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Wayne Davis, right, with his late parter William Rooney Source: SBS

Life



Police admit blunders in gay-hate murder hunt

EXCLUSIVE: Bill Rooney's boyfriend always said he was murdered because he was gay. Thirty years later, police reviewing dozens of potential gay-hate killings managed to reject Rooney's case – because of a simple slip of the pen. An SBS investigation reveals embarrassing flaws in the police re-examination of these cases.

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The NSW Police Force has admitted its officers may have made serious mistakes while re-examining potential gay-hate murders among a list of 30 unsolved deaths. An SBS investigation has uncovered a failure by police to check even basic details for some of the men, resulting in an erroneous assessment being provided to NSW State Coroner Michael Barnes.

In a crucial review of the 30 unsolved cases, police dispensed with the 1986 death of a "William Rudney" in four lines, beginning: "There are no coronial records of a death of a person of this name."

But that is because the dead man's name was not Rudney. It was Rooney – and there are indeed coronial records for a William Rooney.

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If police reviewing the cases had discovered the spelling error, they might also have learned that some diligent detectives in the 1980s came to doubt Bill Rooney died because of a drunken fall in a Wollongong lane, as proposed by their police colleagues.

Rather, the detectives suspected Rooney was murdered by a notorious sexual sadist who they went on to charge with bashing and raping 12 other gay and straight men, including a homosexual victim who recalled his attacker saying: "I'll kill you like I did the other poofter in the laneway."

Thirty years later, the blunder is galling for Rooney's partner, former TAFE teacher Wayne Davis, who always insisted Bill was murdered because he was gay. Davis told SBS: "They're saying Bill's case didn't exist."

He maintains his belief that police "didn't treat all human life equally", and that his concerns – along with Rooney's death – were dismissed because they were gay men in an era of widespread homophobia. It astounds Davis that even current-day police couldn't find Rooney's case. "It was all over the newspapers."

The bungle also shocks Superintendent Tony Crandell, police commander at Surry Hills and the force's spokesman for sexuality and gender diversity.

"Of course it alarms me," Crandell told SBS's The Feed. "We're talking about the death of a human being. That in itself lends a great deal of gravity to the investigator, and a great deal of responsibility to make sure that there's thorough investigations conducted."

Gay hate murders

26 Sep 2016, 7:30 pm

Gay hate murders

Crandell is overseeing Operation Parrabell, in which nine detectives have been reviewing 88 deaths from the 1970s, 80s and 90s to assess how many might fit the gay-hate category, and whether or not a homophobic police culture may have hindered any of the original investigations.

But most of those deaths were solved, or at least brought to some conclusion. The errors SBS has discovered concern a subset of the 88 deaths: 30 cases that remain unsolved. The mistakes were made not by Operation Parrabell but by the Unsolved Homicide Team.

Crandell said he was aware there were “two names on a file”, Rudney and Rooney. But he did not know police had written off Rooney’s case because of the slip of a pen – the spelling error – until he was informed by SBS. “I wasn’t aware of that, no.”

This is extraordinary for two reasons. At the time SBS spoke to Crandell in early September, Operation Parrabell – established quietly in 2013 and only publicised in May this year – had just six weeks remaining to complete its review of the 88 deaths.

More significantly, the Homicide Squad and its Unsolved Homicide Team had been alerted to the Rooney case in late May this year by former police detective and crime writer Duncan McNab.

See more on this story in tonight’s SBS World News, 6.30pm on SBS and a feature report on The Feed, 7.30pm on SBS2.

McNab, who has been investigating the “Rudney” affair for months alongside SBS, sent Rooney’s coronial file and details of the potential suspect to the Homicide Squad and its Unsolved Homicide Team. He handed them further documents in July. It seems the message did not get through to Crandell.

Told a coroner’s report on Rooney did exist, Crandell responded: “I can’t tell you that. I don’t know that. However, with that information we will obviously look into both matters, both names, and make thorough inquiries.”

But the NSW Police Force was alerted to the spelling mix-up even earlier – late last year. And Rooney’s case was among four dismissed with the same explanation in a few lines, raising broader questions about the lack of police curiosity and effort in at least some of the unsolved cases.



Scott Johnson, the 27-year-old American who was found at the base of a cliff at North Head in December 1988. Source: Supplied

A police summary of each of the 30 unsolved cases was contained in a 439-page report on the death of one of the men, Scott Johnson, delivered last year to State Coroner Barnes.

Its author, Detective Chief Inspector Pamela Young of the Unsolved Homicide Team, led Strike Force Macnamir, a two-year re-investigation of the death of Johnson. The 27-year-old American gay man and mathematics prodigy was found naked at the base of a cliff at North Head, near Manly, in December 1988.

Barnes will begin hearing an extraordinary third inquest into the Johnson case in December this year. It follows a \$1 million private investigation launched by Steve Johnson, the Boston-based brother of Scott, who is convinced he was pushed, chased or frightened off the cliff amid a succession of "poofter bashings" and murders in the late 1980s and early 1990s.

Police now accept the area where Johnson died was a gay beat, a place where men met for casual sex, although a senior officer advised the first inquest to the contrary.

Detective Chief Inspector Young's report, however, gave most weight to the original theory proposed by police in December 1988 and accepted three months later by the first Coroner, Derrick Hand: that Scott Johnson committed suicide.

The Young report also rejected the classification of most of the 30 unsolved cases as potential gay-hate crimes. It listed just eight that police concluded were "probable" or "possible", and suggested various likely causes of death for the remaining cases, including suicide, accident, misadventure and murder with no gay-hate motive.

Young criticised the work of the original authors of the list of 30 cases: Sue Thompson, a lawyer who was the police force's gay liaison co-ordinator between 1990 and 2002, and Stephen Tomsen, a professor of criminology at Western Sydney University.

Thompson and Tomsen have returned fire at the Young report's treatment of the unsolved cases. They say there was an "epidemic" of gay-hate killings. Between them, they compiled most of the 88 cases now under review by Operation Parrabell.

When it comes to the misnamed William Rudney, Young's report said a spreadsheet compiled by Thompson indicated the "academic" Tomsen as the source of the

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information on this death. "It is unable to be verified," according to the police report.

But Tomsen told SBS: "Police never did contact me to verify anything about this case."

Had they called Tomsen, police would have discovered the spelling error. It resulted from an "unfortunate misreading of my own pencil-written notes" on a years-old document, Tomsen confirmed. He said he contacted police late last year to alert them to the mistake.

"I've heard nothing more from them," he said, other than an email confirming receipt.



Steve Johnson, left, in his last photo with his brother Scott. He is convinced Scott was pushed or chased off a cliff at North Head. Source: Supplied

SBS asked Crandell whether checking with Tomsen to confirm he was the source or to inquire about the mysterious William Rudney would be considered basic police work.

"Well," he said, "I would think so."

"Will that be rectified through our process? Yes."

But nobody even picked up a phone to inquire?

"Of course, you won't get any disagreement from me there. I would like to get all the facts together. I'm quite happy to come back to you when I have all those facts together, but certainly I won't sit here and defend an investigation if that investigation has not been done thoroughly."

But "Rudney" is not the only case in which the source of the information nominated was "unable to be verified". This refrain was the police response to another three of the 30 cases in the report to the State Coroner. And yet, police contacted none of the sources listed for these three, either, to seek verification.

Peter Sheil's body was found – with the fly of his trousers undone – at the base of small cliff at Sydney's Gordons Bay in April 1983. As with "Rudney", the police report to the State Coroner stated: "There are no coronial records of a death of a person of this name." The three-line entry continued: "The source details of Ms Thompson's spreadsheet indicate that the information is [from] a sibling of [the victim]. This is

unable to be verified.”

Peter’s brother Christopher Sheil told SBS: “Police have never contacted us to verify anything.”

The concerns of Christopher, and other siblings Hugh and Margaret, were easily verified three years ago by SBS reporter Rick Feneley, author of this story, in a report for Fairfax’s Good Weekend magazine. Peter Sheil was not gay, his siblings stress, but he was mentally ill and could be gregarious and “reckless”. They believe it is plausible he was mistaken as being gay as he wandered through a cliff-top beat after leaving the Coogee Bay Hotel.

'Unable to verify'

The police report to the State Coroner dispensed with the deaths of two other men, David Williams in 1979 and Russell Payne 10 years later, with the same three-line entry afforded to Sheil. No coronial records existed, it said. Sue Thompson identified the source of the information on Williams as a friend of the dead man, but this was “unable to be verified” by police. And Thompson’s spreadsheet identified Tomsen as the source for Payne. “Unable to verify,” the report declared.

Yet again, SBS inquired with the sources identified by police. Thompson and Tomsen said police had never asked them about either case. While Payne’s death is not among the cases they regard as the most compelling when it comes to evidence of a potential gay-hate crime, they still expected the police effort to assess it might amount to more than these three lines.

The NSW Police Force has now told SBS that it has found records for these four cases since the report was handed to the State Coroner early last year. The Unsolved Homicide Team has sent updated information on Sheil, Williams and Payne to the State Coroner. More information on Rooney will follow once the case has been reviewed by Operation Parrabell.

SBS asked when the force updated this information but received no answer. Instead, police issued a formal statement saying SBS had overlooked “critical points”. It stressed that “evidence released to date in connection with the Scott Johnson inquest does not provide a complete picture of investigations in relation to Operation Parrabell”.

Since the Young report was handed to the State Coroner last year, “further investigations have been conducted and further evidence has been provided to the coroner”.

“Thus, it’s not possible to draw conclusions about the outcome of those investigations or whether or not police have identified people based on DCI Young’s statement alone.”

However, these police lapses will embarrass the force at a time when it has been at pains to build bridges with the LGBTI community, in no small part by re-examining the potential gay-hate cases.

Crandell has been at the forefront of that effort and he told SBS that Operation Parrabell was a symbol of the strides the force had made in its relationship with the community. Crandell won plaudits from the community this year when he apologised on behalf of the police force for its treatment of people who were arrested and

bashed while marching in Sydney's first Gay Mardi Gras in 1978.

In 2005, then Deputy State Coroner Jacqueline Milledge condemned police for their "lacklustre" and "shameful" investigations into missing television newsreader Ross Warren and barman John Russell, who both died on the Bondi-Tamarama cliffs in 1989.

Police originally dismissed their deaths as accidental falls, but Milledge – armed with Operation Taradale, a three-year investigation into possible gay-hate crimes led by then homicide detective Steve Page – found they were murdered amid a spate of attacks on homosexual men.

Warren and Russell are among the list of 30 unsolved cases. Police now count them among the eight they accept were likely gay-hate crimes, labelling their deaths "probable".

"It's an indication of the sloppy work that's still being done." - Former homicide detective Steve Page

Steve Page left the force before the conclusion of the Taradale inquest, during which he told a news crew: "If we managed it a lot better back then [at the time of the murders], we wouldn't have been giving evidence before a coroner. It would have been before a jury."

Page was not involved in the Rooney case, but he told SBS: "It's an indication of the sloppy work that's still being done."

Page, like Sue Thompson, has offered advice to the Johnson family and he has read the police report to the State Coroner on Scott's death. "I'm aware of several other examples of breathtakingly sloppy police work that's contributed to this report."

Detective chief inspector Young was dumped from the Johnson investigation in April last year at the request of the State Coroner. Barnes was worried she undermined public confidence in her impartiality when she gave an interview to the ABC's Lateline on the same day he announced the third Johnson inquest.

In that interview, Young vouched for the 1988 police investigation and accused former NSW police minister Mike Gallacher of "kowtowing" to the Johnson family and putting improper pressure on police to give priority to their case over hundreds of other unsolved deaths. Gallacher, a former policeman, vehemently denied the accusation and said there was never any direction given to police.

Young's report to the State Coroner redacted the names of 26 of the 30 unsolved cases in the version of the document released by the court in April last year, even though all the cases had long been on the public record and involved men who had died two decades ago and more.

SBS applied for permission to publish all of the 30 names in the context of the police summaries – to ensure thorough coverage of what police and others say about each case.

Thompson and Tomsen, meanwhile, have honed their original list of 30 unsolved cases to 22 which they believe are the most compelling and deserve the most police attention as potential gay-hate murders. These include the eight cases already accepted by police.

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They conducted their “conservative” review of the 30 cases last year with the help of Peter Rolfe, founder of the group Support After Murder, and representatives of ACON, the organisation that deals with the health concerns of the LGBTI community and has long campaigned against hate crimes.

They agreed to set aside cases in which the evidence of potential anti-gay bias was less compelling. They are not ruling them out – except for the killing of a gay couple, which they now accept had nothing to do with gay hatred.

SBS has established an interactive website that covers all 30 unsolved cases, highlighting them according to four categories: the eight agreed by police; 13 more deaths that remain in contention but which Thompson and Tomsen believe to be likely or possible gay-hate murders; one they say needs further investigation; and the eight less compelling cases that Thompson and Tomsen have set aside.

Bill Rooney’s case is among those they count as possible gay-hate murders. His partner Wayne Davis hopes it will finally get the attention it deserves.

“I believe that had the police got onto Bill’s case from the word go, and treated it seriously, then they may well have actually found the assailant... Because they didn’t, the trail went cold.”

““I won’t sit here and defend an investigation if that investigation has not been done thoroughly.” - Superintendent Tony Crandell”

Asked if police would apologise to Davis and the Sheil family, Crandell was reluctant to discuss specific cases, but he did say Operation Parrabell would look again at both deaths and make apologies where appropriate.

He confirmed that Parrabell has found some lapses in the original inquiries into some of the 88 cases and it would send them back to the Unsolved Homicide Team for re-investigation. He expected some cases would be reclassified.

“My sense is that, yes, they will be reclassified. If there are mistakes that have been made, then from right now, from this point in history, we can correct that. If we can’t then we need to acknowledge what’s occurred and hopefully at least give some sense of satisfaction to the community that at least we’ve done what we can.”

Operation Parrabell does not carry out individual investigations but reviews the inquiries that took place at the time of the deaths. It will refer cases for further investigation whenever it finds any possibility it was motivated by bias against the victim.

Crandell told SBS that independent academics would be recruited to conduct a review of Parrabell to ensure it is scrutinised and that its final recommendations are carefully considered.

Of Bill Rooney, Crandell said: “Well, if that is blatant police error, then I think Parrabell is the opportunity to correct that record.”

He added: “Given you yourself have identified deficiencies, I would think that that would be... an appropriate case for referral [to Unsolved Homicide].”

What message would he give Wayne Davis?

"I would say to Wayne, it is perfectly natural and acceptable to have those expectations – to be given answers.

"I think that Wayne has probably waited far too long for those answers. It is the job of Operation Parrabell to have a look at the extent of whether the bias crime has occurred, and to have a look at whether or not that investigation is important or flawed in some way; if that's the case, then to get that investigation re-investigated.

"So for me, Wayne's expectations are appropriate and whatever we can do to make his expectations come to fruition, we ought to do."

Do you know more? Get in touch with rickfeneley@gmail.com

The man who wasn't there

The first time Wayne Davis went to the Gay Mardi Gras in Sydney, in 1982, he met a Scotsman called Bill Rooney. "He was good looking; he was intelligent; he was fun," Davis told SBS in an interview at his home in a suburb south of Wollongong.

Rooney moved to the steel city to live with Davis and they were partners for the next four years. "Bill changed my life in a lot of ways in that, whilst I was never closeted as a gay man, he helped me to find my true identity."

On the morning of February 14, 1986, Rooney was found – bloodied and with head injuries, but still alive – behind a shop off Crown Lane, Wollongong. Rooney was 32 and Davis was a 31-year-old TAFE teacher.

Davis didn't learn of the emergency until that evening. Rooney had been out drinking the previous night and hadn't come home. Davis had gone looking for him that day at their regular bars. He returned home with a couple of beers and sat down in front of the evening news. And there on the screen was Bill, no mistake. He was being taken away in an ambulance.

Davis rushed to Wollongong Hospital. It became clear Rooney wasn't going to survive. Apart from his horrific head injuries, Davis observed a bruise on Rooney's right chest "with the clear imprint of a fist".

Davis went from the hospital to the police station, where as many as "eight plain-clothes police were squeezed like sardines into a small room".

"One of them asked, 'Who is Bill's girlfriend? Who is his wife?' I explained he was gay, that I was his partner. Six of the police instantly filed out of the room, shaking their heads."

He attributes the response to AIDS stigma at the time.

"You've got to realise that at the time the HIV/AIDS problem had really become quite serious. There were many people who thought you could catch AIDS by just being associated with a gay man."

Six days later, Davis agreed to switch off Rooney's life support.



A 30-year mystery ... Wayne Davis with his only picture of partner Bill Rooney, who he believes was murdered because he was gay. Source: SBS

Davis remembers police at first casting some suspicion on him. While the initial police report to the coroner said there were "suspicious circumstances", an investigating detective would advise that he believed Rooney fell accidentally while intoxicated.

There had been a flight of stairs running to the rear of the shop where Rooney was found, but intensive care doctor Mason Ramsay told the local coroner that he did not believe the massive skull fractures, focused on the back of the head, could be easily explained by an accidental fall.

"His cerebellum had started to come away from his cerebral cortex," Davis said.

Coroner Warwick Soden made an open finding, concluding that "whether such injuries were received accidentally or otherwise, the evidence does not allow me to say".

Davis made his own conclusion: murder. "There were a series of attacks on gay men within the area, both before Bill was murdered and after Bill was murdered, so we knew something was going on."

He said he had his own theory about what happened.

"Well, in those days relationships were open. Ours was certainly an open relationship. I believe it's possible that he met someone who took his fancy and sort of [went] off with them [to] have sex.

"I believe that he was lured there by someone and they basically assaulted him... And hit him over the back of the head with a heavy blunt object."

Four years later, Davis wrote a letter addressed to Sue Thompson, then fresh in her job as the police force's gay liaison co-ordinator. It was published in the gay newspaper Sydney Star Observer.

"Dear Sue, I wish to express my appreciation of the work undertaken by Detective Sergeant David Ainsworth of Wollongong Detectives in relation to a series of gay bashings that occurred in the Wollongong area over recent years," Davis wrote. "The first victim of the basher (or bashers) was my partner, William (Bill) Antony Rooney."

But his letter said: "The treatment I received from the [other] police during the course of their investigations was, to say the least, far from sympathetic. I was of the impression that as a gay man I was a lesser human being and that Bill's death didn't

matter because he was gay.

"In the inquest into Bill's death I was left with the distinct impression that the police were attempting to secure a verdict of 'Death by Misadventure'. Many of Bill's friends resisted this approach.

"In the light of all of this Detective Sergeant Ainsworth continued to investigate ..."

Series of attacks

Ainsworth, who has since retired, did not wish to be interviewed for this story.

However, crime author McNab has established that Ainsworth was among a group of detectives who did not buy the accidental fall theory. Despite instructions from their superiors to drop it – because it was not their case – they kept asking questions.

They were alarmed to discover that the police first on the scene had not secured the area. By the time detectives and scientific investigators arrived less than an hour later, someone had hosed it down. Most of the blood and physical evidence was gone.

Ainsworth and his colleagues also heard from one of the ambulance officers who had helped Rooney. The officer reported the fly to Rooney's trousers was open. But there was no mention of this in the police reports; nor was Rooney examined for evidence of sexual assault.

Less than three weeks after Rooney's death, a 21-year-old man who had been out drinking was found with severe head injuries in Wollongong on March 8, 1986. McNab has outlined the case in his forthcoming book, *Getting Away With Murder*: "A medical examination, ordered by a thorough detective, found the man had injuries to his anus 'consistent with a sexual assault'."

This was among 12 assaults on young men, all with similar modus operandi, reported over the next three years. Sometimes the attacker would strike the victim on the back of the head with a rock. Often he ordered the men to pull down their trousers. He would perform oral sex on them or demand it be performed on him. He robbed some of them. In most cases he raped them. He found at least two of his victims at a Wollongong gay beat, MacCabe Park, although he also attacked straight men.

Based on a description from the 12th victim, in September 1989, police arrested 24-year-old Mark Antony Scerri and charged him with 29 offences against all 12 men, though not in connection with Rooney's death. The charges included attempted murder, kidnapping, sexual assault, inflicting grievous bodily harm and robbery.

In 1991, Scerri was found not guilty on two assault and one robbery charges, while the prosecution dropped 15 other charges. But the prosecution was narrowed to three victims and – after the first jury failed to reach a verdict – Scerri was convicted on February 20, 1993, seven years to the day after Bill Rooney's life support was switched off.

"Sex monster gets 16 years," cried the front-page headline in *The Illawarra Mercury*.



Front-page news ... Wayne Davis with his plea in The Illawarra Mercury for information about his partner, Bill Rooney's death. Source: SBS

Detectives later visited Scerri in jail to question him about the 1986 death of Rooney. According to their records, he told them: "You can stick it up your arse. Get f---ed. F--- off."

A senior Crown prosecutor told the detectives what they already knew. They didn't have enough evidence to put Scerri in front of a jury for murdering Rooney.

Among the 12 victims associated with Scerri's first trial were two gay men who had gone to MacCabe Park in 1986 in hope of finding a sexual partner. One of them alleged he agreed to go with Scerri to Stuart Park near the beach at North Wollongong. When the man began to perform oral sex, he claimed, Scerri launched a brutal assault and repeatedly raped him. "He said to me, 'I'll kill you like I did the other poofster in the laneway'."

The man went to police that night and they told him to go to hospital. When they sent detectives to question him, however, he chose not to give a statement "as I was embarrassed about what happened". It was only when he saw Scerri's picture in the Mercury almost three years later that he went to police.

It is important to remember that Scerri was not, in the end, convicted of this alleged beach-side assault or charged over Rooney's death. But it helps explain why he became a person of interest in the Rooney case, at least for the detectives who were convinced the Scotsman was murdered.

Of the three assault victims for whom Scerri was tried and convicted, one had chatted with him outside PIPS International Nightclub in Crown Lane, Wollongong, in September 1989. They walked up the lane together to a car park, where Scerri beat the man over the head with a rock and raped him. It was metres from where Rooney was found in 1986.

Scerri served his time. He was released from jail in November 2001. Within six months, he struck again. He seized a young man leaving another Wollongong nightclub, pinned him to the ground, punched him, pulled his trousers down and performed oral sex. The victim escaped. Police arrested Scerri and found traces of his DNA on the victim.

A sexual sadist, according to one psychiatric report, Scerri pleaded guilty to the attack. He went back to jail and was released in 2011. By now Bill Rooney had been

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dead 25 years.

“Rooney’s case may or may not have been a so-called ‘gay-hate’ murder,” McNab said. “But it begs the question: did police give his death less attention than it deserved because he was gay?”

“If Bill was a straight man, they would have pulled out all stops to try and find out what happened.’ - Bill Rooney’s partner, Wayne Davis”

That remains the bitter memory of Wayne Davis, but he will be forever grateful to the retired detective. “I found David Ainsworth to be exceptionally caring, like he was very professional. He wanted to do his job.”

Of the other police, Davis believes discrimination hampered the case. “If Bill was a straight man, they would have pulled out all stops to try and find out what happened,” he said.

“I wouldn’t say that I’m angry. I’d say I’m sad... that they don’t treat human life equally.”

Homicide detective Steve Page was left with similar impressions about lapses in police diligence when he conducted Operation Taradale, a three-year re-investigation of the bashings, deaths and disappearances of gay men around the Bondi-Tamarama cliffs and the Marks Park beat.

Page’s operation led to a 2005 coronial finding that condemned the “lacklustre” and “shameful” initial police conclusions that Ross Warren and John Russell fell accidentally to their deaths in 1989 from the cliffs skirting the Marks Park gay beat.

Jacqueline Milledge, the Deputy State Coroner in 2005, ruled that Russell was thrown to his death, Warren was murdered, and missing gay Frenchman Gilles Mattaini – while she could not rule on the cause of death – may have met a similar fate in 1985.

The unsolved deaths of Warren, Russell and Mattaini are now among the eight that police accept as possible gay-hate cases. Each became the subject of a \$100,000 reward for information relating to their killers last year.

At the time, violent gangs of youths were among the culprits of “poofter bashing” sprees. They found easy targets by roaming gay beats, typically parks or public toilets where homosexual men met for casual and anonymous sex.

They regularly bashed with impunity as victims refused to report assaults because they did not want to “come out” as gay, did not want to admit they attended beats, or did not trust the police. Homosexual sex was not decriminalised in NSW until 1984.

McNab, himself gay, said the police culture would have actively discouraged people from reporting hate crimes.

“Sydney was a bloody dangerous spot if you happened to be a gay man. There are horror stories of men who’d gone to a police station to report being bashed only to be taken to the cells and be bashed for reporting a bashing. The police culture of that period stank.”

He stressed the force was not all bad, and there were many good police who were not homophobic.

Steve Page, who left the force before the conclusion of the Milledge inquest, told SBS: "You have to ask, would police have been so dismissive of the deaths had the victims been any other group of citizens – let's say doctors, school teachers, women or children?"

McNab said that "some very conscientious detectives believed – unlike their police colleagues" that Rooney was murdered.

"And what we certainly know is that police, more than three decades later, could not even find a record of Rooney's death – because they were looking for the wrong name.

"Whether or not it was 'gay-hate' murder, it was very possibly a murder. It seems to me that Bill Rooney didn't get justice after his death, and he's not getting it now," he said.

"It's an insult to his memory that police couldn't even be bothered to pick up the phone – not, apparently, to call the criminologist Stephen Tomsen to ask, 'Hey, who is this William Rudney guy? We can't find him.' Or not to call their colleagues in Wollongong and ask, 'Did you have any cases in 1986 that might match this?' I mean, Wollongong is hardly the murder capital of the world. It wouldn't have taken too long to scan through the cases that might fit.

"I can only hope Operation Parrabell finally gets it right."

Superintendent Tony Crandell, overseeing that operation, wants to "correct that record".



Crown Lane, Wollongong ... metres from where Bill Rooney was found with severe head injuries in 1986. Picture: Dave May Source: SBS

When first asked if he was aware of the spelling mix-up, Crandell said: "I'm aware that there were actually two names on a file. But I'm not aware as to why that was, whether that was an alias or an error from the investigator. I wasn't aware of that, no."

And was he aware that there was a coronial report for William Rooney, if not for a William Rudney? "I can't tell you that. I don't know that."

He pledged to look again at the case and to send it back to the Unsolved Homicide Team.

"We're talking about the death of a human being. I had some time in the homicide squad. I know the depth of inquiry – what's required," he said.

Wayne Davis is resigned: "I will go to my grave with unresolved grief."

But he said: "I'm telling the story now because I don't think we learn our lessons if we forget our past. And I think everyone needs to know about the injustice that was meted out to gay men and I suspect lesbians during that period."

Another cliff death

Superintendent Tony Crandell and the eight detectives working for him on Operation Parrabell are yet to contact the family of Peter Sheil.

Peter was 29 when his body was found at the base of a low cliff at Gordons Bay, north of Coogee, in April 1983. The fly of his trousers was undone, according to one of Peter's brothers, Christopher Sheil.

His father, now dead, settled the case with a police officer. The pair arrived at the conclusion of misadventure after an "inquiry" that lasted "all of about a minute".

None of this detail is contained in the police notes on Sheil's death, which is among the 30 cases they have summarised for the State Coroner for the upcoming third inquest into Scott Johnson's fatal fall at North Head in 1988. In less than three lines, police state: "There are no coronial records of a death of a person of this name."

Christopher Sheil remembers why. He was 27 when he witnessed the exchange between his father and the police officer. He said he protested: "We don't know whether he jumped, fell or was pushed." To which his father had replied: "Ah, we're not gunna go into any of that."



Peter Sheil was found at the base of a cliff at Sydney's Gordons Bay in 1983. Source: Supplied

Peter Sheil battled mental illness, but his mother, now dead, always insisted he was not depressed or suicidal when he called her about 8pm to say he would walk home from the Coogee Bay Hotel. He walked north via the sea-cliffs path, which happened to pass gay beats where men met for sex.

Peter's siblings are adamant their brother was not gay. "But he was mentally ill and he could be very gregarious," says Christopher. "And he was reckless. It's plausible that he was mistaken for being gay while walking through a gay beat – that he was attacked for that reason."

Back at the cliffs at Gordons Bay, Christopher remembers his brother.

"He wrote extraordinary poetry. It was a way to attract the girls."

Police accept that a person need not be gay to be the victim of a gay-hate attack. Assailants might wrongly assume a heterosexual man is gay, particularly if he is

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passing through a gay beat.

The siblings also accept it is possible Peter fell accidentally to his death. Had he stepped off the path to urinate, then fallen from the cliff? Might that explain the open fly on his pants?

But the cliff edge he went to, much lower than others nearby, was quite a downhill scramble from the ocean path, and Peter was close to his hostel by that time. The family has corrected an earlier reported recollection that Peter was found with his pants removed.

It was more than a day before a fisherman found his body.

The Sheils' mother was a devout Catholic and did not want to countenance suicide, but Christopher says: "We can't rule out the possibility that he fell or that he jumped to his death. He was mentally disturbed.

"But if you consider the lowness of the cliff where his body was found, and the much higher cliffs nearby that he could have chosen if suicide was his intention, we think that's the least likely explanation."

The point, he says, is that police did nothing to establish the facts about his brother's death.

Leaving the cliff where Peter spent his last moments alive, Christopher says: "We want the truth. But what would you prefer to know – that your brother fell, jumped or was pushed to his death? It's hard. What version of the truth do you really want?"

None of the police reviewing the unsolved deaths – neither Unsolved Homicide nor the current Operation Parrabell – has ever contacted the Sheils to discuss any of these possibilities.

Superintendent Tony Crandell told SBS: "Let me say this – if inquiries from Parrabell show that there's been an inappropriate investigation, an investigation substandard... then I'm happy to contact those people because Parrabell is also about giving people some peace of mind."

There will be apologies potentially?

"Potentially. Absolutely."

To the Sheil family? To Bill Rooney's partner, Wayne Davis?

"Well, I can't say on that particular case," Crandell said. "But I can say that we have apologised in the past. I don't see why, if we have not done a thorough investigation, we would not do so in any event. What's the purpose of my review if I'm not going to acknowledge where the shortcomings are and, if there are shortcomings, apologise."

Operation Parrabell has only a few weeks left to run.

"The LGBTI community has been marginalised for a long time," Crandell said. "I really think that we are moving forward together. This, to me, Operation Parrabell in particular, is a symbol of being able to move together forward and really make sure that we correct history wherever we can.

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"We clarify the historical position wherever we can so that we can engender some sort of trust together," he said.

"We can't police unless we have the community in support of us, and I'm talking about the majority of the community. I don't know that that's necessarily been the case with the LGBTI community over the years, but I certainly think we're moving in the right direction now."

This story has been updated to include new information from the NSW Police Force.

SBS's feature documentary *Deep Water - The Real Story*, airs Sunday 16 October, 8.30pm on SBS.

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