

Supplementary questions:

1. Why does Parrabell have an “offensive” tone ?

As a term, “moral panic” was first fully described by Stan Cohen (*Folk Devils and Moral Panics*, 1972) and it refers to an excessive and eventually irrational level of official and media concern about a social problem. The term has become widely influential, but it is often over-used and wrongly applied to discussion of more compelling matters. In the early 1990s, I shared a panel discussing these issues with Prof Cohen and others at the Australian Criminology Conference (ANZSOC, Melbourne, 1992), and he delivered a keynote address expressing his misgivings about dismissive uses of the term to trivialise legitimate concerns about urgent social matters. Parrabell is an excellent example of this wrong application. It refers to pressures to acknowledge the widespread experience of anti-gay, lesbian and transgender violence and to take measures against it as a “moral panic” (P.80, P. 109). It also warns about setting off any specific law and order wave in this area (with “over-criminalisation and the potential for public and moral panic that will have impact on freedoms” P. 80), as if was really ever the case that there has been a NSW problem with too much reporting, charging and investigation in a field of crime that has so often been a notable example of the reverse. “Offensive” might seem excessive in my submission, but consider the impact if in similar circumstances researchers described well-grounded concerns about domestic and family violence, or the recent revelations about child sexual abuse, as just being “moral panic” that threatens public freedom.

2/ Why is 15-20 % an expected figure for unsolved homicides ?

There is considerable variation in the international and even Australian rates of clearance for these crimes. It is also surprising how there has been no specific research to check and reflect on the situation in NSW or across Australia. In 2008-09, the NSW unsolved homicide rate was 15% (Chan & Payne, 2013). <https://aic.gov.au/publications/mr/mr21>

The contemporary reduction in Australian homicide in the last few decades has happened more so in relation to male-on-male confrontational violence. Therefore 15-20 % is a reasonable and modest estimate of an expected unsolved rate from the more comparable male on male killings across the 1970-2010 timeline. Many homicides with gay and transgender victims would have had even more stranger/acquaintance relations with perpetrators [involving secretive socializing and sexual encounters] that would have made them more difficult to trace and solve. Parrabell’s estimate of just a few per cent of matters as unsolved is well below this reasonable margin and it produces a solved rate for past killings that has not even been attained in the general class of NSW homicides.

3/ Why does Parrabell have a “trust us” tone ?

The report makes major decisions about cases when it labels matters as not being anti-gay or anti-transgender, but the case-by-case discussion is not given so that readers can make their own judgment about these decisions.

4/ Examples of how NSW Police “play up” good relations and commitment with the transgender community ?

For several years NSW Police have been closely involved in transgender-related events such as the November 20th Transgender Day of Remembrance ceremony and a breakfast event focused on NSW transgender issues [with speakers acknowledging “countless victims”].

<https://www.facebook.com/events/177722666499056/>

There is nothing inappropriate about this sort of engagement. However, some observers might think it sits oddly with Parrabell’s outcomes and its lack of specific discussion of anti-transgender killings as a class of crime.

5/ Examples of how liaison has “slipped backwards” ?

In recent years NSW Police have been embarrassed by the Johnson inquest outcome and by revelations about the zealous investigation of four gay male officers accused of workplace misconduct and involvement in illicit drug use. There is a reduced grassroots and higher organisational commitment to this liaison in part because this now competes against other minority groups and the widened NSW definitions of hate crime. In 2007 a gay male couple featured as special guests in the Sydney Mardi Gras Parade to acknowledge the previous abusive treatment they received when reporting an attack to police in 2006. This case also set off a community protest rally.

The shift in relations became very evident in the policing at Mardi Gras in 2013. The arrests and “roughing up” of Jamie Parker and Bryn Hutchinson with the drawn out court contests that followed these incidents were widely discussed. A well-attended 2013 community meeting included several dozen people raising other Mardi Gras, or earlier and non Mardi Gras-related matters of abuse, assault and apparent homophobia, including drawn out complaints about police behaviour.

NSW Police did assume a much lower profile at 2014 Sydney Mardi Gras events (and also took a major part in a “Priscilla” themed police event in Broken Hill). However, there is ongoing mistrust about their activity at gay, lesbian and transgender community events with regards to sniffer dog deployment and the use of strip searches in relation to suspicions about drug possession. This should also be understood in its wider context. In the 2000s, NSW policing has in general assumed a heavier “zero tolerance” pattern and it has built around mobilisation of large armed teams of officers. It is also the case that in the last decade, LGBTI community and police campaigns have put much greater emphasis on domestic and family violence while suggesting that the rates of this violence equal or exceed those in the general community. A likely secondary effect of this has been less stress on the risk of hate-related attacks and their impact.

6/ Evidence that NSW has a high % of Australian homicides and unsolved homicides ?

In my spoken evidence to the committee, I referred to historically higher rates of homicide in NSW when compared to other jurisdictions. My mention of “a quarter of the population” was confusingly referring to Sydney. Nevertheless, there is evidence that this higher rate in NSW has been the case. Data from the National Homicide Monitoring Program in 2013-14 suggested that NSW had a rate of 1.1/100,000 whereas Australia overall was 1/100,000 (as bolstered by high rates for Northern Territory at 6.5 and Tasmania at 1.6). NSW was the same as WA (1.1), a bit worse than Queensland (.8), South Australia (.9), Victoria (.9), and ACT (.3). Across a twenty-five year period (89/90 – 13/14), NSW was consistently worse than Victoria, and mostly worse off than South Australia.

http://www.crimestats.aic.gov.au/NHMP/1_trends/#incidentsJurisdiction

Furthermore, it is the higher population of NSW that still means approaching an average rate is quite problematic. The actual numbers of NSW homicides are always the highest in Australia.

7. What are the very “lax” investigations of homicide ?

Investigations of this sort that I have knowledge of include:

- death of Scott Johnson (1988) discounted too quickly as a suicide;
- death of Ross Warren (1989) slow and undeveloped initial investigation;
- death of John Russell (1989) with lost evidence that suggested the strong possibility of homicide;
- death of Bill Rooney (1986) with strong possibility of homicide but apparent failure to secure the scene and gather evidence;
- death of Kritchikorn Rattanjurathaporn (1990 - solved) but there was an inexplicable one day gap in time between the attack and setting up a full crime scene, with a likelihood that the victim could have been saved by quicker intervention.

8/ What’s the best definition of “transgender” ?

The below definition might suit this purpose, but with the bracketed material left out for simplicity:

Transgender people (also sometimes called trans people) are individuals who are in some way gender variant; their way of expressing their gender (their gender expression), and/or their sense of gender belonging (their gender identity as male or female, or indeed both, neither, or another gender) depart from the norms current in their culture for persons assigned at birth to their sex as male or female.

(2015) *The International Encyclopedia of Human Sexuality* (Wiley online)

<https://onlinelibrary.wiley.com/doi/book/10.1002/9781118896877>