



## Special Commission of Inquiry into LGBTIQ hate crimes

11 August 2023

Dr Linda Iles  
 Head of Forensic Pathology  
 Victorian Institute of Forensic Medicine  
 65 Kavanagh Street  
 Southbank VIC 3006

By email: [REDACTED]

Dear Dr Iles,

### **Special Commission of Inquiry into LGBTIQ hate crimes: Supplementary expert report on death of Paul Rath**

I refer to my letter dated 5 October 2022 requesting an expert report from you in relation to the death of Paul Rath.

Thank you for your report dated 26 October 2022 ("your initial report").

#### **Staining on Mr Rath's clothing**

In your initial report, you say the following in relation to the issue of the staining on Mr Rath's clothing:

*"It is noted that these are black and white photographs, and the staining observed in the photographs is likely blood, dirt, or a combination of the above. The staining of Mr Rath's clothing, in my view, particularly if the staining is due to blood, is the most concerning element of the materials under review. It is out of keeping with the scene and circumstances as described, along with autopsy findings as documented. As above, it is strongly recommended that these photographs be reviewed by a forensic biologist."*

In light of your recommendation, the Inquiry obtained a report from Jae Gerhard, Principal Scientist at Independent Forensic Services, in relation to the photographs of Mr Rath.

At [9] of her report, Ms Gerhard advised:

*In my opinion, the limited photographs supplied do not enable me to provide an opinion on whether the dark staining observed in the black and white photographs has been deposited by some type of assault or by the fall and tumble from the cliff top. I base this opinion on two reasons:*

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- i. *It is not reasonable to consider all of the dark staining observed is blood. There is the very real possibility that given the case circumstances that some of this dark staining observed in the photographs of the clothing could be mud or dirt.*
- ii. *Even if the dark staining observed is assumed to be blood, in my opinion the discrete staining observed on the back of the jacket, the sleeves of the jacket and the cuffs of the shirt, could have been deposited as a result of a tumble down the cliff whilst bleeding or by some form of assault. The information supplied is too limited to form an opinion on which is more likely. If additional photographs of the clothing were supplied, it may assist in the evaluation.*

On Ms Gerhard's recommendation, the Inquiry also conferenced with Dr Mark Reynolds, forensic scientist, as to whether he would be able to provide an opinion on the staining on Mr Rath's clothing on the basis of the photographs of Mr Rath. Dr Reynolds similarly advised that he would be unable to conclusively determine – on the basis of the black and white photographs and without any other evidence – whether the staining was due to blood.

### **Request for supplementary expert opinion**

In light of Ms Gerhard's opinion, the Inquiry would be assisted by a supplementary report from you on the issue of the staining on Mr Rath's clothing. It is requested that you provide your supplementary report as soon as possible and by no later than **16 August 2023**. In the event that you require further time to prepare your supplementary report, please advise Ms Healey-Nash as soon as possible.

### **Additional materials with which you are briefed**

For the purpose of preparing your supplementary report, you are briefed with the **enclosed** report of Ms Gerhard dated 7 July 2023.

### **Matters to be addressed in your supplementary report**

I would be grateful if you could address the following matters in your supplementary, having regard to the material with which you are briefed and to the extent that they are matters which fall within your expertise.

1. On the assumption that all of the areas of staining are blood, could you please elaborate on the view expressed in your initial report that the staining, if due to blood, "is the most concerning element" of the materials you reviewed, and that it was out of keeping with the scene, circumstances and autopsy findings. In particular:
  - a. Please include in your response any relevant reference to particular areas of staining that are of concern and the reasons why.
  - b. Please also indicate whether such concerns would remain if some, but not all of the staining was blood, and if so, which stains are of most concern and why.
2. On the assumption that none of the areas of staining are blood, is this staining of concern and if so, why.
3. Any other matters arising from the circumstances of Mr Rath's death on which you wish to express opinion.

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Please do not hesitate to contact Caitlin Healey-Nash at 0466 480 286 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.

Yours faithfully,

A handwritten signature in blue ink, appearing to read 'CHN', with a long horizontal line extending to the right.

Caitlin Healey-Nash  
Principal Solicitor  
**For Solicitor Assisting the Inquiry**

Encl. (1)