

**Submission
No 4**

**INQUIRY INTO GAY AND TRANSGENDER HATE CRIMES
BETWEEN 1970 AND 2010**

Name: Mr Duncan McNab

Date Received: 28 October 2018

Dear Members

My thanks first up for this inquiry. Many of the cases at the heart of this inquiry remain unresolved decades later. They won't get solved by a review...they need competent investigation. One strong recommendation of mine would be the establishment of a Commission of Inquiry or Royal Commission with powers to investigate murders, disappearances and murders passed off as suicides that fall into the period of interest of your Parliamentary Inquiry. Such a Commission of Inquiry or Royal Commission should have the powers to have witnesses brought before it and compelled, if necessary, to give truthful evidence. Reviewing cases, as Police did with Parrabell, doesn't solve crimes - investigation does. And Parrabell was about death - not possibly incorrectly declared suicide (like the Scott Johnson case) or misadventure, and doesn't cover grievous assault in which the victim was fortunate to survive.

There are two beacon cases relevant. One is Scott Johnson, and in spite of what I believe to be a long-term and strong resistance by the NSW Police, the NSW Coroner found in November 2017 that ***'Mr Johnson fell from the cliff top as a result of actual or threatened violence by unidentified persons who attacked him because they perceived him to be homosexual.'*** Not the entrenched and unmoveable view of the NSW Police. Their resistance on was on show immediately after the decision when a senior officer behaved, in my view, in an appalling manner to Steve Johnson, and that included disagreeing with the Coroner's finding. To get to this point the NSW Police spent a chunk of money on external lawyers - both solicitors and barristers. I'd be fascinated to find the cost to, in my view, confirm their original and erroneous views on the Johnson case. Money on the lawyers would have been better directed to investigations into the crime rather trying to prove it wasn't a crime. There were many occasions in the Johnson case where an opportunity to heal the wounds and progress the investigation weren't taken. An article about the case in The Australian Of 21/21 October 2018, and comments to Steve Johnson, witnessed by two others, by a senior detective immediately after the findings, still shows a lingering problem with contemporary police attitudes to the case. The inference that the now wealthy Mr Johnson used influence is utterly offensive - at the time of Scott's death, Steve was a student with a young family and barely a bean to his name. Through mates at university his local Senator made representations, as any MP would do. Ted Kennedy was the local Senator. There was no influence by Mr Johnson, and the his treatment over the decades is not the type meted out to 'influencers.' NSW Police need to accept the Coroner's findings and get on with an investigation.

The case of Alan Rosendale is the other beacon. Mr Rosendale was viciously attacked in South Dowling Street back in May 1988. He was chased across the road to evade a number of attackers wielding club like weapons. He tripped, fell and was set upon. He ended up in St Vincent's hospital, fortunate that he didn't die. In some cases, luck is the difference between a serious assault and a murder. The NSW Police apparently popped into the hospital shortly after Alan arrived...it was their only visit to interview a victim of a serious assault. Decades later Alan read of a witness, Paul Simes, who'd seen a man attacked in the same place, the same manner and probably around the same time. Simes had the presence to get the registration number of the vehicle the attackers were driving. After reporting the incident to a community liaison, Simes was told the car was a police car, and he was taken to a lofty office in Police Headquarters and assured something would be done. What didn't happen was a formal interview, or the culprits being charged. When

Simes told his story to the Sydney Morning Herald a few years ago, the resultant article convinced Alan he was the victim of the attack witnessed by Simes. However, the NSW Police, when investigating a few years ago, had a different view. Their investigation, rubber stamped by the Ombudsman, found they couldn't link Simes' observation to the attack on Rosendale - and they assert there is little documentation left to establish who may have been the police on duty that night. I think the links are compelling - how many people were attacked in that manner around that time? And further, some records may be available to provide identity of the alleged attackers. A search of state archives shows the charge books from the Surry Hills Police Centre are stored with them. However, they aren't available to the public. I contacted the detective who did the Rosendale investigation and explained to her the books existed, and it was likely that the 'hoodlum' patrol that may have been responsible for the attack would have arrested a number of people that weekend..which was what they do, and the identity of those police would be in charge book. I doubt whether this avenue was followed up and Alan and his lawyers are unaware of any follow up. I did also suggest it is possible some of the officers involved in the attack may still be serving. The details of the charge books are:

Series	Cons	Container	Item	Description	Mkd	Retr	Iss	Retn
16465			88/16AB	Charge book numbers 88/6659-89/42				
OFFICE USE	R/O	A D	REQUESTED	RETRIEVED	REMARKS			

Again my thanks, and it is my fervent hope this inquiry will lead to a full, competent and detailed investigation of hate crimes. A commission of inquiry or Royal Commission would do the job the NSW Police seem reluctant, in some cases, to do.

Best regards

Duncan McNab