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15 May 2023

PSYCHIATRIC REPORT

In confidence

Kate Lockery
Principal Solicitor
For Crown Solicitor
Special Commission of Inquiry in LGBTIQ hate crimes
GPO Box 5341
Sydney 2001

Dear Ms Lockery

Re: **The death of Ernest Alan HEAD**
DOB: **27 February 1932**

Background

- [1] I have provided a report at your request. I understand that the death of Mr Head is a subject of inquiry under the Special Commission of Inquiry in LGBTIQ hate crimes ('the Inquiry'). You have sought an opinion on issues of potential relevance to the Inquiry from the perspective of a forensic psychiatrist. Your letter of instruction dated 24 April 2023 sets out the assumed facts and the materials provided to me.
- [2] I work as a Consultant Forensic Psychiatrist. My medical degree is from the University of Melbourne. I hold three Masters degrees, in Medical Law (Melbourne), Bioethics (Monash), and Management (McGill). I am a Fellow of the Royal Australian and New Zealand College of Psychiatrists, and Fellow of the Royal College of Psychiatrists (UK). I am an Accredited Member of the Faculties of Adult and Forensic Psychiatry of the RANZCP. I am Executive Director of Clinical Services at the Victorian Institute of Forensic Mental Health (Forensicare), where I have worked since 2004. I have clinical experience in forensic community, prison and hospital settings, with particular experience in the assessment and management of sexual offending. I hold honorary academic positions at the University of Melbourne, and Swinburne University: I am active in research, teaching and publishing academic articles, and remain engaged in clinical practice. I have previously provided expert evidence to the Coroner's Court of NSW in several cases. I have been a member of the Victoria Police Road Safety Fatality Review Panel since 2009 and the Human Research Ethics Committee of the Victorian Institute of Forensic Medicine (VIFM) since 2011. My full curriculum vitae is available on request.
- [3] This report is prepared in my private capacity and does not reflect the opinion of any organisation by which I am employed or with which I am affiliated. I have no conflict of interest in this matter, and no affiliation with any party in this matter.
- [4] I, Dr Danny Sullivan, 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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Information from materials

- [5] The **autopsy report** noted that Mr Head died of stab wounds to the chest and abdomen. The scene of death was disorganised, with much blood splash. The body was naked and located in the kitchen, and when found showed signs of decomposition. There were stab wounds to the face and head, chest, abdomen, and limbs. There were scrape abrasions "which had characteristics of nail marks" over the left buttock. Semen was present on penile and anal swabs taken from Mr Head, as well as on a handkerchief found at the scene.
- [6] A **report of death to the coroner dated 23 June 1976** noted that Mr Head lived in an apartment in Summer Hill. The body was found on the kitchen floor in a prone position. Male underpants were near his head. Blood splashes were found in other parts of the apartment including in the bedroom, lounge room and bathroom. There was "what appeared to be human vomit" in the toilet. Cigarette butts were identified and retained for testing. A record was still playing. Two cleaned knives were found in the cutlery tray in the kitchen sink.
- [7] The **statement of Detective Sergeant A McDonald** noted details of investigation. The unit was on the third floor and no forced entry was apparent. The door was locked and deadlocked. Mr Head was identified as homosexual and details of people in his diary were interviewed and "eliminated from suspicion". It was noted some property was missing from the unit. Fingerprints were found on the wall near the body. Property stolen included a wrist watch, a television, a cassette tape recorder, a transistor radio, a dress ring, two pieces of jade and a suitcase.
- [8] The **statement of Arthur, Mr Head's brother**, noted that they had an argument and physical altercation while drinking in 1973. He stated, however, that "I have never known him to pick a fight" and also reported that his brother tended to gamble and was a smart dresser.
- [9] The **statement of [REDACTED] 1454** noted that he was the ex-partner of Mr Head from around three years previously. He reported that they remained friendly and would usually meet on a weekly basis for a couple of drinks and go home separately. He attended Mr Head's flat with another friend, Syd Moore, who had a spare set of keys and they saw the body.
- [10] The **statement of Elaine Walsh**, who lived in the neighbouring flat, reported hearing a repeated loud fearful voice saying "don't hurt me, help me, help me" around five times and "I seemed to hear something being thrown around" after which she and Don Humphrey knocked on the window and the door. She also heard the conversation as the door opened softly and she thought she could hear two men at the door.
- [11] The **statement of Donald Humphreys** noted that he worked in Sydney but lived in the country and would stay overnight with Ms Walsh in the same apartment block as Mr Head. He had met Mr Head before. On 17 June 1976 he heard sounds consistent with an altercation, but considered that Mr Head responded verbally and asked to be left alone, and subsequently he heard two voices and the front door opening and closing.
- [12] The **statement of Lillian Dreves** noted that late in the evening on 17 June 1976, she heard "footsteps similar to a person running... a heavy scream which I could not distinguish coming from above my unit...". She also noted about an hour later hearing "a thump like somebody taking their boots off and dropping them".
- [13] The **statement of Sydney Moore** noted that he was notified that Mr Head had not been seen and went to his flat as he had a spare key. He reported that he had the spare key because Mr Head had lost keys to his previous flat on a number of occasions and he "had always left a key with me in case he lost or forgot his own". He did not characterise how he knew Mr Head.
- [14] The **coronial inquest took place on 16 December 1977** and gave the cause of death as "stab wound of the chest, wounds of the chest and abdomen wilfully inflicted by a person or persons unknown at that place on that date".

Your specific questions

Whether there are any aspects of the manner of death (including the nature and extent of the injuries inflicted) and/or crime scene which may indicate that a homicide has occurred in the context of LGBTIQ hate/prejudice/bias (hereafter collectively referred to as "hate")

- [15] The nature and extent of injuries significantly exceed what is necessary to kill a person, and are consistent with an attack occurring in a frenzy, panic, or overkill. There is evidence suggesting recent sexual intercourse with a male partner. Witness statements suggest that Mr Head yelled out but that subsequently he denied problems in response to questions. It cannot be determined whether he was under duress at the time.
- [16] There is nothing sexualised or symbolic about the pattern of injuries but the presence of semen suggests recent (likely consensual) sexual activity, and other witness statements tended to exclude the likelihood this had occurred before Mr Head arrived home. Scratch marks on the buttocks may have been associated with sexual intercourse. Discussion of conversation heard by witnesses in adjacent units, and of the lack of signs of a significant struggle (overturned furniture, etc) suggests that the person was acquainted with Mr Head or had been invited to the property.

The possible motivation/s of the unidentified perpetrator of Mr Head's injuries, to the extent that this can be discerned from the available evidence. In answering this question, please consider any relevant concepts including (but not limited to) notions of masculinity, male honour, internalised homophobia, medicalised stigma, conflating homophobia with paedophilia, perceptions of the characteristics of LGBTIQ persons, and particular psychopathologies

- [17] One possible motive appears robbery but it could not be determined whether this was a primary or secondary motivation. Given Mr Head's reported gambling, another possibility remains that these items were sold or pawned by Mr Head due to debts. However the police investigation also included a significant distribution of information about the missing objects.
- [18] I consider that there is insufficient information about the unidentified perpetrator, and no other features at the scene of Mr Head's death to make further inferences about hate crime motives.

Aspects of victimology that may be relevant to Mr Head's death

- [19] There is no significant information about Mr Head from a psychiatric perspective which appears relevant to his death.

Any recommendations for further investigations with respect to determining the manner and cause of the person's death

- [20] I have no suggestions.

Any other matters you wish to raise within your expertise that may be of assistance to the Inquiry.

- [21] There are no matters I wish to raise.

- [22] I hope this report has been of assistance to the Inquiry.

Yours sincerely



Dr Danny Sullivan
Consultant Forensic Psychiatrist