



## Special Commission of Inquiry into LGBTIQ hate crimes

26 July 2023

David Ranson  
Forensic Practitioner  
Victoria Institute of Forensic Medicine

By email: [REDACTED]

Dear Mr Ranson,

### NSW Special Commission of Inquiry into LGBTIQ hate crimes

I refer to the above Inquiry and to our conference on 11 July 2023 in relation to historical autopsy practice and procedure in New South Wales.

#### Request for expert opinion

By this letter, you are briefed to prepare an expert report for the Inquiry in relation to historical autopsy practice and procedure.

I would be grateful if you could provide your report by **2 August 2023**. If you anticipate any difficulties with this timeframe, please let me know as soon as possible.

#### Matters to be addressed in your report

I would be grateful if you could address the following matters in your report to the extent that they are matters which fall within your expertise:

1. Your professional and academic background including when you came to Australia and why;
2. Your observation of forensic pathology practice and procedure in Victoria when you arrived in Australia, including but not limited to:
  - a. who undertook post-mortem examinations including what professional background, qualifications and training they were required to have;
  - b. the relationship between the person who conducted the post-mortem examination and the police officers; and
  - c. what dictated how a post-mortem examination was conducted, including what specimens and swabs were taken.
3. Whether, when you arrived in Australia, forensic pathology practice and procedure in the United Kingdom was similar or different to your observations of what was occurring in Victoria (i.e., your answers to question 2);

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4. Whether, when you arrived in Australia, forensic pathology practice and procedure in NSW was similar or different to your observations of what was occurring in Victoria (i.e., your answers to question 2);
5. Your observation of forensic pathology practice and procedure in NSW now, including but not limited to:
  - a. who undertakes post-mortem examinations including what professional background, qualifications and training they are required to have;
  - b. the relationship between the person who conducts post-mortem examinations and the police; and
  - c. what dictates how a post-mortem examination is conducted including what specimens and swabs are taken.

### 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 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, Professor David Ranson, 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.”

### Terms of engagement

I confirm an agreed rate of [REDACTED] for your consultation with the Commissioner and members of the assisting team, and the preparation of any written material.

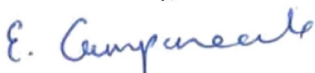
It is essential to comply with the Australian Taxation Office requirements that any invoice issued be addressed to the business name: NSW Crown Solicitor’s Office.

If an amount for GST is to be included in your fee, you will need to cite your ABN and either:

- Indicate that the fee is inclusive of GST; or
- Separately indicate the amount of GST charged.

Please do not hesitate to contact on Hermione Nicholls on [REDACTED] if you have any queries in relation to this matter.

Yours faithfully,



Enzo Camporeale  
 Director, Legal  
**Solicitor Assisting the Inquiry**

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# Uniform Civil Procedure Rules 2005

Current version for 11 November 2022 to date (accessed 20 December 2022 at 08:53)

## 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.