



Special Commission of Inquiry into LGBTIQ hate crimes

Statement of Carole Ruthchild 7 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. The statement is true to the best of my knowledge and belief.

Background

1. My name is Carole Ruthchild.
2. I am 68 years old. I emigrated from the United Kingdom in 1988 and became an Australian citizen in 1994.
3. I have a Bachelor of Philosophy (Hons., 1975) from the University of Warwick, a Bachelor of Laws (Hons. 1st class, 2005) from the University of Technology Sydney and a Graduate Certificate in Legal Practice (2006).
4. I was employed by the NSW Attorney General's Department, later the Department of Justice (2012-2019) as a Senior Policy Officer, providing advice to the Attorney General on issues affecting victims of crime, women in the criminal justice system and members of the LGBTI community. Significant projects I had carriage of included the establishment of the NSW Victims Support Scheme and the changes to NSW legislation occasioned by the 2017 amendments to the *Marriage Act 1961* providing for same sex marriage.
5. Prior to this, I worked for the Commonwealth Director of Public Prosecutions as a Senior Legal Officer (2007-2012) and the NSW Department for Women, later the Office for Women (1994-2005) as Principal Policy Officer, Violence against Women.
6. I retired from paid employment in 2019.
7. I was active in the women's movement in the UK from the late 1970s, with a particular focus on violence against women. I took part in the UK's first Reclaim the Night march in London in 1977 and was instrumental in establishing the Leicester Rape Crisis Service in the early 1980s.
8. In the mid-1980s, I became involved in the lesbian and gay movement. I participated in various campaigns and annual Gay Pride and Lesbian Strength marches. I also became a member of the Leicester Lesbian and Gay Line, providing telephone support and advice to lesbians and gay men.
9. After moving to Australia, I served on a voluntary basis as Co-Convenor of the NSW Gay and Lesbian Rights Lobby (1989-1992), one of two NSW representatives to the Australian Council of Lesbian and Gay Rights (ACLGR) (1993-1996), a member of the Managing Committee of the Lesbian and Gay Anti-Violence Project (AVP) (1992-1994) and as Chair of the *Sydney Star Observer* (1992-1993). In 1993, I represented the ACLGR at the UN World Conference on Human Rights in Vienna. I was also involved in Black + White + Pink (1997-1999), promoting reconciliation in the LGBTI community.

10. I have been published as follows:

- Introduction to Gay and Lesbian Rights Lobby Inc, 'The Off Our Backs Report: A Study into Anti-Lesbian Violence' (Streetwatch Series Report No 2, Lesbian and Gay Anti-Violence Project, September 1992) (SCOI.76803).
- 'Homophobia: A Systemic Problem', *Green Left Weekly* (Sydney) 14 November 1995 (SCOI.76951).
- 'Don't frighten the horses! A systemic perspective on violence against lesbians and gay men' in Gail Mason and Stephen Tomsen (eds) *Homophobic Violence* (The Hawkins Press, 1997) (SCOI.76826).

11. I have received the following awards, in recognition of my work to promote lesbian and gay rights:

- Chris Carter Memorial Award (presented by the Australian Democrats, 1993).
- NSW Gay and Lesbian Rights Lobby Hall of Fame (presented 2008).

The NSW Gay and Lesbian Rights Lobby

12. During the 1980s, more gay and lesbian people began to come out about their sexuality. While some people responded to these disclosures with understanding, many gay men and lesbians were ostracised and could be rejected by their families, or lose their jobs, or both. Some lesbians had their children legally removed from their care or had onerous conditions imposed upon their living arrangements.

13. Things worsened as AIDS became more widespread and led to a major backlash against gays and lesbians in the later 1980s. AIDS was described by many public figures as "God's punishment" and in 1988, the UK Government introduced a section into the Local Government Act 1988 ("Section 28") prohibiting local councils from allegedly "promoting homosexuality", by providing funding to lesbian and gay community organisations. Section 28 was not repealed until 2000 in Scotland and 2003 in England and Wales.

14. The Gay and Lesbian Mardi Gras also became an ever bigger public event, with hundreds of thousands of people lining the route to watch. While most spectators were there to enjoy the spectacle, the parade was sometimes followed by assaults.

15. It was in this climate of inequality and homophobia that the Gay and Lesbian Rights Lobby (GLRL) was established in 1988. It was the leading organisation advocating for lesbian and gay rights in NSW.

16. The mission of the GLRL was and still is to achieve legal equality of and social justice for lesbians, gay men and their families, by lobbying politicians, government departments, policy makers and the media and empowering the community to take action. It also works closely with bisexual, transgender and intersex organisations to advance the rights of LGBTI communities in NSW.

17. The GLRL's key legislative achievements in NSW include new homosexual anti-vilification laws (1993), legal recognition of same sex de facto relationships (1999), equal age of consent provisions for gay men (2003) and removal of provisions denying same sex couples the right to adopt (2010).

18. I filled a casual vacancy on the GLRL Committee in early 1989. Jane Clements and Gary Cox were the co-convenors at that time.

19. In July 1989, I was elected female co-convenor, alongside Bruce Grant as male co-convenor, a position I held until 1992. Bruce Grant was replaced by Paul Costello as male co-convenor in 1991, after Bruce was appointed Coordinator of the AVP.

20. During the period I was co-convenor (1989-1992), the GLRL worked on a number of issues, notably violence against gay men and lesbians. The Streetwatch Project (Streetwatch) had been initiated in late 1988, in response to a perceived increase in the incidence of violent attacks against gay men in Sydney and was designed to provide information on the nature of assaults against gay men and lesbians. The information included the locations of assaults, the victims, their assailants and possible reasons for the apparent increase in the number of assaults.
21. A phone-in survey to collect the data was conducted on the GLRL's behalf by the Gay and Lesbian Counselling Service and Lesbian Line, between November 1988 and April 1989. The survey received 67 responses, only four of which were from women.
22. There are a number of plausible explanations for the low response rate from women. For example, 65.7 per cent of the respondents had heard about the survey through a gay male publication. While the survey was also advertised in mainstream newspapers, there was no widely available lesbian publication at the time. Further, reporting could be made to the Gay and Lesbian Counselling Service between 6pm and 10pm, seven nights a week, or to Lesbian Line, which only operated one night a week, between 6pm and 10 pm on Fridays. Indeed, the four and only reports which were made by women were made through Lesbian Line.¹
23. The *Streetwatch Report* was launched on 9 April 1990 by the then Minister for Police and Emergency Services, the Honourable Ted Pickering MLC, who asked the then President of the NSW Anti-Discrimination Board (ADB) to establish a committee to examine the report's recommendations and determine how best to implement them.
24. The Streetwatch Implementation Advisory Committee (IAC), with representatives from the community and relevant government agencies, was established by the ADB in June 1990.
25. Other issues that the GLRL worked on during my term as co-convenor, included successfully lobbying the NSW Police to appoint a network of Gay and Lesbian Liaison Officers (GLLOs), now called LGBTIQ Liaison Officers, establishing a Lesbian and Gay Legal Service and obtaining funding from the NSW Department of Health to establish the AVP.
26. The first step taken by the NSW Police in establishing the GLLO network, was to create a coordinating Client Consultant Gay Liaison position at Police Headquarters. The GLRL nominated a community representative for the interview panel and Sue Thompson was appointed to this position in 1990. Bruce Grant and I worked closely and productively with Sue Thompson on an ongoing basis, particularly in relation to the way in which the NSW Police dealt with the continuing incidence of violent attacks and in their dealings more generally with members of the gay and lesbian community.
27. The GLRL also worked productively with the ADB in considering ways to address the many areas of legal discrimination and social disadvantage experienced by the lesbian and gay community at that time. Bruce, and later Paul, and I met regularly with both the President and other ADB staff members, as well as attending the regular gay and lesbian community consultations hosted by the ADB.

Experiences of lesbians in the 80s and 90s

28. Since only four of the 67 *Streetwatch* respondents were women, the data was insufficient to provide us with any clear picture of the situation regarding violence against lesbians.
29. It was common knowledge that lesbians in the late 1980s and early 1990s regularly experienced verbal abuse, harassment and/or intimidation by men in public places such as in bars or on public

¹ Gary Cox, 'The Streetwatch Report: A Study into Violence Against Lesbians and Gay Men' (Streetwatch Series Report No 1, Lesbian and Gay Anti-Violence Project 1990) 12 (SCOI.76806).

transport. Women out by themselves or with other women were often “targeted” by a man on his own or with other men. Such male predatory behaviour had long been common towards women generally, as it still is today, when women unaccompanied by other men are considered “fair game”.

30. As I described in my introduction to the *Off Our Backs Report*, at that time lesbians were generally defined:

merely as women without men ... seen as “available” and expected to welcome the advances of men, no matter how intrusive or insensitive, any time, anywhere. Verbal abuse is a daily reality.

It is a common experience for women out alone, or with other women, to be harassed by men asking to join them or asking them out. Where such approaches are rebuffed, no matter how politely, men will often turn abusive. “What are you, a lesbian or something?” is a common taunt. Considered an insult, the term “lesbian” has little to do with an accurate assessment of a woman’s sexual orientation, since an affirmative reply is usually met with incredulity, even hostility. Rather it is synonymous with a woman’s assertion of her own autonomy and independence, and a man’s resentment of that assertion.²

31. Anecdotally, lesbians were less likely than gay men to be physically assaulted on the street, and particularly not by the gangs of young men that commonly stalked the streets of Darlinghurst and other known gay areas, looking for gay men to assault. More than 80 per cent of *Streetwatch* respondents had reported the location of the assault as on the street or at a beat.
32. There was anecdotal evidence that lesbians were sometimes physically attacked by men whose victims had no interest in their harassers or otherwise resisted their attention, though escalating verbal abuse, threats and physical intimidation were more usual. But how common such assaults were and how they differed, if at all, from violence against women in general, was not clear.
33. As with other women, lesbians in public places who were unable to obtain assistance from others would often prefer to leave the location, rather than continue to have to put up with unwanted attention. If the incident took place in a private home or a workplace, where the woman was already known to the man, however, leaving might prove to be more difficult, particularly if no one else was present, and might sometimes result in some form of assault, commonly sexual in nature.
34. On the other hand, in some cases men have been so affronted by “out” lesbians that they will react with greater hostility and physical violence. I offer the following personal experience:

After a Saturday night out in the early 1980s, my lesbian housemates and I were returning home on a bus. A group of men and women were also present on the bus and proceeded to verbally harass us with homophobic comments. Encouraged by the women in the group, one of the men hit one of my friends, knocked her glasses off and stamped on them. The bus driver declined to eject the group from the bus or to provide any other assistance. He apparently considered the fault to be ours and refused to proceed further till we disembarked. As we were close to home, it seemed easier to comply and walk the rest of the way.

35. While the above incident took place in the UK, it was certainly in keeping with situations I would later hear of in NSW.
36. Anecdotally, then, the type of violence experienced by lesbians and the situations in which it occurs, might appear to have more in common with violence against women generally, than with

² Gay and Lesbian Rights Lobby Inc, ‘The Off Our Backs Report: A Study into Anti-Lesbian Violence’ (Streetwatch Series Report No 2, Lesbian and Gay Anti-Violence Project, September 1992) 6 (SCOI.76803).

violence against gay men, with men motivated by exercising their perceived “right” to solicit sexual favours from women who are not in the company of another man or men. But women who definitively demonstrate sexual autonomy appear to be deemed worthy of particularly harsh treatment. In the absence of sufficient data from *Streetwatch*, however, we were unable to draw too definitive a conclusion.

37. Lesbians were also becoming more visible in society at this time. More lesbians began working in coalition with gay men and many existing gay organisations renamed themselves as “Gay and Lesbian” or “Lesbian and Gay”. Thus the former Gay Mardi Gras became the Gay and Lesbian Mardi Gras and in 1988, it had its first lesbian President, Cath Phillips. In the 1995 NSW State election, the seat of Bligh had its first openly lesbian candidate in Susan Harben, also a former Mardi Gras President. It is possible that this greater visibility may have contributed to an increase in attacks against lesbians in public places.
38. Generally, predatory behaviour of the kind I have referred to at [29] would not have constituted a criminal offence at the time, and victims would have had little occasion to report to police. Even in cases of physical or sexual assault, however, women commonly experienced shame about what had happened, blaming themselves, and were often reluctant to report to the police, fearing disbelief and/or scrutiny of their own responsibility for the assault. At the time, such police responses were not uncommon and I understood that to be the case through some of the cases relayed to me in the various roles which I held.
39. In response, the GLRL undertook community education, in collaboration with the NSW Police and the ADB, to encourage reporting of attacks. The GLRL also worked with the NSW Police to try to improve responses to victims of crime. Further, the establishment of the AVP also provided a community-based reporting mechanism for those who did not wish to report violence to the police and to provide support and assistance to those who did report violence.
40. The GLRL also conducted The Off Our Backs! Project, a follow-up survey to Streetwatch, to obtain specific data on violence against lesbians.

Off Our Backs Report

41. A survey questionnaire was distributed to lesbian groups and venues in the early months of 1991 and included in the free monthly magazine, *Lesbians on the Loose*. Forty-two responses were received.
42. *The Off Our Backs Report* (“the Report”) was published in September 1992. It was launched at Parliament House by the then Minister for Police, the Honourable Ted Pickering MLC. The Minister also referred the report to the IAC.
43. Some of the actual stories reported via the questionnaire and included in the Report are as follows:
 - *Five men yielding a broken bottle attacked a 23 year old lesbian in the street; outside a lesbian venue. The assailants stated that the right man would make her straight. The survivor sustained serious lacerations but did not contact the police or medical services, fearing further victimisation.*
 - *A 22 year old lesbian, whilst walking with her partner, was verbally harassed by a man yelling abuse such as “dirty fucking dyke”. He then punched her in the face, causing concussion. Her partner contacted the police and was told a car was on its way to assist. Following a two hour wait, the women gave up contacting the police further.*
 - *While working, a 31 year old lesbian was verbally harassed following a staff social she had attended with her partner. She lodged a grievance complaint with senior staff but*

was told management could do nothing as she had "brought it all on herself". Following two months of harassment, she resigned from her employment.

- *Three men who lived next door to a lesbian couple subjected the women to a four month period of verbal and physical harassment. The harassment included phone calls and graffiti attacks. The women felt nothing could be done to stop the harassment and did not seek assistance.*
- *A small group of lesbians were drinking in an inner city pub when a group of men approached them offering to buy them drinks and offering to dance. The lesbians declined the offer and asked the men to leave them alone. The men continued to harass them and one asked if they were "lezzos". After the women identified as "dykes", the men became violent, pushing them around. A bar tender called the police but the men fled from the pub once it was known the police had been called. The assailants were not apprehended, although the lesbians were able to produce a good identification profile.³*

44. The main findings of the Report in 1992 were as follows:

Nature of attacks

- 33% of respondents reported the harassment and violence as ongoing;
- 29% of respondents who reported being physically or sexually assaulted sustained serious injuries requiring medical treatment; 33% sustained lacerations or severe bruising;

Time and location of incidents

- 19% of incidents occurred at or after an organised Mardi Gras event;
- 45% of incidents occurred in the street;
- 39% of incidents occurred at work or in other public areas;
- 27% of incidents occurred between 6:00 am and 6:00 pm, and 59% occurred between 6:00 pm and 3:00 am;

Characteristics of survivors

- 96% of respondents identified as white Australian;
- 38% of respondents were aged 30-39 years; 48% were aged 20-29 years;
- 88% of incidents involved men only; in 10% of cases, both men and women were present, with women either observing or contributing to the verbal abuse;

Characteristics of assailants

- 38% of respondents knew their assailants;
- 31% of incidents involved 3-4 assailants; 19% involved 5 or more;
- 31% of assailants were aged 21-25 years; 23% were aged 16-20; and 29% were aged 30+;

³ Ibid 8 (SCOI .76803).

Reason for assault

- 100% of respondents felt they were attacked because they were or perceived to be lesbian;
- In 74% of incidents, the assailant(s) spoke to the respondent, 84% involving anti-lesbian abuse; no incidents involved robbery;

Witnesses

- 65% of incidents were observed by witnesses, only 18% of these resulted in intervention;

Immediate post assault action

- 31% of respondents felt able to fight back; 29% took protective action;
- 42% of respondents told friends/partners about the incident; 4% spoke to a counsellor;

Reports to police

- 10% of respondents reported the incident to police; of those who did not, 24% felt nothing could be done, 19% cited no women police officers as the reason, 10% involved alleged police abuse; and 35% felt the police would not take the report seriously;

Police Gay/Lesbian Liaison Officers

- 78% of respondents were aware of the police GLLOs.⁴

45. The Report made 34 recommendations in all. The main ones were as follows:

- the Attorney General amend the *Anti-Discrimination Act 1977* to:
 - include a ground of homosexual vilification; and
 - extend the ground of homosexuality to include both public and private education;
- the Attorney General introduce hate crimes legislation to allow courts to take a motivation of prejudice into account on sentencing;
- the Attorney General provide funding to the ADB to run a campaign countering anti-lesbian/gay violence in the workplace;
- NSW Police amend NSW crime reports to record prejudice-related information where relevant and include prejudice-related crime data with other crime report statistics;
- NSW Police appoint female police officers and provide training on anti-lesbian harassment/ violence at every police station in NSW;
- NSW Police appoint GLLOs on a gender-equal basis;
- the Department of School Education (DSE) develop an anti-homophobia policy;
- DSE provide training to teachers and school counsellors to counter negative attitudes towards lesbians and deal with problems experienced by young lesbians at schools;
- NSW Health provide funding to women's health services to provide adequate responses to victims of anti-lesbian violence;

⁴ Ibid 9-10 (SCOI.76803).

- NSW Health provide ongoing funding for the Anti-Violence Project;
- the Youth Sector Training Council and the Youth Action Policy Association:
 - develop a kit for youth agencies to counter anti-lesbian and anti-gay violence in youth services; and
 - initiate in-service training for youth workers around anti-lesbian violence.⁵

46. As noted at paragraph [42] above, the then Minister for Police referred the report to the Streetwatch IAC. The IAC was convened by the ADB and included representatives from GLRL and other gay and lesbian community organisations and representatives of the NSW Police, the Office of Youth Affairs, NSW Health, DSE, the Attorney General's Department and the Department of Community Services (DoCS).

47. By the time the IAC had concluded its work in 1994, achievements included the following:

- the *Anti-Discrimination Act 1977* had been amended to include a ground of homosexual vilification;
- NSW Police had adopted several strategies to improve its response to members of the GLBTI community, including:
 - appointing more GLLOs in both city and country areas;
 - establishing local police/community meetings to develop strategies to deal with anti-gay and lesbian violence;
 - developing a marketing strategy to encourage reporting of homophobic hate crimes, including holding police stalls at gay and lesbian community events;
 - adopting a recruitment target of 40% female officers;
 - developing a five-day training course for GLLOs; and
 - establishing community policing strategies, such as conducting foot patrols in some inner-city areas frequented by gay men and lesbians and the placing of a mobile police bus at Taylor Square in Darlinghurst on weekend nights for reporting of crimes;
- the approval of ongoing NSW Health funding for the Anti Violence Project;
- the development of Challenging Homophobia workshops for youth workers;
- adoption of homosexual issues and hate-based violence as a national competency standard for youth workers;
- inclusion of hate-based violence issues within DoCS' District Officers training program;
- inclusion of homophobia awareness in schools' personal development learning area; and
- provision of funding for school anti-violence strategies.

Concluding remarks

48. Eliminating violence against lesbians – and other forms of hate crime – is a noble and desirable aim, but it will not be easy. We only need to look at the incidence of domestic violence against women, and sometimes their children, which remains stubbornly high despite much greater

⁵ GLRL, *The Off Our Backs Report* (1992), pp. 11-13.

recognition of the issue and greatly increased, to know how hard a task eliminating any form of violence will be.

49. Yet a great deal has changed in the 30 years since the Off Our Backs! survey was conducted. Homophobia still thrived in the early 1990s, in a world where official silence signaled indifference towards, if not outright sanction of, prejudice, hatred and violence against lesbians and gay men. And whilst it has by no means disappeared, by 2017, nearly two-thirds of Australians voted to support marriage equality for same sex couples.
50. Many of the changes implemented by government and community agencies as a result of the *Streetwatch Report* and the *Off Our Backs Report* have contributed to a better place for members of the LGBTI community in NSW and Australia more generally. At the very least, violent attacks are no longer generally seen to be the fault of the victims.

Signature: 

Name: Carole Ruthchild

Date: 7 November 2022