



Special Commission of Inquiry into LGBTIQ hate crimes

Statement of Brent Mackie

16 November 2022

This statement made by me accurately sets out the evidence that I would be prepared, if necessary to give to the Special Commission of Inquiry into LGBTIQ hate crimes as a witness. This statement has been prepared from my own knowledge and also from perusing the records of ACON. The statement is true to the best of my knowledge and belief.

Background

1. My name is Brent Mackie.
2. I am 61 years old. My address is known to the Special Commission of Inquiry.
3. I am currently employed as the Director of Policy, Strategy and Research at ACON. I have held this position since September 2022.
4. I worked as a Youth Worker at the Twenty10 Youth Refuge Association (as it was then) between June 1987 to October 1988.
5. I have worked in a variety of roles with the AIDS Council of NSW (as it was then) between November 1988 to February 1997, including as a Youth Peer Education Officer, a Community Development Unit Manager and as an Education Unit Manager.
6. Between February 1997 and May 2014, I held positions within the NSW Ministry of Health and the South East Sydney Local Health District. These positions focused on drug and alcohol policy, HIV/AIDS and sexual health programs and policy, and communications.
7. I returned to work at ACON in May 2014 as the Manager of Community Partnerships and Population Programs relating to HIV and sexual health. I moved into the Policy, Strategy and Research Team in February 2018. I am currently the Director Policy, Strategy and Research.
8. I hold the following professional qualifications:
 - Master of Arts in Health, Sexuality and Culture from the University of NSW (2007);
 - Post Graduate Diploma in Communications from the University of Technology, Sydney (2000); and
 - Bachelor of Arts in Sociology from the Victoria University of Wellington (1985).
9. I moved to Australia in 1985 and have lived in Sydney since that time. I have been an active member of the LGBTQ community in Sydney since 1985. From 1994 until 1996, I was a member of the Sydney Gay and Lesbian Mardi Gras Parade Committee. From 1997 until 2000, I was on the Board of Directors of *Sydney Star Observer* Community Newspaper. I have

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previously been a member of Twenty10 Youth Service, ACON Health Limited, and the Sydney Gay and Lesbian Mardi Gras. I am currently a member of the Sydney Queer Screen Film Festival and Positive Life NSW.

ACON

10. ACON is Australia's largest HIV and sexuality and gender-diverse health organisation. ACON was established in 1985 as the AIDS Council of NSW to fight the devastation of HIV/AIDS. The organisation changed its name to ACON in 2009. For simplicity, I will refer to the organisation as ACON throughout this statement.
11. ACON was a community response to the HIV/ADS crisis, with members of the community, friends and lovers looking to do what they could because the response by government was seen as insufficient. At the time, there was increasing fear, concern and misinformation in the community about HIV/AIDS, which resulted in stigma and discrimination towards people living with HIV/AIDS and to the gay community more broadly.
12. ACON was a community response to that fear, concern, misinformation and discrimination. ACON worked by providing support and care for people living with HIV/AIDS, by providing clear, accurate and relevant prevention education about the disease directly to the community and by advocating to the government and the health system for the rights of people living with HIV and the gay community.
13. In March 1985, ACON began receiving some funding from the Australian Government and it hired its first employee in June 1985. ACON received additional funding from both the Australian and NSW Governments at the end of 1985, which allowed it to hire more staff. ACON rapidly expanded over the following years, receiving additional funding from the NSW Government to provide prevention education, care and support programs to the community.
14. The early years of ACON were defined by the immediate need to respond to the HIV/AIDS epidemic in NSW. Today, ACON remains committed to ending HIV for everyone in our communities. We deliver campaigns and programs to eliminate new HIV transmissions and we support people living with HIV to live healthy and connected lives. This remains core to ACON's work.
15. ACON has established Australia's first community-based rapid HIV testing service, developed the 'Ending HIV' education framework which is used by NSW Health and other states, territories and countries, contributed to the rollout and widespread adoption of PrEP medication in NSW in partnership with other stakeholders, and led other efforts to get more people living with HIV to initiate treatment earlier in order to improve their health. HIV transmission rates in NSW are now at the lowest levels since records began in 1985.

The Grim Reaper Campaign

16. I noted above at [11] that ACON was formed by the community because the government was seen as not doing enough to address the HIV/AIDS epidemic. However, some of the actions by the government were not just inadequate but also potentially harmful. The *Grim Reaper* campaign, while important in raising awareness of HIV within the broader Australian community, also greatly contributed to distress and increased discrimination and stigma towards people living with HIV/AIDS and towards gay men.
17. The *Grim Reaper* campaign, with its images of a *Grim Reaper* figure bowling down men and women and even babies, exaggerated the real threat of infection with AIDS to the general population while providing no actual information on how HIV was transmitted. The campaign contributed to a belief that it was possible to catch HIV from sharing a toothbrush or being

spat on, or the like. This poor understanding of HIV transmission contributed to fear and stigma against people with HIV/AIDS and gay men.

18. Indeed, that poor understanding still persists to some extent among the wider community, which has not been as exposed to education campaigns or kept up with the science around HIV/AIDS to the same extent as the LGBTQ community. A recent example of this can be seen with the recent introduction of Mandatory Disease Testing legislation in NSW, which allows police and other front-line workers to order mandatory HIV tests as a result of being spat upon or having come into contact with other bodily fluids.
19. As a result of the hysteria whipped 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. Half of the 88 deaths considered as part of the preparation of *In Pursuit of Truth & Justice* (discussed below) occurred between 1987 and 1993, when panic and misinformation around AIDS was hitting its peak. There were cases where AIDS was considered to have played a role in motivating the assailant, and there appeared to be a correlation between media coverage of AIDS and the level of violence.¹ The *Grim Reaper* campaign inspired a massive media response across Australia, where journalists, media commentators, politicians and others discussed the details of gay men's lives, sex and sexuality, often alongside calls for criminalisation, restriction and discrimination.
20. In contrast to the fear-based *Grim Reaper* campaign, ACON developed community-led campaigns that provided clear and accurate sex-positive information using community language and imagery. ACON's work then and now is designed to build on the strength and resilience of the LGBTQ community to respond to our health needs.
21. ACON and the Victorian AIDS Council (as it was then known) directly countered the Grim Reaper campaign by issuing a joint press release stating the campaign was confusing and potentially dangerous. The impact at the time on ACON's work was also a dramatic disruption to ACON operations for six to eight weeks as the phones continually rang with 'worried well' callers wanting to know if they had AIDS.

My work with the AIDS Council of NSW in the 1980s and 1990s

22. As stated above, I started work as a Youth Worker at ACON in 1988. My role was, along with another youth worker, to set up and run the ACON Fun and Esteem Youth Project (the Youth Project).
23. The Youth Project delivered safe sex education workshops to young gay men between 18 and 26 years of age over several evenings. We worked with young men living in refuges and crisis accommodation, culturally and linguistically diverse young men, young men who had experienced homophobia, sex workers, young men who had been thrown out of their homes because of their sexuality and young men living with HIV. In our first year around 150 young men attended our workshops or drop-in groups in Surry Hills.
24. Many of the men participating in the Youth Project had been victims of stigma, discrimination and abuse. The project offered them a space to support and learn from each other about sex, safe sex and HIV prevention, but also to form social connections and build friendship networks.

¹ See, for example, Nick Cook, *Fighting for Our Lives* (New South Publishing, 2020) 29, 43 and 292.

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25. A key goal of the Youth Project was to improve the self-esteem and confidence of the participants, making them better able to negotiate safe sex and also better able to deal with coming out as gay, responding to homophobia and dealing with the world around them.
26. During my work as a Youth Worker at ACON, I dealt with many young men involved in the Youth Project and with co-workers becoming sick and dying from HIV/AIDS. This was always extremely difficult and painful.
27. In 1989, we expanded the work of the Youth Project to include running workshops in Harris Park and later in Blacktown. We did this because many of the young men attending our workshops were from Western Sydney.
28. Once at one meeting in Harris Park, a couple of the participants were attacked by a group of men while on their way to the workshop. As a result, after they arrived, we locked ourselves and the participants inside the building, deeply frightened, while the assailants lingered outside, yelling abuse. They ultimately left after getting bored several hours later. Sadly, two of the group participants left the meeting and never returned. Ultimately, we stopped offering the workshops in Harris Park as the streets were too unsafe.
29. In 1994 I became the Education Unit Manager at ACON and managed projects such as the Campaigns Project, and Venues Project, Rural Project, Speakeasy Project and Gay and Lesbian Injecting Drug Use Project.
 - a. The Campaigns Project produced the key safe sex HIV prevention campaign ACON delivered at this time. These campaigns included placing posters and other materials in bars, clubs, sex-on-premises venues, and in the streets around inner city Sydney, featuring images of gay men and lesbians talking about safe sex. They also included advertisements in community newspapers and outdoor promotion during the Sydney Mardi Gras.
 - b. It was the Venues Project's role to make sure all the gay bars, clubs and other venues promoted our campaigns.
 - c. The Speakeasy Project employed outreach workers who went to gay venues to engage gay men in conversations about safe sex and HIV prevention.
 - d. The Rural Project workers travelled to towns across NSW sharing information and education with local gay groups and networks.

LGBTQ community response

30. The 1980s and 1990s was a time of increased violence towards LGBTQ people. While living in Surry Hills and Darlinghurst during this period, I became increasingly aware of the potential threat of violence in the streets, especially if you were out at night. Stories of friends or people you knew of having experienced violence were common. Stories of violence at beats, in parks and in dark streets were often shared.
31. In the early 1990s it was not uncommon to be told by colleagues at ACON on a Friday to be careful and to watch out this weekend because people had heard people were being bashed.
32. There were a number of community-led safety campaigns in response to the increased violence. In 1990, Dykes on Bikes began night patrols to protect the gay community in Sydney, particularly around Oxford Street.
33. In 1990, the Lesbian and Gay Anti-Violence Project ("AVP") was founded. The AVP was a grassroots response to homophobic violence and abuse in the inner city where LGBTQ people

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congregated and socialised. The AVP ran volunteer street patrols in that area to protect the gay community.

34. In 1992-1994, the AVP produced reports on instances of violence, including *Streetwatch*, *Off our Backs* and *Count & Counter* to document and record instances of violence. The AVP later began producing a quarterly journal, *Lifesaver*, with information and campaigns around community safety and reducing homophobia.
35. In this period, ACON also engaged in advocacy aimed at reducing experiences of violence, homophobia, transphobia, and discrimination. This included advocating for changes to Anti-Discrimination laws, such as protections for people with HIV and transgender people (adopted in 1994 and 1996), attending conferences and participating in research about violence against LGBTQ people, and advocating for Gay and Lesbian Liaison Officers both at City of Sydney Council and in the Surry Hills Police.
36. One of the AVP's safety campaigns was the Whistle Project. Members of the LGBTQ community were given a whistle to wear when going out and encouraged to attract attention in a dangerous or threatening situation, including from the AVP's street patrols.
37. On 13 June 1990, the *Sydney Star Observer* published an article that described the start of the Whistle Project and early discussions which led to the Safe Place Project: "Blow the Whistle on Bashers" (SCOI.77296).
38. Another of AVP's safety campaigns was the Safe Place Project, which began in 1992 in response to the high levels of street-based violence being experienced by LGBTQ people. This established physical refuges for LGBTQ people. These were often local cafes, bars, shops and community-friendly businesses where people could go if they experienced violence or felt unsafe on the street. All Safe Places displayed a Safe Place symbol (a pink triangle with the words "Safe Place" around it). Safe Places also displayed a charter which promoted equality and acceptance, with a commitment to protect victims and get help.
39. The Safe Place program was relaunched in partnership with South Sydney Council and ACON in 2002, in the lead up to the Gay Games. In its first year of re-launch, over 150 businesses in South Sydney, Sydney City, Marrickville, Wollongong, Newcastle and Lismore became part of the program.
40. Over time, the Safe Places program evolved to support the LGBTQ community as the nature of homophobic and transphobic violence changed. The program is now called "Welcome Here", and its focus has shifted from safety to creating welcoming and inclusive places. Participating businesses display a sticker to alert community to the fact that LGBTQ diversity is welcomed and celebrated by that organisation. Members of Welcome Here must commit to welcoming and including LGBTQ+ people, creating positive change in their local community, and celebrating LGBTQ+ diversity days. In 2021-2022, the project grew by 747 businesses, bringing the total to 1958 businesses across 3603 sites participating in the project.
41. In the financial year 2000-2001, the AVP was absorbed within ACON. In its first full year with ACON (2001-2002), the Project launched a campaign called 'On Any Street' to promote a range of strategies for protecting community and personal safety to reduce homophobic violence. The project also ran anti-homophobia workshops with service providers, and self-defence workshops for close to 100 community members. It built strong working relationships with Surry Hills, Bondi and Waverley police.
42. Throughout the 2000s the AVP continued to run campaigns, self-defence workshops and anti-homophobia initiatives for businesses and services, including the Safe Place program. It also launched a website in 2002-2003 with an online reporting function.

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43. Another key function of the AVP was its reporting service, where community members were encouraged to report instances of homophobic or transphobic violence to the AVP reporting service (via telephone and later online), so that these instances could be recorded, and victims could report their experience to someone they trusted and felt safe with.
44. From the data we have available, the following is the number of reports of violence, harassment and abuse received by the AVP. There is an absence of data for some years because the newsletter for the AVP called *Lifesaver* did not always publish the statistics.²
- November 1988 – April 1989: 67;
 - 1992: 90;
 - 1993: 94;
 - 1997: 250;
 - 2003-04: over 130;
 - 2004-05: over 90;
 - 2006-07: 62;
 - 2007-08: 122;
 - 2008-09: over 70;
 - 2009-10: 80.

Beats Outreach Project/Beat Officers

45. The Beats Project began in November 1988 to provide education to men who use beats for having sex. ACON's HIV prevention programs had until this point largely focused on the gay community, but research conducted as part of the Westmead Hospital Beats Study found that a large number of the men using beats did not identify with or participate in the gay community at the time, and therefore had limited access to clear, accurate and sex-positive HIV prevention information – as referred to in earlier points about the *Grim Reaper* campaign.
46. Beats workers were trained in self-defence and worked in pairs for safety. They would discuss HIV transmission with men at beats, provide condoms, written information, and where appropriate, referrals to ACON's peer education programs.
47. In 1990, the Beats Project expanded into the Inner West, South West, and Southern Sydney areas, as well as the Hunter and the Illawarra.
48. Project officers would also produce campaign material, such as stickers with information and phone numbers, to place at beat locations. This was done in collaboration with local councils and police, and while councils were often collaborative, occasionally it was difficult. In 1990, Blacktown Council prohibited the use of explicit stickers, forcing ACON to change the messaging.
49. In 1993, ACON published a report titled *Beats, Police, Homophobia and HIV* (SCOI.77298) ("the *Beats Report*").
50. The need for the *Beats Report* became apparent from increasing reports of police and council surveillance of beats over the period of 1988-1992. This suppressed beats, encouraged social

² The data for the 1991 year is incomplete. The *Off Our Backs Report* (SCOI.76803), a report into anti-lesbian violence, recorded 42 responses. The *Count and Counter Report* (SCOI.76804) looked at the period between November 1991 and June 1992 and the second period covered July 1992 and June 1993. There was a total of 24 responses recorded for November and December 1991. There was, therefore, a total of 66 reports recorded for 1991. This is, however, an inaccurate figure given that there is a gap in the data for the months between May-November 1991.

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stigmatisation of them and disempowered the men who used them. This made users of beats more reluctant to report complaints and seek redress for experience of violence at beats.³

51. Surveillance of beats also hampered access to the target group of the Beats Outreach Project, and therefore interrupted the education which it aimed to provide.
52. The *Beats* Report recommended the promotion of awareness of beats as a public health issue, and the development and implementation of standards mechanisms to improve the policing of beats so as to minimise impacts on the Beats Outreach Project.
53. Arising out of the *Beats* Report, ACON sought to develop a formalised agreement with NSW Police about the conduct of the Beats Outreach Project. 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. In 1995-1996, Police produced guidelines for policing beats to ensure less adversarial contact.
54. The Beats Project operated at all regional ACON sites, including Northern Rivers, Hunter, Mid North Coast, and the Illawarra, as well as Western Sydney. In 1991-1992, the Hunter beat workers provided information at 67 beats and contacted 536 users, and the Illawarra and Northern Rivers teams each spoke to approximately 240 men. These figures increased throughout the early 1990s.

Personal experiences of violence

55. I experienced homophobic violence several times during the 1980s and 1990s. Two times, in particular, stand out in my mind. The first was over the summer of 1985-1986, soon after I had arrived in Australia. I was walking during the day on Commonwealth Street in Surry Hills with a female friend. As I walked past another young man also with a young woman, he turned to me and spat in my face and yelled abuse. At first, I couldn't think why he would have done that. It was only later, when I thought about it, I realised it was because I looked and was gay. It was a shocking and deeply distributing experience.
56. My second experience was during New Years' Eve 1988. I was with my partner walking up Oxford Street before Palmer Street just after midnight. I passed a group of young men and women in order to hurry up. One of the men in the group turned to me and suddenly, king hit me in the head. I fell to the ground. The people with him laughed. Fortunately, it was not hard enough to do serious damage, and the group of men and women continued walking. My partner came to my assistance and picked me up. My night was over at that point, and we both went home and stayed there for several days. It was a horrible experience, one that made me feel totally powerless. I remember my partner saying at the time, "I knew one of us would get it sooner or later." After that, we were far more careful when we went out.
57. A close friend of mine from work was badly bashed by a group of young men in Redfern Park during the day around 1989. He had to take a week off work to recover. My friend reported it to the police, but the people who bashed him were never caught.

In Pursuit of Truth & Justice

58. In around 2015, ACON began working with a range of community partners to address the grief and trauma brought on by historical LGBTQ hate motivated violent attacks that was still being felt by many in the community.
59. In the search for justice and healing, one the projects undertaken by ACON was the review of a list (not exhaustive) of 88 suspected anti-gay homicides which occurred from the 1970s to

³ *Beats* Report, 74 (SCOI.77298).

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2000. The review had the following objectives: truth, justice, healing, vigilance, advocacy, policy, awareness and relationship building.
60. This project was instigated as part of the community response to the NSW Police's review (Strike Force Macnamir) that they conducted on the high-profile Scott Johnson case, and their ensuing public claim (on a Lateline interview in April 2015) that there was no evidence of related homophobia and their dismissing remarks that homophobic violence was not a concern in Sydney around this time.
 61. Following this Lateline media report, ACON met with other community organisations (Gay and Lesbian Rights Lobby, Mardi Gras, Inner City Legal Centre) and Garry Wotherspoon (community historian) and decided that ACON records, along with other data, should be examined and compiled into a standalone report which would include a dossier on each of the suspected murder cases. It was felt that it was important to have a community voice on this issue, and that it was also important to have these men's lives remembered and honoured through a community based, historical document.
 62. In the work over the ensuing years, the report was turned into a higher-level project that did not identify the deaths by reference to individual names. This would differentiate the report from the Strike Force Parrabell report, which was being prepared by the NSW Police at a similar time, and focus instead on the themes behind the hate crimes. The report was drafted by staff internally with legal support from Dowson Turco Lawyers and ethical advice from Letts Consulting.
 63. The report was reviewed by NSW Police including Assistant Commissioner Tony Crandell, who provided feedback that was then incorporated into the final report.
 64. On 26 May 2018, ACON released its landmark report in relation to these deaths, titled *In Pursuit of Truth & Justice: Documenting Gay and Transgender Prejudice Killings in NSW in the Late 20th Century* ("*In Pursuit of Truth & Justice*"). It is important to appreciate, as I noted above, that the list of 88 cases was not exhaustive. *In Pursuit of Truth & Justice* was a report on those 88 cases only; it did not report on the incidence and impact of anti-LGBTQ violence outside of those cases.
 65. Following the release of *In Pursuit of Truth and Justice* and the Strike Force Parrabell report in June 2018, the first NSW Parliamentary Inquiry into gay and transgender hate crimes was announced in September 2018, and ACON continued its work in actively participating in policy processes in pursuit of truth and justice.
 66. Other work in this space includes the Bondi Memorial Project, one of a range of initiatives to address the ongoing impacts of hate and violence on LGBTQ communities, and to commemorate those whose lives were lost and pay tribute to the courage and resilience of those who survived, as well as their families and loved ones.

Expansion of the work of ACON

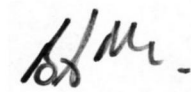
67. We are a fiercely proud community organisation. For our entire history, the work of ACON has been designed by and for our communities. We remain committed to ending HIV for everyone in our communities. We do this by delivering campaigns and programs to eliminate new HIV transmissions. Supporting people living with HIV to live healthy and connected lives remains core to our work.
68. As we have grown, we have been proud to work with a diverse range of people to ensure their voices and health needs are represented in the work we do. We help our communities take control of their health so they can look after themselves as well as their partners, family and

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friends. We offer a range of services including sexual health, mental health, alcohol and other drugs, safety and inclusion, domestic and family violence and ageing.

69. We have continued to evolve as an organisation, developing significant new programs and services to meet the needs of our community, especially in the areas of training, capacity building, cancer prevention, and clinical testing and screening services.
70. Our work remains primarily based in NSW, but some of our programs, including our inclusion programs and our domestic and family violence campaigning, operate nationally.
71. In 1996, the NSW Attorney General's Working Party drew attention to the issue of anti-gay violence and homicides through a report on the 'Homosexual Advance Defence' in NSW Courts. ACON became engaged in discussions around these issues from an early time.
72. 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 in NSW. Across all of our work, we create opportunities for people in our communities to live their healthiest lives, including to live lives free of violence, stigma, and discrimination. This includes advocacy to positively change legislation and oppose adverse changes, providing submissions to parliamentary inquiries regarding the health of our communities, and seeking funding commitments from members of Parliament to continue to create new opportunities for health programs for our communities.

Signature:



Name: Brent Mackie

Date: 16 November 2022