

**Submission  
No 12**

**INQUIRY INTO GAY AND TRANSGENDER HATE CRIMES  
BETWEEN 1970 AND 2010 - 57TH PARLIAMENT**

**Organisation:** ACON  
**Date Received:** 28 February 2020

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Second Submission to the Legislative  
Standing Committee on Social Issues:  
Inquiry into Gay and Transgender Hate  
Crimes between 1970 and 2010

February 2020





## Acknowledgment of Traditional Land Owners

ACON acknowledges the traditional owners of the lands on which we work. We pay respect to Aboriginal elders past, present and emerging.

## About ACON

ACON is NSW's leading health organisation specialising in community health, inclusion and HIV responses for people of diverse sexualities and genders. Established in 1985, ACON works to create opportunities for people in our communities to live their healthiest lives.

We are a fiercely proud community organisation, unique in our connection to our community and in our role as an authentic and respected voice.

Members of Australia's sexuality and gender diverse communities experience health disparities when compared to health and wellbeing outcomes experienced by the total population. They may also face significant barriers to accessing traditional healthcare pathways. These issues can be compounded by other factors in a person's life, such as living with a disability or being from a culturally diverse background.

We recognise that members of our communities share their sexual and gender identity with other identities and experiences and work to ensure that these are reflected in our work. These can include people who are:

- people living with HIV
- Aboriginal and Torres Strait Islander people
- people from culturally and linguistically diverse backgrounds
- people who use drugs
- mature aged people
- young adults
- people with disability

We know that how our communities define and describe themselves changes, and we strive to ensure that all people we work for feel welcomed by the services we offer and the language we use.

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## Background

ACON wishes to recognise the work so far of the Legislative Council Standing Committee on Social Issues *Inquiry into Gay and Transgender Hate Crimes between 1970 and 2010*.

In its interim Report, the Committee acknowledged the Inquiry did not have sufficient time to fully examine all aspects of the terms of reference. It also stated that, because of the timeframe for the Inquiry, it had not been able to effectively engage regional and rural NSW. It is for these and other reasons, that it was essential the Inquiry was re-established. ACON commends the Government for re-establishing the Inquiry in the current Parliament.

While the previous Inquiry was vital in beginning the process of healing and justice, it did not provide adequate answers, and fell short of the work required to deliver closure and healing for victims, their families and loved ones. And while the previous Inquiry acknowledged the severity of these past hate crimes, the incomplete nature of the findings and recommendations failed to provide confidence that all the issues had been explored thoroughly.

In our previous submission<sup>1</sup> and in the 2017 Report *In Pursuit of Truth and Justice: Documenting Gay and Transgender Prejudice Killings in NSW in the Late 20<sup>th</sup> Century*<sup>2</sup>, we outlined numerous cases of violence experienced by sexuality and gender diverse people in NSW since the 1970s. *In Pursuit of Truth and Justice* focused on the period between 1970 and 2000, and was released in May 2018, one month earlier than the June 2018 release of the NSW Police Force *Strike Force Parrabell Final Report*<sup>3</sup> including an Academic Review (Conducted by Flinders University), which also examined crimes in the period between 1976 and 2000.

The *In Pursuit of Truth and Justice* Report provided detailed evidence informed by community accounts of a violent and traumatic period for gay men and transgender people. It comprised of a community-led appraisal of 88 suspected anti-gay and related homicides committed between 1970 and 2000, 30 of which remain unsolved. Many of these attacks were gruesome, including bashings, stabbings, body mutilation and dismemberment.

Our previous submission built on the *In Pursuit of Truth and Justice* Report, while also making 18 key recommendations. Our recommendations were a combination of those made within our *In Pursuit of Truth and Justice* Report, our consideration of the recommendations made by NSW Police Force in *Strike Force Parrabell Final Report*, and additional recommendations that we considered important for the Inquiry. Our previous submission also outlined the range of factors that contributed to an environment where these types of horrific crimes were perpetrated and then inadequately investigated or responded to by the New South Wales Police Force.

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<sup>1</sup> ACON, 2018 *Submission to the Legislative Council Standing Committee on Social Issues: Inquiry into Gay and Transgender Hate Crimes between 1970 and 2010*. Sydney: ACON.

<sup>2</sup> ACON, 2018 *In Pursuit of Justice: Documenting Gay and Transgender Prejudice Killings in NSW in the Late 20<sup>th</sup> Century*. Sydney: ACON.

<sup>3</sup> NSW Police Force 2018 *Strike Force Parrabell – Final Report*. Sydney: New South Wales Police Force

Firstly, our submission looked at the impediments within the criminal justice system that impacted on the protection of lesbian, gay, bisexual transgender and (LGBTQ) people and the delivery of justice in NSW. These impediments included homophobic and transphobic community perceptions and attitudes, inadequate Police responses and investigations (with homophobia shaping the development and enforcement of laws that had lasting impacts on the community), and a judiciary that did not provide sufficient justice to victims of crime.

Secondly, our submission investigated steps that have been taken towards addressing past impediments.

Finally, the submission deals with the role of the 'gay panic' defence in LGBTQ hate crimes and how the defence impacted the delivery of justice.

The previous Inquiry represented a welcome opportunity for the NSW Parliament to identify factors that contributed to these hate crimes, reflect on shortcomings in criminal justice institutions, their processes and efforts to change, and consider the extent to which they are equipped to prevent such crimes and injustice from occurring again. However, we were very disappointed that our 18 recommendations were not adequately addressed in the Inquiry's Interim Report. We hope that the reopening of the Inquiry in the current Parliament will rectify this situation given more time has been allowed.

ACON encourages new members of the Standing Committee to also read this submission in conjunction with ACON's Report *In Pursuit of Truth and Justice* and our previous submission for further background (both attached). It is hoped that the current iteration of the Inquiry will allow for more in depth analysis and more robust findings and recommendations which can affect real change and begin the process of healing and justice for those affected by hate crimes and their families and loved ones.

Throughout this submission, we will be including case studies that further illuminate the horrific and traumatising experiences of violence and discrimination our community members endured during this time (and continue to endure through long term effects of grief and trauma). These case studies are drawn from real accounts and reports, provided to us and other community groups over the many years we have worked to respond to the impact of violence against our communities.

### *Case Study One*

*"It was 1992 and I was living in Darlinghurst and working on William Street doing street-based survival sex work. It was impossible for a woman like me to find a job so sex work was the only option. I made life-long friends and generally felt safe and protected by my sisters. I was saving for a genital surgery I needed so tried to work as much as I could. One night I was picked up by a middle-aged man, I have thought about that night so often since it happened. Why did I go with him? Why didn't I sense he was dangerous? I was desperate. He bashed and raped me, repeatedly. In the days that followed I tried to report it to Police but they didn't want to know. One officer told me I deserved it and that they couldn't do anything because I didn't know the guy's rego plate or his name. There is no justice for transgender women".*

## Response to Interim Report

The Interim Report delivered two key findings.

The first acknowledged that the violence and hostility experienced by gay men principally in the period prior to the mid-1990s impacted on the protection of and delivery of justice to victims of hate crimes.

The second finding was that the NSW Police Force is responsible for ensuring that all interactions with the general public and the lesbian, gay, bisexual, transgender, intersex and queer community is done with both respect and professionalism.

While these two findings are welcomed by ACON, the Interim Report did not adequately address many of the other key concerns and needs of the communities we work with. While the two key findings are quite broad, many of the Committee's comments noted throughout the Interim Report are more robust in regard to their applicability and relevance.

These include acknowledgements that:

- there are many more stories to be told about the LGBTQ experience of hate crime that the Committee has not yet heard;
- that while *Parrabell* reviewed historical crimes, it did not undertake any further independent investigation of files and complaints; that further improvements in bias motivated crime reporting and data collection are required;
- that the 'gay panic' defence entrenched homophobic views in the judiciary and society; that crimes motivated by bias and hate are still prevalent today; and
- that transgender people, young LGBTQ people and people living in rural and regional areas are particularly vulnerable to hate crimes.

In reference to the impact of hate crimes, ACON has previously stated:

“Hate crimes hurt both physically and emotionally, individually and communally and have – for some – resulted in isolation, vulnerability and internalised stigma. These cases speak to the risks for LGBTI people associated with visibility and with occupying public space. They illustrate the barriers that stigma creates to ensuring protection, redress and accountability for crimes such as these.”<sup>4</sup>

ACON notes submission number 15 (name suppressed) to the first round of the Parliamentary Inquiry, as being lodged by a community member from Newcastle, who has potentially endured ongoing mental health related impacts associated with not receiving support after a hate crime.

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<sup>4</sup> ACON, 2018 *In Pursuit of Justice: Documenting Gay and Transgender Prejudice Killings in NSW in the Late 20<sup>th</sup> Century*. Sydney: ACON.



## Case Study Two

“In Newcastle in 1990 I was bashed by a man who was targeting anyone that was walking into the door of a gay nightclub. He managed to punch me in the jaw before I managed to escape. I watched him bash my friend severely from a distance but could not help them. I felt like it was too unsafe to walk on the streets at night after that point. The perpetrator managed to escape before the Police arrived. All of this has lead me to feel fear and lack of safety on the streets even now years after this all took place.”<sup>5</sup>

Despite limited detail relating to the victim’s help seeking journey, it is nonetheless clear they experienced ongoing feelings of fear which in the absence of any psychological or justice related intervention to repair harm or restore the victim’s sense of safety, has left the individual vulnerable to becoming home-bound and at risk of social isolation. This case study is demonstrative of the long-term effects that hate crime victimisation has on an individual.

As to the relevance of the victim’s regional place of residence, it is important to note the relative lack of victim support services in regional settings, particularly the lack of inclusive services in the early 1990s. It is also noteworthy that LGBTQ people continue to prefer peer-based services as evidenced by the success of ACON’s peer-based LGBTQ regional health services.

As outlined in recommendation 3.1 of ACON’s *In Pursuit of Truth and Justice Report* “ACON recommends funding be provided to develop peer-led survivor support programs.” ACON strongly believes that it remains timely to address the harmful impacts of historical hate crimes and we do not see remoteness as a barrier to delivering important support services to bring healing, reduce social isolation and improve mental health.

The Committee’s Interim Report posed questions about the scope of the Inquiry, noting especially that the Committee felt the Terms of Reference could not be adequately explored in the time available, and that the Inquiry raised concern about current relationships between Police and community in relation to the reporting and investigation of bias motivated crimes against the communities ACON works with and for.

It is hoped that these issues can be expanded on and explored further, with particular reference to ACON’s recommendations, which were first outlined in our initial submission and are again outlined at the conclusion of the body of this submission.

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<sup>5</sup> NSW Police Force 2018 *Strike Force Parrabell – Final Report*. Sydney: New South Wales Police Force.

### Case Study Three

- *First attack. I was doing the beat. The park. Two very large gentlemen came and hit me with a lump of wood. I was very fortunate that I wasn't knocked to the ground. I fought back, knocked the wood out of their hand. I ran. I sustained a small injury to the head. I certainly didn't report it to the Police or go to the hospital. I had nobody to support me. I certainly couldn't tell my parents, even though they knew I was gay. I had nobody to turn to.*
- *Second experience. Oxford Street. The only reason I can remember the date is that it's when Bob Hawke came to power with the, the massive swing towards Labor for the federal election, which was the 5<sup>th</sup> of March, 1983. 9:30 at night. Saturday evening. Walking up Oxford Street. Punched in the face. Totally unprovoked. Other people on the street. Nobody stops. I sustained a compressed fracture to the right cheekbone. The base of the eye socket was burst. It was a hate crime. The Police were called and they came and asked me what had happened. I never heard another word from the Police. To this day. No follow up, whatsoever. I wasn't surprised. Up until then I never felt afraid to go out. From that date, I did not go out at night.*
- *Third attack. I was living in North Sydney in a small apartment by myself with my cat. I lived on the second floor. This particular night I took my cat out for a little walk. I was confronted at the back door by two or three guys who attacked me in my own building. They knew I was gay... they kept saying "faggot"... "ya bloody faggot." And then to get my cat. My major concern was for the cat. My best mate. I was knocked unconscious and woke an hour later in a huge pool of blood at the back door.*
- *Mum and Dad came down the next day and we went up to North Sydney Police Station. We spoke to the desk sergeant, and my father said "What are you going to do about this?" And the Police person said, "What can we do?" His exact words. "What can we do?" My father then said, "Well, what would you do if            had been murdered?" And the sergeant at the desk simply shrugged his shoulders and walked away.*

Gay man, 69 years of age

### Recommendations of the Interim Report

The recommendations made by the Committee do very little to address the needs of victims of these crimes, aside from the acknowledgment that they occurred. Similarly, those who have supported members of our communities through these experiences have unresolved frustration about the lack of justice and compassion. Members of our communities were bashed, murdered and left to die.

In many circumstances in which they felt they could report issues to Police, they were ridiculed, ignored and suffered a form of institutional homophobia which exacerbates the nature of violence perpetrated against them.

The case studies in this submission are representative of a generation of community members who were struggling through societal violence, trauma and during the height of hate crime perpetration, also the stigma and community anguish that came with the worst years of the HIV/AIDS crisis. The case studies also come from men and women who are alive now, whose experience of this grief, trauma and pain live with them still. Missing from the submission are the stories of those who died at the hands of assailants, whose loved ones carry that grief and pain with them.

The recommendation to re-open the Inquiry promises some hope to those living with ongoing grief and trauma, many of whom continue to seek justice. It also offers hope to those who have yet to speak out. There are stories yet to be told, and it is our hope that the Inquiry proactively works to seek those stories, ensuring safety for those who may now choose to share.

We note that Inquiries such as this offer organisations like ACON, with a history of community advocacy a chance to share our collective voice and understanding. We also note however that many individuals may need active support to engage in this process, and that people from rural and regional areas, and those who face other forms of marginalisation may not be willing to speak up.

The currency of this issue, especially for people in rural and regional areas cannot be understated. Two recent fatal attacks in regional NSW, both still under investigation, have the hallmarks of being hate crimes and raise the need for careful consideration for the persistence of prejudice resulting in ongoing LGBTQ hate crimes in regional settings.

#### *Case Study Four*

Canberra resident Peter Keeley was found dead on 2 February 2020 in bushland at Broulee near Bateman's Bay, NSW. The three alleged assailants, all Broulee residents, one of whom has been denied bail, are alleged to have used Grindr to lure Mr Keeley to the remote location with the intention of committing the crime. While the investigation is pending, it has been revealed that Mr Keeley picked up the boys and drove his Honda Jazz to nearby bushland where he was later beaten and hog-tied in what Police allege was some form of hate crime.<sup>6</sup> *(It is important to note a general increase in the number of violent attacks on LGBTQ people via dating Apps requiring consideration by authorities and community support organisations as they relate to metropolitan and regional settings.)*

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<sup>6</sup> <https://www.smh.com.au/national/nsw/three-teens-accused-of-killing-canberra-man-after-luring-him-via-grindr-Police-say-20200220-p542uh.html>

It is critical that future work to prevent and respond to hate crime includes a regional focus. This focus must support regional Justice and support related services to be appropriately trained and their policies must reflect modern cultural practices and use of technologies to ensure effective responses to LGBTQ hate crimes.

### Recommendation 3

*“That the NSW Police Force ensure that all officers have the skills and knowledge to engage with lesbian, gay, bisexual, transgender, intersex and queer (LGBTIQ) people respectfully and equally”*

The recommendation of the Interim Report relating to the responsibility of the New South Wales Police Force fails to recognise the historical context that this Inquiry examined. We would assert that the New South Wales Police Force also needs to consider the impact of their policing and its effect on our communities in the past. It is only in conjunction with ongoing reflection on these issues that skills and knowledge will have any effect on the relationship between our communities and the Police.

We would also assert that a framework of equity is more useful in addressing the issues with policing and our communities. Policing cannot adhere to a ‘one response fits all’ model. Victims of hate crimes, those with a negative experience of systemic homophobia, biphobia and transphobia from the Force and others in our communities require policing that takes additional steps for inclusive police practice, including a greater emphasis on training and meaningful involvement of community groups who can share lived experience.

There must also be consideration of the impact of culture in policing. No amount of skills and knowledge will assist officers or community members while pervasive homophobic attitudes are present in policing. As recently as 2019, complaints of homophobia have been upheld within the Force, against other officers<sup>7</sup>. The message this sends to community members is that the Police are still not a place that is safe for our communities, either as a place to work, or a place to report crimes.

Finally, concern exists regarding the way policing is undertaken, specifically in relation to bias motivated crimes. ACON understands that this area of policing is chronically under resourced, and that the systems to identify and record bias motivated crime are cumbersome and not always understood by operational officers. Clarity on the definition of hate crimes, and systems implemented in Police systems which track information more clearly on bias motivated crime would go some way to ensuring this Inquiry is the last needed of its kind relating to inadequate responses by Police into hate crimes against our communities.

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<sup>7</sup> <https://www.abc.net.au/news/2019-11-29/gay-cops-win-landmark-discrimination-case-against-nsw-Police/11749158>

### Case Study Five

Simon McHugh, a local Newcastle resident, was savagely bashed and thrown unconscious off the Barnsley weir where he was left to drown by his assailants in June 1992 who were apprehended that same day and later sentenced<sup>8</sup>. Mr McHugh was included as one of the 88 alleged gay and trans hate cases reviewed by ACON and NSW Police Force where Police concluded ‘No Evidence of Bias Crime’.

This case highlights inherent methodology related flaws of the Strike Force Parrabell review process which was limited to a review of archived Police paper file reports. Upon reviewing Simon McHugh’s case, ACON found no evidence that ‘bias’ was considered at the time of the investigation or during court proceedings. Despite this, more than 25 years later the NSW Police Force have made complex assessments of evidence housed in archived paper files relating to Simon McHugh’s sexuality and the assailant’s sexuality and motive to derive their conclusion of ‘No Evidence of Bias Crime’.

It is our belief that appropriate police record keeping and improved practice would mean that such discrepancies in the determination of bias motivated crime would not occur.

## The Response from the NSW Government

ACON wishes to address the response from The Hon. David Elliot MP, NSW Police and Emergency Services Minister, on behalf of the NSW Government, to the Inquiry. (Ref D/2019/493469 dated 15 July 2019 - attached)

While ACON appreciates the Minister noting the recommendations from the Inquiry, his letter to the Committee reinforces the view held by some in the community that the issues related to this Inquiry are far from a priority for the New South Wales Police Force. We note that the Committee understood the difficulty many of our community faced in contributing to this Inquiry, sharing personal stories of grief and pain in order that Committee members could understand the intense impact that these crimes and the responses to them have had on the community.

The response from Minister Elliot seems to highlight the theme of inadequate responses which are mentioned by the Committee and those who gave evidence. ACON believes the response does not adequately take into consideration the overall content of the Committee’s Report on the Inquiry, focusing only on a singular recommendation. The work of the Committee in putting together the Report reflects, to a degree, the personal stories and experiences of community members and organisations. While the Report goes some way to frame these stories in the context of problems with policing and our

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<sup>8</sup> NSW Police Force 2018 *Strike Force Parrabell – Final Report*. Sydney: NSWPF.

communities, the response from Minister Elliot downplays these experiences. The brevity of the response, and its ignorance of the full subject matter of the Report, is disappointing.

ACON and Dowson Turco Lawyers have previously written to the chair of the Committee outlining these concerns, particularly noting:

“We are grateful for the NSW Government’s response to the Report but are disappointed that the letter of response from the Minister for Police and Emergency Services, The Hon. David Elliot MP was not more comprehensive. This is because, while we understand the NSW Police Force has accepted all recommendations arising from the Strike Force Parrabell, the single page response to the interim Inquiry findings provides little or no information on how the NSW Government and the NSW Police Force in particular is implementing the recommendations.

Also significant to the gay, lesbian, and transgender communities is acknowledgement of the severity of past hate crimes. We are disappointed that no such acknowledgment has been forthcoming, and we seek the NSW Government’s assurances to the families and loved ones of the victims of these crimes that the wrongs and failures of the past will be prevented from reoccurring.”

The crimes that occurred in the past are abhorrent, and the police response to these crimes was negligent at best. These facts are known by our communities. ACON was extremely disappointed that no such acknowledgment was included in Minister Elliot’s response. ACON believes that the response from the NSW Government must include assurances to the families and loved ones of the victims of these horrific crimes, as well as the LGBTQ community as a whole, that the wrongs and failures of the past will be prevented from reoccurring.

Hate crimes are known to happen in sudden and unexpected moments making it hard to obtain critical evidence pertaining to bias. If evidence of bias is not immediately sought out, it can be lost for good. In the absence of a proper investigation, particularly at the time, ACON asserts it is not appropriate to conclude ‘No Evidence’ of bias in the case of Simon McHugh and many of the other 88 cases. Instead, an ‘open’ or ‘inconclusive’ finding would be more appropriate. It is noteworthy to consider that the NSW Police Forces’ Independent Reviewer differed in their bias related conclusion of ‘Insufficient Information’. Recommendation 3 of the Interim Report states ‘that the NSW Police Force ensure that all officers have the skills and knowledge to engage with lesbian, gay, bisexual, transgender, intersex, queer (LGBTIQ) people respectfully and equally’.

In his one-page response, Minister Elliot states that the NSW Police Force is implementing measures to address Recommendation 3. However, the examples provided by the Minister of the improvements being made do not adequately explain how and by what means that this is happening.

Further Minister Elliot states that the NSW Police Force is making significant progress against the recommendation with four key measures. The Inquiry is in a position to further examine the actions taken by the Police to adequately address these issues under the Terms of Reference of the Inquiry. At point (1)(a)(ii): *‘to the extent that past impediments are identified, how effectively these have been addressed by current policy and practice’*.

It is hoped that the Committee will be able to adequately address NSW Police force initiatives to improve the reporting of bias crimes and engagement with sexuality and gender diverse people more broadly.

Below, we have addressed the measures outlined by the Minister in his July correspondence regarding the Committee's recommendations, with suggestions on evidence the Inquiry could seek, in order to better understand the specifics of the measures being taken by Police and increase trust in our community that this issue is a priority for the Minister for Police and Emergency Services and the Police Commissioner.

**1. *Revised bias crime indicator assessment tools supported by appropriate training packages***

ACON encourages the Committee to seek evidence on the specific revised bias crime indicator assessment tools being used to assess whether a crime has a bias element. ACON notes that Assistant Commissioner Crandell has told this Committee that the NSW Police Force has engaged an expert from Charles Sturt University for this purpose however the Committee may be well served to investigate progress on this issue.

ACON believes that any such tool or training package should have input from both subject matter experts, operational Police and affected communities.

**2. *A review of internal policies ensuring open-mindedness regarding motive***

ACON encourages the Committee to seek evidence which specific internal policies are being reviewed as well as who is conducting the review. We believe that there is value in information on how this review was conducted and whether consultation with affected communities has occurred or will occur.

The community would benefit from information regarding implementation efforts that have been made or will be made to address the concerns arising from the Inquiry.

**3. *Ongoing internal ethical and cultural training to specifically include LGBTIQ experiences***

ACON encourages the Committee to seek evidence on whether the internal training will be delivered by NSW Police Force staff or whether it will be delivered by an organisation or person adequately qualified in providing this type of training. We seek to understand how comprehensive training will be and how such training will be rolled out to current officers and officers employed or promoted in the future.

For many years ACON has worked with organisations to deliver and develop training on working effectively with our communities in a variety of unique settings and contexts. We would encourage a response from the Minister, or from Commissioner Mick Fuller APM which highlights how the training will be developed to ensure meaningful outcomes from officers involved.

As has been previously mentioned in our submission, the cultural context of these issues in our communities presents unique challenges in responding to future issues and ensuring strong



relationships between our communities and the Police which lead to increased reporting of bias motivated crime and effective responses to these issues.

Any such training must also address the issue in a proactive and serious manner. Commitment by the NSW Police Force must be followed up by sincere actions, and we call on the Inquiry to follow up, report on and comment on such actions.

***4. Ongoing improvements to ensure bias crimes are centrally captured for state-wide investigations***

ACON encourages the Committee to seek evidence on what specific improvements have been made to ensure bias crimes are centrally captured. Specifically, how will these be captured and stored?

The Minister's inadequate response highlights that more needs to be done to ensure that the NSW Police engage with the Inquiry and respond to community needs in a more transparent and engaged manner. This is essential for the process of healing and justice to begin.

The Inquiry should provide accountability to the public to understand whether the occurrence and investigations of bias crime in NSW is improving.



## Recommendations

Attached to this submission is a copy of our original submission to the Committee of the last Parliament. We hope that given the amount of time now available to the Committee that it is able to include more recommendations which are a catalyst for meaningful change.

We hope that the Committee is now able to seek evidence on ways that bias motivated crimes perpetrated against our community can be better captured and dealt with in ways that reduce trauma and grief and ensure community justice.

ACON believes through our work with community and partner organisations, that the recommendations we have previously made are a minimum for change. In partnership with the recommendations from the *Strikeforce Parrabell Report* and *In Pursuit of Truth and Justice*, the below recommendations are essential to be undertaken in order to begin a meaningful process of healing for our community with a view to a sense of justice being sought.

Our recommendations are grounded in a restorative justice framework<sup>9</sup> and centre on seeking truth, compensation and support for victims. They further seek changes in policy and practices to prevent future crimes and injustice.

- Recommendation 1:** Investigate all outstanding cases and prosecute where appropriate.
- Recommendation 2:** That Recommendation 8 of *Parrabell* (LGBTIQ education of every potential Police Officer at the Academy as part of recruit development and learning) be actioned but also extended, to include more advanced training of Officers each time they progress through the ranks to a more senior role.
- Recommendation 3:** That Recommendation 10 of *Parrabell* (equity and diversity awareness training) is not just about making the training available, but ensuring all levels of the NSWPF conduct this training periodically (for example, every 2 to 3 years), and that this training includes delivery of content from diverse, marginalised communities including LGBTIQ people sharing their lived experience.
- Recommendation 4:** That Recommendations 11 & 12 of *Parrabell* are implemented by NSWPF.
- Recommendation 5:** That recommendations contained in the *In Pursuit of Truth and Justice Report* are further examined by the Committee as options for decreasing the impacts of gay-hate crime in the NSW community.
- Recommendation 6:** That a project be funded – to be conducted jointly by ACON and NSWPF in partnership – that examines best practice models for a whole of community approach to improving LGBTIQ community safety; and that a model is piloted and evaluated in NSW.

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<sup>9</sup> Marshall, T. (1999). *Restorative Justice: An overview*. London: Home Office Research Development and Statistics Directorate.

- Recommendation 7:** Recommendations 3, 4, 5, 6 & 7 from *Parrabell* be implemented by NSWPF and progress updates are provided to NSW Parliament every six months over the next 4 years (and beyond if required) to ensure the community has transparency around, and gains confidence from, these changes.
- Recommendation 8:** Investigate and determine the involvement of individual members of NSW Police and justice agencies in LGBTIQ hate crimes and ensure that any wrongdoing or inaction is acknowledged and addressed.
- Recommendation 9:** That the NSW Government consider funding, and co-designing with ACON, a mainstream campaign to combat homophobia and transphobia and violence in NSW.
- Recommendation 10:** Introduce Third Party Reporting systems in NSW that encourage LGBTQ people to report violent crimes – and where consent is given – providing these reports to Police.
- Recommendation 11:** Strong evidence exists to confirm that fear associated with anti-gay, homophobic and transphobic attitudes of Police Officers and the NSWPF generally prevented crimes being reported. The Terms of Reference for this Inquiry are limited to those crimes that were reported during the prescribed timeframes. There is a need to consider how previous experiences of abuse and violence since 1970 can be addressed, beyond the scope of this Inquiry.
- Recommendation 12:** Develop and resource systems to increase evidence around the experience of lesbian, bisexual, trans, gender diverse, intersex and queer people as victims of crime.
- Recommendation 13:** That NSW Parliament and NSW Police use public opportunities such as presented by the Bondi Memorial project, to publicly acknowledge victims and survivors – including an apology acknowledging the direct acts of homophobia enacted by individuals, the systemic homophobia and erasure by NSWPF, and the failings of the judicial system to provide justice.
- Recommendation 14:** Fund evidence informed LGBTIQ violence-specific support services which acknowledge the disproportionate violence experienced by LGBTIQ people and to start healing the legacy of violence.
- Recommendation 15:** Establish an office for equity in the Department of Premier and Cabinet to address issues of inequity and develop a whole of Government response to LGBTIQ issues.
- Recommendation 16:** Explore options to provide financial and other forms of support to grieving loved ones and victims who come forward, including a redress type of scheme for both reported and non-reported crimes over these 40 years.

**Recommendation 17:** Further to Recommendation 7, that NSW Parliament requires that all recommendations taken forward from this Inquiry are subject to public accountability in the form of transparent reporting to the NSW Parliament every six months for the next 4 years, or until all actions are sufficiently imbedded and completed to the satisfaction of the Parliament.

**Recommendation 18:** That NSW Police and Parliament review and respond to the recommendations of the *In Pursuit of Truth and Justice* report.

In addition to the above recommendations, we also submit a new recommendation to the reconvened Committee:

**Recommendation 19:** That a considered focus is given to the situation and potential remedies for bias and hate motivated crime in rural and regional NSW, given the scarce resources and particular concerns of sexuality and gender diverse communities in these locations.

## Conclusion

The re-opening of this Inquiry is welcomed by ACON. It is our hope that this iteration of the Inquiry will allow for deeper and more nuanced examination of the conditions and factors that allowed for these crimes and injustices to occur during the period 1970 to 2010.

While the previous Inquiry began the process of better understanding this period of time, the conditions that allowed these crimes to occur, and the institutional failures of the NSW Police Force and the judicial system in adequately responding to hate crimes, this iteration of the Inquiry must continue its work to properly address the recommendations outlined above, and to be a place where healing and justice can begin for our communities.

There is much to say about the dark period in our history where homophobia, violence and systemic indifference made New South Wales an unsafe place for members of our communities. There is more to say about how the impact of those times continues to affect us. The memories of grief that we hold as a community, the ongoing evidence of poor policing, and the recent deaths of members of our communities speak to an issue that is unresolved.

It is the responsibility of the Standing Committee on Social Justice to ensure that in the current Parliament, this Inquiry actively seeks the evidence needed to ensure strong recommendations can be made to make redress and build a more positive future.

## Attachments

In Pursuit of Truth and Justice: Documenting Gay and Transgender Prejudice Killings in NSW in the Late 20th Century

ACON's Submission to The Legislative Council Standing Committee on Social Issues: Inquiry into Gay and Transgender Hate Crimes Between 1970 and 2010 November 2018

Correspondence from Minister David Elliot dated 15 July 2019