2022 Special Commission of Inquiry

into LGBTIQ hate crimes

Before: The Commissioner, the Honourable Justice John Sackar

At Level 2, 121 Macquarie Street,
Sydney, New South Wales

On Tuesday, 22 November 2022 at 10.00am

(Day 5)

Counsel Assisting:

Mr Peter Gray SC (Senior Counsel Assisting)
Ms Christine Melis (Counsel Assisting)
Mr Bill de Mars (Counsel Assisting)
Ms Kathleen Heath (Counsel Assisting)
Ms Gráinne Marsden (Counsel Assisting)
Ms Meg O'Brien (Counsel Assisting)
Ms Claire Palmer (Counsel Assisting)
Mr Enzo Camporeale (Director Legal)
Ms Kate Lockery (Principal Solicitor)

THE COMMISSIONER: Yes, Mr Gray.

MR GRAY: Commissioner, before Ms Melis calls the first witness today, who will be Mr Mackie of ACON, may I deal with something which arose yesterday morning in relation to one of the documents in the tender bundle for this November hearing.

The document in question is a statement by a Mr McCann, who in 1991 was a sergeant of police, and Mr McCann's statement attaches two documents. They are two documents, both dating from 1991. One is a letter of 15 April 1991 from Mr McCann, Sergeant McCann as he was then, to the Director of Operations at State Command, who was then Chief Superintendent Moroney, and the second letter, dated 10 August 1991, was from Detective Sergeant McCann to the commander of the Modus Operandi section of the police.

The two letters dealt with matters which Sergeant McCann had investigated and links which he had drawn, and was putting in writing, in 1991, concerning a number of deaths of homosexual men in 1989, 1990 and 1991.

Some of those deaths are deaths which this Special Commission will be looking at. Others are deaths which are not unsolved, which is the word, for present purposes, most pertinent to the Special Commission's Terms of Reference, but were solved. That is to say, they are deaths where the perpetrators were prosecuted and convicted.

What Mr McCann's two letters did, speaking generally, was to summarise some of what had been found out about all of those deaths - some solved, some not solved - and to refer to the possibility of links between those who had perpetrated the deaths that had been solved and what might have happened in connection with the deaths that were unsolved. The solved deaths, if I may call them that, which were the subject of Mr McCann's letters, Sergeant McCann's letters, included the deaths of Richard Johnson, who was murdered in Alexandria Park in January 1990; William Allen, who was murdered in Alexandria Park in December 1998; a Thai national called Kritchikorn Rattanajurathaporn, who was murdered at Marks Park near Bondi in July 1990; and, among others - I am not listing all of them here, but, among others - the deaths or disappearances of Ross Warren near Marks Park in 1989 and

John Russell, whose body was found at the base of the cliffs near Bondi in November 1989.

When this hearing was imminent, on 11 November, 11 days ago, the Solicitor Assisting the Commission wrote to the solicitors for the New South Wales Police advising the police that Sergeant McCann's statement and those two annexures, being those two letters, were proposed to be included in the tender bundle, and enquiring whether the police had any concerns about the publication or non-publication of any parts of those letters, and correspondence then was received from those assisting the police on 16 November proposing that various redactions needed to be made to those two letters.

The solicitor for the Commission wrote back proposing that some only of the redactions sought were appropriate. On Sunday, a letter was received - or an email, actually - from the solicitor assisting the Police, which said, in effect, in summary, that the Commissioner for Police would not press for any additional redactions beyond those which the Special Commission was prepared to agree to. However, yesterday morning, as your Honour would recall, my learned friend, Mr Mykkeltvedt for the police, asked for more time to consider the position and, Commissioner, you gave the Police until 5.00 pm last night to advise what that position was. At 5.30 last night, an email was received, the substance of which is to advance a different and novel position, which is that other redactions need to be made for other reasons not previously advanced.

In short, without meaning to encapsulate everything that has been put in this email of last night, the position now advanced on behalf of the police, is that the names of all eight members of what was called the "Alexandria Eight", being the group of young people who were charged with the murder of Richard Johnson in Alexandria in January 1990, and the names of all three of the members of what became known as the "Tamarama Three", being the people who were charged in connection with the death of the Thai national, Mr Rattanajurathaporn, at Bondi in 1990, must not be published because of the effect of section 15A of the Children (Criminal Proceedings) Act 1987. That section provides, in summary, that the name of a person must not be published in a way that connects the person with criminal proceedings if the proceedings relate to the person and the person was a child, as defined in the Act;

that is to say, essentially someone under 18, when the offence in question was committed.

It will be immediately apparent to the Special Commission that if that is the effect of the Act, it is perhaps surprising for a number of reasons. Those reasons include the following: the members of the so-called "Alexandria Eight" were charged and variously convicted of either murder or manslaughter in connection with the death of Richard Johnson. Those proceedings, that is the criminal proceedings and the sentences imposed, were at least, in connection with some of them - although we have not in the time available been able to ascertain whether this proposition applies to all of them - published in judgments of the court and apparently not the subject of any non-publication or similar order. I stress we need to check whether that is completely accurate, but that's our present understanding. And similar observations apply, we believe, subject to checking, in connection with the three people known colloquially as the Tamarama Three who were charged and variously convicted in connection with the death of Mr Kritchikorn Rattanajurathaporn.

Secondly, in 2003, at the inquest conducted by then-Deputy State Coroner Milledge in connection with the deaths of Gilles Mattaini, Ross Warren and John Russell, the statement of the officer in charge, Detective Sergeant Paige, was tendered in open court without objection and without any qualification or non-publication constraint attached to it. That statement of Sergeant Paige included as an attachment the statement of Sergeant McCann, which I began by referring to, including the two 1991 letters of Sergeant McCann attached to Sergeant McCann's statement. And so, the contents of those two letters were received in open court without objection. The letters do name all the members of the so-called Alexandria Eight and all the members of the so-called Tamarama Three. That occurred in the context where the Commissioner for Police was represented by counsel and solicitors, and no objection was taken.

Moreover, among other things, since 2003, some of the information contained in the two letters of Sergeant McCann has entered the public domain in other ways, including in books publicly available, such as the book which was received into evidence yesterday called "Bondi Badlands" by Gregory Callaghan. In those circumstances, Commissioner,

what I propose for your consideration is that the question of which, if any, redactions should ultimately be made to the statement of Mr McCann, which was received in evidence yesterday as tab 11 of the first volume of the tender bundle for this hearing, be deferred to a suitable time which I will discuss with my learned friend Mr Mykkeltvedt, and in the intervening time we will give some consideration to the submission now advanced last night based on the Children (Criminal Proceedings) Act 1987.

THE COMMISSIONER: All right. Is there any objection to deferring that for the time being, Mr Mykkeltvedt?

MR MYKKELTVEDT: No, your Honour. Perhaps a couple of things that I should add to what has been said by Mr Gray.

THE COMMISSIONER: Certainly.

MR MYKKELTVEDT: The first of that is that publication for the purposes of section 15A is defined in a particular way in subsection 15A(2) so as to include, for example, the publication in various types of periodicals or in the internet. So the fact that that information was published in an inquest would not necessarily - and by published in an inquest, I mean handed up in open court - would not necessarily have infringed upon the prohibition.

The other thing that I would raise in that respect is that there is a specific exception in section 15C of the Act that applies to what are known as "serious children's indictable offences". Now, a serious children's indictable offence is defined to include a homicide, and in those kinds of cases, the court is able to make an order allowing the publication of the relevant name. Now, we just don't know whether an order of that type was made and of course the Act has been amended. So those are the two things that would need to be investigated.

THE COMMISSIONER: Well, there is more than two, Mr Mykkeltvedt.

MR MYKKELTVEDT: Yes.

THE COMMISSIONER: The first thing is that the proceedings in relation to which the two annexures are concerned are historic, in the sense that they are 30-odd years ago.

MR MYKKELTVEDT: Yes.

THE COMMISSIONER: The 1987 Act could not have covered those proceedings. It is a little simplistic to suggest that a 1987 Act, without thorough checking, would cover a position many years before. No doubt there were similar or maybe analogous provisions, so it requires a little more depth of thinking than what currently appears to be the case.

The underlying assumption in your client's position at the moment is, as I best understand it, that the acquiescence on the part of the police, if that is what it was, at the Milledge inquiry, doesn't amount to some sort of a publication, or whatever happened before Coroner Milledge was not a publication. That's a point that will need to be looked at, obviously. Equally, what the current position was at the date of the trial, whether what Mr Gray says is factually correct, namely, it may or may not have been the subject of an order, per se, but that will turn upon the legislation which bound the trial judge at the time. It won't necessarily be governed by the 1987 Act. I think the matter should be deferred. I have heard what you have had to say, but I think both sides need to have a more careful look at it.

MR MYKKELTVEDT: Yes, your Honour. That is certainly the case. I will just draw my friend's attention specifically to 15A(4) which provides that:

> *(4) This section applies to the publication or broadcast of the name ...*
>
> > *(a) whether the publication or broadcast occurs before or after the proceedings [and]*
> >
> > *(b) even if the person is no longer a child, or is deceased, at the time of the publication or broadcast.*

These, of course, are complex questions. The reason I am seeking to take some care with them is, of course, a criminal offence arises pursuant to section 15A(7) if a publication occurs.

THE COMMISSIONER: Sure.

MR MYKKELTVEDT: So those are the matters that I wanted to raise as concerns the operation of this Act.

THE COMMISSIONER: I think raising the matter is entirely appropriate. The resolution of it is not as simple as I think might appear.

MR MYKKELTVEDT: No, I appreciate that, your Honour.

THE COMMISSIONER: Well, thank you very much. What Mr Gray, no doubt, will do is be in touch with you, or Mr Tedeschi, whoever is the appropriate person, and will resolve this issue as soon as can be done.

MR MYKKELTVEDT: Yes, thank you.

THE COMMISSIONER: Yes, Mr Gray?

MR GRAY: Ms Melis will call Mr Mackie.

THE COMMISSIONER: All right. Thank you very much.

MS MELIS: Thank you, Commissioner, and good morning. I call Brent Mackie.

THE COMMISSIONER: Thank you.

<BRENT DONALDSON MACKIE, affirmed [10.18 am]

<EXAMINATION BY MS MELIS

THE COMMISSIONER: Yes, Ms Melis.

MS MELIS: Q. What is your name?
A. Brent Donaldson Mackie.

Q. And your occupation?
A. I am currently the Director of Policy, Strategy and Research at ACON Inc.

Q. Mr Mackie, can you tell us a little bit about ACON, how it started and how it has evolved?
A. Yep. So ACON started in early 1985, and it really came about as a community response to the impact of the HIV epidemic on the gay community. Rates of infection were increasing quite rapidly. People saw their friends, their

lovers, people who were close to them becoming sick. Some were dying. They saw that there needed to be a response in order to help and support those people, in order to educate people about possible prevention strategies, and so a group of people came together - I think it was in the Midnight Shift Bar of the Midnight Shift Hotel on that first night, I think it was in March 1985, and they formed this idea to bring together a range of different community groups but also individuals to form what was then known as the AIDS Council of New South Wales.

Q. Yes. I understand that there was a name change to ACON in 2009; is that correct?
A. Yes. Yeah. It was really kind of an evolution rather than a name change. ACON being the acronym for AIDS Council of New South Wales, but we formally changed the name to ACON. And that really was in response to the broader health areas that ACON started to work in with the broader LGBT community, LGBTQ community. So we were taking on drug and alcohol issues, mental health issues, safety and inclusion - a range of different things. So to acknowledge that, we adopted the name ACON rather than AIDS Council of New South Wales, which is really pertinent to HIV.

Q. You have made a statement to this Inquiry dated 17 November 2022; is that correct?
A. Yes.

Q. And you have a copy of that in front of you?
A. Yes.

Q. Please feel free to refer yourself to that statement as necessary.
A. Okay.

Q. I understand, according to your statement, that ACON has been involved in many policy and advocacy campaigns since its inception that work to improve the lives and rights of LGBTQ people and people living with HIV, even today?
A. Yes, that is the case. We work across a range of issues that are relevant during the time. So, obviously HIV was significant in the late 1980s, early 1990s, and we responded with a range of advocacy responses to issues as they came up. But even today we do a lot of work in that space, in HIV. We've done a lot of work with the New South

Wales Government recently, and even as recently as in the last week, we are engaging with both the New South Wales Government and the Opposition and independents around the upcoming election.

Q. Sorry, my learned instructor has, just for the record, corrected that I said 17 November 2022 in relation to your statement, but it should be 16 November 2022.
A. Thank you.

Q. You have held a number of roles within ACON, and we will go through those roles individually, but for present purposes, you were previously with ACON in May 2014 as the Manager of Community Partnerships and Population Programs relating to HIV and sexual health?
A. Yes.

Q. You have also worked in a variety of roles with the AIDS Council of New South Wales, as it was then called, between November 1988 and February 1997?
A. Yes, that's true.

Q. Presently, you are also a member of the Sydney Queer Screen Film Festival?
A. Yes.

Q. And Positive Life NSW?
A. Yes.

Q. What is that?
A. Positive Life NSW is a non-government organisation that provides support, education, to HIV-positive people. So it is the representative non-government organisation for people living with HIV. And ACON and Positive Life work alongside with each other on a range of programs and projects, including providing services to people living directly with HIV, even today.

Q. You arrived in Australia from New Zealand in 1985?
A. Yes.

Q. And when you arrived in Australia, where did you live?
A. So when I first arrived, I stayed with friends in Manly, but that was only for a few nights, maybe probably no more than a week. Then - because I came with a whole group of friends. We were intending to move on to London in the UK; it was after having left university in

New Zealand. But one of my friends secured a terrace house in Surry Hills, in Ann Street in Surry Hills, and we all moved in there, as young New Zealanders do. There were a few of us living in that terrace house and it was a great time. Yeah.

Q. Did you engage in the gay scene in Sydney at that time?
A. Yes, I did. I did. And it was a bit per chance. I hadn't done a lot of research about what Sydney was like before arriving, and so we wandered up to Oxford Street, and Oxford Street in 1985, it was getting into the summer, I think, and it was a wonderful place. It was full of people. It was very alive. There were bars and clubs opening, and it was dramatically different to my experience in New Zealand at the time, which was kind of a little bit more conservative and obviously a lot smaller, and I think before I left, I think a law reform in New Zealand happened in the year after I left. So homosexuality was still illegal in New Zealand at that time.

Q. But upon your arrival it had been decriminalised here in New South Wales?
A. Yes. 1984, I think it was.

Q. When you arrived in Sydney, were you aware or did you become aware of violence against members of the gay and lesbian community?
A. I became aware. When I arrived, obviously I was finding my feet, so I wasn't engaged with a whole lot of community organisations, but I certainly was going out - going out to a lot of venues. And I did become aware, because you saw it. You saw it. You saw it. And you had to be careful out there, I think.

Q. In your statement, you detail a couple of personal experiences that happened to you. Are you able to tell us about those, starting with the one over the summer of 1985-86, please?
A. Yes. So that was - I was walking along the street. It was Commonwealth Street, from memory, which Ann Street intersects with, and I think we must have been going to Central Station or perhaps somewhere in that direction with a friend who I was flatting with, a young woman I was flatting with at the time. And just walking along, and I remember seeing this couple, this quite tall man, a young man, and his partner, a woman, walk past me. And he just -

as we were walking past, he just spat in my face and then yelled some abuse. I don't recall exactly what words, but it was quite confronting, you know. Why would somebody spit in your face? I remember thinking at the time - it seems trivial, but I remember I had bought these shoes in Chinatown. They were kind of a little flat slipper with a black kind of slipper, and I was thinking they did look, you know, what you would describe as being gay. And so, I think that was the reason I was spat in the face. And it was just really an awful experience at the time. I remember also seeing - and I don't think this is in the statement, but I remember seeing violence in venues, where I used to go to bars to see bands quite a bit in those days, and I can remember seeing - being at the Dee Why Hotel, I think it was, one night, seeing a band with my friends, and there was a big fight in the middle of the dance floor and there was a lot of yelling, "you poofter," and the fight continued. We retreated back and obviously didn't want to be engaged in that at all, but that was - you know, that was the sort of thing you saw.

Q. Yes. And I don't mean to dredge up the past, but can you also tell us about your other experience on New Year's Eve 1988?

A. Yeah. So I was coming back and I think we must have seen the fireworks, coming up Oxford Street. It was near Palmer Street. At the time, my partner and I were living on Oxford Street in Woollahra, and so we might have been looking to go to Taylor Square to get a cab or a bus. And as you do, there was a group of people walking up the street as well, as you do. They were going as fast, so I kind of scooted around to get ahead of them, and this guy just looked at me, and he was with a woman as well, and looked at me and just punched me straight like that. And I remember falling into the road. I was moving, so perhaps I was moving and, you know, also dodged it a little bit so it didn't really - the impact wasn't severe or anything like that, but I certainly fell on the road. They continued on walking. My partner picked me up and was feeling really bruised and really, you know, obviously sore in the head. I don't - I think after that we took a cab straight home and just stayed there for a while, for a couple of days. It was the end of the evening. It was the end. I mean, it was all very quick and sudden, but they did, I think, either yell or laugh or maybe both at me as they walked up the street, and I remember my partner - and I have spoken to him since, and I remember him saying to me, "I knew one

of us was going to get it at some point." It was like an inevitability that violence would happen, because we were young and going out.

Q. And just for the benefit of the transcript, when you were describing what happened to you, you were indicating that you were hit in the head?
A. Yes. Yes. Yes.

Q. Did you report that incident to police?
A. No. No, we didn't report that incident to the police and I have thought of many times as to why that was, and it's difficult to say, to be honest. I don't know if we would have necessarily gone to the police unless it was incredibly serious, and this - this - it didn't seem so serious because, you know, I was not, you know, in need of hospitalisation or anything like that and it didn't continue. So at that time I suppose there was just a feeling you wouldn't go to the police, necessarily.

Q. I want to move on now to talk about some of the organisations that you have been involved in --
A. Yep.

Q. -- even before your time with ACON. Can we start with Twenty10 Youth Refuge Association, which you were with between June 1987 and October 1988. Can you tell us a bit about that organisation and what you were doing there?
A. Yeah. Well, as it was then - it's now called Twenty10, and it's also changed focus a little bit. But then it ran a youth refuge. It was on Glebe Point Road. It was a big house, but we would have, I think, between six and eight young people in the house at any time, and there were four youth workers and I was one of them. It was residential, so people could stay up till six months, so we had overnight shifts or during the day. And these were kids generally who were homeless, kids who had been thrown out of home, they had nowhere else to go. They'd been referred to by social workers to Twenty10. They were obviously LGBTI kids. There were kids who used to work The Wall, which was on Darlinghurst Road at that time. We had a few of them. We had all range of young people coming through. And we would engage them in services in the area, try and get them into training or work with them in terms of some of the kids were transitioning, they were going through - they were exploring - becoming transgender, so we supported them by, you know, engaging them in healthcare.

Some kids were HIV positive, so we supported them, also getting them into healthcare and all sorts of other services that they might need. It was funded, by memory, through the - I think it was called the Sax Award, which came through Family and Community Services, I think it was known as, or it might have been in DoCS, I can't remember.

Q. You say some of the young people that would come to the refuge had HIV; is that right?
A. Yeah. Yeah. Yeah.

Q. Were there services to refer them to or care for them at that time?
A. There weren't specific youth services. For most people with HIV, you would go through Albion Street, which is the Albion Street clinic, which was a large clinic on Albion Street, which is run partly - it's run now as part of South East Sydney Local Hospital District. It has been providing services for as long as ACON has, for people with HIV. So you would take the kids there. And I remember, you know, being - accompanying kids there, both in my role in ACON later and also at Twenty10. So there wasn't the network of GPs as there are now. There are an extensive network of GPs. Back then, there were far fewer. You would take them to St Vincent's Hospital, which is where a lot of services were coming out of.

Q. Well, that leads us into talking about HIV/AIDS and that topic. You have said in your statement that ACON was a community response to the HIV/AIDS crisis. And you joined ACON later in 1988?
A. Yes.

Q. Many of us would be familiar with the Grim Reaper campaign which was around 1987.
A. Yes.

Q. Can you please tell us about that campaign and describe it for us and the images of that campaign?
A. So it was - it was a big campaign, it still resonates, I think, in the Australian psyche today. It was a national campaign that was developed by, I think, the National AIDS Group, and it was very much about putting HIV on the agenda, you know, in the broader public's mind and also on the political agenda as being a significant health threat. That campaign, though - and in my opinion, and others, I think, as well - was particularly damaging for a range of

people within the gay community. The campaign didn't come with a lot of information about how you got HIV, how it could be transmitted, or what you could do if you were HIV positive, which - so it was just about putting - making people aware that this thing existed. But what do you do once you think you might have contracted HIV? Or what do you do to prevent it? It didn't tell you to use condoms. There was later information in, I think, pamphlet forms and whatnot that came maybe a year or so later that supported that, but it wasn't at that particular time when it first started. But it also, I felt, alienated people with HIV. It really pictured them as this Grim Reaper who was boiling down - because the image was of a Grim Reaper on a bowling alley, bowling down all number of people: kids, mothers with babies or all number of people. And it was pretty devastating, if you had HIV, to be represented like this on TV. So it kind of had an impact in the gay community of - there was a big issue at the time around testing, whether or not we would get tested, because there weren't treatments available at that time. Treatments were really something that came very slowly over the next few years, but at that time, you know, you got an HIV test and that was it, you know? You were basically told you're going to, you know, die sometime in the next while and there's not a lot can be done about that. So there was a big decision within ACON whether or not we would encourage people to get tested at all, because why? It could have a devastating impact on your life, and we don't know enough of where this disease was going or what impact it would have. And so, for a lot of people in the gay community seeing that campaign, you know, scared them. They wouldn't go and get tested because of the horrificness of the images. And certainly if you thought you were HIV positive, you know, you would think twice about necessarily going to get tested. It was a very different time to now where there is a whole lot of treatments that, you know, today treatments keep you undetectable, so getting people on treatment is incredibly good for their health and for the health of the community. So it is a very different - it was a different world then in terms of HIV medications.

Q. And turning to the community response and attitudes to that campaign at the time, you say at paragraph 19 of your statement that:

> *As a result of the hysteria whipped up by the Grim Reaper campaign, where many people*

saw gay men as grim reapers, LGBTQ people and especially people living with HIV/AIDS were subjected to increased hate, abuse, and, in some cases, violence.

Is that right?
A. Yes. Yes, I do say that. The campaign - there was a lot of stigma that was developed, because you had a lot of worried world, you had a lot of people in the community seeing this really horrific image, and seeing that in Australia, especially, the HIV was really within the gay community, and so developing a whole lot of hysterical attacks on gay people. And you saw that in the media. There was a lot of, you know, right wing commentary in the media. There were politicians like Fred Nile who were coming out very strongly. There was calls in the media to close - we call them "sex on premise" venues, which are like saunas where gay men would go to have sex. That certainly happened in the United States in places like San Francisco and New York, and so there was a lot of call for that to happen in Sydney - there were a number in Sydney - to close down gay bars. I think there was a call to get gay men quarantined on an island, and sent to an island. You know, you have that kind of rhetoric going out in the media and from politicians, it's going to have an impact then on people on the street and how they understand and relate to gay men. Knowing, you know - there had only been a few years since some level of acceptance in the city and not in the regional parts of Australia, so some level of acceptance of homosexuality was developing.

Q. Is it your belief that AIDS was considered to have played a role in motivating assailants? And there appeared to be a correlation between media coverage of AIDS and the level of violence?
A. It is my belief that that certainly contributed. I don't think it was the sole reason, and certainly not the only reason that's out there, but it certainly contributed. The atmosphere was far harder in the second half of the 1980s, I think, especially as there was a lot of disinformation around about HIV and, you know, if you could get it by spitting or sharing utensils. I think when it first was described in medical journals, it was called "gay-related immune deficiency disorder", GRID, rather than as it is now known as HIV, so it was really aimed at gay men. And there was a lot of talk about, you know, how it was possibly transmitted, because at the very beginning it

wasn't known quite how it was transmitted. So a lot of things were suspected, and many of them were fanciful, I thought.

Q. And do you, yourself, Mr Mackie, have any personal reflections either working with people with HIV/AIDS or knowing friends or colleagues who may have had HIV/AIDS?
A. Back then, I was a volunteer - because I wanted to get a job at ACON, I kind of saw it and thought it looked like the sort of place I would like to be at. So I volunteered for them, as you do; it was a non-government organisation. And one of the things we do is we provide home nursing care for people living with HIV. And, back then, CSN, as it was called - the Community Support Network - back then it really was a case of going into people's houses and sitting with people who were very, very sick, who were dying, and, you know, maybe making them lunch, tidying their apartments, dressing some sort of wound or doing some other, perhaps, some other thing to help them. So I did that for - it must have been a year and a bit, I think, maybe a half. It was really - it was quite a difficult job, because people died quite quickly, especially when they were that sick. So I remember the first person I cared for was on Forbes Street in Darlinghurst and he was covered in KS lesions, which are Kaposi's sarcoma. It's a skin cancer, a kind of a skin cancer which is very, very rare, but it is common with people with HIV with advanced illness, and it is really a sign that your illness has progressed to the point that your immune system has stopped functioning. And he was covered in these red blotches everywhere. I remember it was quite difficult. It was really very difficult, because he - you know, you go into this person's place, you think, really, that he had this great life, but it had come to this. And the organisation, CSN, the project, was really - it was one of the foundation projects because in ACON it was set up, because getting home nursing care was almost impossible for people with HIV. There were stories in the media of people being given food trays, you know, under the door, or at the door, and they had to come and get it, and nursing staff wouldn't help people. So it was a community response. We went out and provided this support for people in their home, because it wasn't going to happen otherwise.

Q. And following on from that volunteer position, you got a job with ACON as a youth worker?
A. Yes. Yeah. Yeah. Indeed.

Q. Tell us about that and the project that you worked on?
A. So it was called then "Fun and Esteem", so it was set up as a youth project. So I had got the job of a person; Geoffrey Fish, his name was, at Twenty10. He encouraged me to go for the job, so I got it. And then he moved on to ACON to set up this project, and then he decided to go on a holiday - I think he was going to Europe - and asked me to fill in for him. And so, I started work at ACON in the youth project there. And so there was a lot of crossover with - you know, we would encourage the kids from the refuge to participate in the youth project. There was a number of workshops. We used to run this workshop called "Start Making Sense". I think it was four nights over four weeks, or sometimes on weekends, and it was around educating people around safe sex, condom use, how to use a condom, but also supporting them in coming out, supporting them in understanding the gay community and supporting them in being able to negotiate effectively sex. So it was a great project. We'd run these groups. We ran, you know, these groups every month or so. It was always very popular because you go through a course like that where you intensely talk about these things, you're bound to make friends. So a lot of people came along because it was an alternative to the bar scene. You had to listen to the dry educator talking about how to use a condom, but also you make friends and meet people in a really nice way, and so a lot of people do, and I think some of them are still friends today. And it still goes today. The project still runs today. It is quite a large project now, but still runs those workshops every month. It's a really wonderful project ACON does.

Q. I understand from your statement that it would run the workshops initially in Surry Hills, and then it expanded to Harris Park and Blacktown; is that right?
A. Yeah, yeah. We always run and always do run them in Surry Hills, but looking to go where the people are coming from. And so we had a lot of young people coming from Western Sydney, so myself and my colleague - there are two staff in the project at any one time. So at that time it was Tim Conigrave. Tim and I used to drive out to Harris Park, initially. We had secured rooms in an NGO that was above a shop in Harris Park, and we used to - we tailored their workshop to give it a bit more of a Western Sydney flavour and ran it in shorter bursts over a longer period of time because we could only get these venues on I think

it was a Wednesday night for a few hours, so we did that. We got a number of young kids from Western Sydney. They would be referred to us - kids would come from all sorts of ways, but, you know, referred to us by youth services in the area. We used to have - we even had parents bring kids along at times. The project works with over 18 to 26. So when I say "kids", I don't mean younger than 18.

Q. Yes. You describe an incident that occurred during one of the workshops in Harris Park. Can you tell us about that incident and what happened after?
A. Yeah. Yeah. It was quite disturbing. They come to the train station, which is one stop towards the city from Parramatta. It was quite a dark little part of the world in terms of lighting, especially in those days. It would have been in the early 1990s. And it certainly - it was a difference demographic that live there now. I think it has changed quite a lot in the last 20, 30 years. But they were attacked because they were gay, or at least that's what they said to us at the train station, and this group of young guys followed them up the street. You go straight up the street, from memory, from the train station exit. And they came in to where we were meeting. So we obviously locked the doors and they all lingered out the front, these guys, looking very menacing. We could see from over the window, over the awning, that they were there and so we were quite frightened, because there's only one entrance out the front on to the street, but we continued on, I think, with the workshop and they left after some time.

I remember thinking about why we didn't call the police at that incident, and from memory, we rented - we rented those spaces, so it was a meeting room that was, like, a boardroom or something that was used by this NGO service, but we didn't have access to the offices. And this was pre-mobile phones or anything like that, so there were no phones in the space. We were just kind of trapped there. We did - we moved on from that space quite soon after that, in part because it was a really dark - it didn't seem like a very safe space, and certainly we'd want to be in a place where we had access to phones, but also where we could - you know, there was some light, some people, in case anything happened, we could get help.

Q. Thank you. In 1994, you became the Education Unit Manager at ACON?
A. Yeah.

Q. That's right? You were involved in a number of projects during that role, including what you detail at paragraph 29 of your statement, the Campaigns Project, the Venues Project, the Speakeasy Project, and the Rural Project?
A. Yes.

Q. We don't need to go through all of those, but just generally speaking, what were the aims around those projects at that time in 1994?
A. HIV prevention and - by 1994, combination therapy had, I think, emerged around the world, and that changed the experience for people living with HIV. So there was then effective treatments, basically. So we did also launch a few campaigns around getting people on treatments to try and get people engaged with care as much as possible. But HIV prevention. So we would do big campaigns on the streets. I did two big ones that I remember really well. One was HIV positive/HIV negative, and I forget the tag line but it was basically about coming together, "We all come together to prevent HIV", and one called, "Talk, Test, Test, Trust", which was about this notion for people in long-term relationships, if you talk and you develop an agreement and you, over a period of three months, test for HIV and you both come back negative and you have an agreement around sex outside of your relationship, such as not having sex outside of your relationship, then you could then engage, perhaps, condomless sex within the relationship, which was quite a significant movement for the AIDS Council. It was one of the, probably, first places in the world to go with that campaign.

Q. You have already told us about the violence experienced by yourself and others from the mid-80s to the late '80s. Moving to the early to mid '90s, was violence, or the threat of violence, still a reality for you, your friends and your colleagues?
A. So from the mid '90s?

Q. From the early '90s?
A. Certainly in the '90s it was, yeah. For me, because I was living for quite a while in Surry Hills, so I lived in, Davies Street, which is kind of closer to Devonshire Street in Surry Hills, and also in Rose Terrace, which is just behind the - it used to be the Palace Cinemas, but it is off South Dowling Street just near Oxford Street. I

wouldn't go out a lot. And, you know, this was the time of the Whistle Project, this was the time of the Anti-Violence Project campaigns, and it became very apparent that violence was occurring. It was great - it was really heartening to see the community coming behind strategies to tackle it, so I obviously got a whistle and was keen to carry that on my key ring.

Q. Before you go on, we might just bring up a document, because you have just started talking about some of the community responses to violence in the early '90s --
A. Yeah.

Q. -- including the Anti-Violence Project.
A. Yeah.

Q. If we could please bring up tab 115 [SCOI.77296]. This is an article referred to in your statement from the Sydney Star Observer, dated 13 July 1990.
A. Yeah.

Q. It details in it some of the initiatives that were discussed at a meeting on 27 June at the Mardi Gras workshop, and we can see there, if we just scroll down a little bit, that there was - at this meeting an emphasis on defensive and non-violent tactics was evident amongst the group, and some of the matters that were raised there were: safe houses, self-defence classes, and what you were just referring to, the Whistle Project. So starting with the Whistle Project, can you just explain to us what that was?
A. Yeah. It was quite a simple idea, basically. You would hand out whistles to people, you would carry them on your key ring, and if you felt threatened or under attack, you could blow the whistle, the idea being that that may stun the person who was attacking you or surprise them and so give you time to get away, or it may attract attention so you'll get help from people around, or other people around with whistles could also blow their whistles in order to show that there's a group of people who are aware of this and may, therefore, come to your aid. It was - I think it was a great idea and really kind of - because, you know, people - you know, if you get into the back streets of Surry Hills, Darlinghurst, those streets can be quite dark and can become quite, you know - less people around quite quickly, especially if you are walking home. And so, I thought it was a wonderful idea.

Q. And self-defence classes?
A. Yeah.

Q. These were something that started during this period amongst the LGBTQ community?
A. Yes, indeed. There were a lot of self-defence classes. I can't remember if I ever participated in one. Possibly. But, yeah, I knew of a lot of people who were doing self-defence. And it was - you know, it was again a sensible idea. If it was defensive manoeuvres so that you could better protect yourself if you were under attack, I think that's sensible, yeah.

Q. And just finally, and briefly, the Safe Places Project. Can you tell us what that was and how it's evolved over time?
A. Yeah. So initially the Anti-Violence Project, which wasn't part of ACON to begin with - I think it was managed by the Gay and Lesbian Rights Lobby - but it basically worked with venues. Initially you get a little sticker, a little sign. It was a pink triangle and a circle over the black border, and it would sit over a safe place. And the idea was they would put these on places, maybe restaurants, bars, a shop, and they'd commit to providing refuge for somebody who feels under attack. So you could go in there and seek help and get support from whoever was there. Again, I think it's a sensible idea and certainly one that a lot of venues were keen to put these little stickers on, you know, gay and lesbian venues around the inner city, around Surry Hills, Darlinghurst, yeah.

Q. You just mentioned that the Anti-Violence Project was eventually absorbed by ACON?
A. Yes.

Q. In around 2000, 2001?
A. Yes.

Q. And did the Safe Place Project remain as part of ACON's initiatives?
A. Yes, it did. At least initially. So we continued it on. I think there were modifications to it, as you do on these sorts of projects. I remember some of the stickers started having year dates on them, which was a sensible change because a venue could have a sticker on it and then, you know, it could change hands but still have the sticker remaining. So whether or not it was still a safe place and

the same premises, you know? So having a date on it, and I think that came about - but it eventually evolved, after several reviews and discussions more recently, into the Welcome Here Project, which is kind of a different focus, which is about inclusion and diversity, and a lot of venues have that sticker now, the Welcome Here sticker, as a sign that they're inclusive of LGBTQ people in their venue.

Q. I see in your statement, you say that in the year 2021-2022, the project you were just speaking about grew by 747 businesses, bringing the total to 1,958 businesses across 3,603 sites participating in the project.
A. Yes. Yes. You know, it's a small gesture people can do, but it is incredibly welcoming for LGBTI people. And it grew really fast. Some major corporations got on board, like supermarkets or chemist chains and whatnot.

Q. Just before we leave this topic, in your statement at paragraph 44, you have outlined some data in respect reports of violence, harassment and abuse that was received by the Anti-Violence Project, as well as after the Anti-Violence Project was absorbed by ACON, and the years that you have provided us data for are between November 1988 through to 2010.
A. Yep.

Q. I understand that this data that you have collated comes from a number of sources, including reports that were commissioned by the Anti-Violence Project, including Streetwatch and Count and Counter reports?
A. Yes.

Q. And the Off Our Backs reports?
A. Yes.

Q. And the Inquiry will hear more evidence about those reports in due course. I note that there is no data for the years, between the years 1997 and 2003. Is that because there's just an absence of data for those years?
A. Not necessarily. So we don't have a complete record of reports. There was the Lifesaver Magazine that was produced by the Anti-Violence Project. We don't have a complete set of those over the years as well. And often that data was included, and that's where some of that data is taken from, where we have taken it from. So unfortunately, we don't have a complete set of reports. So I couldn't speak to those other years. Certainly, the

project would have collected data over those years. I don't - I don't have access to it, though.

Q. Thank you. Moving on to another topic now, and that's the Beats Project.
A. Yeah.

Q. You detail that in your statement, beginning at paragraph 45. This was a project that began in November 1988. Just briefly, what was the Beats Project?
A. So it was a project - and ACON has always been keen to think out - you know, think of new and innovative ways of delivering our messages, especially around HIV prevention, so the idea was with this project that there would be two workers who would go out to beats. Beats are places where gay men go to meet and sometimes to have sex. They could be places like parks, sometimes public toilets. They could be, you know, virtually anywhere where, you know, there was some level of privacy and people could go in and engage in sex. So obviously we are wanting to prevent HIV, we are wanting to go where the people were who were at risk. So these project staff would go out to those venues with education materials like pamphlets or other materials, with condoms, lubricant, and tend to strike up a conversation with these people, maybe private them with some literature around HIV prevention, maybe provide them with condoms and lube so that they could go and practice safe sex. So the project was about going into the spaces those people were at, so wherever they were. We had a number of projects like that. We also had a Venues Project, which went into venues to do the same thing.

Q. And that is also described in your statement?
A. Yes.

Q. That was during your time from 1994 with ACON --
A. Yeah.

Q. -- when you were in an education role. So the offices you were just describing, were they the Beat Outreach workers?
A. Yes.

Q. You say in your statement that the Beats Projects expanded into the inner west, south-west and southern Sydney areas as well as the Hunter and the Illawarra?
A. Yes, yes, yes. We had branches or had branches, or do

have an office now in the Hunter, but did early on as well, so there weren't necessarily the same staff that got around.

Q. I understand. You say in 1993 ACON published a report titled "Beats, Police, Homophobia and HIV", which you refer to as the Beats Report?
A. Yes.

Q. If we could just bring that up, please. That is tab 135, [SCOI.77298]. Just stay at the front cover for a moment. This report, Mr Mackie, well, first of all in our copies it has a draft at the top of each page. Do we take it, however, that this is a report that was pretty much in final form?
A. Yes, yes. The copy I have is "draft" as well. If you look down the bottom of that title page, I think, you will see - a little bit further down - this little sticker and the "ABEA". I think that refers to we had a library, a public library at ACON for many, many years. It was in a library. So I got it from our archives from our library, so it was released to the public at least through the library. Yeah.

Q. This report, you say, became - the need for this report and this piece of research around beats became apparent from increasing reports of police and council surveillance of beats over the period of 1988 to 1992; is that right?
A. Yes, yes.

Q. Can you just tell us briefly what was being reported to ACON about police and council surveillance at beats?
A. Yeah, I can.

Q. We will go to specific examples in a moment, but just generally how did the need arise?
A. Generally, yeah. Certainly there was a lot of concern, you know, from councils, and police as well, around sexual activity. And that was, you know, becoming more apparent to staff at ACON, including the beats workers. I can't talk about this in specific detail because I wasn't part of those conversations. I was part of the Youth Project at that time. So I probably wouldn't want to go into too much detail around that; I don't - yeah.

Q. That's okay. We understand from this report, however, that it conducted interviews with Beat Outreach workers and beat users, amongst other people, including police and council workers, between August 1992 and April 1993. I just want to take the Commissioner to a couple of examples of what beat users and Beat Outreach workers specifically said about some police involvement, surveillance and interaction. If we can please go to page 71 of that report and just that heading:

> *Police Surveillance: Punishment and Moralism*

You will see, at point 2, that:

> *2. Some police practices involved "punishment by spectacle". Men were not only arrested but made an example of in front of "members of the public." One BOW ...*

I assume that is Beat Outreach worker; is that right?
A. Yes.

Q.

> *... reported of a case in 1991 in Sydney's north where a number of men were "paraded" in a shopping plaza near a beat after apprehension in full view of citizens including other men doing the beat. This type of surveillance is echoed in a case reported by a lawyer in which he claimed the arresting officer after apprehending a man:*
>
> *"Went out onto his two way and said, 'I've got another one'".*

Do you see that?
A. Yes.

Q. So is this one example of what was being reported during this report?
A. Yeah, I do remember that. It was - I think we might be talking to some of the Beat Outreach workers later, but I do remember - because the staff at ACON would accompany them sometimes on their work, so I went out with them a

couple of times to, you know, help, as we did, across the organisation, because it was small at that time. But I do remember them talking about - and it was often the case that, you know, you could get support at a high level within the police, and certainly that became more stronger as we worked more with police. But specific police in, you know, kind of at the station level, you know, may take things into their own hands or have a different attitude. I mean, that was really, really difficult. Dealing with people at that level often was challenging for the beat workers. And I know they, themselves, were often stopped by police and questioned at length, and it wasn't - it wasn't always easy working with police, especially in those early days. Obviously things changed over time, but in those early days it was very challenging. Because a beats worker, even today, you know, it was a very - it's a very unique job. You know, you can understand the logic of it and how important it is, but, you know, I can imagine it's a very unique role that you would have if you were a beats worker.

Q. Just scrolling down for just one more example, just a little bit further down to point 3, you see here:

> *3. Men reported other practices which were "unnecessary". In instances in Albury, Penrith and St Marys, police allegedly informed "suspects" families or employers that they had been apprehended at a beat - or that 'they were gay". These actions did not necessarily involve arrests.*

A. Yes.

Q. So that was also a practice that was being reported by beat users --
A. Yes.

Q. -- of police telling family or employers that they had been found at a beat?
A. Yes. Yeah, it was. It was quite shocking and devastating for the people involved. Really devastating. Yeah.

Q. One of the motivations behind this research and the report was to come up with initiatives that could assist police in patrolling beats, as well as assisting in the

relationship between police and Beat Outreach workers and beat users; is that right?
A. Yes, indeed. Yeah. And as I said, you know, this report, and other work from the project, led to, you know, more improvements with - at least initially with the higher echelons.

Q. And you detail two of those initiatives at paragraph 53:

> *One recommendation arising from the Beats Report was that NSW Police engage in sticker campaigns at beats to encourage men who do beats to report crime, especially homophobic violence.*

Did that happen, do you know?
A. I am not 100 per cent certain, but I believe so, yeah.

Q. And in 1995-96, police produced guidelines for policing beats to ensure less adversarial contact; is that right?
A. I believe so, yeah.

Q. So that was another initiative coming out of the Beats Project and Report. Thank you. I just have two more topics to take you through, Mr Mackie --
A. Sure.

Q. -- before the morning tea break. You talk about the *In Pursuit of Truth and Justice* project and report in your statement. This report, produced by ACON, is a report that this Inquiry has been referred to directly in its Terms of Reference. Can you please tell us how that report started and how it was instigated and who was involved?
A. Yeah. So, you know, ACON had been working for some time, obviously coming out of the AVP project, coming into ACON and our safety work, but we were aware of a number of crimes that had occurred over the years against LGBT people, and some of which were unsolved, and we knew that. The police were going through work to solve some of those crimes, or at least investigate some of those crimes. But from my understanding - and I wasn't involved in the project at that time, but from my understanding, there was - the police - there was an interview on Lateline, and I might need to refer to my notes.

Q. Certainly. It is referred to in your statement at paragraph 60.
A. Yep. Yeah. That's right. So there was a review, that's right, of the Strike Force Macnamir, that was being conducted on the high profile Scott Morrison case.

Q. Scott Johnson?
A. Scott Johnson, sorry. And so that was going on, but then this Lateline media report and interview with a police officer who was involved in that, which seemed to dismiss homophobia as being apparent at that time or related, and that did cause a great deal of angst, I mean anxiety, amongst staff at ACON, but also among people within the community such as Garry Wotherspoon, who was a historian, but also other organisations like Mardi Gras. And so, we came together in a meeting to discuss how we would respond to this, because this didn't seem like justice was going to be served in this case. And so from that meeting, it was decided that we would compile our own set of evidence around what had gone on. We would look through the public records, so looking through, you know, at journal articles or else, whatever, court cases, whatever, whatever was on the public record, and compile our own list and our own report on what had gone on with the violence over those years. And we got some support to do that through the law firm Dowson Turco, and they offer the support of a legal assistant who helped us go through this information. And we developed the dossier of - I think it's 88 cases - that we developed together. After some time - and this took a great deal of time to build together and obviously find this material. After some time, it became apparent to staff at ACON that this collection of information may not be the best thing for the family and friends of the people who had been victims. They may not necessarily want this information used in this way, or shown in this way, and so we engaged with an ethicist, I think it was Letts Consultancy, to talk that through, and the ACON board discussed this at length about what we would do in response. And we decided to produce, instead, a report that spoke quite broadly in the themes about what had gone on, talking about the homophobia at the time. It talked about the violence, but not specifically about any of the individuals.

Q. So none of the individual names of the deaths were mentioned in this report?
A. Yes.

Q. But that was, at the same time as this report was being put together, there was also the Strike Force Parrabell Report --
A. Parrabell, yes.

Q. -- that was being progressed by New South Wales Police.
A. Yes, yes it was.

Q. But ACON released its report, "Pursuit of Truth & Justice: Documenting Gay and Transgender Prejudice Killings in NSW in the Late 20th Century", on 26 May 2018.
A. Yes.

Q. And this was before the Strike Force Parrabell Report was released?
A. I believe so, yes.

Q. Thank you. Just finally, Mr Mackie, I wanted to end on talking about the Bondi Memorial Project.
A. Yes.

Q. I understand that this was a collaborative project between ACON and the Waverley Council.
A. Yes, yes.

Q. It's located in the, to be precise, south-western side of Marks Park in Tamarama?
A. Yes. Well, halfway between Tamarama and Bondi.

Q. Can you just tell us what was behind this memorial?
A. That was - it came about in discussions with some of our partners that we wanted to have a memorial there about the people who died and, more broadly, victims of gay-hate crimes over those years, but specifically there because I think at least three people died, if not more, at Marks Park. Some were thrown off the cliffs there. And so, we wanted to build a memorial to acknowledge these people and these people's lives. And so, with partner organisations, we came together to develop that memorial, and worked with Waverley Council. And then, I think - and I don't recall the exact year, I can find that out for you, though, but it was just after marriage equality was announced, people could get - LGBT people could get married. There was a court case where a couple, a gay couple, were getting married and they produced their

wedding invites and the wedding invites came back from the printers with quite homophobic comments on them, and they took those - the printers to court and sued and got - won that particular case. It was quite devastating for them, but they donated that money to the Memorial Project, which kickstarted it, which really allowed it to happen. I think it was around $60,000. And Waverley Council put in the same amount and ACON also fundraised some money as well, so suddenly we had quite a bit of money in order to build a memorial, which was a fantastic thing for that couple, but also for the people who were victims of crime. And so, it took quite a long time. There was a competition where the council organised a competition to get an appropriate memorial. After that played out, they were selected and they produced it. It is quite this beautiful memorial. It's a brown kind of terraced stone memorial with brass plaques with inscriptions of people who have died and the circumstances of their death, which is in the stone. It goes up, so it's like a stairway going up as opposed to the cliff going down. So this notion of going up and life rather than going down into the sea where many of the people, as I said around three, were killed in Marks Park, thrown off those cliffs. So it kind of inverts the cliff, if you like. So it is really quite a beautiful memorial. We've also run tours - not "tours". It sounds morbid. But, like, educational tours where we've gone around with people to explain both the memorial but also the deaths and the crimes. So we've made those (indistinct).

Q. Yes, thank you. The Inquiry heard some evidence about those tours yesterday from Gregory Callaghan.
A. Okay, cool.

Q. So in summary, the memorial is dedicated to all the victims and survivors targeted during a spate of homophobic and transphobic violence from between the 1970s and 1990s in New South Wales?
A. Yes.

Q. Does that about sum it up?
A. Yes, yes.

Q. Was it well received by the LGBTQ community?
A. Yes. Yes. We had a very large launch of the memorial. Really, lots and lots of people were there. It was wonderful. There were some beautiful speeches by some moving people there.

MS MELIS: Those are my questions, Commissioner.

THE COMMISSIONER: All right. I might take a break now, Mr Mykkeltvedt.

MR MYKKELTVEDT: No questions, your Honour.

THE COMMISSIONER: Thank you. Well, I will take the break anyway, and we will resume with the next witness shortly. Thank you. I will adjourn.

<THE WITNESS WAS RELEASED

SHORT ADJOURNMENT [11.28 am]

THE COMMISSIONER: Yes.

MS HEATH: Commissioner, I call Mr Barry Charles.

THE COMMISSIONER: Thank you.

<BARRY CHARLES, affirmed [11:51 am]

<EXAMINATION BY MS HEATH

THE COMMISSIONER: Yes, Ms Heath.

MS HEATH: Thank you, your Honour, Commissioner.

Q. Your name is Barry Charles?
A. That's correct.

Q. And you provided this Commission with a statement that you have signed, and that is dated 14 November 2022?
A. Again, that's correct.

Q. Mr Charles, it is fair to say that you were someone who committed for many years, particularly in the 1970s and the 1980s, to advocating for gay rights in New South Wales; is that correct?
A. That's correct.

Q. If I could just touch upon a few of the positions that you held, you were a founding member of UNSW, so that is the University of New South Wales CAMPus CAMP?
A. Yes.

Q. You then became the secretary of that organisation?
A. That's right.

Q. You stayed on as secretary as it transitioned into UNSW Gay Liberation?
A. Yes, that's again right.

Q. And later in time you were the co-convenor of the Gay Rights Lobby?
A. That was about 10 years later, yes.

Q. And that was indeed at the critical moment in 1984 where decriminalisation of homosexual conduct was achieved, to an extent, in New South Wales?
A. That again is correct.

Q. In addition to your activist credentials, you also describe yourself, at paragraph 2 of your statement, as a "beat queen"?
A. That's correct.

Q. What is a "beat queen"?
A. Well, it is a pejorative term that is used by a lot of people in the gay community for someone who has predominantly been engaged in visiting beats and having sex in parks and all that sort of thing, and actually enjoying that as an activity, and continuing to do that for some time.

Q. But you use that term for yourself with some pride and tongue in cheek?
A. Yes, I don't see anything wrong with it. It is the nature of gay males to want to engage sexually and to find places to do that.

Q. For your benefit, and for the Commission's benefit, we will come back to both of those topics; that is, your experience at beats, before turning to your career in activism. But if I could start with getting some personal history from you, you were born in 1950?
A. 1950, [redacted].

Q. Where did you grow up?
A. I grew up in Punchbowl, which is the south western suburbs of Sydney, in the Bankstown municipality.

Q. How long were you living in Punchbowl for?
A. I basically lived there about the first 22 years of my life, and then after that I moved to the eastern suburbs or the inner city suburbs.

Q. Can you give this Commission a sense of what it was like growing up as a young gay man in Punchbowl in the 1950s and 1960s?
A. It was - you had to find your own way as a gay man. There was no knowledge of a gay community or visibility of gay people in - certainly around our area, and there was no visibility of where a gay community might exist, and even no knowledge of what it was to be a homosexual. And these were sorts of things that you just found your own feelings about. You developed your own ideas of how you were same-sex attracted and found your own way. And there was no support mechanism like there is today. There was no - your parents and so on didn't know or understand anything about homosexuality; it was just an unspoken thing. And the only chance that you got to see some description of gay men, in particular, was in movies.

Q. How were gay men portrayed in movies?
A. Usually portrayed as comic characters, as very effeminate. You couldn't imagine someone like Franklin Pangborn or Eric Blore, who were movie extras in the 1930s, as ever having any sort of sexual relationship. They were just effete and effeminate, and they were objects of fun.

Q. Did you know in person any other gay people living in your area?
A. Not growing up, but I became aware at around the age of 17 that my next door neighbour, who was five years older than me - and I never really had any engagement with him at all because I was a child, you know, compared to him. But this is at the age of 17, I can remember a conversation after there was a big ruckus one night at about two or three in the morning, next door. And the next morning, my father was asked what that was all about by my mother, and he said, "Oh, it's that cat next door".

Q. And what does the term "cat" mean?
A. Well, "cat" was a very nasty term that was used at the time by straight society to describe a gay man that went out at night looking for sex, like a tomcat.

Q. Yesterday, we heard some evidence about the

Golden Mile that was developing in the 1960s. Is it fair to say from your previous answers that you didn't have access to the Golden Mile?
A. No, I just wasn't aware of where that would be or no knowledge at all. And, as I say, that was one of the advantages, obviously, of people living in the inner city or those who were older and had become part of a community or were trying to establish a community. But for a 17, 18-year-old living in the suburbs, I had absolutely no knowledge of anything like that.

Q. In those circumstances, how did you come to meet or socialise with other gay men?
A. That didn't come until I went - I graduated - I left high school and went to - started work. And in January 1969, which was only a few weeks after I started work, so I was still 18, I was working in an old building which had been the old Anthony Horden's department store, and is now World Square in the city, and I was at the time working as an auditor for a firm of chartered accountants, and we used to go to do the audits in the premises of the business we were auditing. Anyway, these people had their premises in that old building. It had been partitioned off and converted into offices. And I went to the toilets in that building, and there was a piece of graffiti on the wall which was quite extraordinary. It was a graphic depiction of homosexual acts. It was very cleverly done. And I just immediately realised that, you know, if I wanted to engage with another man, that would be the place to hang around. And so, I did that.

Q. And is that what happened?
A. That is what happened. Within a couple of days of that, I had my first adult sexual experience.

Q. You describe that as your first adult sexual experience, and after that you started going to beats more regularly. From that first experience, how did you come to learn about other beats or locations that you could meet men who were similarly inclined?
A. Sure. Lots of the sexual contact that you made was virtually wordless and there was very little - there was no social sort of contact or anything. But gradually you might share a few words and someone might say, "Oh, you should try this place", or, you know, "If you go here, you'll find some interesting people", and that - just that handful of words would lead you on. And so, that became a

thing. So we go through '69, '70. When I turned 21, my birthday present was a car, and I was then able to drive around and find many more diverse places. And you just began to realise that, you know, any park or place that was a bit secluded at night was a likely spot.

Q. You have provided the Commission - it is referred to in your statement - but with a list of the beats that you personally attended across the course of your life, and there is just shy of 40 beats that you were able to give some personal - talk to your personal experience about. Do you have a sense of how many beats there were around the greater Sydney area?
A. I couldn't possibly begin to count them. You know, in some cases that list is just - only touches the surface, because in some cases it took me years to discover places that had been, you know, quite more or less under my nose in the early '70s; I didn't find out about them until the 1980s and things like that.

Q. You described before that the sex that would occur at beats was virtually wordless, anonymous. Would you ever go home with a person that you met at a beat?
A. I don't think I did that until about six or seven months after I first engaged, and I did get the opportunity to go home with someone in late 1969, for the very first time.

Q. Why as a general proposition was there reluctance to go home with somebody that you met at a beat?
A. Well, first of all, you just had to be very, very confident that the person was going to be safe. Everyone was coming to terms with their sexuality and was trying to find where they fitted in, and a lot of people suffered, you know, persecution, or expected to. And they - and so you had to be very sure that the person that you decided to go home with was in fact confident in themselves and wouldn't turn nasty.

Q. You describe in your statement beats as being very important to gay culture, particularly over that period. Why do you say that?
A. Well, simply because we'd been - we were illegal. It was a serious criminal offence to perform a homosexual act. It was regarded as sinful by all the religious groups, and by the psychiatric profession it was regarded as an illness, a sickness. And so there wasn't, to my

understanding, a social scene or a way of meeting people as a normal heterosexual young person would be growing up; you had to find a secret place.

Q. Perhaps to that, you also describe in your statement that beats show the "indomitable spirit" of gay people, and can you touch upon that idea?
A. Sure. It is a phrase I came up with myself, but what it was was that with all those forces of society against you and not being able to come out to your families or that type of thing, and yet we still had that urge to engage with each other and find each other and associate with each other, and no matter what obstacles had been put in our way, we found that. It was an indomitable spirit. And in my written submission, I give an example of just how strong that can be. And just recently, I had - I heard of a story that occurred in Newcastle back in the 1950s where, you know, two men were placed in a police cell in the Newcastle lockup, but they still had sex with each other there and were caught doing that. You know, that's indomitable.

Q. Thank you. Just very briefly a reflection on modern beat culture. You mention in your statement that it is your perception that, particularly the inner city, beats no longer hold such an important role in gay culture, but they still do exist, particularly in the suburbs. Can you explain why that is?
A. Well, again, I think it illustrates the difference between not having any way of connecting, when I lived in the Bankstown area, or knowledge of what kind of social situation existed, and yet, as you said, there was a Golden Mile or the beginnings of a Golden Mile in the Oxford Street area. So the inner city has always been, because of the more concentration of population, and so on, and for the likelihood of single people trying to find their - start their careers and so on, and living in the inner city, it was always a place where there was more likely of a community developing. But still, for people living in a rural town or in outer suburbs such as Blacktown and so on, they still may even be a bit fearful of finding the mecca that Oxford Street became in the 1980s and '90s.

Q. I want to turn to the topic of police presence at beats, and, Mr Charles, you have some experience of incidents involving police. If I could first turn to an incident that you describe at Collaroy Beach in about 1971

or 1972. Could you tell the Commission what occurred on that occasion?
A. That was a night that I'd gone out with friends to the movies and then I took them home and I decided to go and do the Collaroy beat after. It's on the beachfront; it's sort of attached to the surf club, I think. And I went there, and my experience of that place had been, you know, for about a year or so. And it was usually quite busy on - late on a - this is about midnight on a Saturday night. I was there in a cubicle which - and there was a person in the cubicle adjacent to me. And it had a glory hole. Now, I don't know whether that's been mentioned in the Commission before, or anyone knows what that means.

Q. It hasn't, so if you could explain?
A. It is basically a rather large hole that someone has carved, over decades, between the two cubicles, and people can engage in anonymous sex through that. Two guys can. But, anyway, I made no engagement with the person on this occasion and - but I heard a vehicle, a rather heavy-sounding vehicle, pulling upright outside the toilet. The carpark went right up to the edge of the pavement. And so I thought, "That doesn't sound right", so I started to leave the toilet and a young police officer came running in, ran straight into the cubicle that I had just occupied, jumped up on the toilet and looked over the wall into the other cubicle. And I continued outside, and that's when a more senior officer confronted me and asked me what I was doing there and so on, and to give my name and address.

Q. Do you recall what else that senior constable - that officer said to you?
A. No, other than, you know - after I explained that I was just using the toilet -- you know, that was one of the reasons why public toilets were used for gay liaison because you had - you could give a seemingly legitimate excuse for being there. Anyway, basically all I can remember was him saying, "Well, don't hang around here. You'll get yourself into trouble.".

Q. You said they took your name and address?
A. Name and address.

Q. You describe in your statement a very similar incident that occurred in the suburb of Ramsgate?
A. Yes.

Q. In the period of 1971 to 1972 as well.
A. Yes, it's the same period, and I was there. There was no-one else on that particular night, so I'd just gone in and the next minute, a police wagon arrived and again a younger police officer ran into the toilets as I was leaving them, excuse me, and I could hear the sound of doors, cubicle doors, being kicked or knocked in. And once again, the officer outside - always there was one went in and one stayed out. And, again, I was asked to give my name and address and told not to be there or I'd find myself being arrested.

Q. The third incident occurred in 1973, and this took place in Pioneers Memorial Park in Leichhardt. Could you tell us what happened on that occasion?
A. Yes. Would you like me to go back to why I was there?

Q. Certainly. Why were you there?
A. Yes. I, by then, was in a share house in Glebe. And all four of us in that house were all activists in the Gay Rights Movement at the time. They arrived either members of University of New South Wales Gay Lib or University of Sydney Gay Lib. And so, our house was a very politically active group. Anyway, one of the friends was a guy that I had known for about a year from the University of New South Wales, and we were not partners or anything, but we were good friends. By then I had re-established some sort of relationship with my parents and some sort of acceptance, and I took Robert to my parents for dinner that night. And on the way home, the conversation was about doing beats. Robert would never have done anything like that in his life. And I just jokingly said, "Look, I'll show you how it works." And we stopped in Williams Street next to Pioneers Park. And within seconds a police car, an unmarked police car, pulled up behind us and four plainclothes policemen got out, and we had to get out of the car, and they took my friend to the front of the car, me to the back. We had to empty our pockets, explain who we were, where we lived, and so on. And, as I say, we both lived in the same house. I suppose the police thought we were - I'd just picked him up or something like that. And so, this time it was fairly heavy, the way I was being spoken to. And I - and it was basically a threat that if I was ever seen there again - names and addresses were taken. If I was ever seen there again, I would be arrested on the spot.

Q. What was it like having these multiple incidents where police were present at beats and giving you these warnings?
A. Well, of course, it was worrying, it was frightening, but you understood that, you know, you were, in their eyes, a criminal, and a very serious criminal. A criminal who, if you engaged in homosexual sodomy, would go to prison for 14 years. And so, their attitude was to treat you like a very, very serious criminal, worse than a bank robber. And so, you just had to live with it because that was the law; that was the way things were.

Q. And are you able to say - you have given us a description of three incidents. Are you able to say from your own experience or from conversations you had with people at the time whether these sorts of interactions with police were common or uncommon?
A. Oh, very common. Very common. You just had to be constantly on the lookout. You had to be on the lookout for two things. You had to look out for police and what they might do or say and for violence from young - basically, young people.

Q. That's the topic that I'll turn to next, which is the topic of violence at beats, and bashings that occurred at beats. You say it was a general awareness of the violence that existed at beats. Would you say that amongst beat users there was an awareness of those risks?
A. Yes, very much so. And that led to sort of the reason why you engaged anonymously, you engaged silently, and you tried to find a secluded place where you wouldn't be observed or - and where you might be protected if there was some incident. I personally was aware of what violence could be like at a beat, and that was - that goes back to that one I mentioned earlier about the next door neighbour. That ruckus that we heard next door when I was 17, at 2 o'clock in the morning, was that he had been through a beat in Canterbury Park and there were - a gang of bashers had arrived. He managed to get into his car and drive all the way back to Punchbowl, which is about 4.5 or 5k's, with them chasing him along Canterbury Road. It must have been, really, a frightening business. In 1971, which was now four years after that incident, I actually ran into him at the beat at Cahill Park in Tempe, and he told me that full story of what had happened that night. So that awareness, in my particular case, was very strong.

Q. To situate, the first, the incident where you heard

the ruckus, that was in 1967?
A. '67.

Q. As far back as then?
A. Mm.

Q. And, Mr Charles, looking through your statement, all told, you're able to describe 10 incidents where you either witnessed or experienced violence at a beat. And in addition to the one that you have already spoken about, I might take you to a select number of those and ask you for your experiences of them. If I could start with the location that you just mentioned, which is Cahill Park in Tempe, you describe in your statement witnessing something there in 1971. What was it that you witnessed?
A. That was the first time that I actually witnessed something of that kind myself. I was intending to go and visit that park because it was a very popular spot, but I was still on the highway, on Princes Highway, and as I approached I saw a car pull up and several young men jumped out of the car, it must have been four or five, at least, and one of them went to the boot of the car and pulled out a big piece of metal which looked like a piece of bumper bar of car, and chased a man out on to the median strip of the Princes Highway, wielding this as the man ran down the median strip. I continued driving towards Tempe - that's driving north - and there was a phone box on the other side of the Cooks River and I ran into the phone box and called triple-O and explained what was happening. But I didn't hang around myself.

Q. And why didn't you hang around for police to arrive?
A. Well, we talked about the fact that what I was doing there was viewed very fiercely by the police, and so I would be questioned more about what I was doing there. And so, you just hoped that they would respond to the threat of violence and at least there might be some protection for that man. But I don't know. I don't know what happened after that.

Q. So you have never heard what came of that event?
A. No, no.

Q. I next want to turn your attention to some incidents in Alexandria Park, which, as you may know, is a location of interest for this Commission. If I could start asking generally, we talk about Alexandria Park, but where in

Alexandria Park was the active part of the beat?
A. I understand that it has a long history, well before I found it or knew about it. But those incidents that I recall happening all occurred in the period about 1987 to 1988.

At that stage, the main active part of the beat was just a small toilet block. And it was adjacent to the tennis courts which are in the park. And it's - so it is maybe 50 metres from the corner of Buckland Street and whatever that street is that runs at the western end of Alexandria Park.

Q. Can you give us a sense of whether it was a popular or busy beat?
A. Yeah. Not very, because it was very small and it was in not a very private sort of area. It was - for my liking, it was too close to houses and so on.

Q. You do describe an incident that occurred one night in late 1987, and that's a point where you were living in Erskineville. Are you able to tell us what happened on that night?
A. Basically, as I remember it, I used to work late afternoon shifts in those days and I used to unwind by going to a local pub in Botany Road. And on a Friday or Saturday night they had music there, so it was a very entertaining place to go. And then I would normally walk home to Erskineville, so I would walk across the park onto Buckland Street, Mitchell Street, Erskineville Road and then home. And this particular night, I did exactly that, and I went into the toilet. As I say, I'd been at the hotel for a couple of hours, so I legitimately needed to urinate. And, as I say, it wasn't a very busy place and there was no one there. So I came straight out. And as I came out, I noticed that there was a gang or a group of young people. Quite young. Very young, I'd say. 14, 15 ages, most of them, sitting along - there was a basketball court across the road and it was sort of like logs which were like the border of the park, and they were sitting on those.

Q. How many, can you say?
A. I would say maybe five or something. Some number like that.

Q. And did they say anything to you?

A. Yeah. They shouted at me straight away and said - I can't - yeah, it was, "Are you a fag?", or, "Are you a poofter?" One of those expressions. By the 1980s, the American expression "faggot" was being used much more than "poofter", which had been used back in the 1960s and '70s.

Q. Before we move on to what happened, are you able to give any further description of those five or six boys or any one of them?
A. As I say, they would have been around 14 or 15, no more than that, except for one, who was a much taller and muscular looking chap, very blonde hair, and I'd estimate his age at about 19.

Q. After they start yelling abusive words at you, what happened after that?
A. Well, I just tried not to engage, but I did say, "No, I'm not", which was probably the wrong thing to say. I should have said something like, you know, "Don't call me a poofter" or something like that and gone really butch on them. But they had every intention of attacking me from the start, no matter what I had said. They ran across the street. A couple of them had lengths of PVC drain pipe, probably only about that gauge.

Q. For the benefit of the transcript, you are holding up your hand?
A. About 3 inches.

Q. About 3 inches.
A. Yeah. Sorry to use old measurements. So it wasn't very effective as a weapon; it was fairly light-weight. So they started pummelling me with those and I note I am not any sort of athlete or anything like that, but somehow I was able to wrestle them off and run another 10 metres. And then they caught me again and started hitting me with the pipes again. And just then, as luck would have it, some people came out of a house nearby in Buckland Street. And it was four men coming out of a house, and they shouted at the youths and the youths ran off.

Q. Did you ever report that incident to police?
A. We did. Those people who were living in that house rang the police for me and they - and the police did arrive. It probably took about 10 minutes or something to arrive, but they did arrive, and we told them what had happened and they said, "oh, right", you know, and then

they said, "we'll drive - have a drive around", so they drove up and around the block, which was the full - the park is a full block, so that took them about five minutes. And they came back and said, "they're gone now". And that was as far as it went. They never took any more details. They never took a statement from me. There was nothing.

Q. Are you aware if any formal report was ever made of that incident?
A. No, I wouldn't have a clue.

Q. That was in late 1987 and then there is a second incident that you describe in your statement at the same location, on Easter Saturday, 1988. And at that point you say you had moved to Marrickville.
A. That's correct.

Q. How did you come to be in Alexandria Park on that occasion?
A. That wasn't a very good story, because I had been out the previous night to a party, a house party in Petersham. And I drank some of the party punch, which I believe was laced with some chemical. And so, come that morning I was raring to go, so to speak. And I was dressed in - it was a black party, was the theme of the party. And I remember I was dressed in a leather jacket and leather bike boots and jeans. And I decided, very unwisely, to go down to the beat at Alexandria Park. It would have been about 11 o'clock on Easter Saturday morning.

Q. Was there anyone there on that occasion at Alexandria Park?
A. No.

Q. So what did you do?
A. I then intended to walk along those streets and out on to McEvoy Street and head up to Waterloo Oval, Waterloo Park, which was another major beat in that area.

Q. While you were on that walk, can you tell the Commission what happened?
A. Yeah. Before I got to the first corner and turned left to go on the southern side of the park, I noticed two young youths, again probably the age of 14 or 15, again sitting across the street. And they shouted out, "Are you a faggot?" I - one of them seemed to be a very, very agitated young man, almost frantic in the way he was

shouting and screaming at me. The other boy didn't seem to be that interested. And I ran as fast as I could in my leather biker boots, which wasn't very fast, and I made it to the corner of McEvoy Street. And at that point, this boy caught up to me and he ripped the sapling off a small, young tree and whacked me with it. And he caught me over the left eye brow. And I - but just then, a Kombi van with a young couple, a heterosexual couple, pulled up and chased the boy off. I can remember what the youth said. It was, "He's a faggot," to the couple, "He's a faggot. He raped my little sister," which shows the kind of, you know, total confusion and, you know, just unexplainable sort of dialogue.

Q. So you made it into the car, into the panel van?
A. They got me in and they said, "It looks like you should probably go to hospital", because I was bleeding. And I said, "No, I'll be all right." And they said, "Well, let us take you home." And as I said, that was at Marrickville Road, Marrickville. So they took me, and there was a little private - little, sorry, small hospital there in Marrickville. Not a private hospital, but it was sort of specialist care. Part of Prince Alfred, I think. And they had an emergency room there.

Q. Did you require any stitches?
A. Yes. About two, I think.

Q. On this occasion, did you go to the police?
A. No.

Q. Why didn't you?
A. Again, it was just the culture. This is '87, after all the improvements that had been going on in the '80s. But what we knew as the culture was that you couldn't expect help from the police in these situations. It was just general knowledge that you wouldn't get a good reception. And I'd had another incident where I had reported assault, not going to me but to someone else, and I got a very, very cold reception at Regent Street Police Station. And I had another incident which isn't in my witness statement, which I had forgotten until just the last week. And that was I was assaulted in King Street, Newtown, on Christmas Eve 1987. And I went to Newtown Police Station and they just didn't want to know.

Q. Can you describe the assault on that occasion at

King Street, Newtown?
A. Yeah, that was just me walking down King Street, and a guy just came across and chased me and tried to give me a kick in the - a flying kick. And again shouting all sorts of abuse. And I went straight to Newtown Police Station and reported it, but they weren't interested.

Q. When you say they weren't interested, do you recall what interaction you had with them?
A. Oh, they basically again was asking me what I was doing there, why was I there and so on, because it was near a beat. It was in Brown Street. But it wasn't - the beat was in Brown Lane behind Brown Street, but I wasn't actually there.

Q. You mentioned a moment ago a reception from police after an incident that you reported in Regent Street in Central?
A. Yes, I just mentioned that here.

Q. Can you tell us --
A. That was another case of - I wasn't subjected to any violence myself, but I witnessed it. And that was that I was there and I heard shouting or, you know, noisy - a couple of young people, you know, walking together and talking very loudly. And I thought, "Well, this is" - "I'll think I'll get out of here." And I came out and confronted a young man at the doorway to the toilet. And he was more taken aback than I was, because I was moving quickly. And so, he didn't touch me. But he then started shouting - there was about two or three of them, and they started shouting at a man who was sitting in a car. And it was the usual, you know, "What are you doing, you faggot?", and all that type of stuff, you know? And I - so I ran down the corner. The Regent Street police station was just around the corner. And I said, "There's guys attacking people in Regent Street," and they said, "It's no business of yours" and that was, you know.

Q. Before we move on completely from Alexandria Park, there is one third incident that you describe there, and you say in your statement that it is an incident that you, at this point in time, can't remember chronologically where it falls in relation to the first and second two incidents. Are you able to tell us what happened on that occasion when you were at Alexandria Park?
A. That was an afternoon sometime, and I went there and I

went into that small toilet and there were two men engaged in having sex. And it was the sort of thing that one did. One said, you know, "Keep going. I don't mind. I'll watch." And I was just seeing if any stranger or anything might come in and tell them.

Q. So you were acting as a lookout, essentially?
A. Yeah, yeah, basically. And it was again a young person was heading towards coming in. I told the two guys. The young person didn't come into the toilet, as it turned out. Just was heading there, but didn't come in. But I - and one of the men went out to get into his car, and again he was being shouted at by two probably 14- or 15 year-olds, as I said, and the other man then left and went out into the street and shouted at the boys and scared them off, I think, but I went in the opposite direction.

Q. Thank you. And just for the purpose of the record, I think we omitted to state the date of the incident in Regent Street. And in your statement, you say that you started using the Regent Street beat in about 1982?
A. That's correct.

Q. And the incident occurred some time after 1982?
A. Oh, I'd say it was probably the end of '82, just somewhere October/November '82, I think.

Q. The next beat that I would like to speak to you about is the one that exists or existed at Rushcutters Bay Park. Before we speak about your incident there, could you assist us with how Rushcutters Bay Park beat worked?
A. Okay. Well, the Rushcutters Bay Park extends from New Beach Road in the east, the Darling Point side or the Edgecliff side, to a canal which runs down from Paddington and out into Rushcutters Bay. And there's a - there was - a toilet and a changing room block closer to the New Beach Road end of the park. It's now or been converted into a restaurant or something, or it was for a period of time. It had changing rooms as well as a toilet because football matches are played on the flat area of that park.

But the actual place where men engaged in sex in that park was not really there, but over against the canal. So against the canal, the park itself dropped down where the railings are boundary-ing the canal. And that provided some sort of darkness and cover. There was no lights or anything along that part of the park. I don't know whether

there is now, but there certainly wasn't in the era that I went there. And so, it was quite dark there. So if you engaged with somebody, you'd go to that area. And because of its proximity to Kings Cross, to the night life, and it wasn't too far from Darlinghurst and so on, it was a very, very popular place to go late at night.

Q. Are you able to say what period it was an active beat from?
A. My personal experience is from 1974-5 to 1997. So it was - I think it had a very, very long history.

Q. And you described the amenities block. Am I right in understanding that that's where you would generally engage with or meet with someone?
A. Yeah. You might meet somebody there and you'd say, you know, "Let's go over to the park", "over to the canal" and that's basically - because, as I say, it wasn't safe and too public in the other area.

Q. Were there ever any occasions where people would cross over the canal?
A. Yes. Yes, indeed, because on the other side of the park was a cricket oval, and - but along that side of the canal was a big grove of Moreton Bay fig trees, which provided, again, very dark areas and so on. So people would engage in sex on that side of the canal as well.

Q. In your statement, you describe an incident that occurred, you say, sometime in the 1990s in Rushcutters Bay. Can you tell us what occurred?
A. Yeah. I'm sorry I can't, no matter how much I rack my brain, tie it down to a specific year even. I really regret that, because I think it's quite an important incident.

It was a busy Saturday night. I was there just right on the canal side. A car came into the park from New Beach Road and was - had its headlights blazing or other lights in addition, like a spot, spotting lamp or something, and proceeded to career around the path, and a number of men were in various parts of the park at that time of night, and they just had to run in all directions as the car went like it was on a kangaroo shoot.

Q. You express in your statement. Sorry, I will go back. Did you ever see who was in the car?

A. No. As I say, it was in the centre regions of the park and I was much closer to the canal, and I was very near the footbridge that runs across the canal at that point. And so it was - the answer for me was to get out, get away as quickly as possible. At that stage, I was living up - just up the top in Macleay Street, Potts Point, so I wasn't far from home.

Q. You express --
A. The point I want to make about the importance of that incident is that that couldn't, or in my opinion, that couldn't have been just random bashers. That entrance from New Beach Road to the park was actually gated or had a chain fence, a padlocked fence. It was only used by council vehicles who were going in there to mow the lawns or to deal with the - so that had to be, in my opinion, possibly a police action, or something like that. It was someone who had access to knowing how to unlock that gate, or that chain fence.

Q. I want to take you to the final incident of violence that we'll touch upon in oral evidence, and that was Centennial Park, where you describe an incident that occurred in 1997. Before we come to that incident, can you give us a description again of the Centennial Park beat and where were the popular spots in Centennial Park that would be used as a beat?
A. Well, it's a very big place, and so - and there's a lot of trees and forested areas or bush areas, so it provided a lot of different locations. But the particular area that was popular in the 1990s was - now, if we look at Oxford Street in Woollahra, there is a reservoir with a playing field on top of it. Both the reservoir or down the hill from the reservoir a road in the park runs from one gate of Centennial Park to the other one, closer to Bondi Junction. And below that is a bush area which is very secluded and was the main beat area at that time.

Q. If we come then to 1997, you were at the park and an incident occurred. Can you explain to us what that was?
A. Yes. I just walked a little further towards the western end of that bush area and I heard a lot of shouting and, you know, sort of whooping and hollering and sort of that type of thing. And it was all coming towards that bush area that I was told was the actual active part of the beat. And so I just took evasive action and ran as fast as I could down the hill. Unfortunately, I tripped over and I

hit my head on a rock and for a moment I was - I blacked out, but I came to pretty quickly and then continued on running, and I ran up the steps and on to the top of the reservoir and then out on to Oxford Street, but as I climbed up those steps, I could see boys on BMX-type bikes, careering all around the place and skylarking through the park and that was - so their object was to disturb the beat.

Q. Did you have a sense from conversations that you had with other people as to whether what you observed that night was a one-off incident or whether it was occurring more frequently?
A. No, I never experienced anything there previously, but I - when I mentioned it to other people they said, "Oh, yeah, that happens here all the time."

MS HEATH: Your Honour, I note the time. It is slightly before 1.00 pm, but I was, after concluding that series of questions on beats, going to turn to Mr Charles' career in activism. It may be a convenient time for an early lunch break, if that would suit the Commission?

THE COMMISSIONER: Certainly. Any objections, Mr Mykkeltvedt?

MR MYKKELTVEDT: No, your Honour.

THE COMMISSIONER: All right. I will adjourn now. Thank you.

LUNCHEON ADJOURNMENT [12.47 pm]

THE COMMISSIONER: Yes.

MS HEATH: We can continue the evidence of Mr Charles.

THE COMMISSIONER: Thank you.

MS HEATH: Q. Thank you, Mr Charles. Before the break we went through some of your experiences at beats, and we'll now turn to the second topic that I mentioned earlier, which is your career as an activist for gay rights and law reform. Can I ask how you personally got involved in gay activism?
A. In October 1970, I read an article in The Australian, The Weekend Australian, I think it was, about two

activists, John Ware and Christabel Poll, who were establishing an organisation to fight for gay law reform, basically, and immediately I was interested in that and thought, you know, well, that's the way forward and that's going to make the life I have much, much better. And very soon after that - as I said, that was about October 1970.

Q. What organisation was that?
A. It was CAMP, sorry. "Campaign Against Moral Persecution". But CAMP, of course, the acronym, meant so much more to the community. I mean, we didn't use the word "gay" in those days. It was "camp", if you were homosexual. And so, it took them a couple of months, but they ended up establishing, in the beginning of 1971, an actual structured organisation, and started having meetings to campaign for law reform. And once again, I followed what was happening, if it was reported in the newspapers, which it was, and I decided to be part of that straight away.

Q. You turned up to the inaugural meeting of UNSW CAMPus CAMP. How many people were at that very first meeting?
A. There was just three of us. There was Terry McCafferty and Phillip Ryan, who had put an ad in Tharunka, the newspaper for the university, that they were establishing this group and that there would be a meeting at 7 o'clock on - I think it was a Tuesday or Thursday night. And I went to the meeting, went to that at time. And, as I say, there was just the two of them in there, and I was the third person to walk in the room.

Q. From that three founding members, you describe in your statement UNSW CAMPus CAMP growing into an organisation of about 20 or 30 students; is that correct?
A. That's right. We just got people - you know, the next time we called a meeting there was, you know, about five or six and then it just kept growing after that. And we tried to actually organise some events and so on, to become noticeable on the campus, and that people knew there was a gay right - a gay rights organisation, yeah.

Q. You took over as secretary of that organisation, that is the UNSW CAMPus CAMP, in 1972; is that correct?
A. That's correct, yes.

Q. You describe in your statement that in 1973, while were you secretary, that body transferred from CAMPus CAMP

into UNSW Gay Liberation?
A. Yes. To be more accurate, it was actually in late 1972 that we actually started to make that move, because there were a number of members coming in, participants coming in, who wanted a more radical approach to - and a more politically focused action. And they were copying what was happening in the United States, so we actually formally called it University of New South Wales Gay Liberation from the beginning of 1972, but we were calling ourselves "gay lib" before the end of '72.

Q. You mentioned the desire to become more radical and to have more activism, and in your statement you give a number of examples of the types of activism that was engaged in. One that stands out is a demonstration that involved sheep brains. Can you tell us what the activism involved and also what the message was behind that?
A. There were other gay rights organisations forming on other campuses, at Sydney University and Macquarie University at the same time, and a number of people were concerned about one particular issue, which was parts of the psychiatry profession, and one particular person who was - who had his tenure at University of New South Wales, who was practising aversion therapy. And so, a group of people came to his offices on the campus and dumped a bag full of sheep's brains on to the floor of his office, and the message was that by thinking that you could reprogram, by aversion therapy, a homosexual to become a heterosexual, it was like treating them like sheep. And that was the metaphor.

Q. You also described techniques called "zaps". What is a zap?
A. Today, we would call them a flash mob. A zap was a sudden spontaneous demonstration, rather than a proper organised rally, where you gather. And we did a couple of them in Martin Place in the city at lunchtime, where suddenly a group of people would emerge from the general crowd and start chanting or dancing, or something, and celebrating gay pride.

Q. I might ask that tab 129 be pulled up on to the screen, [SCOI.77368]. And if we could go to page 3 of that document [SCOI.77368_0003]. Mr Charles, there are a number of photographs on that screen. Am I correct in saying that these are Polaroid pictures that you took in 1973?
A. That's right.

Q. So these are from your own personal photo album?
A. That's correct.

Q. The third photograph from the top, you can see - well, in fact, can you tell me what's in the third photograph from the top?
A. Yes. The third one on the right-hand side is Martin Place in September 1973, and that is a group of activists. One of them in the centre there with the long dark hair was one of the members of University of New South Wales Gay Lib. He was actually our vice-president at that time. And the one in the denim jacket on the left-hand side of the photograph is my housemate at the time, Craig Johnston, who was one of the most active gay activists at Sydney University Gay Lib.

Q. If we stay on these photos, and I might ask that they be zoomed out just a touch so we see them all. There are four other photographs appearing on that page. What event are those photographs taken from?
A. They are from September 15th, 1973, and it was the first really major gay pride demonstration.

Q. Can you tell us what was planned for that day?
A. All right. The first thing to remember is that marches or demonstrations were actually illegal at that time. The Askin Government had introduced very prohibitive demonstration laws, anti-demonstration laws, during the Vietnam era and all the anti-Vietnam protests. And so we got - we could not get a permit to march in those days; there was no such thing. Basically, any assembly of people was illegal. And so, what we could do was have a rally on the steps of the Town Hall. So the top picture there is of a number of people gathered on the Town Hall steps or just on the pavement in front of the Town Hall. The object of the day was to march down George Street to Martin Place and to actually lay a wreath on the cenotaph in memory of servicemen who were gay and had served their country, but who were not recognised or had been forced to leave the armed services once their homosexuality was discovered. And, as I said, a demonstration of any kind or a march of that kind was just not permitted, and the police immediately said, "You can't" - well, during the rally, there were a number of speeches saying what the intention was. And the police said, "Well, you're not going there at all. You're going straight up Park Street into Hyde Park,

and that'll be the finish of it." And, as I said, we were radicals, we were students. We were up for the fight at this stage. And because this is the era of, as I say, anti-Vietnam protests, it's the era of women's liberation, it's the era of the first major marches for Aboriginal rights and so on, and we all felt we were all part of that movement. And so, we started to move off the pavement there at the corner of George and - sorry, yeah, George and Park streets, and the police tried to stop us. That's basically what is happening in the other photographs. They're pushing us up back onto the pavement.

Q. If I could ask that we now scroll up to page 1 of that document [SCOI.77368_0001], and perhaps if we could zoom in slightly on that photo. Could you describe what's going on in that photograph?
A. Yes, I can. In one of the photographs that we've already seen, while I was standing outside the Town Hall, there is a man in brown trousers and a blue raincoat or a blue overcoat, and he's in the centre of this picture as well. He was a plainclothes police officer who, up until that point, was mingling amongst the rest of us, but was obviously taking intelligence of who were the leaders or, as they would have described them, "ringleaders" of this march. So in this photograph, it is taken just seconds after that plainclothes police officer had just used his knee to obstruct and immobilise Mr Brian McGahen, and that is Mr Brian McGahen on the right of the photograph who has fallen to his knees, as you can see, after he was assaulted by the police officer. Brian McGahen was also one of my housemates in Glebe at the time, and he was a very well-known activist, as he was had been an anti-Vietnam protestor as a student. He was a member of the Communist Party of Australia at that time, so he was a very well-known left wing activist, and he was obviously targeted as one of the leaders of the march.

Q. You describe the intention was to move from Town Hall towards Martin Place where you would lay a wreath. How far did you get towards that aim?
A. There's another of the photographs down below shows how we got turned up Park Street. We didn't get any further off the pavement there in the direction of Martin Place. Instead, we had to start heading up Park Street. That's the Woolworths building on the right of the photograph.

Q. For the benefit of the transcript, sorry, we have just scrolled to page 2 of that exhibit. [SCOI.77368_0002]. Sorry, continue, Mr Charles.
A. Yes. Sorry, can you see now? So as you can see from my position where I took the photograph of Brian McGahen, the demonstration now was moving very swiftly up Park Street towards Hyde Park, and so I was caught a little bit behind it. So that's the backs of the people heading up Park Street. And as you can see, it was a demonstration that had balloons and flags. And so it wasn't violent, it wasn't aggressive; it was just wanting to make our point of view put across.

Q. So you have moved up Park Street and what happened after that?
A. We got as far as Pitt Street, and then some of the leaders - and one of them in particular was the person that I mentioned earlier, Craig Johnston, who just shouted, "Pitt Street", and we went and we moved, this time running, basically, against the traffic in Pitt Street. The whole of Pitt Street in those days was a one-way street from Circular Quay to Central Railway, and so we were actually running through traffic.

Q. And what were the police doing at this time?
A. They were trying to arrest and grab as many people as they could at that point, and so I couldn't put numbers on it, but there were a couple of us who were arrested at that point.

Q. And so you run up towards Pitt Street, or run up Pitt Street, and where do you end up?
A. Again, we managed to make it to the GPO steps in Martin Place.

Q. And from there, where did you go?
A. There was a long stand-off there. There were about 40 or 50 people standing on the GPO steps and a huge cordon of police standing in front of us, in front of the cenotaph, and a lot of shouting and a lot of abuse going on between the two sides, and it was very interesting. My understanding of it is that the GPO is Federal Government property and that the NSW Police weren't sure whether they had any jurisdiction over the steps of the GPO. It's very interesting business. I don't know whether those issues have been resolved over the years, but at the time that was quite a significant issue. Eventually, though, we couldn't

stay there all afternoon in that situation, so there was, again, a shout to head for - head up Martin Place and to get to Hyde Park, Elizabeth Street, as quickly as possible. And of course as soon as we came off the steps, then more arrests and more apprehensions were made.

Q. Your perspective as you describe it in your statement was that there was heavy-handedness by the police on that day?
A. That's my understanding of it. It could have been a very peaceful march. It might have disrupted a bit of traffic and so on on a Saturday morning on George Street, yes, I understand that, but in actual fact, if it had been allowed to go ahead as planned, it would have been - it was entirely meant to be respectful and of servicemen, but, as I say, homosexual servicemen who had not been treated respectfully by the armed services. And it just turned into an ugly confrontation.

Q. And it took quite a personal toll, as I understand it, upon you?
A. Yes. I got very emotional about it and very - I was 23. I suppose I should have been more mature, but I'd never been in that kind of situation. I was not a high school student activist or anything like that. And so, it came as quite of a shock to me just how, you know, aggressive it could all become.

Q. You say in your statement that you then stepped back from activism for a number of years. And we can take that photograph down at this time.
A. I didn't immediately step down as an activist, no, not after '73. I maintained my involvement with University of New South Wales Gay Lib up until the end of 1974, yeah.

Q. And then after 1974, you focused on some other aspects of your life for a few years, but you describe in your statement going to the United States in 1978 and that your experiences there re-energised you to get involved in activism again. What was it that you saw in the United States that was energising?
A. First of all was the size of the gay community in New York, in Greenwich Village. The number of venues and places and support organisations that had already been established since the Stonewall Riot in 1969. New York State had anti-sodomy laws; it was still illegal to be homosexual in New York State. But New York city is a

league of its own, a territory of its own, and there just seemed to be so much freedom and opportunity. And so, that initially showed me what gay life and gay community could actually be. And then the second big event was, after I'd spent a few weeks in New York, was to go to San Francisco. And I arrived in San Francisco on a Tuesday night and put the news on, the 9 o'clock news on, in my hotel room, and the news was - and I'll just give you a bit of a background about that. There'd been a lot of movement between 1969 and 1978 in the United States to remove discrimination against gay people, and a lot of city councils and local government areas had actually passed non-discrimination ordinances. However, the way the American political system works is that if you can get enough names on a petition, you can have a ballot put to a vote to rescind those and reverse those ordinances, and this had actually happened - was happening in quite a few places across America at that time. And that particular night, an area in Oregon, in the State of Oregon, had reversed their anti-discrimination laws. And so, on the news bulletin they showed a demonstration forming up on the corner of Castro and Market Streets in what was called the Castro District, and that was the gay mecca, the Greenwich Village of San Francisco or the Oxford Street of San Francisco. And that spontaneous demonstration just was amazingly huge, and I left the hotel and walked up Market Street towards Castro and met the demonstration coming back and joined it, and the cry was: "Out of the bars, into the streets," you know, "They're trying to take our rights away," and it ended in a big rally of a couple of thousand people on a Tuesday night, just like that, in front of the City Hall. And the organiser and the main speaker at that event was a man called Harvey Milk, which a number of people would have heard of.

Q. That chant, "Out of the bars and into the street," that ended up being echoed in the 1978 - what was to become the first Mardi Gras. So you returned from the US and you say that a group of friends were organising that event and that you participated. Can you tell us about your experiences of what we now refer to as the first Mardi Gras?

A. Yeah. It was absolutely wonderful that those two experiences in the United States and then getting back home, and it was Gay Pride Memorial Week. It was the week of the anniversary of the Stonewall Riot in 1969. And so, on June 24th, the Saturday night of that week, after a week

of various conventions and meetings and so on, and - there was to be - there was a street march during the day; street marches were now legal, as long as you received a permit from the police. And we - but what was decided was to have another march down Oxford Street on the Saturday night and to make it more of a party, to actually celebrate rather than just protest. And the chant was going to be - one of the chants was going to be exactly that: "Out of the bars, into the streets," because by then the Golden Mile, as you called it before, had really taken off. And there were a number of gay venues along Oxford Street, but the people in them weren't politically active and they weren't - and they didn't really understand that what they had was still basically illegal. If the police wanted to raid those bars and arrest people for congregating, then they could. And so, that was the whole point of that march. It was celebratory. We gathered in a group in Darlinghurst Road near Green Park and the permit was to go down - going downhill on the right-hand side of Oxford Street and go into Hyde Park at the Liverpool Street end of Hyde Park and have a small rally. There were only about 600, 700 of us, but things didn't work out the way the permit allowed us to do, and it didn't work out nice at all.

Q. I know it is a hard event to go back to, but could you explain to the Commission what did happen?
A. Sure. As I said, it started out very well. But as we went down Oxford Street, that chant of, "Out of the bars, into the streets," actually brought people out, saying, "Yes, I want to join this," and, "This looks like a party and not a political demonstration. We'll join this." But by the time we got to Crown Street, the police seemed to be getting more and more agitated at the amount of traffic disturbance this was causing on a Saturday night. We are talking about 9.30, 10 o'clock, something like that. Where I was, I sort of fell back and then was up front and what have you, throughout the time, but we started to be harassed, to be pushed onto the pavement rather than blocking those lanes of traffic. And that caused some concern, because we couldn't all fit on the pavement. You know, it just wasn't possible. When we got - when the lead of the march, the parade, got to the bottom of Oxford Street, what is now called Whitlam Square, I believe, the police were lined in a long cordon across the entrance to Hyde Park, where the cannon is now, and they said, "You're not going into" - loudhailers were used in those days. "You're not going into Hyde Park. Disperse

now." Well, that wasn't really possible because we were being squashed together. There were a couple of paddy wagons behind us, a lot more police than had started with us had arrived to join in what was happening, and we had this row of police with truncheons in front of us. They dragged Lance Gowland, who was driving a tray-top truck, who was leading the parade and had music playing over loudspeakers, they dragged him out of the truck and arrested him there on the spot. And then, again, very similar to 1973, some quick thinking people - mainly the women who were in the group - shouted, "To the Cross!" And they actually just ran down College Street towards William Street, if you know the geography. As quickly as I could, I joined that, but we were now being actually arrested and grabbed by the police and, actually, a policewoman attempted to beat me with her truncheon. I ducked under - around it and beside a parked car and then rolled underneath, and that officer moved on to somebody else, but the whole event moved then up William Street and into Darlinghurst Road where the main confrontations occurred. Now, unfortunately, I wasn't part of that because when I came out from under that parked car opposite Sydney Grammar School, I had flashbacks and trauma from the 1973 demonstration and I could do nothing but just find my way home as quickly as possible.

Q. So, Mr Charles, you have now described two incidents that ended in clashes with police. Can I ask you from the perspective of a member of the gay community, what was the effect of those incidents upon the relationship between police and the gay community?
A. It was a very negative situation and it was because, basically, the law still classified us as serious criminals. We were now being tagged as serious demonstrators and disruptors and so on, and this created a great deal of animosity between the police and ourselves.

Q. You also make this observation in your statement - and this is at paragraph 73 - that:

> *Police heavy-handedness ... worked to the advantage of the movement ...*

What do you mean by that?
A. It did. It activated people to say, you know, "This is not right. We're entitled to basic human rights and we're entitled to protest to gain those basic human

rights." But also it activated a section of the gay community which had never taken a political stand. Now they saw that their whole social life and so on could be under threat if the police were going to react in that way to what, again, was intended to be a peaceful, happy, parade.

Q. And then if we fast-forward to the campaign for decriminalisation of homosexual acts, now, you were one of the very early members of the Gay Rights Lobby; is that correct?
A. Yes, Gay Rights Lobby was an idea of two people, Craig Johnston, the person I mentioned earlier, and a man called Lex Watson, who had been an activist and campaigner in the early CAMP days. And he decided that we had to re-energise the actual law reform process, and so we formed the Gay Rights Lobby, and I joined it in 1981, and our object was to try and, politician-by-politician, turn them around and get them to support gay law reform.

Q. In January 1982, the Gay Rights Lobby that you were involved in joined with a number of other groups to form the Homosexual Law Reform Coalition of New South Wales. Can you recall some of the other groups that were part of that coalition?
A. Yes, certainly. The Gay Counselling Service which had grown out of CAMP was one of the major gay organisations at the time. The Gay Business Association - now, a number of those businesses on the Golden Mile had originally been operated by underworld figures, but now they were owned by gay people themselves, and they'd formed an association, again, to be a lobby group, to, you know, support the expansion of the Golden Mile. I keep using that expression, but there we go. Yep.

Q. Your statement goes in some detail - and I'll only just briefly touch upon it - upon a series of raids of a club called Club 80 which you see as quite a key moment in the campaign for decriminalisation. What was Club 80?
A. Okay. Club 80 is what we call a sex-on-premises place. In this case, it was a club. It didn't serve alcohol; it was just a place where you paid a small entrance fee and you went in and there were spaces where men could independently pick up men, in a safe environment. And the owner of that had established premises in - originally in Williams Street in the city, then in Oxford Street and Oxford Lane, and then he opened his final

premises in Oxford Street, just as it starts to become Paddington.

Q. And Club 80, I understand, was raided on three occasions. That was January, February and August of 1983. What occurred during those raids, and how did that invigorate the campaign for decriminalisation?
A. I think building up on what I said earlier, it invigorated people who weren't politically active and weren't fighting for change, but who were just using premises and places to congregate and meet. It activated those people. It also activated - also helped us, the political activists, to understand that at that point the police were really our enemy here. They seemed to be not able to cope with the obvious changes that were occurring in society, and particularly the Darlinghurst police, who were losing their influence and their control of the area. And it was just the inevitable rise of a gay community being established.

Q. Now, your statement sets out - and we will deal with this in broad strokes, but there were a number of bills that were "reform" bills, but bills that the Gay Rights Lobby decided not to support. Why was it that there were bills that the Gay Rights Lobby took a position of not supporting, notwithstanding that they were reform bills?
A. Yeah. What we understood, and it had occurred in the United Kingdom in particular, is that they passed gay law reform as early as 1967, but it was - still made homosexual acts illegal, but you could provide a defence that the act occurred in public - sorry, in private, and therefore was not serious enough for the law-makers to proceed. But that of course meant going to court and proving circumstances and talking a lot about the circumstances in which you were arrested. That was never going to be good enough, and two or three of the first attempts to do law reform here in New South Wales were legislation of that type. And basically what we wanted, and what we needed, was equality under the law, and that was the total decriminalisation of homosexuality.

Q. Now, I want to tie this in to the - over this period there was, you observe in your statement, ongoing violence against the LGBTQI community, and at paragraph 89 of your statement, you describe that you and Robert French, in your role as co-convenors of the Gay Rights Lobby, attended a meeting with the then Police Minister, Peter Anderson.

What did you hope to speak to Mr Anderson about at that meeting?
A. Well, as I said, a great deal of animosity had been growing against - between the police and the community as a whole, and that was resulting in people being very dissatisfied. As the amount of anti-gay violence started to rise, we found that the police were very unhelpful, particularly at Darlinghurst Police Station, and so we wanted those things to change. And we went - we organised a meeting with Peter Anderson quite a few months before we finally got in to see him, because he was overseas at the time, but by the time we did get in to see him, he had spent a study period in the United States and, from my point of view, having been a person who straddled the real world of beats and police interactions, along with my activism for law reform, was able to see that one of the ways forward was for police to sit down and talk with the gay community and understand where we were coming from and what changes were happening in society that they just needed to adjust to and come to terms with. And so, in that meeting, we found that the Police Minister was, amazingly, quite supportive. Basically, what he said, he said, "I've seen that. That's what they do in San Francisco." And he said, "The most serious problem they seem to have over there is anti-gay violence, and the police now work with the community to try to find ways of removing that." He said, "I would like to do that here. I would like to change the culture," but, of course, what was happening was that we were still criminals. We still didn't have law reform, and so, getting that police/gay communication was not going to happen in the short term, but we pressed for that in 1982.

Q. Is it fair to say from that, Mr Charles, that the struggle for decriminalisation of homosexual acts went hand-in-hand with the goal of keeping the gay community safe and making sure they felt protected by police? Were they shared aims?
A. Absolutely. It was all part of the one thing. And at the same time, we were working - we had worked with the Anti-Discrimination Board, which was bringing in actual anti-discrimination laws which included homosexuality, adding that to the ones that were already there, on the basis of religion or sex, or whatever. And that was in the works and moving at the same pace. As I say, the chronological order of these things is a little - it needs to be seen on paper rather than how you can explain it

verbally, but all of that, yes, we were trying, on all those fronts, to try and establish a situation where we would be accepted as part of the broader community and we would have the same protections under the law as the broader community.

Q. In 1984, as you know, there was a bill that was passed to decriminalise homosexual acts, and that was a bill that the Gay Rights Lobby, I understand from your statement, decided neither to support nor oppose. What was the limitation of that bill?
A. There was one major flaw in it, and that was that there was an unequal age of consent between homosexuality and heterosexuality. The age of consent for heterosexual sex is 16; the bill in 1984 made an exception for homosexuality, and it was 18 instead.

Q. Nonetheless, it was a significant step forward. Can you describe how you felt, as someone who had spent many years campaigning, at that moment in time?
A. Exactly. Yes. It really - it really was a step forward, and that's why we didn't, as we had with the three previous attempts, actually oppose the legislation. We decided to take an unequivocal position. But, as I said, we'd fought for so long by then. We'd had such an intense period of confrontation and problems since 1978 that we were all just rather exhausted and needed to get something - get something moving. Unfortunately, it took many, many years for other lobby groups to form and change and get the equal age of consent, and that took, I think, about 16 years or something like that. Well, probably not quite that long, but certainly a long time, yeah.

Q. So, Mr Charles, your statement gives the fuller story of the role that you played in the gay liberation movement. The final question that I have for you is, now looking back, after the years of activism that you took part in, what are your reflections on the legacy of the gay rights movement for LGBTQI people today?
A. I think it was a great achievement, but it was kind of inevitable in that, you know, it was happening all over the world and is still happening all over the world in some of the most unlikely places that you wouldn't have thought it would ever happen. It's good to know that the current younger generation of the gay community doesn't take for granted that the way things are now was always that way or will always be that way. And so, it's always very pleasing

to speak to people who come up to us during Mardi Gras, Fair Day and, like, Newcastle Pride where I was a couple of weeks ago, and to see that the rights that they take for granted now came with a long fight and a long lot of dedication by a lot of very brave people.

Q. Thank you, Mr Charles.

MS HEATH: Commissioner, those are my questions.

THE COMMISSIONER: Thank you.

MR MYKKELTVEDT: I have nothing, Commissioner.

THE COMMISSIONER: Thank you. Yes, who is calling the next witness? You may be excused. Thank you so much.

THE WITNESS: Thank you.

<THE WITNESS WAS RELEASED

MS HEATH: Commissioner, the next witness is Mr Les Peterkin. He is appearing by AVL, and I understand if it is convenient to the Commission, a 10-minute adjournment would help with setting up the technology.

THE COMMISSIONER: Yes, all right. I will adjourn for 10 minutes. Thank you.

SHORT ADJOURNMENT [2.45 pm]

MS HEATH: Thank you, Commissioner, I call Mr Leslie Angus Peterkin.

<MR LESLIE ANGUS PETERKIN, affirmed [2:53 pm]

<EXAMINATION BY MS HEATH

THE COMMISSIONER: Yes.

MS HEATH: Q. Your full name is Leslie Angus Peterkin?
A. It is.

Q. Mr Peterkin, on 14 November 2002, you signed a statement that has been provided to this Commission; is that correct?
A. That's correct.

Q. I misspoke; I think 2022 is the year we're in. Mr Peterkin, how old are you?
A. I'm 88 years old.

Q. You are appearing by AVL. Where do you live?
A. I live in Newcastle.

Q. You are retired, but I understand not at all inactive?
A. I work --

Q. Could you tell the Commission what you do?
A. Well, I'm very, very active. I still play the piano. One of my skills is as a pianist, I play the piano for five nursing homes during the week, but I also make a lot of videos which are all on YouTube about my career, about my travels, and a lot of music videos and about my - the subject that I was most interested in, which was ceramics and pottery.

Q. I might briefly touch upon a few aspects of your very rich and varied career. You were a physical education teacher?
A. Yes. I started that as a phys ed teacher.

Q. You also became a lieutenant in the Citizens Military Force?
A. That's correct, yes.

Q. You then became a potter and a ceramic artist?
A. Yes. Yes. I decided that I preferred to be a potter rather than a school teacher.

Q. And you are also a bag-piper?
A. I certainly was.

Q. You and your late partner, William, opened a studio of ballet, arts and crafts in Spit Junction?
A. That's correct. In 1971, yes.

Q. And when you eventually moved to Tweed Valley, you ran a pottery workshop and gallery called Bakehouse Pottery?
A. That's correct, yes.

Q. And also worked there on a casual basis as an arts, craft and music teacher?
A. That's correct, yes. I did 12 years at the local

school teaching art, craft and music.

Q. Mr Peterkin, I might, if I may, intrude upon a few personal aspects of your history. When did you first realise that your sexual preferences were for men?
A. I think I realised that at really quite a young age. I mean, I knew that my preference of sex was with another male rather than female, and, yes, it was at quite a young age, I would say, probably in the early teens, more than likely.

Q. You were born in 1934; is that correct?
A. Yes.

Q. And so, that would have been in the '40s that you --
A. Yes, yes. In the '40s, yes.

Q. You describe at paragraph 22 of your statement that upon that realisation for many years you suffered an amount of guilt upon when realising that you were gay.
A. Yes.

Q. Can you explain that?
A. Well, you know, you were taught that it - to be hard, to be gay, to be homosexual was bad, it was a sin, it was not the right thing to do, and naturally you felt guilty about the feelings that you had, you felt shame in doing this, and that became quite a problem, as far as I was concerned, because I knew that that was what I wanted to do.

Q. You describe that when you were about 23 years old, you in fact went to see a psychiatrist?
A. Yes, I did. There were pressures in my family to get married. "Leslie, when are you going to find a lovely girl and get married?" And that was something I really didn't want to do. And as a result of that, I did seek psychiatric help, and fortunately, in my case, the psychiatrist was very supportive and he explained that this was not an illness or a severe aberration, it was something reasonably normal for men. And that made me feel a lot better, and subsequently I pursued my gay life.

Q. You describe in your statement that that psychiatrist said to you to "be careful".
A. Yes, he did.

Q. What did you understand he was talking about when he said, "be careful"?
A. Well, I think he was well aware of what was happening in the homosexual world, that men were going to beats and there was a possibility there would be problems with harassment, homophobia and that sort of thing. And I was very grateful that that psychiatrist knew about that. Well, that's what I think he knew about. But first what he said was to "be careful", but of course I wasn't careful enough as it turned out.

Q. You said - you mentioned beats, and you describe in your statement that it was in about 1951 that you discovered that there were places that men would meet for sex?
A. Yes.

Q. Can you describe how you made that discovery as a young man?
A. Yes. Well, I used to enjoy going to the newsreel cinemas, and I decided if you sat in the front row or something like that, another fellow would sit beside me and there would be some movement of the knees rubbing and then a bit of fondling and stuff like that, and I also discovered by attending some public toilets, you would be there and perhaps someone would come in and you would exchange some signals and then some sex would take place as a result of that.

Q. Could I go back and ask perhaps a very basic question. What is a newsreel theatre?
A. Well, back in those days, in the '50s, there were two cinemas in Sydney which specialised in showing newsreels. They were - there was - I can't remember them now. Pathe, Movietone. I am trying to remember the names of the particular newsreel people, you know. But they were very popular and very well attended.

Q. You describe the public toilets where there would be an exchange of signals and then some interaction?
A. Yes.

Q. Where generally were those public toilets where that would happen? Where were they found?
A. Well, I can remember that there were public toilets on the North Shore, North Sydney, North Sydney Park, St Leonards Station. There were known public toilets on

the southern side, but which I never attended, Rushcutters Bay, Marks Park and things like that. But you learnt where these places were mainly by your interaction with other people who were also attending the beats, and you would exchange information in that way.

Q. You mentioned North Sydney Oval, and did I hear you mention St Leonards Park. I'm sorry. You are quite faint for me.
A. Yes.

Q. Was St Leonards Park another beat?
A. St Leonards Park, yes. That's right.

Q. You also said there were some south side beats. Which were the beats that you were referring to on the south side?
A. Rushcutters Bay, there was the Darlinghurst wall, Marks Park, Centennial Park. They were the only ones that I knew about, but I didn't attend those beats.

Q. And to help put a period of time on that, did you learn about those beats during the period that you started using beats in the 1950s?
A. Yes, that's right. 1950s, early 1950s, yep. Yes.

Q. Mr Peterkin, unlike some of our witnesses so far, you have also lived in regional and rural areas.
A. Yes.

Q. Are you able to tell us, first of all, do beats operate in regional or country areas?
A. Well, of course they do. I think every country town has a beat somewhere or other, if it is either a public toilet or a park or something like that. When I lived in Tyalgum, I was close to the town of Murwillumbah and Tweed Heads, and there were well-known beats there. In Murwillumbah it was the Lions Lookout. And in Tweed Heads, it was the - I'm just trying to think of the place - the Razorback Lookout was a well-known place where gay men would congregate.

Q. Now you are in Newcastle. Are there active beats in Newcastle and across the time that you've been there?
A. Yes, there are. There is one in Newcastle. There are supposed to be several in Newcastle, but the only one that I have attended in some years gone by is the one at Braye

Park. And that's a beat where men park their cars and then wander down to the bushes nearby for some interaction.

Q. You describe in your statement that there are two risks that are involved with attending gay beats, and you describe them firstly as "poofter bashing" --
A. Yes.

Q. -- and secondly as "police entrapment" --
A. Yes.

Q. -- which you say was a well-known hazard back then?
A. Absolutely. Well, you get to know about this thing. Back in those early days of the '50s, you got to learn about the dangers which were involved, as we used to call it, the "poofter bashing". And there were gangs or even individual people who would seek out homosexual men to bash them, to satisfy their urge to think that they're doing something good. And the other one was police entrapment, which we learnt about and which I was actually involved in.

Q. Yes, and I was going to turn to that topic. So you had an experience personally with police entrapment --
A. I did.

Q. -- in 1956. Can you tell the Commission what happened?
A. Yes. Well, I stopped - I was in town somewhere - I can't remember the details now, but I was coming home. I lived in Mosman. I was coming home. I stopped off at the North Sydney Oval public toilet, and I went into the toilet and stood at the urinal, and I was actually urinating, and a very young good looking fellow in a dark suit came and stood beside me. He pulled out his penis and started to make signals to which I reacted. And the next thing, he grabbed me by the scruff of the neck and said, "You're under arrest".

Q. And what happened after you had been grabbed?
A. Well, I was terribly shocked, of course. He took me out to a waiting unmarked Holden sedan, and sitting in that sedan was another detective from North Sydney Police Station. I was pretty roughly treated, shoved on the back seat and accused of soliciting for sex in a public place. And I was questioned extensively about my name, personal details, where I worked, what my motives were, and all that sort of thing, and I was to be taken back to the police

station to be charged and imprisoned.

Q. And how did you feel going through this, facing the threat of charge?
A. Well, it was a very traumatic experience. I was totally gripped with fear and worry about what - immediately, you know, what's going to happen to me, my career, my standing in the community? And, of course, I broke down and I explained to the detective that my father was Sergeant Peterkin at the Chatswood Police Station. The detective was quite surprised about this. I can't recall his name, but he, after a little bit of consideration, said, "Oh, well, in that case I'm going to let you off", but five pounds in your hands and go to Kings Cross - I won't use the words he said, but I will just say that he intended to say, "Go to the Kings Cross and have sex with a woman." I didn't actually follow that advice, ever.

Q. Is your understanding that that was because, as you mentioned, your father was a police officer?
A. Yes. Yes. It was because of that. And I'm very grateful for that, really, because it would have been very traumatic to have been charged with soliciting. And, you know, it would have damaged my career as a teacher. I was a very well respected and a very good teacher, sports master. It would have been shocking if that happened, so I am very, very grateful it didn't happen.

Q. How did that incident affect your behaviour going forward?
A. Well, it stopped me from going to beats, naturally, for quite a long time. And right through 1950, '60, I travelled overseas. But then it wasn't until I came back from overseas that I became - the urge was to visit a beat again because that urge was sex and it's quite a strong one.

Q. So you come back and start using beats again. In your statement, you describe that in 1961, you went to a beat that operated at Neutral Bay Wharf; is that correct?
A. Yes. That's correct, yes.

Q. And it was at that wharf that you met somebody at the beat who became a life-long friend?
A. That's correct, yes. And that was another thing which was very important in my gay "career", if I can call it that, to meet somebody who took me to - well,

friendship-wise and sex we hit it on very very well at the time. And Barry, his name was Barry, he was already quite involved in the gay scene in Sydney, and he introduced me to places like the Carlton Bar, the Rex Hotel and places like that where gay men would congregate for a drink and a chat, and get to meet each other and that sort of thing. So that was a very, very important thing to happen to me, and you begin to discover that you're not the only person this way inclined, if you know what I mean.

Q. So that was in 1961. Can you describe --
A. Yes.

Q. -- what the gay scene in Sydney looked like in 1961?
A. In 1961, there was the beginnings of the gay bars, where men would meet other men, and gay clubs and gay saunas began to become obvious in those days. Places like the Purple Onion, which was a wonderful gay venue where you could go and have a very pleasant social occasion there and see shows, and places like that. That was the gay scene. That sort of thing, I think, yes.

Q. How did that change your level of comfort with your own sexuality?
A. Well, it just made me feel more relaxed and more at ease with my sexuality. That's basically what happened.

Q. We have already mentioned that your father was a serving police officer?
A. Yes.

Q. How was the interaction where you came out to your family?
A. Yes. Well, I think, as I've said in my statement, I then had a boyfriend that I had met at the Mosman Musical Society and we became very close friends, and we decided to live together in 1962. And my father and mother came to visit and I said, "This is my boyfriend, Geoffrey", his name was. And my mother said to me, "You don't mean to tell me you love this man, do you?", and I said, "Yes, I do", and my mother was very distraught. In fact, she fainted on the floor. But my father was standing by. He said nothing and he didn't seem to worry too much about what was happening, but my father was by that time the sergeant or - yes, still sergeant - at Griffith in the country. And he went back to Griffith, and my mother - I hadn't heard a word from mum from about six weeks and then

I got a letter from her, and she said, "Your father and I went to the doctor and we just asked just what was happening to you, and the doctor told us it was okay. So don't speak about it again." And we never did. But my gay life and my future relationships were all very well accepted by my family, all of my family, and I never had any problems.

Q. If I could go back to the topic of beats, and if we fast-forward a little bit in the chronology. So you come out to your parents in about 1961-62?
A. '63. '63 it was, yes.

Q. 1963?
A. Or '62, I think. Something - around then.

Q. In about 1978, you had an experience where you were attacked at a gay beat?
A. Yes, that's right.

Q. Can you tell us about that experience?
A. Yes. I wanted to include that in my submission, because this submission is about homophobia and that sort of thing, so that was an important inclusion. I was - apart from being a potter, I used to be a handyman and I used to go around doing handyman jobs as a supplement to my income. And one afternoon, I stopped at a public toilet at Kirribilli, and it was just to urinate because at this point I was in a relationship and a monogamous relationship. However, I was standing at the urinal and a fellow, a very tall thin Caucasian gentleman came around came around the corner with a very long thin carving knife and threatened me, to stab me, and he was making very abusive comments about being a gay and all that sort of stuff. Well, of course I high-tailed it out of there double quick time. And I did go straight to the police at North Sydney Station, and having my father being a policeman, I have always been comfortable with the police and I have never had any problems. I reported the incident, but I don't know whether they actually went back and did anything about it.

Q. How did you feel that you were treated upon reporting to the police?
A. How was I - I was treated very well. Yes, I was. Yes.

Q. Across your life, you have lived in Sydney and also Tyalgum?
A. Yes.

Q. Can you describe in summary terms how you found living as an openly gay man in Sydney and also in Tyalgum?
A. Well, I've never actually had any problems. I've always been most interested in pursuing my career. My partner, William, we didn't discuss - I met William at the end of 1963. William was a ballet dancer, and we became very firm friends and a partnership which lasted for 40 years. William and I started - you did mention this before - we started the studio for dance and pottery at Spit Junction, which was a most successful venture. We had lots and lots of clients. William had lots of ladies coming to his jazz ballet classes, and children; he taught children dancing. And I had a very, very successful following in my pottery studio as a potter, and I also made pottery for sale. So I had no - never had any real problems being a gay person in that situation. It was a sort of situation you don't go around telling everyone you are gay or anything, but people might perceive that you might be because you have a male partner, but it's not necessarily knowledge. And when there's knowledge, it also always transcends belief. And when I moved to Tyalgum and I bought a derelict bakery and converted it into a very successful pottery business, I almost immediately began teaching at the primary school, because I had the background and the qualifications as a teacher, and I was teaching art and craft and music. However, in a small country town, you do take the risk that there will be a homophobic element present. And I was subjected to homophobic activity on several occasions.

Q. You detail some of those in your statement, and you, in particular, note that when you were in Tyalgum the AIDS epidemic led to a setback for gay acceptance?
A. It was a great setback. Your previous talkers, the last presenter, made mention of this quite considerably, so I don't need to go into it, what I think about it and everything. But yes, definitely the AIDS epidemic was a setback, and there was an incident in Tyalgum that happened to me. If I might relate that to you?

Q. Of course, yes. Could you tell us about what happened to you in Tyalgum?
A. Yes, on a January afternoon in 1983, the AIDS crisis

had raised its ugly head and the Grim Reaper, which has also been mentioned a few times, the commercial was already on the television and that sort of thing. My next door neighbour, a butcher, came back from the pub, or the hotel, I suppose I should say, in the afternoon. I was sitting out the front of my shop, and he said to me, "They're talking about you in the pub, Les." And I said, "Oh, what are they saying Bob?" He said, "They're saying you've got AIDS and they're going to stop you from teaching at the school, and there's going to be a P & C meeting to make sure this happens."

Q. How did you respond to that?
A. I have never allowed anybody to be derisive or derogatory to me in my entire gay career, and I said to Bob, "Well, you go back to the pub and tell them that the first person who says anything publicly in a derogatory or a defamatory or a threatening manner to me will be sued for a minimum of half a million dollars, and I have a very good lawyer in Sydney who would be quite happy to do that." And that response, I think there was a meeting, but nothing came of that meeting, and I continued to do the work at the school for a very successful 12 years.

Q. You mentioned earlier, and you also mention in your statement, that there were some occasions where students at the school made comments that were homophobic?
A. That's right, yes.

Q. Or abusive?
A. Yes.

Q. Can you tell us what those were and how you dealt with them?
A. Yes. Well, there was one - there is an incident that happened which I didn't include in my submission, if I can relate that one as well. This was only weeks after I moved into my pottery shop, and I was watering my petunias out the front of the shop, and across the road was a tennis court. And there was a group of young fellows playing tennis. And I could hear them calling out, "Poofter. Poofter." So what did I do? I went across and I said to them, "Righto, you fellows. You stand here in front of me. Stand up in front of me, the person who is calling me a poofter, and - if you're game enough. And then I'll drop you like a ton of bricks." That was my reaction. Then I rang the father of one of those boys and I said, "I think

you should do something about your son. He is calling me a poofter and you should teach him a few manners." And he said, "Oh, we all know you are a poofter because you haven't got a girlfriend." So that was the sort of reaction that you could expect. But the other incidents when I did hear children calling me a poofter, I used to go straight to the parents and I would insist that they make that child apologise and that they do something about teaching their children some manners and respect for elderly people.

Q. And overall, did you find that you were successful?
A. Very much so, yes. Yes. And I had very little problems there. You know, I was very well respected in that community. I was the president - I was elected president of the Progress Association in Tyalgum at one stage and I received an Australia Day Medal for public service while I was in that country town. And that's one of the things that I want to stress in this, in my statement, that it is possible to be a successful and well respected person even though you are gay.

Q. Thank you. I just want to very briefly, in conclusion, return to your experiences with police.
A. Yes.

Q. Because if I might suggest this: that you had two quite different experiences with police?
A. Yes.

Q. On one hand, you describe being the victim of police entrapment, which was a very traumatic experience?
A. Yes.

Q. But, on the other hand, you did have an experience of reporting violence at a beat to police --
A. Yes.

Q. -- and you were treated respectfully, and also had a father who was a police officer, who was ultimately accepting of you as his gay son.
A. Yes.

Q. Are you able to offer any reflections for this Commission on the changing relationship that police have with the gay community?
A. Yes. Well, I think there has been a significant

change, and I think that the advent of - well, once homosexuality was decriminalised things started to improve, of course. But as the years have gone by, such things as the gay liaison, police gay liaison, and there has been acceptance generally, I think the attitudes of the police has improved considerably. I did have another incident in Newcastle here at Braye Park where my car was, the windscreen was smashed from the back of my car one day when I was parked up there, and I did go straight to the police on that occasion. There had been quite a bit of trouble happening at Braye Park back at that particular time, 2014, and I did report the matter, but police were very friendly and very supportive upon that occasion as well.

Q. And that was 2014, you said?
A. That was 2014, yes.

Q. And so your experience there was a positive one with police when reporting?
A. Yes. Yes, it was. Yes.

Q. And what was the occasion - what occurred in 2014 in Braye Park?
A. Well, there was quite - it was known as a beat, and there was quite a lot of activity happening there, but there was an incident where somebody got bashed at Braye Park and the reporting in the newspaper was very highly overdone. Like, it said hundreds of men visiting this beat and all this sort of stuff, which wasn't really the case. And there was a lot of police harassment and presence there, and the council decided they would put up signs, "No Parking", and all that sort of thing, and that went on for quite a while, but then eventually it all subsided.

Q. What are your hopes, Mr Peterkin, going forward, for the relationship between police and the gay community?
A. Well, my hope is that it continues as it is now. I think I can say safely now that there is a very good rapport between the police and the gay community, from what I can gather, and I do keep in touch with all this sort of thing, and hopefully it will continue. I'm sure it will. But don't forget homophobia is always present. We mustn't ever forget that. In fact, sadly, there was an incident in the United States yesterday where somebody walked into a gay bar and shot several people. Hopefully, that's not going to happen in this country, but it's - we do have to be mindful that because of religious and various countries

that have still not decriminalised homosexuality, there will always be an element of hatred and homophobia. It is not only for gay people; it's for Aboriginals, it's for people who are different, people whose skin colour is different. But we all suffer from this kind of hatred. It's a sad human state. But, anyway, my answer to your thing about the police is I do hope it will continue, and I am sure it will.

Q. Thank you, Mr Peterkin, very much for those comments.

MS HEATH: Commissioner, those are my questions.

MR MYKKELTVEDT: I have no questions, your Honour.

THE COMMISSIONER: Mr Peterkin, thank you very much for your evidence today and for your contribution. I release you from giving further evidence. Thank you.

THE WITNESS: My pleasure.

<THE WITNESS WAS RELEASED

MS MELIS: Commissioner, that concludes the evidence for today. Tomorrow, we will hear from Dr Gary Cox and Mr Bruce Grant.

THE COMMISSIONER: Thank you. Then I will adjourn - yes?

MR MYKKELTVEDT: Sorry, just before your Honour adjourns, can I indicate that Ms Richards will appear tomorrow on behalf of the Commission.

THE COMMISSIONER: Yes, all right. Thank you very much. All right. I will adjourn then until 10.00 am in the morning. Thank you very much.

AT 3.27 PM THE HEARING WAS ADJOURNED TO 10.00 AM ON WEDNESDAY, 23 NOVEMBER 2022

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