygen mask.⁵ There are also references to her suffering from type one diabetes which required daily insulin injections.⁶ However, following Ms Raye's death, her treating doctors told police that there was no evidence of her being diabetic or requiring insulin of any type.⁷
4. Further, Ms Raye had a history of anxiety neurosis, adjustment disorder and severe depression with suicidal thoughts.⁸ There is evidence of two previous suicide attempts in 1987 and 1988.⁹ Prior to her death, Ms Raye's mental health deteriorated significantly. Her friends and acquaintances referred to her becoming more depressed and withdrawn.¹⁰

¹ Coroners Court – Action Cover Sheet (SCOI.48914) (Tab 6).

² Statement of Cliff Connors dated 12 April 1989, at [4] (SCOI.48976) (Tab 11).

³ 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) (Tab 8).

⁴ Ibid.

⁵ P79A Report of Death to Coroner (Tab 1); statement of Dr Edward Grieve dated 3 May 1989, at [3] (SCOI.48950) (Tab 13); statement of Dr Peter Joseph Steinheuer dated 14 April 1989, at [5] (SCOI.48980) (Tab 12).

⁶ P79A Report of Death to Coroner (Tab 1); statement of Wayne Hurrell dated 20 March 1989, at [6] (SCOI.48973) (Tab 9).

⁷ Statement of Dr Grieve, at [3] (Tab 13); statement of Dr Steinheuer, at [5] (Tab 12).

⁸ Statement of Dr Steinheuer, at [5] (Tab 12).

⁹ Statement of Dr Grieve, at [3] (Tab 13); statement of Wayne Hurrell, at [7] (Tab 9); statement of Cliff Connors, at [8] (Tab 11).

¹⁰ Statement of Wayne Hurrell, at [7] (Tab 9); statement of Cliff Connors, at [10] (Tab 11).

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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 unit.
6. 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.¹¹
7. On 16 March 1989, Ms Raye did not attend her appointment with her psychiatrist Dr Helen Borman.¹²
8. 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????". Mr Hurrell left a note for Ms Raye and left the unit.¹³
9. 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.¹⁴

Circumstances of death

10. At 9:30am on 20 March 1989, local resident Daniel Willis discovered Ms Raye's body in a cave 50m south of Hornby Lighthouse at South Head.¹⁵ Ms Raye's body was located under a large overhang about two feet above the high tide mark.¹⁶ According to Mr Willis, Ms Raye's body was cold and he could not find a pulse.¹⁷
11. Constables William Wilcher and Patrick Duncombe from Bondi Police attended the scene at 10:25am. According to the officers' reports:¹⁸
 - a. Ms Raye was lying on her back, with her right leg over her left leg. Her left fist was closed in the centre of her chest, and her right arm was along her side.
 - b. Ms Raye's head was turned to the right. A dried mucus was running from her open mouth and nose, and both her eyes were slightly open.
 - c. A plastic bottle, similar to a film case, was found next to Ms Raye's body. It contained a white substance.
 - d. A large syringe and needle were found underneath a rock shelf around 1.5m from Ms Raye's head.
 - e. 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.
 - f. An empty box of "Mixtard" was found around 5m south of Ms Raye's body.
12. Constables Stewardson and Vincent from the Crime Scene Unit attended the scene at 11:30am and took photographs of Ms Raye and the surrounding area. They recorded that there were "no suspicious circumstances", and also noted that a "condom" was located near Raye.¹⁹ This does not appear to be recorded anywhere else in the police material. The officers searched Ms Raye's body and found:²⁰

¹¹ Statement of Wayne Hurrell, at [8]-[9] (Tab 9).

¹² Ibid, at [10].

¹³ Ibid, at [9].

¹⁴ Ibid.

¹⁵ Statement of Constable William Wilcher dated 8 May 1989, at [3], [5] (SCOI.48953) (Tab 15).

¹⁶ Statement of Constable Patrick Duncombe dated 8 May 1989, at [4] (SCOI.48959) (Tab 16).

¹⁷ Statement of Daniel Willis dated 20 March 1989, at [4] (SCOI.48974) (Tab 10).

¹⁸ Statement of Constable Wilcher, at [4] (Tab 15); statement of Constable Duncombe, at [4] (Tab 16).

¹⁹ Scene attendance entry by Scientific Team dated 20 March 1989 (SCOI.10333.00007) (Tab 14).

²⁰ Statement of Constable Wilcher, at [6] (Tab 15); statement of Constable Duncombe, at [6] (Tab 16).

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- a. Her black shirt (under her jacket) was unbuttoned, exposing her breasts.
 - b. Her pants were undone, with the belt loosely threaded through the buckle and the fly half done up.
 - c. A small folding knife and a whistle in the right pocket of her jacket.
 - d. A blister packet containing six 5mg Valium tablets, with two tablets missing.
13. At 12:25pm, police took Ms Raye's body to the top of the cliff face. Ms Raye was identified by Mr Hurrell, who had attended South Head to look for Ms Raye.²¹

Post-mortem investigations

14. 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.²²
 - b. Microscopic examination of Ms Raye's brain revealed cell changes that were consistent with a viral infection of mild meningoencephalitis.²³
15. 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.²⁴
16. 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.²⁵
17. Time of death was estimated to be between 7:00pm on 19 March 1989 and 7:00pm on 20 March 1989.²⁶ Dr Bradhurst noted early beard growth, decomposition of the abdomen and legs and mild post-mortem lividity on Ms Raye's back, lower limbs and feet.²⁷ However, I note that Ms Raye's death certificate has the original date of death of 20 March 1989 crossed out, with "on or about 12 March 1989" handwritten in.²⁸

Police investigation

18. NSW Police searched Ms Raye's unit and found several syringes, including one that was identical to the syringe found near Ms Raye's body. No insulin was found. Police made enquiries with Ms Raye's treating doctors and found that none of them had knowledge of her being a diabetic or of ever prescribing insulin. Police also made enquiries with the chemists around Ms Raye's home address after her death and found that no chemist had supplied insulin to Ms Raye.²⁹

Expert report of Professor John Carter

²¹ Statement of Constable Duncombe, at [7] (Tab 16).

²² Post-mortem report of Dr Peter Bradhurst dated 8 May 1989, at p. 4 (SCOI.48922) (Tab 5).

²³ Microscopic examination of brain dated 12 May 1989 (SCOI.48923) (Tab 3).

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

²⁵ Post-mortem report, at p. 1 (Tab 5).

²⁶ Ibid.

²⁷ Ibid, at pp. 1-2.

²⁸ Death Certificate dated 6 July 1989 (SCOI.73943) (Tab 7). The Coroners Court – Action Cover Sheet also lists the date of death as "on or about 12 March 1989" (Tab 6).

²⁹ Statement of Constable Wilcher, at [9] (Tab 15).

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19. Consultant endocrinologist Professor John Carter has provided the Inquiry with an expert report in relation to Ms Raye’s insulin levels and cause of death. Professor Carter considered it impossible to unequivocally determine that the cause of Ms Raye’s death was related to an insulin injection. However, he was of the view that the clinical and toxicological features of the post-mortem investigations with respect to Ms Raye were consistent with death secondary to an injection of a large dose of insulin.³⁰

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 court file of the Coroners Court of NSW, the investigative file of NSW Police Force 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 Ms Raye.
2. Your view as to the estimated time of Ms Raye’s death. Without limiting the matters which you may consider relevant to this question, please outline:
 - a. Whether you agree with the estimated time of death expressed in the original autopsy report. Why/why not?
 - b. Whether you agree with the estimated time of death recorded on Ms Raye’s death certificate. Why/why not?
 - c. What factors relevant to Ms Raye’s death impact upon the precision with which time of death can be estimated?
3. Your view as to the medical cause of Ms Raye’s death (including, if relevant, any reasons for taking a different view to that formed by Dr Bradhurst and/or Professor Carter). Without limiting the matters which you may consider relevant to this question, please address:
 - a. Ms Raye’s “acute bilateral bronchopneumonia” and whether you consider this infection to have directly caused Ms Raye’s death, either alone or in conjunction with another factor;
 - b. Ms Raye’s “mild meningoencephalitis” and whether you consider this infection to have directly caused Ms Raye’s death, either alone or in conjunction with another factor; and
 - c. Whether you consider there to be a basis for the recording of “transsexual” and/or “depression” as other significant conditions contributing to Ms Raye’s death.
4. Your view as to any conclusions that can be drawn from the toxicological analysis (including any reasons for taking a different view to that formed by Dr Bradhurst and/or Professor Carter).
5. Your view as to whether the circumstances of Ms Raye’s death and/or her injuries were consistent with misadventure, suicide or foul play.

³⁰ Expert report of Professor John Carter dated 19 January 2023 (Tab 19).

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6. Any recommendations for further investigations with respect to determining the manner and cause of Ms Raye's death.
7. 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.

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.

Yours faithfully,



Caitlin Healey-Nash
Senior Solicitor

For Solicitor Assisting the Inquiry

Encl. (3)

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Inquiry into the death of Samantha RAYE

INDEX TO BRIEF FOR DR LINDA ILES

(as at 25 January 2023)

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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.	Coroners Court – Action Cover Sheet	18 April–30 June 1989	SCOI.48914
7.	Death certificate	6 July 1989	SCOI.73943
Witness statements and other records			
8.	Letters from Dr Helen Borman and Dr Peter Joseph Steinheuer to the Housing Commission	1 February 1989	SCOI.48930
9.	Statement of Wayne Hurrell	20 March 1989	SCOI.48973
10.	Statement of Daniel Willis	20 March 1989	SCOI.48974
11.	Statement of Cliff Connors	12 April 1989	SCOI.48976
12.	Statement of Dr Peter Joseph Steinheuer	14 April 1989	SCOI.48980
13.	Statement of Dr Edward Grieve	3 May 1989	SCOI.48950
Statements and other records of NSW Police			
14.	Scene attendance entry by Scientific Team	20 March 1989	SCOI.10333.00007
15.	Statement of Constable William John Wilcher (officer in charge)	8 May 1989	SCOI.48953
16.	Statement of Constable Patrick John Duncombe	8 May 1989	SCOI.48959
Photographs			
17.	Crime Scene Photographs [sensitive]	20 March 1989	SCOI.48981

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Tab	Document	Date	SCOI Ref
18.	Post-mortem photographs [sensitive]	22 March 1989	SCOI.10333.00003
Expert reports			
19.	Expert report of Professor John Carter	19 January 2023	N/A
	A. Letter of Instruction	21 December 2023	N/A