



Special Commission of Inquiry into LGBTIQ hate crimes

Statement of Richard Cobden SC

26 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.

Background

1. My name is Richard Cobden.
2. I am 69 years old. My address is known to the Special Commission of Inquiry.
3. I was called to the Bar in 1992. I was appointed Senior Counsel in NSW in 2005. Before being called to the Bar, I practised as a solicitor from 1985 to 1992.
4. I have been an active member of the LGBTQ community in Sydney since the mid-1970s. I became involved with Sydney Gay and Lesbian Mardi Gras (**SGLMG**) from 1987 onwards. I was the President of the SGLMG from 1992 to 1994 and a director of SGLMG from 1989 to 1995. I remained closely involved with Mardi Gras, and its events, until about 1999. I am a member of the Sydney Gay and Lesbian Mardi Gras Hall of Fame.
5. In other formal rôles in the LGBTQ community I served as a Trustee/Governor of the AIDS Trust of Australia from 1995 to 1998 and also served as a director of the community newspaper, the Sydney Star Observer, in the 1990s. I was a Delegate/Director of the Federation of Gay Games (**FGG**) from 1993 to 2005, and I am an Honorary life member of the FGG. Formal – not specifically GLBTQ – rôles I have served in include: from 1995 to 1999, I was a Trustee of the Centennial Park & Moore Park Trust (**CPMPT**) with a period as Acting Chairman. CPMPT became the landlord of the Royal Agricultural Society's Showgrounds lands, on part of which the post-Parade Mardi Gras Party was and is held, and I served in a number of committees and bodies that managed those interests. From 2003 to 2007 I was a Trustee/Governor of the Centennial Parklands Foundation. From 1986 to 1994 I was a Councillor of the Karitane Mothercraft Society.

Relationship with Crispin Dye

6. I first met Crispin Dye in either late 1971 or early 1972 when I returned from a gap year in Europe. An older Australian gay man I had met in Perugia, Italy, invited me to lunch upon my return, and I met a group of young gay men of my age who (I think) had all been to school together. In about April 1972, after a false start with a university degree, I began working at the David Jones Art Gallery in Sydney. Crispin and I became close friends and socialised regularly – in the period 1972-1974, when I moved for 3 years (1974-1977) to Canberra, almost daily – until the 1980s when we drifted apart.
7. The main gay venues then were wine bars in Bondi Junction and Paddington. There were also venues in Kings Cross/Potts Point. In particular, Chez Ivy on Oxford Street in Bondi Junction was a very popular gay wine bar which shut at 10 pm. Cappriccio's on Oxford Street near Taylor Square was a bar/nightclub/cabaret which stayed open very late. Crispin and I regularly socialised at Chez Ivy and Cappriccio's and occasionally at The Oak at Double Bay. In my experience, from the 1970s the Oxford Street area was increasingly known to be an area where there were many gay venues. At the first Gay Mardi Gras in June 1978 – which went down Oxford Street from Taylor Square and then, controversially, continued up William Street and into Darlinghurst Road, Kings Cross – the marchers chanted the slogan "Out of the bars and into the streets!", which was aimed at gay people attending those venues in June 1978, but not attending gay rights rallies and demonstrations. That reinforces my recollection that Oxford Street and Kings Cross were the location of a number of gay venues by the late 1970s.
8. My recollection, assisted by the diary entries I made around this time, was that Crispin was openly gay in his social circle. He went regularly to exclusively gay venues. He may not have come out to his family, or in some of his working environments, but that was very common at the time. It was then, and well into the 1980s and 1990s, very much a case of "don't ask, don't tell" in those parts of many people's lives, in my experience and to my recollection. My relationship with Crispin was that of a very close friend and, on my side, romantic. While it was, to my disappointment, very rarely physical, it was on both sides very emotional. Crispin had, to my knowledge, sexual relationships with men over the period 1972-1977. He had a boyfriend called MT (I have given his full name to the Commission) in around 1974-1975 whom I later got to know. Crispin also complained to me about various boyfriends from time to time. I also saw him pick up male partners at clubs. I do not think he was bisexual. I do not recall him showing any sexual or romantic interest in women at that time.

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9. Crispin was a gentle and quiet person. He was a little shy about sharing himself with people. He was a talented guitarist and singer and released a folk music solo album under the name “Chris Kemp”. We visited each other at our respective homes frequently. I met his mother and brother. Crispin was also close to my family, especially my sister Victoria. Crispin had aspirations at the time, which he pursued for some years, to become a recording artist.
10. Crispin and I had less contact in the 1980s. I was aware he was working with the band AC/DC. I am not sure whether he felt he had to disguise his sexuality when working in the music industry, and whether this was why there was some confusion regarding his sexuality at the time of his death, but I am speculating. In my view there was no confusion about Crispin’s sexuality during the time that we were close friends.
11. My personal history continued after I spent 3 years in Canberra at the Australian National Gallery, with re-commencing university studies in arts, then arts/law, in 1977. From the early 1980s I worked at a major Sydney law firm, first as a paralegal, then as a solicitor and finally as a senior associate. I went from that firm to the Bar in 1992. Throughout the 1980s, 1990s and thereafter I spent a great deal of time in the gay (now called GLBTQ) precincts of Darlinghurst and Newtown. As I mentioned above, I became closely involved in the gay and lesbian community from 1988 onwards and I spent a very significant amount of time in the late 1980s and through the 1990s in the Oxford Street area both by day and night. In December 1993 the GLBTQ venues in the area around Taylor Square included hotels such as The Albury, The Beauchamp, The Flinders, The Beresford, The Oxford and The Exchange. The principal nightclubs were The Midnight Shift and Patches. The main, ground-floor bar of The Oxford Hotel on the north-west corner of Taylor Square was very strongly identified with the gay male community. Gilligan’s Bar on the first floor was a cocktail venue, and had a slightly more mixed crowd, but I would to this day refer to it as being, then, a “gay bar”. I understand that one of the bars that Crispin visited on 22 December 1993 was Gilligan’s.
12. When I heard about how Crispin had died, there was no question in my mind that that he would have been in Oxford Street to visit gay bars on the night that he was attacked. I went to his funeral and saw a number of the long-time gay friends I referred to in para 6 above. We exchanged our thoughts and the only narrative we used was that it had been a gay bashing. I know dozens of people who were assaulted over the years 1985-2000 in what I would call “gay bashings”. I was walking at night from Kings Cross to Taylor Square, along the part of Darlinghurst Road known as “The Wall”, in the 1990s when two young male assailants ran at me out of the dark shouting

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insults, which included the word “faggot”, and knocked me to the ground, badly bruising me. In July 1990 or 1991 – I am clearer about the date because it was my birthday, 27 July – I participated in an all-day workshop with students from Cleveland High, other GLBTQ leaders, and NSW Police, on the attitudes that foster gay bashing. A gay teacher at Cleveland High had been bashed to death and as I recall it was thought that there may have been students from the school involved.

A handwritten signature in black ink, consisting of several overlapping loops and a long, sweeping tail that extends to the right.

Signature:

Name: Richard Cobden

Date: 26 May 2023