



## Special Commission of Inquiry into LGBTIQ hate crimes

15 June 2023

Professor Anthony Costello  
Emeritus Professor Urology (Honorary), Royal Melbourne Hospital  
Professorial Fellow Department of Surgery, University of Melbourne  
Level 8, 14 – 20 Blackwood Street  
North Melbourne VIC 3051

By email: [REDACTED]

Dear Professor Costello

### **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 August 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**

The Inquiry seeks your expert opinion on a specific question arising from its review of the death of Richard Slater. Mr Slater was 69 years old at the time of his death, and a pensioner. On 18 June 1981, Coroner Meehan found that Mr Slater died on 22 December 1980 from the effects of traumatic brain damage and subsequent myocardial infarction, following his hospitalisation due to assault on 19 December 1980.

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By this letter, you are briefed to prepare a written report in relation to Mr Slater's death to assist the Inquiry. It is requested that you provide your report by no later than **20 June 2023**. In the event that you require further time to prepare your report, please advise Emily Burston (details below) as soon as possible.

### Background

To assist you in the preparation of your report, you are provided with the following background information in relation to Mr Slater. 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 Slater (born 19 April 1911) died on 22 December 1980 at the Royal Newcastle Hospital.

#### *Assault and death*

2. On 19 December 1980, between approximately 12:00pm and 12:20pm, Mr Slater attended Newcastle CBD with the intention of buying some groceries. It was apparently his weekly custom to purchase lottery tickets. To purchase the tickets, Mr Slater walked across Birdwood Park.
3. At around 1:00pm the same day, a passer-by entered the toilet block in Birdwood Park. He found Mr Slater lying on the ground, with his left leg in the urinal trough. Mr Slater had blood on the left side of his face, was moaning and making a "gurgling sound". His pants were below his buttocks.
4. Mr Slater was admitted to Royal Newcastle Hospital. Attending medical staff observed that his injuries were consistent with being punched or kicked.
5. 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 rapidly deteriorated, and he died after a cardiac arrest at 5:07pm.

#### *Relevant circumstances of assault*

6. A police summary contains the following account of the evidence of Mr Slater's then 17 year old grandson, Richard Williams:
 

"Richard Williams informed me that on the occasions he had been with his grandfather he had stopped at the toilets on the return to his home for the purpose of urinating as the deceased had a medical history of prostate gland problems and had to continually relieve himself".
7. A witness, referred to by the pseudonym I216, gave a statement in 1980 that he attended the public toilets around the time of the assault and saw a man who may have been Mr Slater enter the toilet and use the urinal. In I216's account, the man "pulled out his dick and pretended to have a piss".
8. The same witness gave further evidence in the course of a police interview in 1982. At that time, he recounted that the man entered the toilet, stood at the urinal next to him and "pulled out his penis and stood there as if urinating".
9. The same witness made a statement to the Inquiry this year. In that statement, he recounts that the man "was holding his penis and had a partial erection, and was staring at me as I used the urinal next to him".

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### *Post-mortem examination*

10. An autopsy was performed on 22 December 1980. It includes the following references in the section headed “abdominal cavity”:<sup>1</sup>

*“... Kidneys, 160g each, occasional small cysts, some cortical atrophy, ureters, bladder, prostate gland and right testis normal.*

*“Some left sided retroperitoneal haemorrhage with appreciable left peritoneal haemorrhage (between the renal capsule and fatty tissue). ...”*

### **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 Emily Burston and this material will be provided to you (if available). I note that the Inquiry has been unable to identify specific medical records for Mr Slater beyond those discussed in the investigation.

### **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 the information provided by way of background above, and to the extent that they are matters which fall within your expertise:

1. Your view as to whether a prostate gland problem as described by Richard Williams, could, in general terms, account for either or both of the following matters relating to Mr Slater:
  - a. A need to urinate frequently resulting in frequent attendances at public toilets; and/or
  - b. Difficulty urinating when attending a urinal, such that he might be standing at a urinal with his penis exposed over an extended period of time prior to commencing to urinate;
2. Could Mr Slater have had a “prostate gland problem”, or some other relevant condition resulting in a frequency of need to urinate as described by Mr Willams, notwithstanding the reference in the autopsy report to the prostate gland appearing “normal”?

If there is any other matter arising from the circumstances of Mr Slater’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 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, Professor Anthony Costello, 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.”

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<sup>1</sup> Revised autopsy report prepared by Dr Laszlo Julius Joseph Banathy, 28 January 1981, 2 (SCOI.82771).

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### Terms of engagement

#### *Rates*

Per your email correspondence with Emily Burston dated 13 June 2023, I understand that your relevant rates are **\$750/hour**.

#### *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.

Please do not hesitate to contact Emily Burston, Senior Solicitor on [REDACTED] or Kate Lockery, Principal Solicitor on [REDACTED] if you have any queries in relation to this matter.

Yours faithfully,



Emily Burston  
Senior Solicitor  
**Solicitor Assisting the Inquiry**

Encl. (3)

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**Index in the matter of Richard Slater**

As at 15 June 2023

<b>Tab</b>	<b>Description</b>	<b>Date</b>	<b>SCOI.No</b>
<b>1.</b>	Report of death of a Patient to the Coroner	22 December 1980	SCOI.82762
<b>2.</b>	Histopathology report prepared by Dr Laszlo Julius Joseph Banathy	22 December 1980	SCOI.73572.00012
<b>3.</b>	Revised autopsy report prepared by Dr Laszlo Julius Joseph Banathy	28 January 1981	SCOI.82771