



Special Commission of Inquiry into LGBTIQ hate crimes

22 August 2022

The Proper Officer
 NSW Health Pathology – Forensic Medicine
 Forensic Medicine & Coroners Court Complex
 1A Main Avenue
 LIDCOMBE NSW 2141

By email: [REDACTED]

Dear Proper Officer

Special Commission of Inquiry into LGBTIQ hate crimes: Request for records

I assist the Commissioner, 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, 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.

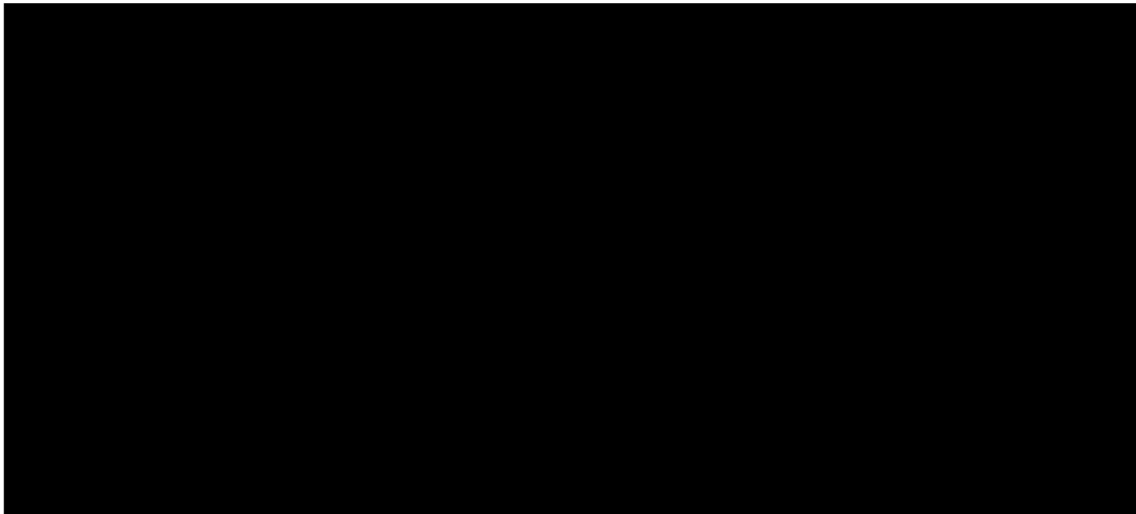
I **enclose** a copy of the full Letters Patent for your reference.

Summons to produce documents

Four of the deaths which fall within the Inquiry's terms of reference are as follows:

1. **Mark Stewart** (DOB: 18 July 1957) died on 10 or 11 May 1976 at Fairy Bower, Manly. On 14 May 1976, Dr Thomas Howard Godfrey Oettle performed an autopsy on

Mr Stewart (Post Mortem No. 76/910). Dr Oettle recorded the direct cause of death as "multiple injuries".



The Coroners Court of NSW has provided the Inquiry with the coronial files for each of the above deceased persons, which include autopsy, toxicology and/or forensic biology reports. However, the coronial files unfortunately do not include any autopsy photographs or similar material taken at the time of the autopsies. Nor can we be certain whether the coronial files contain all relevant reports that may have been prepared in relation to these matters.

In light of this information, please find **enclosed**, by way of service, a summons requiring the production of certain documents held by you in relation to these deaths.

The summons is returnable on **2 September 2022** and the documents may be produced electronically. I note that due to the age of the files, they may be in archives. If further time is required to produce the material, please advise Caitlin Healey-Nash, Senior Solicitor, as soon as possible and indicate when you anticipate the files can be provided.

Please do not hesitate to contact Ms Healey-Nash on (02) 9474 9268 or at Caitlin.Healey-Nash@specialcommission.nsw.gov.au should you wish to discuss this request further.

Thank you for your assistance.

Yours faithfully

Handwritten signature of Caitlin Healey-Nash in blue ink.

Caitlin Healey-Nash
Senior Solicitor
for Crown Solicitor

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