



Special Commission of Inquiry into LGBTIQ hate crimes

10 July 2023

Dr Linda Iles
Victorian Institute of Forensic Medicine

By email: [REDACTED]

Dear Dr Iles,

Special Commission of Inquiry into LGBTIQ hate crimes: Review of material regarding James Meek

As you are aware, I assist the Honourable Justice John Sackar in the Special Commission of Inquiry into LGBTIQ hate crimes (“the Inquiry”). Rebecca McEwen, of counsel, Tom Allchurch, Senior Solicitor, are assisting his Honour in his consideration of the death of James Meek.

Thank you for your willingness to provide an expert report to the Inquiry from the perspective of a forensic pathologist.

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:

- 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 Meek’s death is one of the unsolved deaths into which his Honour is inquiring pursuant to item A of the Letters Patent. On 8 March 1995, Mr Meek’s body was found face down in his flat at the Northcott Flats, Surry Hills. Mr Meek was found to have died as a result of blunt force head injuries.

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

Background and assumptions

For the purposes of your report in relation to Mr Meek, please assume the following matters:

1. Mr Meek was born on 5 August 1943.
2. Mr Meek died on 7 March 1995 in his flat at the Northcott Flats on Belvoir Street, Surry Hills. Mr Meek was 51 years old at the time of his death.
3. Mr Meek's body was found the next day, 8 March 1995, after his neighbours became concerned.
4. On 11 March 1995, Dr Christopher Lawrence conducted a post-mortem examination of Mr Meek. A copy of the post-mortem report is included at Tab 1 of your brief.
5. Two crime scene photos of Mr Meek in situ are included at Tab 2 of your brief.

Injuries to left hand and finger

6. Dr Lawrence identified injuries to Mr Meek's left hand and ring finger. He described these injuries in the post-mortem report as follows:

"13. On the posterior aspect of the left hand is a 30mm red bruise.

14. On the second phalanx of the left 4th finger is a purple bruise."

7. Photos of Mr Meek's left hand were taken during the post-mortem and are included at Tab 3 of your brief.

Tiger's eye ring

8. Mr Meek was known to wear a gold-coloured men's ring with a tiger's eye stone (**tiger's eye ring**).
9. Mr Meek was known to wear this ring on the ring finger of his left hand. His daughter claimed that he always wore this ring on this finger and that he did not take it off for any reason.
10. Although the tiger's eye ring worn by Mr Meek was not located (having been pawned), the original police investigation found a ring which was said to be of a similar style to the ring worn by Mr Meek. Two photos of that ring are included at Tab 4 of your brief.

Michael Heatley

11. Police identified a fingerprint in Mr Meek's flat, which was a match to Michael Heatley, then aged 18.
12. Police interviewed Mr Heatley. Mr Heatley admitted that he had stayed overnight at Mr Meek's flat the night before his death and left that morning.
13. Mr Heatley admitted to stealing the tiger's eye ring from Mr Meek, although he claimed that he stole it from a locker cabinet.
14. Mr Heatley denied killing Mr Meek.
15. Mr Heatley was charged with the murder of Mr Meek.
16. At trial, Dr Lawrence was called to give evidence. Under examination by the Crown prosecutor, he gave the following evidence:

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“Q. Do you see any other markings other than bruising on the ring finger and the finger adjacent?

A. Yes, there appears to be a compression mark – an indentation in the skin there.

Q. On the second of those photos that I have shown you, can you see that more easily?

A. Yes.

Q. Is there a compression mark on the phalange just below that bruise?

A. Yes.

Q. On the ring finger, and a compression mark similarly on - what - we laymen would call the little finger?

A. Yes there are similar appearing compression marks.

Q. And in your experience are you able to say anything about those compression marks?

A. They could have been caused by the presence of a ring that has been removed.”

17. Mr Heatley was acquitted of the murder of Mr Meek.

Materials with which you are briefed

For the purpose of preparing your report, you are briefed with the documents in the enclosed index. The material contained in the index has been extracted from the NSW Police Force investigation file and the court file from the Supreme Court of NSW.

Please note that the briefing material contains sensitive images. The relevant tabs of your briefing material have been marked in red.

If there is any additional material that you consider would be of use to you in forming your opinion, please contact Mr Allchurch 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. Do you agree with Dr Lawrence that there are visible compression marks on the ring finger of Mr Meek’s left hand?
2. Do you agree with Dr Lawrence that any such compression marks could have been caused by the presence of a ring that has been removed?
3. What, if any, are the other possible explanations for marks of this kind?
4. If the answer to (2) is “yes”, how would the removal of a ring cause these types of compression marks? In particular, please address:
 - a. whether such marks would be more likely to occur if the ring was removed before or after death; and
 - b. whether such marks are consistent with the forcible removal of the ring.
5. Having regard only to the compression marks and the injuries to Mr Meek’s left hand and ring finger, what is the probability that the injuries were caused by the forcible removal of the ring, rather than by any other means?

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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.”

Please do not hesitate to contact Mr Allchurch at [REDACTED] or on [REDACTED] if you have any queries in relation to this matter.

Yours faithfully,



Tom Allchurch
Senior Solicitor
For Solicitor Assisting the Inquiry

Encl. (4)

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Inquiry into the death of James Meek

INDEX TO BRIEF FOR DR ILES

(as at 3 July 2023)

Tab	Document	Date	SCOI No
1.	Post-mortem Report of Dr Christopher Lawrence	1 June 1995	SCOI.10004.00009
2.	Crimes scene photos [SENSITIVE]	8 March 1995	SCOI.10402.00095
3.	Autopsy photos [SENSITIVE]	11 March 1995	SCOI.10402.00095
4.	Photos of ring	Undated	SCOI.10006.00016 SCOI.10006.00026

Uniform Civil Procedure Rules 2005

Current version for 1 July 2023 to date (accessed 10 July 2023 at 11:20)

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.