

REPORT ON PROCEEDINGS BEFORE

STANDING COMMITTEE ON SOCIAL ISSUES

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

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At Jubilee Room, Parliament House, Sydney, on Monday 30 November 2020

The Committee met at 14:03.

PRESENT

The Hon. Shayne Mallard (Chair)

Ms Abigail Boyd
The Hon. Ben Franklin
The Hon. Rose Jackson
The Hon. Taylor Martin
The Hon. Daniel Mookhey (Deputy Chair)
Reverend the Hon. Fred Nile
The Hon. Mark Pearson
The Hon. Natalie Ward

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The CHAIR: Good afternoon and welcome to the second and final hearing of the Standing Committee on Social Issues inquiry into gay and transgender hate crimes between 1970 and 2010. This inquiry was re-established following the Committee's work in the last Parliament. The inquiry is continuing to investigate whether there were any impediments within the criminal justice system that impacted the protection of LGBTQI people and whether they have been effectively addressed by current policies and practices. We are also continuing to examine the delivery of justice to victims of LGBTQI hate crimes and their families. Before I commence the hearing this afternoon, I acknowledge the Gadigal people who are the traditional custodians of the land on which we meet today. I also pay my respects to Elders past, present and emerging of the Eora nation and to Aboriginal and Torres Strait Islander people in our various communities as well. Today we will hear from former police officers and a journalist who has reported on historic gay hate crimes. I thank everyone for taking the time to give evidence to this important inquiry.

Before we commence I will make some brief comments about procedures and rules that apply to today's hearing. Today's hearing is being broadcast live via the Parliament's website. A transcript of today's hearing will be placed on the Committee's website when it becomes available. Today's hearing will contain information about violent crimes committed against LGBTQI people that may be distressing for some. If you are in need of assistance, I encourage you to seek support from counselling services such as QLife, ACON and Lifeline. Contact numbers for those services can be found in the brochures that are available at the back of this room and on our inquiry website. I also give notice that in today's hearing, given the nature of the inquiry on hate crimes, there may be some strong and offensive language used in evidence. In accordance with the broadcasting guidelines, media representatives are reminded that they must take responsibility for what they publish about the Committee's proceedings. Whilst Parliamentary privilege applies to witnesses giving evidence today, it does not apply to what witnesses say outside of their evidence at the hearing. Therefore, I urge witnesses to be careful about comments you may make to the media or to others after you have completed your evidence.

Committee hearings are not intended to provide a forum for people to make adverse reflections about other people under the protection of parliamentary privilege. In that regard it is important that witnesses focus on the issues raised by the inquiry's terms of reference and avoid naming individuals unnecessarily. All witnesses have a right to procedural fairness according to the procedural fairness resolution adopted by the House in 2018. We can provide you with a copy of that if you feel you need it. Probably you will not today. If witnesses are unable to answer questions today and want more time to respond, they can take the question on notice. Written answers to questions taken on notice are to be provided to the Committee within 21 days. The secretariat will follow up with you on that. If witnesses wish to hand up documents for the Committee to consider, they should do so through the Committee staff. In terms of the audibility of the hearing, I remind Committee members and witnesses to speak into the microphone. For those with hearing difficulties who are present in the room, please note that the room is fitted with induction loops compatible with hearing aid systems that have telecoil receivers. Finally, could everyone please turn their mobile phones to silent for the duration of the hearing. That is all the housekeeping.

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SUE THOMPSON, Former Gay/Lesbian Client Consultant, NSW Police Force, sworn and examined

JOHN URE, Former Superintendent, NSW Police Force, affirmed and examined

The CHAIR: I welcome our first witnesses this afternoon. I invite you to make opening statements. Mr Ure, you have not made a submission to the inquiry, have you?

Mr URE: No.

The CHAIR: You are welcome to make an opening statement. I suggest that Ms Thompson might go first unless you have prearranged it?

Ms THOMPSON: I told him he had to go first.

The CHAIR: Fair enough. I do not want to cross over that.

Mr URE: I do what I am told.

The CHAIR: Mr Ure, I invite you to make an opening statement to the Committee.

Mr URE: Thank you very much. Thank you for the invitation to appear, too. I was the superintendent in charge of the Program Development branch of the New South Wales police service when it was established in 1989, including responsibility for the Gay/Lesbian Client Consultant, Ms Thompson. I joined the NSW Police Force in 1964 and retired in 2001 at the rank of assistant commissioner. The bulk of my first 18 years was spent in criminal investigation, principally in the Hunter and New England regions. When I returned to Sydney in the early 1980s, I spent two years as a law instructor at the New South Wales police academy at Redfern, then moved to police headquarters in a policy and planning role.

Part of my planning duties included the general policing requirements for the 1986 visit of Pope John Paul II and the 1988 bicentennial celebrations. My policy role actually included writing the first police instruction for police interaction with people with AIDS. I was involved in three royal commissions during my service. I was the New South Wales police liaison officer to the Royal Commission into Aboriginal Deaths in Custody and led a working group which I can claim revolutionised the way we manage persons who come into police custody, and also implemented a number of ways to improve relations with Aboriginal people. I was the commander of a special task force that was set up during the Gyles royal commission into the construction industry in New South Wales to investigate and prosecute crimes highlighted by the royal commission. As commander of the State Intelligence Group, I provided information and gave evidence to the Royal Commission into the New South Wales Police Service. In 1998 I was selected as Director of the Australian Bureau of Criminal Intelligence in Canberra, reporting to the eight Australian police commissioners and the Federal Minister for Justice and Customs.

Going back to February 1989, I was selected to establish the Program Development branch, which was a part of the structure to provide policy and program advice to the police commissioner and the police Minister, following regionalisation and the abolition of the office of the Minister for Police and Emergency Services. On my staff I had a number of program coordinators who focused their attention on challenges to policing at that time, including the likes of property theft, domestic violence, drug crime, street crime and the move to community-based policing. I also had five client service consultants whose job was to liaise and advocate for their client group, which at that time were identified as Aborigines, the aged, ethnic communities, gay and young. I left that command in late 1991 to go to the Building Industry Task Force. I do not bring any special expertise in gay hate crime. I can offer nothing in respect to the particular names that are mentioned in your terms of reference. However, I may be able to offer some observations on the policing environment and the community and police attitudes over those decades. Thank you.

The CHAIR: Yes, we will come back to that. I think that is a very strong area for us. Ms Thompson?

Ms THOMPSON: I was employed by the New South Wales police from 1990 to 2002 as the police gay and lesbian client group consultant. I am not a police officer by background. I did law at university. I am a public servant by background and was, once upon a time, admitted to the Bar. At the end of 1989 a very close friend of mine was murdered. As a result of that, it kind of led to a huge change of direction in my career, I think, because I saw the police job advertised under John Ure as the gay and lesbian client consultant and I thought, "That'll be a really hard job. Who would do that?" And then I kind of went, "Life's short. You can be dead tomorrow. Do something that makes a difference." So when I won that job and arrived in at police headquarters and John Ure was my boss, I remember on the very first morning, as he was talking, he took me first up to the Police Commissioner's Office who said, "Open-door policy. This will be a hard job. If ever you need anything from me, open door. You don't even need to make an appointment with my secretary." I went up to the Police Minister who was then Ted Pickering and who gave exactly the same open-door policy. So my job began.

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It was an amazing 12 years working with the police. On my very first day a police detective rang me and said, "We have a case of a gay man who has been murdered in a park and kids from the local high school have done it." I was just like, "Wow". Because before that job with the police I had worked for two years with the Victims Compensation Tribunal and I thought I had had my fill of dealing with violence all day, every day. I thought that it was great to have a new job with the police and that it would be really good to be able to help police be nice people and work better with the gay and lesbian communities. Then I thought about how this was the way most gay and lesbian people come into contact with police—through violence and through being victims of crime. I hit the ground running and it was 12 years where we achieved some amazing things and there were lots of fabulous people but also lots of fabulous resistance along the way. In 2002 I badly injured my neck, which cut my career totally unexpectedly short overnight and I had nothing to do with those issues for some years until one day when I picked up *The Sydney Morning Herald* and read a journalist's article about the Scott Johnson case.

I thought, that is not a gay suicide, that is a gay hate murder. And then I thought, that has nothing to do with me anymore. The whole day passed with me thinking that someone else could look after it. I said to myself, "I am sure lots of people can help with that stuff." Eventually, I got to the point where I realised that there were probably only three people—Detective Steve Page, academic Stephen Tomsen and me. By the next day I had written to the journalist and said, "Look, just to let you know, I am pretty sure that is a gay hate murder, not a suicide. If you need any help with how you phrase that to the NSW Police Force, I am happy to look at something you have written because I am sure it will be very easy to tweak it to get them to pay proper attention." I thought I would just read a document and off we would go. But it began 13 years of reading many documents and a lot of people coming together to help bring justice in that matter. It was a very interesting process to be involved in as an ex public servant and ultimately a very rewarding one because, as we know, there was finally an arrest this year. That is probably my best opening.

The CHAIR: Thank you for that. I will kick off with some questions. I am interested in that you both have a lot of knowledge of the police service culture at the time. We are well versed on community attitudes and you mentioned the Alexandria Park murder, which was the one I think you were talking about. We have taken plenty of evidence about community attitudes and we also have a victim coming in later today to talk to us in camera. I invite both of you to give us a sketch of cultural attitudes within the police during the period we are covering—short-change from one end to the other but let us start with the early days—of violence against gays and gay hate crimes.

Ms THOMPSON: Are you wanting to start in 1970? Because that would be Mr Ure. Or did you want me to start with the perspective of—

The CHAIR: I am happy to hear both.

Ms THOMPSON: Okay. I started in January 1990. I met with the then Sydney Police District Commander Alf Peate and one of the very first things we did was ask ourselves what we would do. We brought together a whole lot of community leaders so that they could tell us what the main issues were. We did that, we organised a meeting with various community groups and leaders, some local commanders from the police stations where we knew there were strong gay communities and the district commander. That was a real eye-opener for me because when we went around the room and asked what the main issues were, we were repeatedly told violence and that nobody wanted to report to the police. We had to start from scratch because the resistance to reporting any crimes of violence to police was huge. There was a long history of police disinterest—sometimes hostility—and sometimes the person who had been a victim of crime. I am not sure if you had David McMahon give evidence.

The CHAIR: At the last inquiry.

Ms THOMPSON: He was put in a police cell to wait. It is a bad history that is very well known and well covered in the gay press so there was a very strong reluctance to ever go to the police for help. One of the first things we did was start running ads in the gay press to tell people they could help stop violence by telling police. Those ads had my phone number at police headquarters. Within a very short period of time my phone rang hot all day, every day, with people ringing to report violence from all around New South Wales, not just Sydney. Obviously, there were a lot in Sydney but also from around New South Wales. Even people from other States would ring to report because they would not talk to their State police. There was a big reluctance to talk. We did a whole lot of marketing stuff in the beginning because at first we needed to have some good cops so that if people did report to the police, they would get proper customer service rather than getting badly treated. It was a multi-pronged approach.

We got local commanders to hand select police who we knew would treat people professionally and not traumatise or victimise them any further, and then we put a lot of messages out in the media. The police Minister—Ted Pickering—was great about that and regularly spoke about it in Parliament and did interviews in the media,

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as did I and some senior police regularly. That created momentum of getting people to finally come forward much more than they had previously, but there was still a huge reluctance. That was probably one of the main focuses very early on—as well as dealing with the violence and working out how to deal with the murders—because otherwise senior police would say that it was not a problem because they were not getting any reports of violence. I would then tell them that it was a massive problem but people are too scared to report because they do not want to talk to police if they will be badly treated. Eventually, more and more people came forward to report.

In about 1994 we did a survey with Price Waterhouse Urwick at a big gay and lesbian community group event. We were trying to do a non-self-selected survey so that we could ask how many people had been a victim of violence in the preceding 12 months, how many of those people had reported to police and how many got good customer service or bad customer service and that sort of thing. Even then, although there was a lot more reporting happening, there was still a reluctance to report four years into a very strong program. We had hand selected police whom I started training at the academy. So a general duties police officer would put up their hand to be a gay and lesbian liaison officer and then I would train them down at the police academy. Some of the best people I have ever met in my life became gay and lesbian liaison officers because usually they were incredibly high calibre police who were smart, intelligent, professional, compassionate, kind and caring. Through those officers a lot more good stories about reporting began to be out in the community. But a lot of people still had years of fear, anxiety and sometimes trauma to overcome in order to report. Occasionally, we would have a police disaster of some kind.

Let us also remember the big divide between city and country. There might have been some great things happening at Surry Hills Police Station, Newtown Police Station and in Bondi and some of those areas, but in country towns we had a very different situation and it took a lot of work to encourage people. In 1990 early on in my job I remember an officer who was very funny came to me one day and said, "You know, I have worked out that one day there will be phones that people can talk in and there will be a thing of you in a museum that will have a mobile phone"—he did not call it a mobile phone—"that is fused to someone's face and it is going to say 'this person could never get off the phone from the day she started in the police'". Because for a long time a lot of people wanted to ring me first to report. Sometimes that was great because it meant occasionally we could solve a crime because I would say, "Hang on, that is the fourth person who has described that similar offender."

We did not have a system that worked very well with that stuff, particularly if police were not recording that sort of detail. I would ring up one of the region commanders and say, "I have got quite a serious crime here and I have had three reports of it. Can you give me a detective who will coordinate it? We can get everyone to report to that one person." So we did get some great multiple offenders or serial offenders through that sort of thing as well.

The CHAIR: I am conscious of time. I will give you the opportunity, Mr Ure, to perhaps go back a bit earlier and give us a bit of a sketch of the police attitudes before—

Mr URE: I do not want to oversimplify this. A couple of days ago a good friend—a next-door neighbour— found that she had been scammed by a builder who came out and promised to do work and he never turned up. She went on Facebook and found lots of instances of the same fellow. She rang the local police station, spoke to a constable there and he said, "Yes, obviously this is a serial fraud. Come out here, we will get some particulars and we will launch something on it." So she turned up at the police station. He was not there and another police officer who was there said, "We are not debt collectors," and dismissed her.

That might just about sum up the police attitude. You go back to shortly after I joined in 1964. Gay people were virtually invisible once you got away from this city area, which I incidentally never worked in except at headquarters. They might have been a bit of a curiosity but I do not think the police, as far as I knew, had a particular attitude. But then there would be those who, for whatever reason, would have enough animus to perhaps harass them if they came in touch with them or in contact with them. It was a difficult time for police. When I joined, it was only six years after the police commissioner said that homosexual abuse was the greatest menace. But I was not aware of that until I read that recently.

So even though the police commissioner had said that just a few years before I came in, that did not impact on me or anyone else whom I worked with. We were living when buggery was a crime. Buggery or bestiality with humans or animals—or mankind to animal, I think that was the wording—now that is the law that we were fundamentally told about at the academy and that was the law that was in place for the first 20 years of my service. So our attitudes were informed by, one, unless you were in a particular area you did not know anything about gay people. You did not realise if you knew gay people because they were all hidden; they were invisible.

You knew that what they were doing was a serious criminal offence and as we got closer to the years of decriminalisation, we also knew of the ambivalence about government to decriminalise. We knew there had been several attempts through the Parliament; all had failed. We knew that there was a strong Catholic lobby that had

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influenced the parliaments of the day successfully. We knew that there was still fairly strong religious faith within the police. I would say that for every 100 or so fellows that joined with me—and I say fellows because there were only two women out of those 100 or so—were all Anglo-Celtic backgrounds. We had come from trades. I had been working in a bank. Nobody had academic qualifications and so we basically brought the attitude of the community, which was one of ignorance. If they were confronted with anything like the frequent complaints about gay people hanging around public toilets, which was the thing that would normally attract a police response, they were repulsed.

But generally police did not have a particular attitude. That is not just my own opinion. Since receiving this invitation I have been in touch with a few of my peers and nobody has ever charged anybody with buggery and yet it was a serious criminal offence. I have got one particular friend who worked on 21 Division, which you have no doubt heard of. 21 Division was a training ground for aspirants to C.I. (criminal investigation) duties. They would go in there and they would be rostered on a car, two virtual trainees, and they would be given a couple of divisions to cover or districts, say maybe Parramatta and Blacktown and Penrith.

They would go to the police station and ask if there were any problems in the area. They would be properly dressed, like me—any problems in the area? The sergeant might say we have had complaints about the lights being smashed up at the local toilet, men hanging around there, so they would go up and they would probably sit off. This fellow I spoke to said they might charge somebody with offensive behaviour or something like that but they were more concerned with hoodlum activity, break-and-enters in the area and what not. They were not sent out from 21 Division with instructions to harass gays. That was just part of their duties if it was a problem in a specific area. He later went back as a detective at 21 Division on investigations and he said the rules still applied. He was not aware of any instruction. We know that that was not always the case and that harassment and entrapment was a common strategy, but that would no doubt have reflected the attitude of the commissioners and probably the Ministers and Premiers of the day. I know it is probably not very helpful but police in those early years and certainly away from Sydney, or the centre of Sydney, as far as I can determine, did not have an anti-gay attitude; They did not have an attitude at all.

The CHAIR: If it is a criminal activity—a serious criminal crime—someone going into report being bashed in the toilets, having been involved in that serious crime activity, firstly, would probably not be game to go in and, secondly, would not get a very good welcome at the police station at the period.

Mr URE: Absolutely. That is why I think it was such a hidden crime because they were people who could not acknowledge what they had been up to. It is as simple as that.

The CHAIR: Yes, indeed.

The Hon. MARK PEARSON: Ms Thompson, we had evidence from a victim. He spoke about the reason why he did not go to the police and the answer that he gave was quite alarming: That is just what you had to wear when you are gay, that is part of the deal and that is what you had to put up with. There was a sense of not being worthy of being taken seriously, that he was being punished and that he should be. So when you opened up that phone line and all the people started calling who were otherwise quiet, was that at any stage part of the thread as to why people—apart from being worried about whether the police were going to treat it seriously or not be abusive—but actually they were not worthy of that consideration? Was that in any of the thread of what people were saying to you?

Ms THOMPSON: Yes, that was certainly a thread. Was it the primary thread? I am not sure but it was definitely a thread. You could even see that thread still in the "Out of the blue" report from 1994 where people said it was not really important enough or "I did not think anyone would care". So there was very much a social attitude that said they deserved what they got. I cannot think how many times I would have heard police repeat hearing other police say that in front of them, at the counter even.

The Hon. MARK PEARSON: Would you say that relates to religious views at the time, as Mr Ure has said? That it was a kind of mindset of the community, religions particularly and the Catholic Church had enormous influence on the police service and the Parliament, that it came from that "you have sinned" sort of view?

Ms THOMPSON: Yes, no doubt. I guess one of the things that is true is that a lot of the ways in which various people internalise their religion and live their religion can be about being judgemental and judging others and seeing who they think deserves condemnation or whatever, regardless of whether Jesus Christ of the Christian Church would have ever said that. But a lot of the way in which humans interpret that is to suit their own judgements in a black-and-white approach to life. You know, "We care about these people, but not those people."

Mr URE: Am I allowed to comment here? That would be a factor, but I think the first point that you raised about the fact that they had been engaging in what was then illegal behaviour, that would have informed much if not most of the police attitude. It was, you know, "You are lucky we don't lock you up." That was probably

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why there was less reporting; the fact that the police knew that they were confronted with somebody who by being there was admitting that they had committed a serious criminal offence, as it was still framed in those days. I am only talking pre-1984, although I should add that the law changed suddenly in June 1984, but there would have been a long lag time in the change of knowledge and the attitudes of police.

The Hon. MARK PEARSON: AIDS certainly did not help.

Mr URE: AIDS did not help whatsoever, because now there was someone to blame.

The Hon. DANIEL MOOKHEY: That was my question as well. Just quickly, you commented on the attitudes, but I wonder if you could explain what impact the HIV and AIDS spread in the 1980s had on police attitudes towards gay people, and particularly their attitude towards investigating these hate crimes?

Mr URE: It had a significant impact, because, as I just mentioned, it was quite clear to many people, possibly because police always had the fact that it was a crime in the back of their minds, whether they were harassing, pursuing or whatnot. Suddenly, the blame for the spread of AIDS—not for its introduction—was clearly being linked to the gay community. That would have emboldened those police who might be inclined to reject it to start with to take a stronger stand against somebody who wanted to report a crime.

Ms ABIGAIL BOYD: This inquiry is very focused on gay hate crimes, but I note in Ms Thompson's second submission that you talk about the rates of lesbian violence and the under-reporting. If we were to look at the police attitudes, the crime of buggery and, to a large extent, even the HIV epidemic was not equally applicable in many ways to lesbians. What do you think was the reason for the lack of convictions or reporting in relation to lesbian hate crimes?

Ms THOMPSON: I think a very deep mistrust that anyone would care, because you had the whole gender overlay. Who was the violence committed by? It was against lesbians, so it was probably 99.99 per cent repeated by men and so there was a mistrust. A woman going into a police station—and they were very macho environments, particularly in those days—was not going to happen. Even sometimes with high-profile people in the community who had powerful community positions. Sometimes a couple would be out together and they would be bashed. They would ring me to chat about it, but they did not want to report it, even though they were used to getting on very well with some of their local police when dealing with community violence. But with gay violence, they did not want to report their own.

It was like, "No, I don't want to put myself in the position where I have to feel traumatised that the police actually might not care." Yes, sometimes at that would include things like neighbour violence or neighbour harassment. Also, like the point that I made in my second submission, there is a context where women just go, "Well, we are women. We are used to being scared, we are used to being at risk and we are sometimes used to being sexually harassed. We know to be really careful." There is that way in which women often internalise it, going, "It was my fault; I should not have walked on that side of the street." It is crazy, but that is a cultural thing. Yes, there was a huge reluctance from lesbians to report violence.

Ms ABIGAIL BOYD: Do we have any statistics as to how much of that violence was hate crime as opposed to incidental crime against lesbians?

Ms THOMPSON: Probably the best report on that was the "Out of the blue" report. We did a survey at Mardi Gras Fair Day. We had interviewers where we would stop people randomly and run the survey. We asked specifically, "Have you been a victim?" And, "Of what sort of crime in the last 12 months?" People would identify if it was hate related because of the words that were spoken. What we said was that lesbians were six times more likely to be a victim of violence in the preceding 12 months than other Sydney women in terms of general Bureau of Statistics stats, and gay men were up to four times more likely than other men. So we asked specifically, "What sort of crime was it?" The way in which you can tell, if someone is still alive, is if there was offensive, hate-related language used in that situation. Yes, there was a lot of it.

Mr URE: I mentioned earlier that domestic violence was also one of my areas. Back in the late 1980s and early 1990s it was an enormous task to move the police service to taking domestic violence as a serious crime. Obviously the victims were invariably women. If you were lesbian, you had the double hurdle to jump. Just as gay men, as I mentioned, were somewhat invisible before the change of law, same-sex women did not really figure at all. They might have been the butt of a joke, but that was about it. I will also add at this point that in 1987, with the change of legislation, when John Avery took over the job of police commissioner, we moved from the enforcement, reactive policing style to community-based policing, which was a service style. He even changed the name.

We stopped being the police force and we became the police service, although Peter Ryan took it back to the police force. That was a huge cultural and attitudinal behavioural shift for people. My branch was set up as

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part of the response to that to try and facilitate that shift, but it was a huge shift and it took a long time for police to come onto the idea that we are not an enforcement organisation, which we were all trained to be. When I came through in 1964 all we were taught were the laws. I came out of the academy being able to recite all of the Pastures Protection Boards in New South Wales in strict alphabetical order. I could tell you how far a water skier must stay from a bridge pylon or overhead cable. That was very important when I was posted to Newtown, but that is what we were taught. It was not until regionalisation that we suddenly said, "Hang on, we are a service organisation and we must deal with people. Where there is an enforcement element to that, we must also do that." That took some time. All of this was tied up in those changes: the legislation, regionalisation, attitudinal changes, the influences of the church, and politicians and judges standing up collectively and speaking up against decriminalisation of homosexuality.

The Hon. BEN FRANKLIN: I will ask a specific question. I was going to ask this question before or after Mr Pearson, but this particularly goes to the point that you just made, Mr Ure. I wonder if either of you might comment on other authority structures and your comments about some of the responsibility that they may bear for either the establishment or the perpetuation of this culture at that time?

Mr URE: I am oldest, so I will go first. I think it was a general community structure. It was still patriarchal and hierarchical. There were the elites and there were the workers; that might be oversimplifying it. But we were a society where you got on and did things and you had different agencies that would intervene with various levels of success according to what their mandate was. With policing it was principally about keeping the traffic moving, keeping the streets safe and dealing with major incidents as they arose—whether they be street marches, bushfires or whatever.

Looking at all organisations, they were top-down and function based, more than principles based. When John Avery became commissioner he wanted to do away with the rule book—which was about 400 pages long—and replace it with the Statement of Values, which I think said something like every police officer shall act in a manner that upholds the law, recognises the rights of individuals and so on. His philosophy was that in every action there is an ethical component and that was groundbreaking. I do not know if that answers your question but I think that the bureaucracy was geared as a rules-based, top-down enforcement in some way, whether of the law or practices—it did not really allow for individual thought and initiative all that much. But I will say that it did change rapidly.

Ms THOMPSON: One of the other authorities in that was obviously schools at the time. As I said, when I first started it was school kids and those few who had recently left school who committed that murder. It was a very delicate process with some of us working behind the scenes to work out how to get into that school and run some sort of workshop to deal with homophobia. For weeks we had been having secret meetings with the school counsellor et cetera with police to try to work out what to do until eventually, five months later, one of the gay teachers at the school was murdered. I rang Alf Peate, who was Sydney District Commander and like a mentor to me at the time, to tell him there had been another murder at that school. He said, "Susie, what do you want me to do? I know, let's bring in the principal for morning tea tomorrow and tell him that we are coming into his school."

We had to work really hard to get into schools and that sort of thing. Also, one of the important things that Ted Pickering did early on was agree to launch the Streetwatch committee report, which was the first report in Australia on these hate crimes by the Gay and Lesbian Rights Lobby. That was a major thing for a police Minister to do. He set up an advisory committee to implement the recommendations of that report. When he said he was willing to do that I said, "Please do not make it chaired by the police because I want to be able to be fully honest—I do not want someone to try to silence what I can say." So the Anti-discrimination Board chaired it. That was very much about getting a lot of authorities on side who, up until then, had been very resistant.

The Hon. NATALIE WARD: Thank you, Ms Thompson and Mr Ure. We very much appreciate your great work, not only your assistance to the Committee but also your ongoing commitment and post-retirement involvement. It is wonderful to see you continuing your commitment and work in this area. I am also, for my sins, a lawyer and then became a politician—I do not know which reflects on me worse. I wanted to talk about your submission and thank you for your second submission, in addition to your first to the Committee. A lot of what we have been talking about has been looking back—as we should—to what has happened. Part of our remit is to look forward and look at the recommendations we should make, which I would like to ask you about. I note that in your submission you talk about looking at your old media files and the work that was done in the nineties to help address and overcome the failings of the seventies and eighties. Thank you for those comments. Bearing that in mind, what do you think we could be doing and recommending going forward? Some of the discussions we have had have been around a judicial inquiry but, firstly, I will start with your thoughts on what we could be doing.

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Ms THOMPSON: Yes, it is always the trickiest thing to identify what the big changes are that make the changes.

The Hon. NATALIE WARD: Let me ask my second question. I will let you think about it because I have an answer: One of the options is a judicial inquiry or commission, which has some support from Committee members. Another is that there seems to be a number of retired police and people involved with police who are still very invested in reform in this area and trying to look at what happened. We met with Duncan McNab this morning, who is also very invested. I wondered what your thoughts might be on something similar to the Innocence Project, where lawyers come along for people on death row to investigate and look over what could possibly be done to assist their cases, or the Justice Project. Do you think there might be a place for a similar type of thing with retired police to perhaps look at some of those cold cases and gay hate crimes that are just sitting there and not really being progressed? If there could potentially be a group—and you mentioned Stephen Page, Stephen Tomsen and yourselves—would that might be something that, with the right confidentiality and checks in place, we could interest you in putting some time into with a view to progressing some of those investigations? What are your thoughts?

Ms THOMPSON: Yes, I do think—I had not even dreamt of anything like that but I have watched some of those programs on TV and thought they were really inspiring, so I get the parallel. That sort of thing definitely has merit because you involve people who really care, who have experience around the issue and can see the cracks, the holes and how to move forward—potentially how to fix something or nudge it in the right way to get something to happen on it. It definitely has merit.

The Hon. NATALIE WARD: It might be one of those conversations where you again ask yourself what you have signed up for.

Ms THOMPSON: Yes, I was having that conversation a moment ago.

The Hon. NATALIE WARD: Mr Ure, do you have a view on that?

Mr URE: Look, that should not be necessary. The skills and commitment are there within the investigators in the NSW Police Force. What is needed is the direction. There have been many cold cases that have been pulled out of the archives and cleared up because of the skill and determination of the investigators. There is no reason why the same should not happen here. If this Parliament, through you, directs the Minister to direct the commissioner, who has also shown himself to be fully committed, to make the resources available, the right people can be chosen. If there is a bit of a cultural or historical context that has to be considered it might be useful to perhaps have a sounding board of experienced people who have worked in this area some years ago, although I certainly would not be one of them. It might be good to have that sort of local knowledge from the eighties or nineties.

The Hon. NATALIE WARD: It seems to me that there is a lot of energy and passion that I would love to channel. It is great for us to talk about it but I would love to channel some of that into action from people who clearly passionately care about this—potentially with the resources of the police but they are not limitless. It might be something that we could assist them with, alongside their great work. That is just a thought.

The Hon. MARK PEARSON: We heard evidence that the case of the murder of Scott Johnson was opened up. I thought it was quite helpful that they decided to have detectives who worked in child abuse to use their particular quality of skills and the particular strategies they use to approach that murder. And they are now on the road to arresting and charging people. Do you think that might be one of the mechanisms that we need to look at: to pull these cases out of the archives and maybe have that skill of detectives look at murders or the assaults?

Mr URE: There is a pool of very skilled detectives and they are in different areas and they are moving in and out of different areas. The peak used to be the homicide squad. The homicide squad were the people who developed their skills largely because they were given the time to do so. I have investigated murders working in the country and you are fitting that in with everything else you are doing. Whereas you have the two fellows—they were always fellows—from the homicide squad turn up and they are there for that sole purpose. They are committed to it because of their previous experience. You could replicate that in child mistreatment matters where you have those who have their skill but a lot of it is just being able to devote the time and energy without interruption. Certainly if that approach has worked in the Scott Johnson case, that confirms not so much the skill of the detectives in that particular unit, but the skill of detectives who then have the time and the focus and the determination to look at a particular crime.

Reverend the Hon. FRED NILE: Like other members of the Committee, I am very concerned about the number of murders that have not been solved, people being thrown off cliffs and so on. We have just been out to Bondi to where some of them were murdered and no-one has been charged with that or no gang. I was

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wondering what thoughts you have as a follow-up to this inquiry. It would be a pity for this inquiry to close—it is almost closing—and just close the books and that is it. I do not think that should happen. One idea I had of having a judicial inquiry with certain powers to follow up this inquiry led, say, by three judges to make sure it is neutral. One judge would be appointed by the Attorney General, one by ACON and perhaps one by this Committee, to follow up this inquiry to ensure that those unsolved murders, and there are about 35—that is the core, there are a lot more than that—murders where we almost know who did it but no-one has been charged. What are your thoughts about that?

Mr URE: A judicial inquiry would have the gravitas to really add weight but that would need to be informed by probably the same core group of police who, if properly directed, would do the same job anyway. So I do not have a view either way. As I said, It would bring enormous gravitas and perhaps that is what is needed. A royal commission often tells us what we know—

Reverend the Hon. FRED NILE: It would be like a royal commission, yes.

Mr URE: —but the fact that it is a royal commission, it carries the weight of the Parliament. But as far as the functionality of it, the judges would need to be informed by probably the same police who, as I just said, if properly directed and resourced and given the time, could do the same thing.

Reverend the Hon. FRED NILE: You mean a special group of detectives who support the inquiry?

Mr URE: Yes.

Reverend the Hon. FRED NILE: And have a priority to solve those crimes.

Mr URE: So my observation is not "yes it is" or "no it is not a good idea". I would simply point out that the investigations would still be done by the police. The tribunal would add weight that might not otherwise be there but on the other hand if the Parliament through this Committee issued the appropriate instructions that may have the same weight without the need for an actual judicial inquiry. That is just an observation.

Reverend the Hon. FRED NILE: Ms Thompson, could I just check whether you had any comments?

Ms THOMPSON: I think that Mr Ure's point about giving gravitas and importance and therefore focusing people's attention in the right way is often very powerful. My personal opinion is that perhaps the 10 years of resistance on Scott Johnson's case would not have turned around but for the announcement of this Committee. The timing was impeccable.

The CHAIR: Good coincidence, wasn't it?

Ms THOMPSON: Yes. Such a coincidence. I understand the thing about there is budget, money, juggling, all that sort of thing nowadays, but I do understand the importance of saying, "Hang on, this is a really serious issue. There are a lot of unsolved cases and let us actually fix some of this rather than jumping over them and heading off to the future without having fixed our past."

The CHAIR: Exactly although I should not say that because it is editorial.

The Hon. ROSE JACKSON: In response to the first iteration of this Committee's report, the Government responded via a letter from Minister Elliott essentially acknowledging that there were issues with police in the past but policies have been updated, training has been updated. I am putting words in the Minister's mouth but essentially it is all fixed now. I just wanted to ask your response on that. I appreciate you are not active currently, serving with police, but is that something you would agree with or would you have any suggestions for us in terms of areas that need continuing improvement?

Ms THOMPSON: I will let Mr Ure go first because he will be nicer and then I will have my say.

Mr URE: This is not flippant but the Minister would say that because the role of the Minister is to present a positive image, to acknowledge and be positive. From what I have read and heard—and I am relying on that—I think the police have moved forward enormously from those days particularly the 1980s and 1990s. Like the scam builder, you will always have the individual police officer who will not take things as seriously as the next one and that is a constant struggle for the police service and probably for most organisations: getting a culture that everyone subscribes to. It is a reasonable comment to say how much has been done and it is quite normal for any Minister not to talk negatively about the future. That is really all I can say.

Ms THOMPSON: Whereas my comment about that was a bit more hardline because I read that letter last night for the first time, I have to confess. I was like, "You are kidding." I pulled out that exact same paragraph and went, "You should never say that." You cannot say:

While the inquiry identified historically negative attitudes from officers towards members of the LGBTIQ community, I am confident the views and attitudes of the New South Wales police force today towards the community are positive, respectful and professional.

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I understand our desire to be ideal but it is not wise to express that confidence. If you look impartially and look at the 10 years until there was an arrest in the Scott Johnson matter. If you look at what happened under Macnamir, under Parrabell and then under the Flinders review, it is one of the most disappointing eras of public service process that I have ever seen in terms of letting people down. Justice in the Scott Johnson case has only come about by an absolutely haphazard form of justice that brought together a really unique combination of people—a wealthy family, a wealthy brother who had the emotional stamina as well to keep something going and a lot of people in the right place at the right time, who would go, "Yes, I am retired but I cannot let that family down." You cannot say that has just changed overnight. It does not and it cannot. Some people are fabulous. Obviously the detective hand-chosen to investigate after that was brilliant. There are lots of brilliant people but you cannot just rest on your laurels and be complacent.

Mr URE: Time will do a lot of this. Three years ago we had a vociferous campaign against same-sex marriage. That is now, I would suggest, almost forgotten and yet it was a very powerful campaign that went on for some years. If you go back to when I joined the police, gay people were invisible because they were committing an offence. They had no rights whatsoever. Fast forward a few decades and they are allowed to engage in their preferred sexual union. They are allowed to marry. They are protected in relation to their children. There has been such an advance and at the same time we have a generation of police coming up now that do not know any different to the way it is now. The last of those who were in that era have either gone or are on their way out. Time might show the Minister to be correct—not next week but with the evolution and particularly because of the rights that gay people now have that have made them more inclusive—not totally—but made them more inclusive in society then certainly they were even three years ago.

The CHAIR: That is a good, optimistic point to end on. Thank you both.

Ms THOMPSON: I updated the time line that I did for the inquiry. I also have a statement that I called *Haphazard Justice*, which I wrote on the day that an arrest was made in the Scott Johnson matter, which I will also give to you.

The CHAIR: We will attend to those documents and consider them at the end of the meeting. Thank you for the work that you have done, Ms Thompson. That time line, which I saw in the last inquiry, really is an amazing piece of work. Thank you both for coming in. Your evidence has been very valuable to us on our last day of the hearing. Thank you for supporting this inquiry and for the work that you do.

(The witnesses withdrew.)

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RICK FENELEY, Journalist, affirmed and examined

The CHAIR: I welcome our next witness for this afternoon, Mr Rick Feneley, a renowned journalist who has a lot of experience reporting in this area.

Mr FENELEY: I am Rick Feneley. I am a journalist. I was employed with the Herald at the time that I started looking into this story back in 2013. I am now re-employed with the Herald, though I am not doing much writing these days. I edit the opinion pages in the Herald and I do the occasional bit of writing when this story raises its head.

The CHAIR: Please take your time to make an opening statement.

Mr FENELEY: I have lived in Bondi for almost all of my adult life. Until about 2013 I was unaware of this culture, when the editor of the paper at the time asked me to investigate. It was probably the first time in my career that anybody had asked me to spend real time investigating a story. He said, "If it takes months, just keep going and let's find out." That was on the back of a column that appeared in the paper, which was largely driven by the Scott Johnson case, on the phenomenon of gay hate crimes and the theory that 80 or more people may have been murdered out of gay hate motivation. A lot of that had come from the work of Sue Thompson, who you just heard, and Stephen Tomsen. There was a momentum. I came to it quite late. A book had already been written that was largely focused on Taradale and the Bondi murders. The Johnsons had been campaigning already since 2007, so in 2013, just after the *Australian Story* appeared, this column appeared and then I got going. I am certainly not the pioneer in this journalism, but I did spend a lot of time focused in it; certainly, in the first instance, three or four months before a word appeared, and that was largely collating material. It is probably true now that a lot of the police's views of what I did then was—they were shocked. Police refused to be involved in that story. I begged them to be involved and to respond to that story but they just shut it down.

The CHAIR: This was in 2013?

Mr FENELEY: In 2013. They were not interested in supporting that theory. I said, "You want to close down the theory. That is why I want to talk to you. I am not a campaigner; I am a journalist." That was my approach to it, but sadly the police simply would not have it. There was literally a 4,000-word article that appeared in the *Good Weekend* and we had front page news that day. There was not a peep from police. I think that was part of it. There was a hostility coming from the cops at that point, which was unnecessary. There were already quite a lot of senior police who would have been willing to be more involved but, for whatever reason, at a public relations level or a commissioner level it was shut down. A lot of people have mistaken me as a campaigner on this. It is not that I am against campaigning journalism, but I have never seen myself as a campaigner. I see myself as someone who is trying to report a story. I would have quite willingly put all of the police doubt into that story in the first instance, had it been there. Anyway, I do not want to bore you, but the police just could not resist. There was such a groundswell of pressure from many angles and the police started responding.

But it was very slow all the way up to the 2017 third inquest into the Scott Johnson case. We have to remember that the police all the way to the end of that were advising the Coroner against a finding of murder in that case and quite vociferously that was the commissioner's recommendation. That was the recommendation of the report the Coroner had in front of him and the Coroner, having heard all of that evidence, found that indeed it was a murder, so therefore the police were obliged, finally, to look. Then a new commissioner, as Ms Thomson suggests, probably under pressure from the appointment of this committee, or for whatever reason, the new commissioner appoints fresh eyes and it is those fresh eyes that made all the difference in that investigation.

But the point I was about to make before is that the Scott Johnson case is a fantastic breakthrough, but it is one case. I think we would be really naive to think—and I think this is a very ground-breaking case and it will probably in 10 years from now we will be analysing what a huge cultural shift this one case has made within the Police Force and how they investigate such crimes. But I think it would be naive for us to suddenly think because of this huge investment in this one case that we are necessarily going to get that in other unsolved crimes.

The CHAIR: Thank you for coming back today and giving evidence. You gave evidence at the lasting inquiry, which is appreciated. I am shocked to hear that in 2013 the police resisted cooperating with an authority that dealt with 30 unsolved murders in Sydney.

Mr FENELEY: Well, yes. If you look at the police numbers—and I do not want to get—I have actually been—I have made a few comments in—I do not comment too much on this but I think we have got to be really careful around plucking the numbers. I am quite careful about it because I do not want to be seen to be sort of just—they are quite controversial and all I can do as a reporter is acknowledge the controversy but I think if you look at the police numbers on this we have now got 20. They are saying there were 27 confirmed—

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The CHAIR: They say approximately 30.

Mr FENELEY: But 27. But having said that, even so out of that initial what the police brought together is 88, they are saying there are 27 either confirmed, eight of which confirmed, 19 are likely gay hate crimes. But Tony Crandell then acknowledged that out of the other 25 that were unknown, that of those 25 quite a few of those could well be gay hate crimes. He acknowledge that in the press conference. Then you have the sort of academic report from Adelaide, which was extremely sceptical to think about the sense that this was overblown. I think in some ways if there are plenty more we should do more work to find out but I think sometimes—my initial story was hugely powerful and there is that number of 80 which was hugely powerful in the interest in the case.

But I do think now that all this police work has been done that if we all become so bogged down in numbers rather than looking at, "Let's go and look", I think there are at least half a dozen or five or six particular cases out of the ones that the police acknowledge that almost certainly unsolved gay hate crimes. It would probably be a good start to at least start with those as a focus because if we sort of look—there is nothing wrong with the police going and looking at interesting other cases but, with limited resources, which cases are we going to put our focus into? The enormous focus on the Scott Johnson case has finally shown what sort of result you can get. I just do not think you are going to get that result if you have a scattergun approach to every crime that has happened in the past.

The CHAIR: I will just ask one thing and then I will conclude, and other members can ask questions. We had some pushback from the commissioner in regards to our site inspection today at Bondi at the beach cliff top which we did today. We ended up taking Duncan McNab. But basically we asked for support and we were told that a police officer could attend but not in uniform and no media could come. It seems odd when we are trying to, as you were in the article, explore and expose what has gone on here. Time is running out. The perpetrators are in their fifties and families are even older. Do you think that there are still some cultural issues within the Police Force?

Mr FENELEY: I do not know how huge they are, frankly, because I just do not understand. As I said, I have been doing other things. I have not been focused on this story for most of the past two years at least. I have written it but I have not been constantly on the case. I have never been a full-time police reporter. I cannot claim to have huge insight into the police culture but I do think there are certainly pockets of resistance. I think I mentioned this last time but I will mention it again: I think the amazing lack of curiosity of the police into the Alan Rosendale case—the South Dowling Street, Moore Park attack. I mean, for the police not to have put some of their own resources into what was clearly—well, if we say it was not necessarily a police bashing of Alan Rosendale, there was a police bashing of somebody in exactly the same position at about the same time.

But what we know is that somebody witnessed four police attacking a man, a gay man, who had run from the same park that Alan Rosendale did and that the witness, Paul Simes, was taken up to police headquarters and told—he did not suspect this; he was told—by police that what you witnessed was a police bashing. But then that whole case vanished. What amazes me is that—I am willing to accept that there are many police who have no clue of that but it is quite possible that some of those perpetrators are still on the Police Force. But even if they are not, the extraordinary lack of curiosity in the Police Force not to go back and spend some time in that case—they have just dismissed it out of hand—and their answer is that, "We have no evidence that it's the same case as Alan Rosendale."

The Hon. DANIEL MOOKHEY: Can I follow that up? Do you attribute the lack of curiosity, as you put it, to a reticence to admit an institutional failure?

Mr FENELEY: I think that is certainly probably part of it but I think what worries me more—look, I can't—I just do not have any evidence to support any notion because police have shut it down. Look, I do not believe—I have no reason to believe that somebody like Tony Crandell has heard something down the track and thought, "Oh my God, if we do that it'll be a can of worms and a whole lot of very decent senior cops, who have gone on to have great careers, happened to be the bashers in that park." Do you know what I mean? But because police have not addressed this, people can only speculate about for what reason would a Police Force—a good clean new Police Force—not want to get to the bottom of what is a known police attack on gay guys, gay men, in a park. It was just—it happened. Well, did you have Paul Simes? I do not know if you have had Paul Simes before you.

The CHAIR: All the evidence from the last inquiry is readmitted and members have read all at.

Mr FENELEY: Yes. But it is not—no cop that I have gone to has said, "Ah but that Paul Simes, you can't rely on him." Everybody acknowledges that he is a very solid calm witness; that he is not a police hater. For me, there are so many other cases but we are talking here about a man who was not murdered. He was bashed and

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he is still here to tell his story, but what that does say to me is that there is a desperate reluctance from the top not to find out what happened in this case.

The Hon. ROSE JACKSON: In terms of the research that you have been doing since 2013 and I think you said the substantial amount of time you put into investigative journalism, what are the ongoing effects of this to the campaign of violence against gay men in the 1980s? I suppose one of the questions might be, "Well, this is all in the past. What is done is done." But you speaking to people much more contemporaneously from 2013 onwards, what are the lingering effects and the consequences of that campaign, that violence, that fear to people living now and their families?

Mr FENELEY: Well, it is huge. I mean, if you look at the families of the victims, obviously, and you probably saw the experienced documentary *Deep Water*, but the Russell family is just one example of a completely shattered and broken family. They live with this, with that killing, every day. They were a sort of—there is a very blokey family up there. They had to go through a whole lot of acceptance themselves when John Russell came out, and they did that. They went through all those traumas. And, you know, if you see them they are delightful in the documentary but some of their reactions to that are almost like, sort of, old world homophobia but it is not.

It is in love that they were talking about the sort of stereotypes almost of their gay son and brother. So that is just one family that is never lost and I suppose that every family I have spoken to—but there are also the victims of bashings that were not killed and I have spoken to a lot of those men—David McMahon among them—and again his story is actually telling the story which he was very reluctant to do with me originally. When we first reported he would not put his name on the paper. Now, he put his name on the paper but he refused to have a picture taken but now he is all over the television and he is very proudly owning his evolution through the story. But if you look at people like that and how they are still dealing with their own sort of family divisions, homophobia and they are still dealing with the trauma of the initial bashing. Yeah, I do not think we can ever—having spoken to so many people I do not think for a moment that I could begin to appreciate how ruined their lives have been.

Reverend the Hon. FRED NILE: I like your suggestion about the five or six cases as a priority out of all the other cases.

Mr FENELEY: Look, I am not a police investigator.

Reverend the Hon. FRED NILE: Have you got those five or six cases you can mention to us?

Mr FENELEY: To be honest, I would have to go back through all my notes and get my own clipboard out to sort of go through them. Let's think—

Reverend the Hon. FRED NILE: You can send them to us.

Mr FENELEY: I could probably take it on notice.

The CHAIR: You could take that on notice.

Mr FENELEY: But having said that, I do not have expertise here. I am a little bit worried about the idea of establishing a judicial inquiry that has a really nebulous—that we going to go through a whole process again of truth telling, which would be great, but the problem is that is all right if we declare that is what the point of it is; it is a sort of a cathartic thing that everybody wants. But if what we really want to do is nail a few of these crimes—I suppose you have to set out what it is we are trying to achieve—but if what we want to do is arrest a few people then—

The CHAIR: It is like many of those sort of inquiries of those external bodies. They have a lot of opportunity to pick out the ones—I am not sure what method they use but it would probably be by advice which ones are going to yield an outcome.

Mr FENELEY: For example, the case in Wollongong. What is his name? Sorry.

The CHAIR: Ross Warren?

Mr FENELEY: Sorry, yes, Bill Rooney in Wollongong. We know that the police of the day and the police who are involved still believe that Bill Rooney was killed and they believe they know who did it and that man was actually convicted of gay bashings. The last I heard was that he was working at the Wollongong university. He is out now so I am not saying that he should be—I am not saying that. We obviously need to go through the normal procedures of evidence but in this case what you actually had was the police at the top buried the suspicions of their own cops at the time. Perhaps that is one area where a fresh set of eyes on that case alone might yield something.

The CHAIR: It needs to be looked at.

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The Hon. DANIEL MOOKHEY: Mr Feneley, I want to return to one of the suggestions you made before, which is in your investigations you have perhaps found it is possible that there could still be serving officers who were involved.

Mr FENELEY: Well, if you just look at the ages and what we know. We know a couple of things about that case. We know that the police told Paul Simes that "What you witnessed was a police bashing." They showed him truncheons and said, "Do you think—". The police themselves clearly believed that that is what had happened. We also know and I have spoken to several—I am just trying to remember—two or three former police who told me of the practice of spotlighting in those days where police in the hoodlum patrols—you probably heard of the hoodlum patrols; I think I might have mentioned them last time—but the police would go out and often they would go and clean up the streets. It could be just literally hoodlums, young kids, making trouble in the streets and they would go and arrest them and go and get them. But I had it from I think two or three—I am just trying to remember was it two or three police—that sometimes those hoodlum patrols went for a bit of sport into the gay beats and did a bit of spotlighting with their torches and then beat the hell out of the gays. I cannot tell you how often. I do not think that necessarily happened every other day or very often at all but I know police who know what happened.

The fact that that culture existed, even if was a small culture, is something that I think the current-day Police Force should be curious about because the age of those police, they might have been quite young—they may not have been, they might have been old—you could imagine that the junior ranks, who might have been appointed to hoodlum patrols, they probably were not that old at the time. One theory I thought when they shut down that investigation because it seemed originally in the Paul Simes case that the police wanted to do something and Paul left that meeting impressed that the police clearly wanted to get the bad guys. He thought, "That's great." He said he left it to them, hence he did not take any notes. He did not even keep the date of the crime. Years went by and he did not even keep notes of the date of the crime, which is why we cannot marry it to the Alan Rosendale bashing. But I have been to the place where both of them—I have been with both of them and I have been separately—and if this is not one and the same crime, it is just incredible and the circumstances are exactly the same.

Anyway, it seems to me that it is either likely those police are still in the Police Force or is it possible that at the time they were trying to get rid of the—the white knights were trying to get rid of the crooked cops at that point, the bad cops: they were trying to clean up the force—this is completely a speculative theory. I have no reason to think it is true. I just—is it possible that the good guys at the time thought that the quickest way to solve this is to go to those four bashers and say, "We know what you did. You're out. You're gone." You know, either that or maybe they were just clearing people out of the force whenever they had—I do not know. I am completely speculating. I think that speculation came after a long discussion with a very senior officer who might have speculated the same, but frankly I have had so many off-the-record discussions on this, I just cannot remember.

The Hon. DANIEL MOOKHEY: Therefore, Mr Feneley, the question arises: If it involves serving officers, is there not a role for the Law Enforcement Conduct Commission to investigate?

Mr FENELEY: Possibly, but I think the big problem is, as we speak, there is a young guy from a community service, Gavin anybody—anyway, he works in community radio—and he is running his own sort of one man—after he had read my stuff he went after Paul and he contacted Paul Simes and Alan Rosendale and he is now trying to do a bunch of free of information [FOIs], as I did at the time trying to work out what—are there logs of who was working on that night? Who among the police—just take three of the city stations, the likely stations the police might have been from? He is doing similar stuff because it is very hard to get. It is very easy if you know precisely what it is you are looking for to get. I think a lot of that information just is not FOI-able or the records are lost—simply do not exist anymore. I got several answers on this and I basically drew a blank in the end.

I could not get the police to provide—it is quite possible that a lot of information you would want provided simply does not exist anymore, so maybe we do strike some dead-ends. But I would have thought a Police Force that really wanted to know—if you put two guys on this for a month, say, and all they did was interview everybody from that day, a lot of police must know this. As we speak, this story has been on the front page of the Herald several times, at least once but I think it has been within the paper several times. It has had other publicity. It was in the documentary. There must be police who existed at that day who know what happened and who are deliberately not telling us what happened. It cannot go to the senior floors of College Street without several people knowing what happened and it must have been a point of discussion among the ranks who knew that there were four guys who may or may not be in trouble at the time. You know, if at least a dozen or 20 or 30 cops at the time did not know that this event happened, I would be amazed.

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Ms ABIGAIL BOYD: What is your view of this idea that the actions and behaviour of police at the time were a product of the general attitudes of the time?

Mr FENELEY: I think that is a fair—I do not think the police per se—I mean, it is hierarchical and at the time a very blokey force. I have not seen a study that talked about whether or not it was more homophobic or not than—but I suspect it was as homophobic as many other institutions of its day, which were probably very male driven and blokey places. I do not know that there was a—but, you know, the thing is it is a Police Force. They had the power. They were the ones with the truncheons. It is not like any other homophobe has the power to do much about it.

Ms ABIGAIL BOYD: When you look back at that time this was a Police Force that was also well known for its corruption and for a bunch of other things that were sort of out of step with public sentiment. Do you think that the NSW Police Force was, I guess, more reluctant to investigate than what you might have expected in other States at the time?

Mr FENELEY: I just do not know enough about the other States. South Australia certainly had the same problems, obviously, with the—and, as I said, there is this curious thing of Melbourne that just did not have the same—I am sure they had a bashing is but they did not have the same phenomenon that we had here. You know, I think a lot of that might have been the backlash because Oxford Street—you know, the gay culture here—was so public; it was out and proud in a big, big way in a pretty focused area. Maybe that made the honey pot effect for gay bashers that it was pretty easy for them to find places the places to go and—

The CHAIR: It was known there were bashings around the St Kilda beach area. The Hon. Natalie Ward has a follow-up question.

The Hon. NATALIE WARD: I just want to follow up on that, if you do not mind. I am not trying to justify it but we had some evidence that there was some correlation in the minds of some people at that time with paedophilia and the gay community. Do you think that is one of the aspects—I am not saying it is right or correct—but my understanding is that some of the fear and prejudice around that led into the violence around that.

Mr FENELEY: Absolutely and even some of the bashers. I mean, if you look at—I will not name names here because I probably should not but in a couple of the cases in the Bondi boys, among that gang, one of the suspects there, his father had been arrested for masturbating in parks and so who knows? I do not know that he was necessarily a paedophile but he was a man who was sort of in trouble for his sexual behaviour publicly and his son, lo and behold, allegedly becomes a gay basher. I do not know but there were some of the kids, in certainly in some of the research that Ms Thompson did from that pedo line comes out. Whether or not the kids themselves were victims of paedophilia. But there are some cases where that is suggested.

I would have to go through the cases, but I do not know if that is necessarily—that excuse existed. I would be surprised if it is a huge proportion of the motivation. I think it was a really curious time after HIV where we did not have internet, we did not have text, but the kids somehow still were getting this collective message that this was good sport. It had happened much earlier, obviously, but for whatever reason. The HIV backlash does seem to be—the rational argument around it is kids were finding sport in gay bashing up and down the coast. Kids who had no contact with one another were doing it so why was that?

The Hon. NATALIE WARD: We have Ms Thompson's evidence about that in her submission.

The Hon. MARK PEARSON: Mr Feneley, are you saying that it would be wiser to investigate maybe five or six of the cases where there seems to be fairly compelling evidence rather than casting a net very wide and looking at a lot of cases? Are you saying that would possibly be the best vehicle to turn all the stones over and actually understand this culture and this pattern of gay hate crime? One of the detectives that twigged had a lot of these cases and different files sitting in front of him. He got them all and put them on the table and he suddenly had a moment when he realised the pattern was very similar, even though it was across quite a wide area in Sydney. It was similar to when finally the police had to come to terms with domestic violence is actually violence and had to be dealt with and when they ran two or three cases, more truth began to come to the surface. So rather than have a judicial inquiry or whatever to cast a very broad net, would it be better to just ask the police to do their job?

Mr FENELEY: Look, to be honest, I do not want to be seen as an expert on this question.

The Hon. MARK PEARSON: No. I know you are not.

Mr FENELEY: I do have an opinion that perhaps that is the right thing to do but first, for example, I would be going to the people who have done the Scott Johnson investigation and asking them, "What do you think is the best way to approach this? Is globally the best way?" I am not saying do not look at more peripheral cases. What I am saying is perhaps you should have an open book as you are looking at the issue. You will be

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wanting to look at all the tentacles as you do it. But I do think that there are some cases that are much more likely to get prosecution than others and also, you know, getting justice for Scott Johnson is a huge cathartic thing for huge numbers of people. It is not like it is only for the Johnson family. But getting real justice as opposed to this sort of truth telling, which is also very powerful, we do need to go and make some arrests. That is what I believe.

I would not be asking me. I would be asking the leaders of the Scott Johnson investigation, for example. I would have thought if you do a judicial inquiry, there is nothing wrong with doing that but if you think of the average ICAC investigation, they can spend several years investigating before they have any public hearings. You know, that judicial inquiry itself does not do the gumshoe work. Somebody has got to get out there and do the work. So I would have thought if you are willing to appoint a task force of police who do nothing else for the next two years or three years, then you have a judicial inquiry, maybe; but if those resources are there, well and good. In the meantime, there is nothing to stop the police just, as you say, investigating some of the more likely cases.

The CHAIR: Do Committee members have any further questions? No. You have comprehensively answered all our questions. Thank you for coming in today. I do not think that you took that on notice before. I acknowledge you said you were not an expert to give us advice.

Mr FENELEY: I will get those. On the police reading of it, it is only five or six cases but—

The CHAIR: If you want to give that to us, that will be fine. That would be helpful if you give that to us.

Reverend the Hon. FRED NILE: Seeing as you are from the media, has the media any responsibility for the hate crimes?

Mr FENELEY: Oh, I am sure we do. There were certainly some homophobia in the seventies and eighties in the pages. I think there were some more examples recently. Again I will have to go back and look for them.

The Hon. MARK PEARSON: Did *The Sydney Morning Herald* not list all the names of the people of the 1978 Mardi Gras arrest?

Mr FENELEY: Yes, that is right.

The Hon. MARK PEARSON: And I think one or two suicided. Is that correct?

Mr FENELEY: Yeah. It was pretty disgraceful.

The CHAIR: And lost their jobs. But *The Sydney Morning Herald* has apologised quite profusely officially in recent years. But I just think about the further sensationalism around George Michael being caught in a toilet a few years ago—global media coverage of that. That brings us back to where we were. Thank you for coming in today for your second appearance at our inquiry. You probably will not have a third—but you never know. Thank you for the work you have done over the years in support of justice in this area. We really do appreciate that. Thank you.

Mr FENELEY: Thank you. Good luck.

Reverend the Hon. FRED NILE: Thank you for your help.

(The witness withdrew.)

The Committee adjourned at 15:42.

IN-CAMERA PROCEEDINGS BEFORE

STANDING COMMITTEE ON SOCIAL ISSUES

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

CORRECTED

**PUBLISHED BY RESOLUTION OF THE COMMITTEE ON 19 MARCH
2021**

At Jubilee Room, Parliament House, Sydney, on Monday 30 November 2020

The Committee met in camera at 15:45.

PRESENT

The Hon. Shayne Mallard (Chair)

Ms Abigail Boyd
The Hon. Ben Franklin
The Hon. Rose Jackson
The Hon. Taylor Martin
The Hon. Daniel Mookhey (Deputy Chair)
Reverend the Hon. Fred Nile
The Hon. Mark Pearson
The Hon. Natalie Ward

CORRECTED

Evidence in camera by **WITNESS A**, Survivor of gay hate violence, affirmed

The CHAIR: [EVIDENCE OMITTED BY RESOLUTION OF THE COMMITTEE [19 MARCH 2021]], thank you for coming in today to give evidence. This is in camera, so it is not being broadcast, but it is being taken by Hansard. Would you perhaps introduce yourself and give the capacity in which you appear today?

WITNESS A: My name is [EVIDENCE OMITTED BY RESOLUTION OF THE COMMITTEE [19 MARCH 2021]]. I am here as a victim of hate crime, not necessarily as a doctor. You have got my statement in front of you but I would like to open with something that relates to my statement, and that is a little discussion on gaslighting. I do not know whether anyone has chatted to you in the inquiry about gaslighting. I do not know whether everyone is familiar with the term.

Reverend the Hon. FRED NILE: No. What does it mean?

WITNESS A: It is a term that references the 1938 British play by the same name. There were two subsequent films done in 1940 and '44, also of the same name. It is actually a quite well-known term in psychological circles, but also in political and social discussion, with regards to the ways in which people or organisations of power resist change and how they manipulate people for their own ends. It is actually quite predictable, well-worn behaviour. I actually wish that I knew about this in my 20s and 30s, because I was really manipulated. Gaslighting includes, firstly, denial that the incidents actually occurred; then a belittling of the victim's emotions or feelings, lessening them; undermining the victim's confidence in their ability to distinguish truth from falsehood, and then that actually makes a victim question whether their own perception or judgement is actually real and destabilises them; and then, finally, delegitimising the situation.

How does that relate to my situation? Firstly, there was a denial of the incident by the police and my workplace refusing to take statements or investigate issues relating to my bashing, and then threats were presented when I pressed them to document stuff such as "We were threatening to kick you off the training program for physician training." Then, when that was not successful, I had people implying that I deserved the violence by actually looking gay and the sort of appearances that I actually had. Then, when that was not successful, I had people stating that I was overreacting, overstating the extent of the violence and that I should let it go because "It's all in the past and it doesn't affect you now."

When that was not successful, I had my workplace ignoring me or ensuring that I actually was not around—i.e. not making more senior employment successful—because if I was around, there would be a reminder that something had happened and that they had done nothing about it. Then, when I actually pushed further, there were threats made towards me, attacking my character, my credibility or my skills just to create a diversion so that it is an excuse that they can then label in the future that "After all, you aren't a worthy person to support, anyway," in the future. It is interesting, just listening to the previous person give evidence here and some of the questions that you have given to him, and similar sorts of thought processes have come across. Ms Rose Jackson, you actually said that "It was all in the past so it does not really affect you now."

That is a statement I have had said to me ad infinitum in the future as a reason why things—you know, "You need to let it go" or "Why are you so worried about it?", as a belittling way. That is a reason why things have not been fixed. I have also read the other submissions and personal accounts, and this seems to be like a very familiar, tired playbook—not only brought out by the police at the time, but also by other governmental or large institutions and stuff to help support their behaviour or their lack of support of other people when people turned to other places when they were not given support by the police. It is also a reason why I have had my name withheld for this submission, because I know that if I had stated my name and not had anything done in confidence, this playbook would be pulled out entirely again and I would be in trouble from my employer. I am still employed by NSW Health. I am not, thankfully, employed in a place which is not supportive of me as a person. But NSW Health is still NSW Health and I might be in trouble. That is my opening statement.

The CHAIR: We appreciate you coming forward to talk to us about this under confidentiality.

Reverend the Hon. FRED NILE: Thank you.

The CHAIR: Take your time to tell us your story.

WITNESS A: Do you want me to read my submission?

The CHAIR: No, you can assume we have read that. If you are happy to—

WITNESS A: Yes, I am happy with my submission.

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The CHAIR: We might ask some questions, then. Just to refresh members, the situation is you were dragged out of a phone booth and bashed, in the 1990s, at Prince Alfred Hospital.

WITNESS A: Yes.

The CHAIR: Or outside Prince Alfred Hospital.

WITNESS A: Outside of Prince Alfred Hospital.

The CHAIR: As someone who has been bashed myself, I know that just talking about it brings back trauma. One of the things we have not really explored or had much evidence around is other institutions and their responses. You talked about gaslighting, and I really appreciate that. I know that term in the context of domestic violence, but it had not even dawned on me in the context of gay bashing and the treatment you get. It is alarming that you believe it is active today still. It could be, and I accept that. Tell us what happened. You went to the hospital in the 1990s and you told them you had been bashed. How were you treated?

Reverend the Hon. FRED NILE: Could you give us a brief background to the bashing, just in a few words?

The CHAIR: I just gave it to you, Reverend Nile. He was in a phone booth. [EVIDENCE OMITTED BY RESOLUTION OF THE COMMITTEE [19 MARCH 2021]], you might refresh Reverend Nile.

WITNESS A: Yes, I will give you some background.

Reverend the Hon. FRED NILE: He wanted to read it.

WITNESS A: Yes. It was in the days before we had mobile phones. I was on my training scheme for physician training and my term was the community palliative care registrar. My pager went off and it was someone in a lot of pain and they needed some extra pain control. It was a page from the community palliative care nurse. I went and answered my page in a public telephone box on Missenden Road, about 100 metres away from the entrance to the hospital. Because it was a weekend, I was wearing the usual training gear from the early 1990s. I think it was some lycra bicycle shorts, a T-shirt and some sneakers. They were a little bit too lurid for someone walking by and I got pulled out of the telephone box and bashed. I managed to get away and I ran into a nearby terrace house. The poor woman inside was terrified. She did not know what was going on. She closed the door. She thought I was coming to attack her or rob her.

When she realised that something else had gone on, she calmed down. She let me hide there for about five minutes and then I went out. I made sure that he was gone. I went to the police and, as you can see in my statement, they were not particularly helpful. On the Monday I came to work and I wanted some time off to recover from my injuries. They would not give me sick time off, but they did not want me to go to work because I had facial bruising. They did not want people asking why I had been bashed when I was working. They were completely unsupportive, but they were not going to take a statement from me either, because that meant that something actually happened. I did not take leave without pay and I did not take time off. I did go to work with bruises on my face and I did tell everyone exactly what happened, because I was very angry about it, but there was a price to pay for that.

The price to pay was a very difficult time on my training program, which I actually had to leave. There was a price to pay for going to work every day, because I was very traumatised. I had to walk through Sydney University every day to get to work, because I was too frightened to go on Missenden Road. It took me years to even drive down that road because I was so terrified. Eventually I left training. It was not until a number of years later, about two years after I left training, that I was cajoled back into doing training at another institution at Royal North Shore Hospital by a gay physician, [EVIDENCE OMITTED BY RESOLUTION OF THE COMMITTEE [19 MARCH 2021]], who knew what had gone on. It was a very supportive environment and eventually I finished. But in the future, working south of the bridge was a no-go, because people knew about it and they knew how they had done nothing about it. I am just a nasty little reminder. I cannot work in that area health service because I am a nasty little reminder, even after all these years.

The CHAIR: I think you have answered my question in outlining your story. I will open up to members of the Committee for questions.

Ms ABIGAIL BOYD: Thank you very much for coming along. I am really horrified, sad and sorry that this happened to you and to so many others and that it continues to happen. At the time in the early 1990s there had been a spate of bashings leading up to that. Before you had your own incident, how fearful were you of that kind of thing happening to you?

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WITNESS A: I was a little bit aware. In actual fact, not too soon afterwards I was walking down the road next to a park with my then boyfriend in Alexandria and we were set upon by a group of youths. Rocks and sticks were thrown at us. We managed to escape. Then there was some stuff in the media about someone being killed in that park.

The CHAIR: Alexandria Park.

WITNESS A: Yes. I thought that maybe it was the same group of youths, but I was not going to go to the police. I had had my very negative experience. I was not going to have that repeated. I knew that nothing was going to happen.

Ms ABIGAIL BOYD: In your submission you talk about how apologies need to be from structures other than just the police; in particular, Health. Do you also include Parliament and politicians within that?

WITNESS A: Yes, I do. Gaslighting is not just people; it is institutions and the denial that things actually occur. That is the first tenet of it. There has to be acknowledgement and that has to come from the top down. It cannot be just, "It happened in the past and we are not part of it now," because that is just the same thing all over again. It is just the same playbook being pulled out.

The Hon. MARK PEARSON: First of all, you were obviously assaulted by this man. Would you say that the reaction by the hospital institution, the police and the community to an extent was a cumulative trauma that built up because of the response to what should be seen as a normal, violent act of assault?

WITNESS A: Well, I did not feel safe. The result of it was that I did not feel safe going to work and I did not feel safe walking in the street. I knew that if something bad happened I could not really trust people in my workplace or outside my workplace. The only place that I could truly feel safe was in my home. It is cumulative trauma, because that happened in 1992; it is now 2020 and I am fronting up at an inquiry. I have spent a considerable amount of time organising for someone to look after my patients up in [EVIDENCE OMITTED BY RESOLUTION OF THE COMMITTEE [19 MARCH 2021]] and I have flown down here to front up to an inquiry. I am bitter. I am really bitter about it. That is my answer.

Reverend the Hon. FRED NILE: Thank you for coming in. Thank you for making the effort.

The Hon. ROSE JACKSON: As the other Committee members have said, thank you for the effort that you have made in coming here and providing evidence. It is incredibly valuable. Leading on from my colleague Ms Abigail Boyd's question in relation to the element of your submission where you talk about the response being more comprehensive than police, in the Government's response to the first iteration of this inquiry the response was largely focused on police and referenced updating police training and police policies. In terms of your experience, for example, in other institutions such as NSW Health, is there still an ongoing need for training, policies and those types of elements of those organisations to be updated? Is that something that you still think needs to be done in those areas?

WITNESS A: I cannot speak for all of the local health districts. I can speak for the current local health district that I am in, which has been very responsive. I think that their response towards violence in general has changed a lot over the years. They know that I am speaking at the inquiry here today and they have been very supportive of me. I do not know whether that is an ethos across New South Wales. I think there tends to be a device that is often used within NSW Health where they actually change things in a big way because something has happened, but then once they are changed there is no acknowledgement that they actually made the mistake in the first place. That is hurtful, because then people are being told, "We never made a mistake in the first place, but we are doing it better now." That in itself diminishes the pain of what has happened to people in the past.

The Hon. ROSE JACKSON: That is an example of gaslighting.

WITNESS A: Yes. It may be a lot better in all of the different local health districts and there may be a New South Wales-wide implementation of a policy. It may be working a lot better, but there still has not been that acknowledgement that they have not done things very well in the past. There needs to be an apology to help with the healing of people who have suffered under that.

The Hon. BEN FRANKLIN: [EVIDENCE OMITTED BY RESOLUTION OF THE COMMITTEE [19 MARCH 2021]] and I totally agree with your comments. I think [EVIDENCE OMITTED BY RESOLUTION OF THE COMMITTEE [19 MARCH 2021]] and the team are excellent, but that was not what I was going to say. I wanted to talk about the final line of your statement, which was that, "Apologies and safe places to report crimes need to be from structures other than just the police." I am interested in two things. First, do you have any comments about your perceptions of the police now? We have had some evidence from them and there seems to

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be a far greater focus on it with the gay and lesbian liaison officers and some of the physicians. I am interested in your views on that. Secondly, in terms of a safe place for people to report crimes, which is not the police, could you elaborate on that or do you have any broader thoughts on that?

WITNESS A: I do think that police have improved in general over the decades and it is an easier forum to report hate crimes. That is individually and also as a structure. There are always going to be people who are difficult in large organisations. That just goes without saying. I still think that there is a way to go, especially for people from my generation and older. They still have a lot of mistrust about reporting things. My husband was a 78er. His past partner was [EVIDENCE OMITTED BY RESOLUTION OF THE COMMITTEE [19 MARCH 2021]]; he had a lot of bad experiences with regards to police violence and so forth. As a result, he does not hold my hand in public; he is too frightened to do that. He is a little older than me, but that is not an uncommon thing because of a mistrust of what might happen in public and the implications of not being able to be supported.

With regards to structures other than just the police, there needs to be a general feeling that if it is a governmental structure and someone actually has experienced violence, that there is an understanding that there is mandatory reporting; as in, that structure must not sweep it under the carpet, but they actually have to take that statement and they have to act upon it. If there is knowledge that that actually occurs, then people will feel supported. I am working within Health in [EVIDENCE OMITTED BY RESOLUTION OF THE COMMITTEE [19 MARCH 2021]] New South Wales and I now know that if I had violence against me in the course of my duty that I would feel confident about reporting it in my workplace. They would involve the police and there would be no questions asked. But I am not quite sure whether Joe Bloo who works in a bakery down the street, if he had similar problems, where would he go? If he did not feel quite comfortable about going to the police, surely there should be other structures that he felt comfortable about going to, which would actually have mandatory reporting. Just like mandatory child reporting, which we have, why can there not be mandatory reporting for someone who has violence against them?

The CHAIR: What are you suggesting? We used to have the Anti-Violence Project, which was run by the Gay and Lesbian Rights Lobby, from memory. What about a GP process?

WITNESS A: Yes. So if he goes to a general practitioner, then they have some responsibility; maybe not even a responsibility, but just the knowledge that if a GP called the police that there would be confidence that a statement would be taken and it would be taken forward. Just knowledge of that.

The CHAIR: Even just the counselling process is healing.

WITNESS A: Yes. There are a lot of people in the community who do not actually know where to go. If they feel like, "I am not going to the police," there may be reasons for that. They may have been doing something not too legal at the time when the violence occurs and they think, "I do not want to go to the police. I might get arrested for doing something which is a little too untoward." But no-one deserves violence, regardless of their circumstances and where it occurred. Everyone deserves to be in a safe place.

The CHAIR: I have another question. I am interested in this gaslighting concept. I would expect that organisations like Health would have addressed or would support victims of any personal attack, for want of a better term, or crime. We have not taken any other evidence about gaslighting, but it sounds familiar now that you have said it. Do you think we need to address that concept or that behaviour within the institutions of the State?

WITNESS A: Yes, I do. It is a common thing that happens within all large structures. It is a playbook that is pulled out all the time to control situations.

The CHAIR: To manage down.

WITNESS A: Yes. It is how to shut people up, or it is too much effort. We often say glibly in Health department circles that there are three things in the Health department that the people at the top really care about: Is it going to cost them millions, is it going to be on the front page of the newspaper or is it going to cause a big ruckus in the Health Care Complaints Commission? If it is none of those, then the little playbook is pulled out and it is pushed to the side.

The Hon. MARK PEARSON: I am quite fascinated by the fact that when they would not offer you sick leave, and when they said that you had to take leave without pay, rather than accept that you turned around and walked back to work with the bruises all over you, showing them what they did not want to see. Are you aware that that is a very courageous thing to do?

WITNESS A: I was angry more than anything.

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The Hon. MARK PEARSON: Well, it was courageous. A lot of people who are angry run, but you turned and walked back.

WITNESS A: I was probably used to that sort of fighting behaviour. That is probably my history. Before I worked in New South Wales I did my undergraduate degree in Queensland in the Joh Bjelke-Petersen era. I was heavily involved with the AIDS Council. I was the vice president. I had to have a bit of a fighting quality to me, otherwise I would have been buried. Part of that is the fighting quality that I developed when I was a student.

The Hon. MARK PEARSON: On behalf of the Committee, I commend you for that.

Reverend the Hon. FRED NILE: I am wondering if you could clarify something. You were bashed in the phone box. Would you say that was a gay bashing, or just a bashing?

WITNESS A: Yes, because of what he said to me.

Reverend the Hon. FRED NILE: He just assumed you were a homosexual because—

WITNESS A: By my appearance, yes. He said some very nasty, derogatory terms while he was kicking me.

The CHAIR: And the locality. It is all of those factors.

The Hon. ROSE JACKSON: I just have one more quick question. As part of our site visit this morning we went to Marks Park in Bondi, which was the site of a number of gay hate crimes. The council is working with ACON to build a small memorial. That is a particular locality where there were some incidents, but in terms of some of the evidence that you have given about not sweeping these things under the carpet, and in terms of acknowledging their ongoing significance, do you think that those reminders and memorials or things more generally or broadly that the Government could consider might be useful? That is a continuing reminder of these things and it acknowledges the victims and the educative purpose as well.

WITNESS A: I strongly support that. The reasons for that are not only my own personal perceptions and beliefs, but over the years these deaths have been discussed ad nauseam in the community. There is always a line that, "It was thrown under the carpet and it was ignored." Sending a strong statement that things have changed now would be a large step towards healing.

The CHAIR: Back to gaslighting, which we went away from for a second, would that not be something that should be embedded in the organisational cultural statement or value statement? From there, it permeates into the programs and training.

WITNESS A: I would love that.

The CHAIR: We should look at that as something that government organisations should review. I appreciate that. Are there further questions from the Committee? This doctor has travelled a long way to be with us today.

The Hon. DANIEL MOOKHEY: Doctor, thank you for your appearance, for your evidence and for the courage that you have shown both today and elsewhere as well. I will ask for your response or your sense as to whether a further judicial inquiry might be needed into this phenomenon?

WITNESS A: Sorry, can you repeat that?

The Hon. DANIEL MOOKHEY: Would you support a judicial inquiry into the institutional response to gay hate crimes and gay hate crimes?

WITNESS A: Part of me says yes. The main reason for that would be that the more that you actually talk about something, the less gaslighting actually occurs. There is less denial of it. You have already had two inquiries here, is that correct?

The CHAIR: Yes.

WITNESS A: I do not really think that a further inquiry, in whatever form it would take, would necessarily change things. I think it would be very difficult. It has been a lot of time since things have actually occurred. You have to think about what the outcomes of that would do to make things better in the future. It is my personal opinion that a judicial inquiry would probably not change things in the future. It is actually cultural change and structural change of how people actually view things and the incidents that occur in the now or in the recent past, rather than further into the past.

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The CHAIR: The two things we are juggling with are whether there has been cultural and institutional change, and then we must consider the 30 unsolved murders and the victims, the victims' families and whether the police have gone far enough.

WITNESS A: I cannot speak for people who have been affected by an unsolved murder. That is not my position to do that. That would be very improper.

Reverend the Hon. FRED NILE: One of the suggestions is that we have a judicial inquiry to investigate the gay murders, because apparently everybody knows who they are and nothing is happening.

WITNESS A: But I do not know who they are.

Reverend the Hon. FRED NILE: But others know, and the police know.

WITNESS A: Yes, but that is outside of the scope of my submission, so I think it would be improper for me to comment on that.

The CHAIR: [EVIDENCE OMITTED BY RESOLUTION OF THE COMMITTEE [19 MARCH 2021]], on behalf of the Committee I thank you for coming down today to give evidence in person. We offered for you to appear via Webex, but it is much more powerful and compelling to hear evidence in person. On behalf of the Committee, I thank you for coming in today and for making your submission. That was really very valuable to us and to our inquiry.

WITNESS A: Thank you for hearing me.

The CHAIR: That concludes our last hearing. I thank the Committee.

(The witness withdrew.)

(Evidence in camera concluded.)