

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

Name: Name suppressed

Date Received: 18 February 2020

Partially
Confidential

Submission to Inquiry into Gay and Transgender hate crimes between 1970 and 2010

Introduction.

I was savagely beaten by a gang in Sydney in late 1988 – I have having trouble remembering the exact month but it was in summer 1988. I was very traumatised both physically and mentally by the attack as I thought I was going to die.

The Attack

I was out with a number of gay friends at a dinner in a Chinese restaurant on George St near Broadway. We had come down from Oxford St for a dinner to farewell a friend who was going overseas to work.

The dinner finished about midnight and we wanted to go out and I had run out of money because of the cost of a dinner. A friend and I walked to the National Australia Bank ATM near Broadway on George St so I could take some money out.

There was a large group of people standing at a bus stop near the ATM – I didn't take much notice as I thought they were just waiting for a bus. They must have heard us talking about going back out to the gay clubs on Oxford St because when I turned around from getting the money out of the ATM one of them "king hit" me (this is now more appropriately called a "coward punch") with incredible force in the face – smashing my nose. I am a big guy and was quite fit then and I remember the attacker looked quite surprised when I didn't hit the ground on the first punch. I pushed him back away from me – I did not hit him because I am not and never have been a violent person. What I didn't realise is the group of about 6 guys were all together – a gang – and they all started punching me. My friend who was much smaller and more agile than me managed to get away and alert either an ambulance or the police. (Not sure about which as I was soon to be unconscious).

The attackers were punching me from every direction and pushing me onto the road where there was oncoming traffic. I was very scared at this point because I remembered hearing about how homophobic gangs in the US had killed gay guys by pushing them in front of cars and trucks. At that moment I thought that's it – my life is over – I am going to die here. I was only 28.

I remember saying to them words to the effect "What are you doing – we are just trying to have a good night out." I will never forget the reply as long as I live. One of the guys said "We know what you are mate!" The last thing I remember was being hit on the back of my head with something that felt like an iron bar or baton but it may have been a karate chop or punch. I passed out instantly.

The Hospital

The next thing I remember is waking up in the emergency department of Sydney Hospital. When I woke up I had amnesia – I couldn't remember who I was, where I lived or any basic details. When I was discharged from hospital the next day (way to soon in my opinion) I suffered considerable pain for a number of weeks. I had been punched and kicked all over my body so it was very sore.

I regained my memory throughout the course of the day and the treating doctor – who I think was some kind of surgeon – told me "You are very lucky to be alive. You seem to have fallen forward – if you had fallen backwards you probably would have died." He said words to the effect "The guys really beat you savagely and obviously kicked you in the face a number of times when you were unconscious on the ground". I hadn't seen my face yet (It was a swollen bloody bruised mess) so I said "How do you know they did that?" He said "Well, feel all that stuff coming out of your nose – it's not blood – its cartilage – they have kicked you so hard in the face that they did a septoplasty on you!" (I didn't know what a septoplasty was at that stage but found out later when they had to do one to repair my nose from the bashing) He then proceeded to cut the cartilage out of my nose. I was left with a large soft dint on the side of my nose and after the injuries settled down I had to go into hospital about six months later to have a rhino septoplasty to fix my nose.

A number of my teeth were broken and I spent a lot of money getting them fixed – initially with fillings but they kept wearing out so eventually I got veneers.

The Police

The police came to the hospital briefly but I couldn't give them much of a description because the guys hit me so hard and fast I barely saw their faces. I was also still somewhat amnesiac at that stage but the police should have talked to my friend who would have been able to give them some kind of a description. I think he was at the hospital with me by that stage. I think the doctors may also have had me on a fairly strong painkiller as I wasn't feeling much pain at that stage. After I left the hospital I started to feel considerable pain.

The police never followed me up on the attack at all. I went to the central police station a few times to follow them up but I could see that they had little interest in trying to find the attackers. I would be interested to see the police report and relevant notes and records from that time to see what action they took in relation to the serious assault upon me. I would ask the Parliamentary Inquiry to use its powers to obtain all relevant police records relating to the attack including the CIR (Criminal Information Report) and Occurrence Pad entry.

Living with Homophobia

I also had to be careful as well as I had come out as gay to my parents a few years earlier who were very upset about it and concerned that I would get AIDS so I downplayed the gay bashing aspect of it to them.

Similarly, I had only recently started work (in the last year or so) at a very conservative small city law firm and being openly gay there at that time was simply out of the question.

I made an application for Victims Compensation which was granted in the sum of about \$11,000 (I think) – not enough to cover all my medical bills, dental expenses and counselling for years. Unfortunately the maximum compensation at the time was only \$40,000. The Parliamentary Inquiry could also request that file from the NSW Government body responsible as it will have more details about my injuries at the time. It should also include photos of my facial and possibly other injuries.

I had other physical injuries which took time to heal. Every morning I would wake up with the room spinning and feeling nauseas as the severity of the bashing had upset the balance of my inner ear. I went to a specialist but he said there was nothing they could do and it would hopefully get better with time. I had to very gradually get out of bed each morning as it literally felt that I was falling over – that lasted for a least a year but my ear balance never fully recovered. It still causes me problems today.

Shortly after the attack I was also diagnosed with 2 inguinal hernias which I also had to have surgery to fix. They may have been caused by the fact that the assailants were kicking me in the body as well as the face while I was unconscious on the ground.

The mental trauma was the worst. I was afraid to go out of a night for a long time – particularly by myself. I never had that fear before and it took me many years to get over it. I never really have gotten over it completely.

The Inquiry

I feel strongly about the Inquiry and making this submission not just for myself but for other gay men who weren't as lucky as me – particularly Ross Warren. I met Ross a few times and I have sometimes wondered if the guys who bashed me – with I think with the intent to kill or certainly too seriously wound me – were the same guys who killed Ross.

Ross Warren was a pleasant, very attractive and likeable guy. I last saw him at the Midnight Shift, on or near the night he disappeared. Unfortunately the police initially put down his disappearance from the cliff top at Tamarama as a gay suicide or accident. I never accepted that he killed himself. I have never heard of anyone attempting suicide at that park at Tamarama.

Eerily, I remember Ross asking me at a party (probably about 6 months before he disappeared) how I was recovering after being bashed – even though I didn't know him that well he seemed genuinely concerned about what I had gone through. He was a nice guy and it fills me with horror to think of his terrifying last moments when those guys threw him off that cliff.

I would love to get justice for myself (even though I know that is unlikely) as the guys who bashed me got away with it. I would imagine that they bashed other gay guys as well around that period as well. I would be even happier if I could help get some justice for Ross.

The Gay Panic Defence

The Gay Panic defence was an extraordinarily dangerous legal concept as it gave legitimacy to incredibly violent behaviour in the name of defending oneself from a homosexual advance. The idea that it was necessary to kill someone to protect yourself from a gay advance is of course absurd.

I grew up in an era in the 1960's and 1970's where being gay was regarded as an abomination – the worse thing a boy or man could be. Making any kind of an advance to another man was generally out of the question unless you were certain that he was gay. If someone makes an advance you don't like just say no.

The use of that defence in the context of gay bashings is absurd. One thing I quickly learned after my near death experience is that gay bashers are cowards. I don't know the exact size of the group that bashed me – it seemed to be about 6. I knew many people in the Sydney gay scene in

the 1980's until present days and I have never heard of anyone being gay bashed by one gay basher. (That's not to say it hasn't happened) It was always at least 3 or more people on one defenceless gay man. What this proves about the "masculinity" of the attackers was and is mystery to me. In my case – it proved that 6 guys could bash up one gay guy – also with the element of surprise. I had no chance as I was coward punched without warning or any prior interaction with the person.

The other thing that I would like to see as an outcome of this Inquiry is that adequate support services are provided for people who are the victims of gay, lesbian or transgender hate crime. When I was attacked there was no after support at all. I eventually had to sort out my own quite expensive therapy to deal with the aftermath of my near death experience. Although financially draining I was able to pay for it. Others would not have been so lucky.

Conclusion

I am happy to be contacted so I can give any more details or evidence that would help the Inquiry. Many gay men died and some were left with lifelong injuries and mental trauma like me. We deserve justice. What shape that takes I am not quite sure. I suppose just the formal recognition by parliament that we were badly let down by our law enforcement agencies at the time would be a start. I believe that one of the reasons that so many gay bashings occurred was the attackers held little fear they would be brought to justice.

I think the NSW Police Force should give some sort of historic apology. Gay bashings and murders were simply not given the importance of investigation that they should have been given.