

**Submission
No 5**

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

Name: Mr Michael Atkinson

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NSW Legislative Council
Standing Committee on Social Issues
Chair, Hon Shayne Mallard MLC

Dear Shayne and Committee Members,

Regarding: Gay and Transgender hate crimes between 1970 and 2010

Thank you for the opportunity to contribute to this important inquiry.

I experienced a violent homophobic attack in Lismore NSW in 1995 which caused a lasting neck injury and heightened my fear of future attacks. I was at a day party organised by a local LGBTIQ group held at a public hall in town. There was a theme and some people were dressed in costumes.

About 8 people were sitting outside taking a break when a male member of the general public in his mid-thirties (the visitor) happened upon the venue and asked what was going on. We explained it was a gay party and was welcome to join in if he was comfortable. He said he was comfortable and stayed outside chatting with us for about half an hour.

A good song came on and everyone except me, my boyfriend and the visitor went inside. My boyfriend lent in and kissed me at which point the visitor started punching and kicking me and yelling out homophobic slurs including "dirty fucking faggots". My back was to the visitor and we were sitting on the bonnet of a car so we were taken unaware and it was hard to get away. I received about 8 strikes to my head, neck and back which caused bleeding to my head, dizziness, and immediate pain to my head, neck and back as well as shock.

The visitor stopped hitting me and ran away at which point my boyfriend started chasing him to no avail.

Initially I opted not to go to the police station because I was in a costume and was concerned that I would be judged by police and potentially ridiculed or blamed for the incident. I went home where my friends took a look at my head and suggested I go to the hospital which I did. The staff at the hospital asked if I had reported the incident to police and I said no, and that's where that level of enquiry or support ended. Despite disclosing my sexuality and the nature of the event the hospital did nothing to provide support or referral and from what I could tell they did not make a note of the incident for data purposes.

I left Lismore a few days later without reporting the incident to police, a decision made partly based on having heard other people's negative experiences when reporting incidents to police. I also acknowledge that to some extent internalised homophobia played a role in not approaching police having grown up witnessing and experiencing pervasive homophobia and discrimination that informed my negative perceptions of government services in general including police.

That said, as a young adult I found it distressing reading numerous reports of homophobic and transphobic violence in the gay press from the late 1980s and throughout the 1990s. What made matters worse was not reading or hearing any form of response from police, political leaders or government agencies. I could make no other conclusion but that it was somehow acceptable that gay, lesbian and transgender people were fair game and I should expect some level of violence or abuse.

I believe there has long existed a macho culture within police which needs to be addressed at a systems level requiring more than surface level or tokenistic gestures to ensure policy translates to improvements in service delivery at the front line where individual police officers are no longer tacitly supported to allow homophobia and transphobia shape their interactions with community members.

Whilst fairness is a strong Australian value this unfortunately translates to resentment if anyone receives special treatment. That said, I strongly support the introduction of special measures to ensure all hate based crimes (including race, religion, disability, sex and LGBTIQ) are reported and properly investigated and victims are provided appropriate emotional and other supports.

Whether real or perceived there are clear boundaries that need to be addressed to ensure LGBTIQ and other vulnerable populations have access to all levels of justice related services including police.

Yours sincerely,

Michael Atkinson
