



Special Commission of Inquiry into LGBTIQ hate crimes

Statement of John Robert Tate

12 May 2023

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. The statement is true to the best of my knowledge and belief.

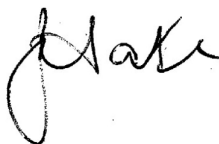
1. My name is John Robert Tate. My address is known to the Special Commission of Inquiry.
2. I worked for the New South Wales Police Force (**NSWPF**) between 1973 and 2008. I have been retired since 2008.
3. In September 1983 I started working at Wollongong Police Station as a Detective Senior Constable.
4. On 14 February 1986, my boss asked me to attend the rear of 250 Crown Street, Wollongong, where a man had been found between the road and the toilet block that morning.
5. I recall that the area where the man was found was off a lane at the rear of Crown St and from my recollection the side of the lane was uneven. The raised surface dropped away to a gap between a building and the lane and there was no railing.
6. I arrived at the scene at about 9.30am. I was not the first NSWPF officer at the scene. Uniformed police had attended prior to my arrival. By the time that I arrived, the man had been removed from the scene and conveyed to Wollongong Hospital. I did not see the man *in situ*.
7. I have been shown a copy of a statement signed by me and dated 5 January 1987. In that statement I say, at paragraph 3, that there was "brownish fluid near a concrete retaining wall". In light of this, I think it would be highly unlikely that the crime scene had been cleaned or interfered with by the time I attended the scene.
8. I recall that this man did not have any ID on him, because we were unable to identify him initially. I later found out that his name was William Rooney.

A handwritten signature in black ink, appearing to read 'J. Tate'.

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9. I have been shown a copy of an occurrence pad entry made by me and dated 14 February 1986 where I note that: "At this stage there is no clear indication as to how this male person received the injuries as mentioned above". I recall that after viewing the scene, I formed the view that it was likely that Mr Rooney sustained his injuries as a result of a fall. This was because there was nothing to indicate that there was foul play involved and because of the location where he was found, as described at paragraph 5 above.
10. I don't recall seeing a large rock or anything that could have been used as a weapon at the scene. However, until the investigation had been completed, I didn't want to put any options out of my mind. In particular, I wanted to speak to Mr Rooney's treating doctors.
11. After I attended the scene, I went to Wollongong Hospital to see Mr Rooney and speak to his treating doctors. I can't recall the exact nature of these conversations. I am aware that Mr Rooney later died in hospital.
12. I believe that Constable Tranby was the Officer in Charge of the NSWPF investigation into Mr Rooney's death. Constable Tranby was one of the uniform police officers who attended the scene.
13. As a result of the investigation, which included a canvass of the hotels in the area, we found out that prior to Mr Rooney being found, he had been drinking heavily. The toxicology results indicated he was fairly intoxicated when he fell and my recollection is that the medical evidence was consistent with Mr Rooney having fallen. I was of the opinion that a person, who was intoxicated, and possibly unsteady on their feet, would have been susceptible to a fall.
14. I have been shown a copy of a statement signed by me and dated 5 January 1987. In that statement I say, at paragraph 9:

"After having completed a number of inquiries and after having viewed both the deceased and the area where he was found and also lengthy discussions with Detective Sergeant Passmore of the Wollongong Scientific Section I am of the opinion that the person ROONEY was well under the influence of liquor and sustained his injuries as the result of falling."
15. I don't recall any of the discussions I had with Stephen Passmore from the Scientific Section of NSWPF in relation to this matter. If I had discussed something with him, it would have been because I had some concerns as to how Mr Rooney's injuries were sustained. Given his expertise I would have deferred to his views. I do not now recall what my concerns would have been.



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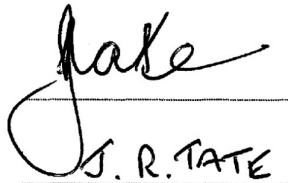
16. My best recollection now is that my opinion as expressed in paragraph 9 of my statement, quoted above, was based on his location, toxicology results, and the injuries that I observed Mr Rooney to have. In discussion with his treating doctor, I considered his injuries to be consistent with a fall.
17. There was also no indication, to my knowledge, that Mr Rooney had been assaulted. No witnesses came forward to say that Mr Rooney had been assaulted and I did not have any information that would have allowed me to take the investigation any further in that direction.
18. I have been informed that in an unsigned statement of DS Passmore, he mentions fingernail marks on Mr Rooney's neck. I don't recall ever seeing that statement or knowing about fingernail marks.
19. If the Officer in Charge had considered there to be foul play, I would have expected the matter to have come back to me for further investigation.
20. I have been informed that the P79A form completed by Constable Tranby stated there were "suspicious circumstances" in this matter. I don't recall knowing about that form or about any suggestion of "suspicious circumstances". I can't recall any of the uniformed officers raising any questions about whether Mr Rooney died as a result of foul play.
21. As far as I was aware, there were no signs that Mr Rooney had been sexually assaulted. I was not aware that Mr Rooney was found at the scene with his pants down or with a shoe and sock off. If I had considered that Mr Rooney might have been sexually assaulted, I would have raised this with his treating doctors at Hospital. Otherwise, I would have expected his treating doctors to let me know if, during their medical examination of him, anything led them to believe he had been sexually assaulted.
22. I wasn't aware of the existence of footage of Mr Rooney being attended to and carried out of Crown Lane, until I was informed of it by this Special Commission.
23. I would not have signed my statement until the matter was ready to go to the Coroner for a coronial inquest. It would have been made based off notes made in my notebook. Completed notebooks are returned to the issuing station for storage and this notebook was issued from Wollongong.
24. In the mid-1980s there was not a big gay "scene" in Wollongong, and a lot of it was still hidden. Gay hate crimes were not really on the radar of the NSWPF in Wollongong at around that time.



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25. I left Wollongong Police Station in 1987 and went to the Criminal Investigation Branch (CIB) in Sydney.
I worked at various police stations in Sydney for the rest of my career.

Signature:

A handwritten signature in cursive script, appearing to read "J.R. Tate", written over a horizontal line.

Name:

J. R. TATE

Date:

12.05.23.