



Special Commission of Inquiry into LGBTIQ hate crimes

21 December 2022

A/Prof Mark Adams
Head, Department of Cardiology
Royal Prince Alfred Hospital
Missenden Road, Camperdown NSW

By email: [REDACTED]

Dear A/Prof Adams,

Special Commission of Inquiry into LGBTIQ hate crimes: expert report in relation to the death of Richard Slater

I assist the Honourable 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 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

By this letter, you are briefed to prepare an expert report for the Inquiry in relation to death of Richard Slater from the perspective of a cardiologist addressing certain matters identified below.

I would be grateful if you could provide your report by **1 February 2023**. If you anticipate any difficulties with this timeframe, please let me know as soon as possible.

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In addition to providing your report, you may be required to give oral evidence at any hearing in relation to Mr Slater'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.

Pre-existing medical conditions

1. Limited documentation exists in relation to Mr Slater's medical history.
2. According to police notes, Mr Slater reportedly had a long and extensive medical history, and had been suffering from angina for approximately 15 years. It appears that information may have been provided in discussion with his family (as with the details below).
3. Mr Slater's daughter, Julie Williams, reported to police that Mr Slater had had two hernia operations, the last operation occurring approximately eight years prior to his death. Ms Williams advised that, in the course of that operation and while under anaesthetic, Mr Slater's heart stopped on two occasions, and that the doctor responsible for the operation subsequently told Mr Slater's family that he should not have a general anaesthetic due to his heart condition.
4. Mr Slater's grandson, also called Richard Slater, reported to police that Mr Slater had a prostate condition that made it difficult to travel any distance without urinating.
5. A synopsis of clinical notes included in the Report of the Death of a Patient to the Coroner dated 22 December 1980 records the following medical history (without detail):
 - a. "Myocardial infarct – 12 yrs ago"
 - b. "Angina – 10 years"
 - c. "Cardiac arrest under anaesthetic ~ 5 yrs ago"
 - d. "Hypertension – 10 years" (it is not clear from the handwriting if this should be read as "hypotension").

Assault, treatment and death

6. On 19 December 1981, Mr Slater was assaulted in the public toilet block located in Birdwood Park, Newcastle, by an unknown person. The assault likely occurred between 12:30pm and 1:00pm. Mr Slater was discovered on the floor of the toilet block at about 1:00pm by passers-by. Police and ambulance officers arrived at approximately 1:06pm.
7. Mr Slater was admitted to Royal Newcastle Hospital at about 1:32pm in a stable condition. He was initially attended to by Dr Alfred Bennett, who observed that his injuries (including multiple lumps on his skull, swelling under his eyes and to his left ear and multiple contusions to his face) were consistent with being punched or kicked. He was also attended to by a neurosurgeon, Dr A. J. Bookallil.
8. The Surgical Registrar reported that, at 12:30pm on 20 December 1980, Mr Slater developed acute pulmonary oedema, consistent with myocardial infarct and his past history of cardiac disease. Treating doctors were able to stabilise him. However, on 22 December 1980, Mr Slater's condition reportedly rapidly deteriorated, and he died after a cardiac arrest at 5:07pm.

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9. A summary of Mr Slater's condition on admission, and subsequent deterioration and treatment is contained in a statement of Dr Bennett dated 13 January 1981; and a letter provided to investigating police by the Surgical Registrar, John Vincent Newton, on 2 February 1981. The Royal Newcastle Hospital no longer holds any medical records relating to Mr Slater, this admission, or his subsequent treatment.

Autopsy reports

10. An autopsy was performed on 22 December 1980. In a preliminary report dated the same day, the cause of death was identified as a traumatic brain injury, with an antecedent cause of myocardial infarction.
11. In a revised report dated 28 January 1981, the author, Dr Banathy, expressed the view that traumatic brain injury was the main cause of death, but noted the pre-existing myocardial infarctive changes and assumed that the shock of the trauma precipitated another infarctive change which contributed to Mr Slater's death.
12. Although it is not reflected in either report, Dr Banathy apparently expressed the view to investigating police that Mr Slater's injuries were consistent with having been punched in the head, possibly four times, resulting in extensive bruising and fractures to the face bones and laceration of the left ear, further resulting in brain damage. He also expressed the view that Mr Slater's chest had been stomped on causing bruising to the chest and a ruptured spleen.

Report of Dr Bookallil

13. In a report dated 3 December 1982, prepared for the purpose of related legal proceedings, Mr Slater's treating neurosurgeon, Dr Bookallil, opined that Mr Slater's cause of death was primarily myocardial infarction and not "directly" attributable to his head injury. Dr Bookallil noted that Mr Slater's head injury had not caused him undue concern, he would have expected Mr Slater to improve absent the development of a pulmonary oedema, which resulted in his transfer to the care of cardiologists. However, Dr Bookallil declined to speculate as to whether Mr Slater's myocardial infarction could have been precipitated by a head injury and recommended a cardiologist's opinion be sought.
14. The cardiologist who treated Mr Slater, Dr Noel Walker, does not appear to have provided any evidence to assist the police investigation.

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 NSWPF investigation file and the court file from the Coroners Court of NSW.

If there is any additional material that you consider would be of use to you in forming your opinion, please contact me 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. Whether it is possible for cardiac issues to be precipitated or exacerbated by injuries obtained in the course of an assault, with particular reference to the medical history of and injuries suffered by Mr Slater.

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2. With regard to your conclusion as to issue 1 above, the extent to which Mr Slater's death is attributable to a myocardial infarction and/or the injuries occasioned by the assault on 19 December 1980, and/or any other cause.
3. Any recommendations for further investigations with respect to determining the manner and cause of Mr Slater's death; and
4. Any other matters you wish to raise within your expertise that may be of assistance to the Inquiry.

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:

"I, A/Prof Mark Adams, 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

Estimate

Prior to commencing your review of materials, I would be grateful if you could advise me if you anticipate that the cost of preparing your report (including review of material, consultation with the Commissioner and members of the assisting team, and the preparation of any written material) will exceed **\$2,500**.

Invoicing requirements

It is essential to comply with the Australian Taxation Office requirements that any invoice issued be addressed to the business name: Department of Premier and Cabinet.

Prior to paying any invoice, the Department must register you as a consulting expert. In order to do, the Department will require the following documents:

- A completed confidentiality deed;
- A signed letter on company letterhead containing supplier name, address, ABN and bank details; and
- A bank statement or letter, no more than 6 months old, confirming your bank details (per the abovementioned letter).

A draft confidentiality deed is **enclosed**. I would be grateful if you could complete and return that document to me by email prior to commencing your review of the material in relation to this matter.

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.

Thank you for your consideration and assistance.

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

Yours faithfully,



Emily Burston
Senior Solicitor
Solicitor Assisting the Inquiry

Encl. 3

Death of Richard Slater

Index to Brief

Tab	Document	Date	Relativity reference
1.	Running sheet entry containing summary of events leading to death of Richard Slater	22 December 1980	SCOI.10343.00055
2.	Report of death of a patient to the Coroner	22 December 1980	SCOI.73572_00011
3.	Autopsy report prepared by Dr Laszlo Julius Joseph Banathy	22 December 1980	SCOI.10343.00006 and SCOI.10343.00005
4.	Histopathology report	22 December 1980	SCOI.73572_00012
5.	Revised autopsy report prepared by Dr Laszlo Julius Joseph Banathy	28 January 1981	SCOI.10343.00029 and SCOI.10343.00030
6.	Statement of Alfred Paul Bennett	13 January 1981	SCOI.10343.00025
7.	Letter from John Vincent Newton	2 February 1981	SCOI.10343.00026
8.	Report of Dr A. J. Bookallil	3 December 1982	SCOI.10343.00009