



Special Commission of Inquiry into LGBTIQ hate crimes

20 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 on 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 consideration of 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

Mr Wark'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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By this letter, you are briefed to prepare a written report in relation to Mr Wark's death to assist the Inquiry. It is requested that you provide your report by no later than **21 February 2023**. In the event that you require further time to prepare your report, please advise Ms Healey-Nash as soon as possible.

However, in the interests of time it would be appreciated if, following your review of the material with which you are briefed, you could consider question 1 (p. 5) below and provide Ms Healey-Nash with your preliminary views in advance of provision of your final report.

Background

To assist you in the preparation of your report, you are provided with the following background information in relation to Mr Wark. 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.

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. At the time of his death, Mr Wark was employed as a Technical Print Maker. He did not have a permanent residence and was living at the Pymont Arms Hotel.¹ His parents and siblings resided at the family home in Frenchs Forest.
2. Mr Wark was gay, 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 [REDACTED] **I182** for eight years. The two men had split up around six months before Mr Wark's death but remained friends.²
3. Mr Wark had a history of depression and had been on anti-depressants (Prothiaden 75mg per day) for over 18 months at the time of his death, to good effect.³ Mr Wark had also been referred to a psychologist [REDACTED] **I181**, whom he consulted on two occasions.⁴ There is no evidence of Mr Wark being diagnosed with any other mental health conditions, although he appeared under the effect of a mental health episode, potentially involving psychosis, at a time proximate to his death.⁵
4. Mr Wark's medical history does not indicate any previous suicide attempts. However, there is evidence to suggest that suicide was a topic which Mr Wark had discussed with close friends, including in the weeks prior to his death.⁶ Mr Wark had a history of drug use in his early 20s (marijuana and LSD),⁷ and was a heavy drinker at the time of his death.⁸

Circumstances of death

5. In the two days before his death, Mr Wark attended the family home in Frenchs Forest in a very disturbed state. He appeared distraught and exhausted, and repeatedly stated that he was in fear for his life and that certain persons were out to get him.⁹ These fears did not appear to be rationally based. Mr Wark's

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

² Unsigned statement of [REDACTED] **I179** dated 29 January 1990, at [11] and [13] (Tab 18); Letter from [REDACTED] **I181** to the Sydney Coroner dated 12 January 1990, p. 1 (Tab 21).

³ Report of Constable Ford and Detective Constable Plotecki dated 4 June 1990, at [12] (Tab 13).

⁴ Letter from Dr Jeff Sleep to [REDACTED] **I181** dated 14 November 1989 (Tab 20); Letter from [REDACTED] **I181** p. 1 (Tab 21).

⁵ Statement of Detective Constable Michael Plotecki dated 30 January 1990, at [22] (Tab 12).

⁶ Statement of Detective Constable Plotecki, at [16] (Tab 12); statement of [REDACTED] **I179**, at [10], [12] (Tab 18).

⁷ Second statement of Ian Wark dated 27 January 1990, at [15] (Tab 15); statement of [REDACTED] **I179**, at [16] (Tab 18).

⁸ Statement of Rebecca Wark statement dated 18 March 1990, at [12] (Tab 19); second statement of Ian Wark, at [15] (Tab 15); letter from [REDACTED] **I181** p. 1 (Tab 21).

⁹ First statement of Ian Wark dated 21 January 1990, pp. 1-2 (Tab 14); second statement of Ian Wark, at [10]-[13] (Tab 15); statement of Detective Constable Plotecki, at [11] (Tab 12); statement of Rebecca Wark, at [5]-[10] (Tab 19).

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parents last saw him on the morning of 9 January 1990, when they dropped him at a bus stop to go into the city for an appointment with [redacted] ¹⁰ Later that morning, Mr Wark purchased some clothing at the David Jones store in the city and then handed a carry bag containing some clothing to an employee at the David Jones lost property counter, telling her he would pick it up later.¹¹ At 2:00pm, Mr Wark attended [redacted] ¹¹⁸¹'s address in Double Bay [redacted] ¹¹⁸¹ was not home, and Mr Wark left.¹² This is the last Mr Wark was seen before his body was spotted in the harbour the next morning.

6. Mr Wark's body was found at around 9:00am on 10 January 1990 floating face down in Sydney Harbour, around 200m 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.¹³
7. 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 Vaucluse Police Station.¹⁴ 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.¹⁵
8. On 16 January 1990, Mr Wark's sister Rebecca Wark 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).¹⁶

Post-mortem investigations

9. Mr Wark's body was first examined by 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.¹⁷
10. 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.
11. I note that a number of biological samples were taken from Mr Wark at autopsy.¹⁸ There is no evidence currently before the Inquiry to show that any forensic tests were run on these samples. Preliminary inquiries with NSW Health Pathology – Forensic Medicine indicate that the status and location of these samples are unknown.

¹⁰ First statement of Ian Wark, p. 1-2 (**Tab 14**).

¹¹ Report of Constable Ford and Detective Constable Plotecki dated 4 June 1990, at [7] (**Tab 13**).

¹² Letter from [redacted] ¹¹⁸¹ p. 2 (**Tab 21**).

¹³ Second statement of Constable Lisa Ford dated 24 January 1990, p. 1 (**Tab 10**).

¹⁴ Statement of Neil Champion dated 14 January 1990, pp. 1-2 (**Tab 16**).

¹⁵ Statement of Neil Champion, p. 1 (**Tab 16**); statement of Constable Nichole Brown dated 14 January 1990, at [5] (**Tab 11**).

¹⁶ Statement of Rebecca Wark, at [13] (**Tab 19**).

¹⁷ Second statement of Constable Lisa Ford, p. 3 (**Tab 10**); Statement of Detective Constable Plotecki, at [3] (**Tab 12**).

¹⁸ Autopsy report dated 24 May 1990, p. 5 (**Tab 7**).

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12. 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).¹⁹ 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.²⁰
13. 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. No blood alcohol was detected.²¹

Cause and manner of death

14. 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”.²² In making this assessment, police appeared to rely heavily on the assessment of [I181] that Mr Wark died by suicide “as a result of depression and loneliness”.²³
15. The evidence also indicates that Mr Wark entered the water in the vicinity of Gap Bluff, given where his property was found. However, I have briefed a tidal expert to provide a report on if and how Mr Wark’s body could have travelled from Gap Bluff to the area near Dobroyd Head.
16. The Coroner dispensed with a formal inquest into Mr Wark’s death,²⁴ 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”.²⁵

Expert psychiatric report of Dr Danny Sullivan

17. Forensic psychiatrist Dr Danny Sullivan has provided the Inquiry with an expert report in relation to Mr Wark’s mental health history and his death. Dr Sullivan considers that Mr Wark was experiencing a psychotic episode in the days preceding his death. Dr Sullivan is also of the view that Mr Wark’s behaviour and the circumstances of his death are consistent with suicide (particularly his buying of new clothes, his leaving of his clothes neatly folded with his possessions, and his injuries being consistent with a fall from a significant height).²⁶
18. Dr Sullivan further considers that neither misadventure nor foul play were likely manners of death.²⁷

Materials with which you are briefed

For the purpose of preparing your report, you are briefed with the documents in the **enclosed** index.

¹⁹ Autopsy report, p. 7 (**Tab 7**).

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

²¹ Toxicology report dated 1 May 1990 (**Tab 6**).

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

²³ Letter from [I181], p. 2 (**Tab 21**).

²⁴ Coroners Court Summary Sheet (**Tab 27**). (NB: Not provided. Available upon request).

²⁵ Death certificate of Simon Wark (**Tab 8**).

²⁶ Psychiatric report of Dr Danny Sullivan dated 24 October 2022, p. 6 (**Tab 22**).

²⁷ Ibid.

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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. Following your review of your briefing material, please identify:
 - a. any additional areas of medical investigation or expert opinion you consider would assist his Honour on the issues of Mr Wark's injuries and cause of death; and
 - b. if relevant, appropriate experts from whom his Honour may wish to seek further expert opinion.
2. Your view as to the adequacy of the post-mortem investigations conducted with respect to Mr Wark.
3. Your view as to the medical cause of Mr Wark's death (including, if relevant, any reasons for taking a different view to that formed by Dr Bradhurst).
4. Your view as to whether Mr Wark's injuries were consistent with misadventure, suicide, or foul play (including, if relevant, any reasons for taking a different view to that formed by Dr Bradhurst and/or Dr Sullivan). Without limiting the matters which you may consider relevant to this question, please address:
 - a. The "deep seated bruising" found on Mr Wark's neck.
 - b. The bruising to Mr Wark's face.
5. Please provide any other comment, within the area of your expertise, regarding the likely cause 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.

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

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."

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Please do not hesitate to contact Ms Healey-Nash on (02) 9372 8497 or 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
For Solicitor Assisting the Inquiry

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Inquiry into the death of Simon Blair WARK

INDEX TO EXPERT BRIEF TO DR ILES

(as at 20 January 2023)

Tab	Document	Date	Reference No
VOLUME 1			
Formal Documents			
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	SCOI.74040
NSW Police Force statements and other material			
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
Statements of family and witnesses			
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.	Statement of Rebecca Sharon Wark (sister)	18 March 1990	SCOI.00052.00035
Statements of medical practitioners			
20.	Letter from Dr Jeff W Sleep to 1181	14 November 1989	SCOI.00052.00023
21.	Letter from 1181	12 January 1990	SCOI.00052.00022
Expert reports			
22.	Expert report of Dr Danny Sullivan (psychiatrist)	24 October 2022	N/A
	A. Letter of instruction	30 September 2022	N/A