



## Special Commission of Inquiry into LGBTIQ hate crimes

30 September 2022

Dr Danny Sullivan  
 Consultant Forensic Psychiatrist  
 PO Box 1060  
 NORTH MELBOURNE VIC 3051

By email: [REDACTED]

Dear Dr Sullivan,

### **Special Commission of Inquiry into LGBTIQ hate crimes: Expert report in relation to the death of Simon Blair Wark**

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 his Honour in his inquiry into the death of Simon Blair Wark (known as 'Blair').

#### **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**

Further to your conferences with the Commissioner and assisting team on 23 May 2022 and 31 August 2022, by this letter, you are briefed to prepare an expert report for the Inquiry in relation to death of Mr Wark from the perspective of a forensic psychiatrist addressing certain matters identified below.

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I would be grateful if you could provide your report by **17 October 2022**. If you anticipate any difficulties with this timeframe, please let Ms Healey-Nash know as soon as possible.

In addition to providing your report, you may be required to give oral evidence at any hearing in relation to Mr Wark's death. If you are required to give oral evidence, I will notify you as soon as practicable to discuss suitable arrangements.

### Assumptions

In preparing your report, you are requested to assume the facts set out in the below summary. Additionally, please have regard to any other relevant information contained in the briefing materials provided to you.

#### *Personal background*

1. Mr Wark (born 15 September 1961) was found dead floating in Sydney Harbour about 200 metres off Dobroyd Point on 10 January 1990. He was 28 years old. Mr Wark was employed as a Technical Print Maker, having previously studied at the Art Institute for two years. Mr Wark was described as a very intelligent, creative and pleasant man.<sup>1</sup>
2. At the time of his death, Mr Wark did not have a permanent residence and was living at the Pymont Arms Hotel.<sup>2</sup> His parents and siblings resided at the family home in Frenchs Forest. Mr Wark had not lived at the family home since attending boarding school in 1977 and reportedly did not have a close relationship with his father.<sup>3</sup>
3. Mr Wark was homosexual, a fact which his family and friends were aware of. It appears that Mr Wark had been in a long-term relationship with a Catholic priest, Father [I182], for eight years. The two men had split up around six months before Mr Wark's death, but remained in touch.<sup>4</sup>

#### *Mental health history*

4. Mr Wark had a history of depression and had been on anti-depressants for over 18 months at the time of his death. He had been treated on a regular basis by general practitioner Dr John Goldbaum since April 1988, who prescribed Prothiaden 75mg per day to good effect.<sup>5</sup> Mr Wark had also been referred to a psychologist [I181], whom he consulted on two occasions.<sup>6</sup> [I181] later told police that Mr Wark was suffering from depression due to the termination of his eight year relationship with Father [I182] his excessive drinking and his experience of claustrophobia at work.<sup>7</sup>
5. There is no evidence of Mr Wark being diagnosed with any other mental health conditions. Dr Goldbaum reportedly stated that at no time did he find Mr Wark showing any signs of schizophrenia.<sup>8</sup> However, as is set out further below, there is evidence that Mr Wark was under the

<sup>1</sup> Letter from [I181] to the Sydney Coroner dated 12 January 1990, pp. 2-3 (Tab 23); statement of Father [I182] [I182] dated 27 January 1990, at [6] (Tab 17).

<sup>2</sup> P79A Report of Death to Coroner dated 11 January 1990, p. 1 (Tab 2).

<sup>3</sup> Report of Constable Ford and Detective Constable Plotecki dated 4 June 1990, at [5] (Tab 13); statement of Rebecca Wark dated 18 March 1990, at [4] (Tab 20); second statement of Ian Wark dated 27 January 1990, at [5] (Tab 15).

<sup>4</sup> Unsigned statement of [I179] dated 29 January 1990, at [11] and [13] (Tab 18); Letter from [I181], p. 1 (Tab 23).

<sup>5</sup> Report of Constable Ford and Detective Constable Plotecki, at [12] (Tab 13).

<sup>6</sup> Letter from Dr Jeff Sleep to [I181] dated 14 November 1989 (Tab 22); Letter from [I181] p. 1 (Tab 23).

<sup>7</sup> Letter from [I181] p. 1 (Tab 23).

<sup>8</sup> Handwritten notes (presumably of Enid Wark) dated 2 February 1990 (Tab 19).

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effect of a mental health episode, potentially involving psychosis, at a time proximate to his death. In particular, after seeing Mr Wark on 8 January 1990, the Wark family's general practitioner Dr Glen Marriott was of the opinion that:<sup>9</sup>

- a) Mr Wark was suffering from pre-psychosis and was a possible manic depressant; and
  - b) it was unclear if this condition was a result of drug abuse or a physical condition.
6. On 9 January 1990, Mr Wark's sister Rebecca gained the impression that Mr Wark had lost his sense of time and was a day ahead of the actual date.<sup>10</sup> Father [182] also told police that Mr Wark "was subject to changes in his outlook from depression to elation over a very short period".<sup>11</sup>

### *Alcohol and drug use*

7. Mr Wark was a heavy drinker at the time of his death, and sought assistance from [181] to curb this habit.<sup>12</sup> While aware of his drinking, Mr Wark's family had no knowledge of him using illicit drugs at the time of his death. Mr Wark's father stated that Mr Wark tried marijuana and possibly other drugs in his early 20s, and a friend, [179] indicated that Mr Wark sold and used LSD heavily over a period of two years while he was at the Art Institute.<sup>13</sup>
8. No alcohol or illicit drugs were detected in Mr Wark's toxicology results.

### *Key events and preoccupations over the last days of Mr Wark's life*

9. In the days prior to his death, Mr Wark had several preoccupations and exhibited unusual conduct to his family and friends. A detailed summary of Mr Wark's movements and behaviour are set out in the chronology at **Annexure A** to this letter. In particular, I draw your attention to:
  - a) Mr Wark's repeated references to a "shooting gallery";
  - b) Mr Wark's paranoia and fear of "The Triad" and "██████████" (being, [179] and Michael Hutchence, whom was a school friend of Mr Wark's older brother);
  - c) Dr Marriott's impression of Mr Wark on 8 January 1990;
  - d) Mr Wark's attempts to contact [181] in the two days before his death; and
  - e) His attendance at the Lost Property counter at David Jones, Sydney City on 9 January 1990.

### *Discovery of body*

10. Mr Wark's body was found at around 9.00am on 10 January 1990 floating face down in Sydney Harbour, around 200 metres northeast of Dobroyd Head. Attending police recorded that Mr Wark's body showed no sign of apparent external injuries. He was wearing denim jeans, socks and shoes, but no shirt.<sup>14</sup>

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<sup>9</sup> Statement of Detective Constable Michael Plotecki dated 30 January 1990, at [22] (**Tab 12**).

<sup>10</sup> Statement of Rebecca Wark, at [12] (**Tab 20**).

<sup>11</sup> Statement of Father [182], at [6] (**Tab 17**).

<sup>12</sup> Statement of Rebecca Wark, at [12] (**Tab 20**); second statement of Ian Wark, at [15] (**Tab 15**); letter from [181], p. 1 (**Tab 23**).

<sup>13</sup> Second statement of Ian Wark, at [15] (**Tab 15**); statement of [179], at [16] (**Tab 18**).

<sup>14</sup> Second statement of Constable Lisa Ford dated 24 January 1990, p. 1 (**Tab 10**).

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11. The next day, 11 January 1990, a local worker Neil Champion found a pile of Mr Wark's property and clothes on a rock platform under a ledge at Gap Bluff. Mr Champion collected the items and handed them in at Vacluse Police Station.<sup>15</sup> The precise location of the property is unknown and there are no photographs of the location or items. Records indicate that the property comprised a shirt neatly rolled up and tied with a black leather belt, a pair of glasses, small tube of ointment and a brown wallet which contained Mr Wark's credit cards, drivers licence and a lost property receipt.<sup>16</sup>
12. On 16 January 1990 (after his death) Rebecca attended the David Jones lost property counter and collected Mr Wark's bag of property. The bag contained some clean clothes, underwear, a shaving kit in a leather pouch made by Mr Wark, an alarm clock, a fob watch, a towel, as well as the jeans (which were wet and folded in a Grace Bros bag), underwear and belt Mr Wark had been wearing when he left his family's house on the morning of 9 January 1990 (according to Rebecca).<sup>17</sup>

### *Post-mortem investigations*

13. Mr Wark's body was first examined by forensic pathologist Dr Peter Bradhurst on the morning of 14 January 1990. However, the autopsy was stopped after deep seated bruising was found on Mr Wark's neck, and the Homicide Squad was contacted.<sup>18</sup>
14. Dr Bradhurst resumed his examination at 5.30pm that day. Dr Bradhurst noted a small number of relatively minor external injuries, including bruising to the left side of the face and upper neck, and along the right side of the body. Dr Bradhurst found multiple severe internal injuries, including cracks, fractures and/or lacerations to the neck, spine, ribs, pelvis, liver and spleen, and haemorrhage to the heart, lungs, spine, thyroid, adrenals and one kidney. A copy of autopsy report is located at **Tab 7** of your brief.
15. Dr Bradhurst considered the direct cause of death to be "multiple injuries" and the date of death to have been 4½ to 4¾ days prior (i.e., between 11.30pm on 9 January 1990 and 5.30am on 10 January 1990).<sup>19</sup> According to the police officers who attended the autopsy, Dr Bradhurst concluded that the injuries were consistent with having fallen from a great height and that there were no suspicious circumstances surrounding Mr Wark's death.<sup>20</sup>
16. Toxicology testing found tricyclic antidepressants in Mr Wark's blood, liver, stomach and bile. Chloride ion was also found in blood from his left and right ventricles. As noted above, no blood alcohol was detected.<sup>21</sup>

### *Cause and manner of death*

17. Investigating police were of the view that Mr Wark died by suicide after he jumped "from the Gap Bluff due to the completion of an eight year homosexual relationship and loneliness".<sup>22</sup> In making this

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<sup>15</sup> Statement of Neil Champion dated 14 January 1990, pp. 1-2 (**Tab 16**).

<sup>16</sup> Statement of Neil Champion, p. 1 (**Tab 16**); statement of Constable Nichole Brown dated 14 January 1990, at [5] (**Tab 11**).

<sup>17</sup> Statement of Rebecca Wark, at [13] (**Tab 20**).

<sup>18</sup> Second statement of Constable Lisa Ford, p. 3 (**Tab 10**); Statement of Detective Constable Plotecki, at [3] (**Tab 12**).

<sup>19</sup> Autopsy report, p. 7 (**Tab 7**).

<sup>20</sup> Second statement of Constable Lisa Ford, p. 3 (**Tab 10**); statement of Detective Constable Plotecki, at [5] (**Tab 12**).

<sup>21</sup> Toxicology report dated 1 May 1990 (**Tab 6**).

<sup>22</sup> Second statement of Constable Lisa Ford, p. 3 (**Tab 10**).



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assessment, police appeared to rely heavily on the assessment of [181] that Mr Wark died by suicide “as a result of depression and loneliness”.<sup>23</sup>

18. By contrast, Dr Goldbaum allegedly told Mr Wark’s family that at no time in the two years he treated Mr Wark did he consider that Mr Wark was suicidal.<sup>24</sup> Further, Mr Wark’s medical history does not indicate any previous suicide attempts, although he reportedly disclosed to Dr Goldbaum that his family had a history of suicide.<sup>25</sup> There is also evidence to suggest that suicide was a topic which Mr Wark had discussed with close friends:

- a) According to Father [182] Mr Wark discussed suicide about two weeks prior to his death, saying, “suicide could be the answer to the problems of life”. Father [182] said that Mr Wark had discussed suicide on two occasions prior: one five years earlier and one seven years earlier.<sup>26</sup>
- b) Mr Wark also discussed suicide with [179] on 6 January 1990 at [179]’s residence. On this occasion, Mr Wark was “very upset and depressed” and said, “to die is to eat”. Mr Wark also brought up the death of a mutual friend who had died by suicide in Melbourne. According to [179] Mr Wark spoke about the subject of suicide often, and developed a fascination with death and suicide after his heavy use of LSD while at the Art Institute.<sup>27</sup>

19. Police do not appear to have considered misadventure as a probable cause of Mr Wark’s death. Although I note that aspects of Mr Wark’s conduct over his final days appear to be somewhat bizarre and delusional. Further, outside of the initial suspicions at autopsy and involvement of the Homicide Squad, police also do not appear to have given a great deal of consideration to the possibility that the death involved foul play. While Mr Wark expressed concerns for his safety in the days prior to his death, it is difficult to understand any rational basis for this and it is suspected that these were more likely to have been a manifestation of his state of mental health.

20. The evidence also suggests that Mr Wark entered the water in the vicinity of Gap Bluff, given where his property was found. However, a tidal expert has been briefed to provide a report on if and how Mr Wark’s body could have travelled from Gap Bluff to the area near Dobroyd Head.

21. The Coroner dispensed with a formal inquest into Mr Wark’s death,<sup>28</sup> presumably on the basis that there were no suspicious circumstances and that death appeared to be by suicide. Mr Wark’s death certificate records the cause of his death as “multiple injuries”.<sup>29</sup>

### Material with which you are briefed

For the purpose of preparing your report, you are briefed with the materials in the **enclosed** index. The material contained in the index has been extracted from the court file from the Coroners Court of NSW, the investigation file from NSW Police File and document from the Registrar of Births, Deaths and Marriages.

<sup>23</sup> Letter from [181], p. 2 (Tab 23).

<sup>24</sup> Handwritten notes (presumably of Enid Wark) dated 2 February 1990 (Tab 19).

<sup>25</sup> Report of Constable Ford and Detective Constable Plotecki dated 4 June 1990, at [12] (Tab 13).

<sup>26</sup> Statement of Father [182], at [12] (Tab 17).

<sup>27</sup> Statement of [179] at [10], [12] (Tab 18).

<sup>28</sup> Coroners Court Summary Sheet (Tab 30). (NB: Not provided. Available upon request).

<sup>29</sup> Death certificate of Simon Wark (Tab 8).

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We have attempted to select the documents most relevant to the questions you are asked to address in your report, set out below. However, we also **enclose** a list of the additional materials in the draft brief of evidence that have not been provided to you. Please contact Ms Healey-Nash if you believe that any of these additional materials would be of assistance in preparing your expert report.

### 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. Did Mr Wark meet the diagnostic criteria for any psychiatric condition/s at the time of his death in January 1990? If yes, please:
  - a) Identify the condition/s;
  - b) Describe its symptoms, duration and amenability to treatment; and
  - c) State whether you agree with the diagnoses of Mr Wark's treating clinicians and the reasons why/why not.
2. Please set out your views as to Mr Wark's mental state in the period from 6 January 1990 until his death. In particular, do you consider that Mr Wark was potentially suffering a psychotic episode at the time of his death?
3. From the material before you and your expertise as a forensic psychiatrist, do you consider that Mr Wark's behaviour in the days prior to his death and the apparent circumstances of his death are consistent with his manner of death having been suicide? Why/why not?
4. Do you consider that an alternative manner of death is open on the evidence, for example that Mr Wark died by misadventure? If so, and if you are able to, please provide your opinion as to the relative likelihood of the death having occurred by reason of suicide as opposed to an alternative manner.
5. Please provide any other comment, within the area of your expertise, regarding Mr Wark's mental state and the cause and manner of Mr Wark's death.

The above questions are not intended to be exhaustive. Accordingly, if there is any matter arising from the circumstances of Mr Wark'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.

In the event that you are called to give evidence before the Inquiry, either as to general matters in connection with LGBTIQ hate crimes or particular cases, it may be necessary for the Inquiry to disclose to interested parties any correspondence or conference notes with you.

### 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 present 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:

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"I, Dr Danny Sullivan, 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."

Please do not hesitate to contact Caitlin Healey-Nash on 02 9372 8497 or [caitlin.healey-nash@specialcommission.nsw.gov.au](mailto: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

Encl. 5

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### ANNEXURE A: CHRONOLOGY OF MR WARK'S MOVEMENTS PRIOR TO DEATH

Friday, 5 January 1990	
From morning to 1:30pm	<p>Mr Wark, [179] and [180] ([179]'s girlfriend) went to Kings Cross to look at a flat they wished to rent together.</p> <p>Mr Wark and Ms Hawes met with real estate agent Lorraine Cooper and inspected the flat at [REDACTED] Points Point. [179] waited at the Crest Hotel. He did not intend to put his name on the lease because he had a criminal record.<sup>30</sup></p> <p>Mr Wark and Ms Hawes completed an Application of Tenancy and paid a \$100 deposit.<sup>31</sup></p> <p>Ms Cooper described Mr Wark as "a very quiet man" when he attended the office, and "noticed nothing out of the usual".<sup>32</sup></p> <p>[179] recalled that Mr Wark was excited about the "big move for him" and said that it would start a new phase in his life.<sup>33</sup></p>
3:00pm	<p>Mr Wark called his father, Ian, and asked for a loan of \$500 to cover his rental bond and moving costs. Ian told Mr Wark he would have to think about it.</p> <p>Mr Wark rang back later and told Ian not to worry about the money as he "had been accommodated anyway".<sup>34</sup> Ian took this to mean that Mr Wark had obtained the money by other means.</p>
Around midnight	<p>Mr Wark telephoned Father [182] in a distressed state and said he was coughing blood. Father [182] advised Mr Wark to go to hospital or to Father [182]'s house. Mr Wark did not turn up at Father [182]'s house that evening.<sup>35</sup></p>
Saturday, 6 January 1990	
	<p>Mr Wark asked Father [182] for a loan to pay the balance of the bond on the apartment. [182] declined, although agreed to give Mr Wark some money to pay his accounts and supply him with pocket money.<sup>36</sup></p>
Sunday, 7 January 1990	
Morning	<p>Father [182] went to see Mr Wark in his room. [182] thought Mr Wark was going through alcohol withdrawal. He gave Mr Wark "two small ports" and then a codeine tablet. Mr Wark "said little all morning".<sup>37</sup></p>
Time unknown	<p>Mr Wark telephoned his parents. Mr Wark said that "everyone has told me it [his moving in with [179] and [180]] is a silly move".<sup>38</sup></p>

<sup>30</sup> Statement of [179], at [6]-[7] (Tab 18).

<sup>31</sup> Statement of Detective Constable Plotecki, at [23] (Tab 12).

<sup>32</sup> Statement of Detective Constable Plotecki, at [23] (Tab 12).

<sup>33</sup> Statement of [179], at [7] (Tab 18).

<sup>34</sup> Second statement of Ian Wark, at [7] (Tab 15).

<sup>35</sup> Statement of Father [182], at [8] (Tab 17).

<sup>36</sup> Statement of Father [182], at [10] (Tab 17).

<sup>37</sup> Statement of Father [182], at [9] (Tab 17).

<sup>38</sup> Second statement of Ian Wark, at [8] (Tab 15).



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Afternoon	Mr Wark left Father [182]'s house and went to the city for the afternoon. <sup>39</sup> Father [182] thought Mr Wark went to “pick up a bag”.
Evening	Mr Wark returned to Father [182]'s house. Mr Wark was upset and said, “ <i>The Triads are looking for me.</i> ” He also said that he had discovered the new apartment was a “ <i>shooting gallery</i> ”. <sup>40</sup> Mr Wark stayed the night at Father [182]'s place. <sup>41</sup>
<b>Monday, 8 January 1990</b>	
Before 8:30am	According to Father [182], Mr Wark woke up “a different person”. Mr Wark went into [182]'s bedroom and chatted about general things. He “appeared to have lost all his apprehensions from the previous night”.  Mr Wark said he had an appointment in town at 8:30am, and left Father [182]'s house in time to catch a train into town for the appointment. <sup>42</sup>
Late morning	Mr Wark called Father [182] “in very good spirits”. <sup>43</sup> Mr Wark told [182] that it had “all been worked out”. When [182] asked if Mr Wark had obtained \$100, Mr Wark replied “that’s not the point”. <sup>44</sup>
11:30-11:45am	Mr Wark attended Chameleon Hair Saloon (175 Kings Street, Sydney) and had his hair cut by Rosemary Klimes. <sup>45</sup> Klimes later described Mr Wark as appearing “quiet and slightly depress[ed]”. She said that Mr Wark gave the impression of “not quite being there” in the way he spoke. <sup>46</sup>
~12:30pm	Mr Wark arrived at his parents’ house in Frenchs Forest in a “very disturbed state”. <sup>47</sup> In his first statement to police, Ian stated that Mr Wark appeared to be hallucinating. <sup>48</sup> In his second statement to police, Ian retracted his remark about Mr Wark hallucinating and stated that: <sup>49</sup> <ul style="list-style-type: none"> <li>• Mr Wark was “shaking and distraught, he appeared nervous and was constantly on the move”.</li> <li>• Mr Wark arrived with his swim gear, and said that he was on his way to North Sydney Pool when something had taken place.</li> <li>• Mr Wark stated that: <ul style="list-style-type: none"> <li>○ He’d been stupid because he thought “it was a Real Estate Agents”, but it was a “Shooting Gallery”;</li> <li>○ He’s been set up; and</li> </ul> </li> </ul>

<sup>39</sup> Statement of Father [182] at [9] (Tab 17).

<sup>40</sup> Statement of Father [182] at [9] (Tab 17).

<sup>41</sup> Statement of Detective Constable Plotecki, at [14] (Tab 12).

<sup>42</sup> Statement of Father [182] at [10] (Tab 17).

<sup>43</sup> Report of Constable Ford and Detective Constable Plotecki dated 4 June 1990, at [8] (Tab 13).

<sup>44</sup> Statement of Father [182] at [10] (Tab 17).

<sup>45</sup> Statement of Detective Constable Plotecki, at [15] (Tab 12).

<sup>46</sup> Statement of Detective Constable Plotecki, at [24] (Tab 12).

<sup>47</sup> First statement of Ian Wark, p. 1 (Tab 14).

<sup>48</sup> First statement of Ian Wark, p. 1 (Tab 14).

<sup>49</sup> Second statement of Ian Wark, at [10] (Tab 15).

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	<ul style="list-style-type: none"> <li>○ The Triads were trying to get him.</li> <li>● Mr Wark mentioned "██████████". When Enid asked, "Who, [1179] and Michael Hutchence", Mr Wark said, "Don't even mention their names, don't even say them aloud".</li> <li>● Ian believed that Mr Wark was "in fear of his life".</li> </ul>
1:30pm	<p>Ian called Dr Glenn Marriott (family GP). Mr Wark appeared to calm down when Dr Marriott arrived at the house.<sup>50</sup></p> <p>According to Dr Marriott, Mr Wark displayed "pressure of speech" and had "flights of ideas", which made it difficult to follow what he was talking about.</p> <p>Mr Wark told Dr Marriott that "everything was fine" and he did not wish to be treated.<sup>51</sup></p>
4:00pm	<p>Mr Wark became distraught again and asked to be driven home. Ian drove Mr Wark back to the Pyrmont Arms Hotel and gave Mr Wark \$20.<sup>52</sup></p>
4:30pm	<p>Mr Wark's sister, Rebecca Wark, arrived at the family home after shopping with a friend in the city.</p> <p>Enid told Rebecca that Mr Wark had been over and was "evidently disturbed".<sup>53</sup></p>
Afternoon	<p>Mr Wark left a message on [1181]'s phone. [1181] said that Mr Wark "announced his name and added he was ringing on Monday afternoon" [1181] was in the Blue Mountains, but heard the message via remote control. She later stated that she could not return the call as Mr Wark "was not on the phone".<sup>54</sup></p>
Unknown time	<p>[1180] contacted real estate agent Lorraine Cooper and said that she was unable to find Mr Wark and therefore could not take the flat.<sup>55</sup></p>
6:00pm	<p>Mr Wark phoned home and spoke with Enid.<sup>56</sup></p>
Around 11:45pm	<p>Mr Wark phoned home again. He spoke with Rebecca and said he wanted to come over.<sup>57</sup></p>
<b>Tuesday, 9 January 1990</b>	
12:20am	<p>Mr Wark arrived at his family's house via taxi. He was wearing button fly jeans, a green tropical shirt and thongs.</p> <p>According to Rebecca, Mr Wark appeared exhausted and was nervous, sweating and shaking. He told Rebecca, "the last three days have been outrageous". Mr Wark did not appear to be himself; however, Rebecca did not get the impression that he had been</p>

<sup>50</sup> Second statement of Ian Wark, at [11] (Tab 15).

<sup>51</sup> Statement of Detective Constable Plotecki, at [22] (Tab 12); report of Constable Ford and Detective Constable Plotecki, pp. 2, 5-6 (Tab 13).

<sup>52</sup> Second statement of Ian Wark, at [12] (Tab 15); statement of Detective Constable Plotecki, at [11] (Tab 12).

<sup>53</sup> Statement of Rebecca Wark, at [5] (Tab 20).

<sup>54</sup> Letter from [1181], p. 2 (Tab 23).

<sup>55</sup> Statement of Detective Constable Plotecki, at [23] (Tab 12).

<sup>56</sup> Statement of Rebecca Wark, at [3] (Tab 20); second statement of Ian Wark, at [12] (Tab 15).

<sup>57</sup> First statement of Ian Wark, p. 1 (Tab 14); second statement of Ian Wark, at [12] (Tab 15).

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	<p>drinking or using drugs.<sup>58</sup></p> <p>Mr Wark and Rebecca stayed up talking for a while. Mr Wark said he had been “set up” by [redacted 1179] and Michael Hutchence.<sup>59</sup></p>
1:00am	Rebecca put Mr Wark to bed in the front room of the house. <sup>60</sup>
4:00am	<p>Mr Wark went into Rebecca’s room in a crouching position. He said that:<sup>61</sup></p> <ul style="list-style-type: none"> <li>• [redacted 1179] Michael Hutchence, Nick Woo and Mrs Woo (the latter two being mixed up in the Triads) were going to “kill” him and were coming to “get” him.</li> <li>• The Potts Point flat was a “shooting gallery”. He did not realise what he was getting into, and was innocent.</li> <li>• Somebody was outside. He wanted to return to the Pymont Arms Hotel, as his room was higher off the ground.</li> <li>• He was concerned about his appointment with [redacted 1181] at 1:00pm and wanted to borrow Rebecca’s car.</li> </ul>
6:00am	<p>Mr Wark “woke up distraught” and “apprehensive”. He insisted to getting to an ATM (but did not say why he needed money) and reiterated his psychologist appointment at 1:00pm.<sup>62</sup> Rebecca believed that Mr Wark had lost his sense of time and was a day ahead of the actual date.<sup>63</sup></p> <p>Mr Wark said that whoever had been outside was gone, and left the home on foot. Ian and Enid caught up with Mr Wark by car and asked him to return home. Mr Wark refused and requested to be dropped off at the bus stop.<sup>64</sup></p>
6:45am	Ian and Enid dropped Mr Wark off at the bus stop on the corner of Forest Way and Warringah Road. <sup>65</sup> This was the last time that Mr Wark was seen alive by his parents. <sup>66</sup>
~9:43am	<p>Mr Wark attended David Jones, Sydney City, and appeared to make three separate purchases:</p> <ul style="list-style-type: none"> <li>• “Mens Access” (\$21.95)</li> <li>• “Casual Shirt” (\$72.95)</li> <li>• [Unidentifiable] (\$24.99)</li> </ul> <p>Based on information from the Wark family to the Coroner, Mr Wark purchased a new shirt, new belt and new handkerchief.</p>
11:00am	<p>A man fitting Mr Wark’s description attended the Lost Property counter in David Jones. He handed staff member Eileen Dong a light blue carry bag which contained of clothes. Ms Dong recorded the name as ‘WARK B.’ and gave the man a receipt. The man said,</p>

<sup>58</sup> Statement of Rebecca Wark, at [6]-[7] (Tab 20).

<sup>59</sup> Statement of Rebecca Wark, at [6]-[7] (Tab 20).

<sup>60</sup> Statement of Rebecca Wark, at [8] (Tab 20).

<sup>61</sup> Statement of Rebecca Wark, at pp.3-4 (Tab 20).

<sup>62</sup> Second statement of Ian Wark, at [13] (Tab 15).

<sup>63</sup> Statement of Rebecca Wark, at [10] (Tab 20).

<sup>64</sup> Statement of Rebecca Wark, at [10] (Tab 20); first statement of Ian Wark, p. 2 (Tab 14).

<sup>65</sup> First statement of Ian Wark, p. 2 (Tab 14).

<sup>66</sup> Second statement of Ian Wark, at [13] (Tab 15).

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	<p>“This bag is mine, I’ll come to pick it up later.”</p> <p>Ms Dong recalled the bag contained dirty clothing, and that the man said to her “It all belongs in the laundry”.<sup>67</sup></p>
2:00pm	<p>Mr Wark attended [redacted] I181’s home address in Double Bay. No appointment had been scheduled, and [redacted] I181 was not home.<sup>68</sup></p> <p>[redacted] I181’s landlady (Daphine McLaughlin) answered the door and told Mr Wark that [redacted] I181 would be back in the late afternoon.<sup>69</sup></p> <p>This was the last sighting of Mr Wark.</p>
5:00pm	<p>[redacted] I181 arrived home. She had a voice message from Enid stating she was concerned about Mr Wark and did not know where he was. [redacted] I181 returned Enid’s call.<sup>70</sup></p>
9:00pm	<p>[redacted] I181 called Pymont Arms Hotel and left a message for Mr Wark to contact her. She did not hear back from Mr Wark.<sup>71</sup></p>
<b>Wednesday, 10 January 1990</b>	
Around 9:00am	<p>Mr Wark’s body was sighted floating in Sydney Harbour, north of Dobroyd Head.</p>

<sup>67</sup> Statement of Xiaolin (Eileen) Dong dated 5 May 1990 (Tab 21).

<sup>68</sup> Letter from [redacted] I181, p. 2 (Tab 23).

<sup>69</sup> Letter from [redacted] I181, p. 2 (Tab 23).

<sup>70</sup> Letter from [redacted] I181, p. 2 (Tab 23).

<sup>71</sup> Letter from [redacted] I181, p. 2 (Tab 23).



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**INDEX TO EXPERT BRIEF TO DR SULLIVAN**

(as at 30 September 2022)

<b>Tab</b>	<b>Document</b>	<b>Date</b>	<b>Reference No</b>
<b>VOLUME 1</b>			
<b>Formal Documents</b>			
1.	P79A – Report of Death to Coroner (pre-identification)	10 January 1990	SCOI.00052.00005
2.	P79A – Report of Death to Coroner (post-identification)	11 January 1990	SCOI.00052.00004
3.	Certificate of life extinct	10 January 1990	SCOI.00052.00006
4.	Identification statement	11 January 1990	SCOI.00052.00010
5.	Microscopic (forensic) examination report	26 February 1990	SCOI.00052.00008
6.	Toxicology report	1 May 1990	SCOI.00052.00009
7.	Autopsy report	24 May 1990	SCOI.00052.00007
8.	Death certificate	15 February and 13 August 1990	N/A
<b>NSW Police Force statements and other material</b>			
9.	First statement of Constable Lisa Gaye Ford (OIC)	13 January 1990	SCOI.10022.00040
10.	Second statement of Constable Lisa Gaye Ford	24 January 1990	SCOI.00052.00024
11.	Statement of Constable Nichole Louise Brown	14 January 1990	SCOI.00052.00020
12.	Statement of Detective Constable Michael Charles Plotecki (OIC)	30 January 1990	SCOI.00052.00026
13.	Letter to Coroner from Constable Lisa Ford and Detective Michael Plotecki responding to family's concerns	19 June 1990	SCOI.00052.00031
<b>Statements of family and witnesses</b>			
14.	First statement of Ian Anderson Wark (father)	11 January 1990	SCOI.00052.00025
15.	Second statement of Ian Anderson Wark	27 January 1990	SCOI.00052.00027
16.	Statement of Neil Andrew Champion (witness)	14 January 1990	SCOI.00052.00021

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Tab	Document	Date	Reference No
17.	Statement of Father [1182] (former partner)	27 January 1990	SCOI.00052.00028
18.	Unsigned statement of [1179] (friend)	29 January 1990	SCOI.00052.00030
19.	Handwritten notes (presumably of Enid Wark) and transcription	2 February 1990	SCOI.10022.00081
20.	Statement of Rebecca Sharon Wark (sister)	18 March 1990	SCOI.00052.00035
21.	Statement of Xiaolin (Eileen) Dong (David Jones employee)	5 May 1990	SCOI.00052.00036
<b>Statements and material from medical practitioners</b>			
22.	Letter from Dr Jeff W Sleep to [1181]	14 November 1989	SCOI.00052.00023
23.	Letter from [1181]	12 January 1990	SCOI.00052.00022
24.	PBS Repeat Prescription – Prothiaden Tabs 75mg (from Dr John Goldbaum)	Undated	SCOI.10022.00088
25.	Handwritten notes re Prothiaden tablets	Undated	SCOI.10022.00089
26.	Handwritten notes re: Dr Glen Donald Marriott	Undated	SCOI.10022.00093

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INDEX TO ADDITIONAL MATERIAL

(as at 30 September 2022)

Tab	Document	Date	Reference No
<b>VOLUME 2</b>			
<b>Statements</b>			
27.	Statement of Constable John Cox (Water Police)	11 January 1990	SCOI.00052.00019
28.	Statement of Stephen William Bird (Ferry master)	24 January 1990	SCOI.00052.00018
29.	Statement of Constable Kevin James Stewardson (Crime Scene Unit)	27 March 1990	SCOI.00052.00037
<b>Material from Coroners Court of NSW</b>			
30.	Summary Sheet	Undated	SCOI.00052.00001
31.	Inquest running sheet	Undated	SCOI.00052.00002
32.	Index of documents	Undated	SCOI.00052.00015
33.	Application for Tenancy	5 January 1990	SCOI.00052.00029
34.	Directions from Coroners Court to officer in charge to provide statements	Various dates	SCOI.00052.00003
35.	Letter from Coroner to Ian Wark advising of inquest	22 January 1990	SCOI.00052.00040
36.	Letter from Coroner to Ian Wark re request for copies of postmortem report	23 January 1990	SCOI.00052.00039
37.	Letter from Enid and Rebecca Wark to Coroner re concerns	4 May 1990	SCOI.00052.00011
38.	Letter from Coroner to Constable Lisa Ford and Detective Michael Plotecki enclosing letter from family	25 May 1990	SCOI.00052.00012
39.	Letter from Coroner to Enid Wark acknowledging receipt of letter	25 May 1990	SCOI.00052.00013
40.	Letter from Coroner to Ian Wark providing medical reports	31 May 1990	SCOI.00052.00014
41.	Letter from Coroner to Enid Wark re intention to dispose with inquest	25 June 1990	SCOI.00052.00042

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Tab	Document	Date	Reference No
<b>NSW Police Force Records</b>			
42.	Photograph of Blair Wark	Undated	SCOI.10022.00032
43.	Photograph of Blair Wark	Undated	SCOI.10022.00033
44.	Handwritten notes	8 January 1990	SCOI.10022.00107
45.	P.109 Report of Occurrence - Body of Unidentified Male Person Found in Harbour Off Dobroyd Head	10 January 1900	SCOI.10022.00025
46.	Handwritten letter from Constable Lisa Ford	17 January 1990	SCOI.10022.00105
47.	Letter from [redacted] 1179 to Blair Wark	17 January 1990	SCOI.10022.00068-71
48.	Fax cover sheet from Constable Ford to Detective Plotecki enclosing letter from [redacted] 1179 to Blair Wark	27 January 1990	SCOI.10022.00067
49.	Handwritten notes of Enid Wark	9 February 1990	SCOI.10022.00031
50.	Handwritten chronology of Enid Wark	Undated	SCOI.10022.00034
51.	Scanned David Jones receipt	Undated	SCOI.10022.00079
52.	David Jones Receipt No. 2368 (including handwritten notes by Rebecca Wark)	20 March 1990	SCOI.10022.00080
53.	Banking records from National Mutual Royal Savings Bank Limited	Undated	SCOI.10022.00082
54.	Payroll Service (payslip) from Computer Services National Mutual Royal Bank – Account details	Undated	SCOI.10022.00083
55.	Photocopy of Commonwealth Bank Key card and Account Balance	Undated	SCOI.10022.00084
56.	Business Card for Peter O'Connor (O'Connor Nielsen Estate Agents)	Undated	SCOI.10022.00095
57.	Handwritten Notes	Undated	SCOI.10022.00103
58.	Handwritten contact details for William Gorman	Undated	SCOI.10022.00108
59.	Handwritten letter from Constable Lisa Ford	Undated	SCOI.10022.00109
60.	Timeline of Events Leading to the Death of (Simon) Blair Wark	1 January 2015	SCOI.10022.00029



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<b>Tab</b>	<b>Document</b>	<b>Date</b>	<b>Reference No</b>
61.	Letter from Rebecca Wark to Steve re: Further Investigation	3 February 2015	SCOI.10022.00028
62.	Email from Cameron Bignell to Kathleen Collins re 'Blue dots' (Strike Force Parrabell Review)	22 July 2016	SCOI.10022.00030



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## UNIFORM CIVIL PROCEDURE RULES 2005 - SCHEDULE 7

### 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.