

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

Organisation: ACON, Dowson Turco Lawyers and community partners

Date Received: 24 March 2021



2 October 2020

The Hon. (Shayne) Maxwell Shayne Mallard, MLC
Member of the Legislative Council
Temporary Chair of Committees
Chair, Standing Committee on Social Issues
Parliament House
Macquarie Street
Sydney NSW 2000

By email:

Dear Mr Mallard

A Joint Submission in Support of Establishing a Special Commission of Inquiry into Gay and Transgender Hate Crimes in New South Wales

ACON and our community partners, in particular, Dowson Turco Lawyers, recognise the enormous contributions made by yourself and other members of the NSW Inquiry into Gay and Transgender Hate Crimes between 1970 and 2010 (the **Parliamentary Inquiry**). This work has been the start of an incredible process of justice, truth telling and community healing that many had thought would never be possible.

To further these processes, we now make a Joint Submission (the **Joint Submission**) to the Parliamentary Inquiry in light of the Inquiry's Interim Report and the progress of the NSW Police Force in the Scott Johnson case.

By signing this Joint Submission, the signatories call upon the NSW Government to further the Parliamentary Inquiry's important work by opening a Special Commission of Inquiry, based on the recommendations of the Interim Report, and the ongoing need to investigate the full extent to which hate crimes, and the response to hate crimes, have affected gay, lesbian, bisexual and transgender people since 1970.

A Special Commission of Inquiry allows the compelling of witnesses, which will allow the Special Commission's judicial members to fully explore many issues which still hurt and affect our community – damaging our ongoing relationship with government agencies and stalling any chance of building effective responses to contemporary issues that are marred by the wrongs of the past.

The current Parliamentary Inquiry has unearthed much heartbreaking truth and has allowed people to share their experiences of a system which permitted, and potentially encouraged, violence, apathy and discrimination. The enabling of a more accurate narrative around these crimes has been appreciated but, the Parliamentary Inquiry has also cast a light on previously unknown hate crimes, and unearthed experiences of institutional complacency. In essence, the current Parliamentary Inquiry has created more questions than it has answered.

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We would ask that the Terms of Reference for a Special Commission of Inquiry examine broader issues across all government departments in relation to Lesbian, Gay, Bisexual and Transgender (LGBT) hate motivated crimes.

In relation to the Justice system, questions remain about why and how cases were investigated internally or through referral to coronial inquires, the number of unsolved hate crimes and the path to justice for victims and families. Specific cases also present unanswered questions. For example, why did Ross Warren's mother's letters go unanswered for so long and why did Scott Johnson's accused killer remain unchanged for more than 30 years?

A Special Commission of Inquiry must examine the issues across the whole of government and seek to find out how the impact of the general climate of homophobia and transphobia impacted the experience and role of government staff. The Commission will be able to identify what government officials, educators, doctors, social workers, youth workers, nurses and health managers of the 80s and 90s can tell us about individual and systemic responses to victims and perpetrators of gay hate crimes.

Was important information communicated to police officers? How was it communicated to police and what was done with the information? How did youth and social workers deal with young people who expressed a desire to assault members of the LGBT communities? Why did these workers take the approach they did and, in hindsight, would they change the way they did things? How did teachers and school principals deal with students known to be violently targeting our communities?

Perpetrators of many other unsolved LGBT hate crimes remain at large. A close examination of the justice system at the time of these crimes being committed will allow for appropriate exploration of executive, legislative and judicial responses. Systems which ignored or covered up this violence continue to escape scrutiny, causing our communities to feel continually unsafe.

A judicial inquiry is an appropriate next step to this long process of truth telling. It is imperative that it is established soon, to ensure that we better understand what happened in the past and how it continues to shape our current and future as a community. Importantly, given the period in which we are dealing, many victims are now in their 60s, 70s and older. Their evidence is critical to such an inquiry; they must be heard.

We urge you to consider the appeal from the below community organisations. We ask that you ensure the next step in truth telling and justice occurs.

If you wish to discuss this further, or arrange a time to meet please contact Nicolas Parkhill, ACON Chief Executive Officer on [redacted] or via [redacted].

ACON in partnership with Dowson Turco Lawyers, and with the support of the following community organisations and groups, wish to place on the public record our support for establishment of a Special Commission of Inquiry into Gay and Transgender Hate Crimes in New South Wales.

Signatories



Bobby Goldsmith
Foundation

