

SECTION FIVE | APPENDIX 1

“Gay Hate Crimes in New South Wales from the 1970s”

Garry Wotherspoon, May 2017

*‘Our blood runs in the streets and in the parks and in casualty and in the morgue....**‘Our own blood, the blood of our brothers and sisters, has been spilt too often....**‘Our blood runs because in this country our political, educational, legal and religious systems actively encourage violence against us...**‘We are gay men and lesbians.’**From the ‘One in Seven’ Manifesto, Sydney Star Observer, 5 April 1991*

It is now known that from the 1970s through to the 1990s, hundreds of members of Sydney’s LGBTIQ communities experienced extremely violent assaults. Some of the bashings ended in hospitalization, and there were also disappearances and deaths for gay men or men who were perceived to be gay, and for trans* women; for some, the difference between assault and murder was often slender – good or bad luck. Many of these assaults occurred in and around the ‘ghetto’ area of Oxford Street or in the nearby suburbs, although some even happened in the person’s home. As well, many of these assaults on men were at suburban beats.

Given prevailing social attitudes to dissident sexualities at the time – and even after male homosexual acts were decriminalised in early 1984 – many of these crimes were inadequately dealt with by police, often being classified after desultory investigations as suicides, misadventure or accidents.

Many remain unsolved to this day, and several recent inquests have led to some cases being reopened, with a clear indication that, in the past, these cases were dealt with without ‘due diligence’ by the police.

This Report looks at what has been a tragic and shameful episode in Sydney’s history; its revelations may hopefully lead to both a revisiting of that past with a view to closure for the many involved, and to a new way forward, especially for the wider Australian communities.

THE POLITICAL, RELIGIOUS AND SOCIAL CONTEXT

Homosexuality was long seen as a ‘problem’ by the authorities in Australia, and it was classed as a crime in all Australian states until well into the latter half of the 20th century. Since the churches traditionally classed it as a sin, there was not only little compassion for homo-erotically inclined men, but the more conservative churches were in the forefront of those denying even the legitimacy of homosexuals as human beings, as with the Roman Catholic Church, which tried to stop homosexuals from even appearing before a *Royal Commission into Human Relationships*, set up by the Federal government in 1974. And the medical profession allowed such barbarities as aversion therapy and psychosurgery.

And the police, as enforcers of the law and reflecting prevailing social attitudes, had little toleration for what they saw as perverts, degenerates, effeminate, and paedophiles. Over the decades, they had even acted as *agents provocateurs* to entrap homo-erotically inclined men in suspect situations, and it would seem that they were given unofficial blessing for this when the Roman Catholic Superintendent of Police in Sydney and later Police Commissioner, Colin Delaney, declared in the late 1950s that homosexuality was ‘the greatest social menace facing Australia’.

Things did begin to change in the later decades of



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the 20th century. Baby boomers came of age in the 1960s and chose different paths, and that decade passed into history as 'the swinging sixties', when young people were willing to experiment, as the cliché went, in 'sex and drugs and rock and roll', and they also questioned many of the traditional truisms of the past, and took to the streets to demonstrate for a better world.

It was into this changing world that the gay movement emerged here in Sydney.

THE GROWTH OF THE 'GAY MOVEMENT' IN SYDNEY

Sydney had long had a flourishing 'camp' life, although it was little involved in political activism. Following the Stonewall Riots in New York in late June 1969 – when patrons of a gay bar fought back against police over three nights, with ever increasing support – a new group, the cleverly named Campaign Against Moral Persecution [CAMP] was set up in Sydney in 1970. Its main objectives were getting the law changed, taking on the medical profession over aversion therapy and psychosurgery, and making Australians aware that homosexuals were actually 'just like everybody else', except for what they might do in bed or who they might love.

At around the same time, a commercial gay scene was emerging in Sydney, located around Oxford Street. It was close to Kings Cross and the long-existing 'camp' nightlife there which had become a fairly unpleasant place with the influx of American soldiers on R & R leave from the war in Vietnam. Drugs, sex for sale and drunken soldiers created an unattractive atmosphere for Sydney's gay community. Also, since rents were far cheaper in Oxford Street than in Kings Cross, new bars began to open there over the following decade – like Ivy's Birdcage and Capriccio's, then Flo's Palace, Patches, Tropicana, the Ox, Pete's Bar, and Palms, to name but a few.

Another factor leading to a higher profile of Sydney's gay communities was the process of gentrification; as more and more gay men moved into the traditionally blue-collar suburbs around Oxford Street, it became seen as the gay precinct. Known as the 'ghetto' or 'the golden mile', it saw

more and more bars and services moving into the area. A gay media emerged, with papers like *The Star Observer*, *Campaign*, and *OutRage*, as well as numerous newsletters and smaller publications catering for individual groups. All of this contributed to a sense of a gay identity and the growth of a gay community.

This incredible concentration of activity within a relatively short space of time, in a discrete geographic area, all occurred in a city where male homosexual activity was still illegal.

DECRIMINALISATION

There had long been a push to change the law that criminalised love and sex between consenting male adults, and this push intensified after a similar law was changed in Britain in 1967. This had been one of CAMP's main objectives, as it was of many of the Gay Liberation groups that formed over the 1970s. Increasing support for law change also came from a wide range of experts – academics, criminologists, civil libertarian lawyers, and even growing numbers of the medical profession – who all argued that homosexuality no longer deserved a criminal status, and that law reform was overdue. The lawmakers themselves were reluctant to act.

During that decade, there were ongoing demonstrations in Sydney focussing on what needed to be changed to give homosexuals equal civil rights with their heterosexual counterparts. One of the catchcries of the time was 'stop police attacks, on gays, women and blacks'. And this catchcry highlights an important fact: that the police were seen as the enemy by many of these emerging social movements. As for gays, the police had never been sympathetic to their parading through Sydney's streets. And this antipathy culminated in the notorious first Mardi Gras, on the night of Saturday 24 June 1978; it started out as a peaceful march down Oxford Street from Taylor's Square to Hyde Park, and ended in Kings Cross with police wading into the marchers with their batons, leading to 53 arrests.

On the following Monday, at Central Court where the cases of those arrested were to be heard, the police blocked entry into the courtroom, ignoring the presiding magistrate's orders. Such was the

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outrage over this police intimidation that groups such as the Council of Civil Liberties, numerous lawyers, and even politicians condemned the police heavy-handedness. The outcome was that within a year the *Summary Offences Act*, which gave police the powers they had abused, was repealed and replaced by the *Offences in Public Places Act*.

It was only early in 1984, after prolonged pressure on politicians that a private members Bill, introduced by the Labor Premier Neville Wran and seconded by the Liberal Leader of the Opposition Nick Greiner, was passed on a conscience vote, albeit with an unequal age of consent.

Decriminalisation should have been the marker for a new period of tolerance for homosexuals, leading to gradual acceptance. However, overlapping with the final push for law reform, a new tragedy occurred, one which would turn the clock back as far as acceptance was concerned – the appearance of what was at first called GRID [Gay Related Immune Deficiency], then later, AIDS. The advent of AIDS brought with it an increase in hate violence towards the community.

Despite HIV being an infection contractible by anyone, irrespective of age, gender, ethnicity or sexuality, due to it being first diagnosed in the gay community, it was a disaster for progress on LGBTIQ acceptance, not to mention people's health, well-being and dignity. Homophobia became rife, and was given 'legitimation' by a sensationalising media. Homophobia found its expression in more than just words. There were constant reports in both the gay press and the mainstream media about increasing discrimination against homosexuals and they noted the increase in violence against gay men, transgender women and lesbians; homophobia took on a physical form.

HOMOPHOBIA AND ITS ROOTS

It is clear that decades, centuries even, of negative stereotypes of homosexually-inclined men fostered attitudes of contempt, leaving them vulnerable to verbal and, in many instances, physical abuse.^{xiv}

It is also probable that the more open manifestations of violent homophobia – as with these cases – developed in conjunction with the growth of a

modern open homosexual identity in the second half of the nineteenth century. As gays emerged into public consciousness, it was also a time when, to various extents, some Australian social institutions still perpetuated homophobic attitudes; for the legal and medical professions and some churches, gays were either "illegal, sick, or sinful", if not all three.

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Why would some young males be more prone to express these aspects in acts of extreme violence? Most, but not all, of the perpetrators of violence against gays were young men and boys from socially disadvantaged backgrounds. The movement of openly gay men into areas such as Surry Hills, Redfern, Waterloo and Alexandria – suburbs with cultures less than empathetic to these newcomers – might also have played a role, although other perpetrators came from respectable middle-class suburbs. Some, but not all, had serious psychological problems; in the latter case, this could include those who do not wish to acknowledge their own same-sex attraction, and responded by violence against those who were open about it.

The scale of what was occurring was unprecedented. While it is impossible to know the exact number of murders that might have occurred in this period from the late 1970s through to the early 1990s, reputable sources – including *The Sydney Morning Herald*, a newspaper of record – suggest that over eighty men died or disappeared in NSW during an epidemic of gay hate crimes.

And many of these attacks, some of the most brutal, occurred at gay beats, a place where men go to have consensual, non-commercial casual sex with other men, and activities that can be seen as either a scandal or a kind of liberation.

As to how many 'gangs' were involved in these bashings and murders, this is open to conjecture. But evidence suggests at least three south of the harbour and an unknown number north of the harbour. There was the 'Bondi Boys' responsible for bashings and murders at the Marks Park beat; there was the 'Alexandria Eight', centred on students at the Cleveland Street High School; the 'North Narra Boys'; the 'Tamarama Three'; and – reputedly – an eastern suburbs gang who specialised in baseball bat attacks. Some of the members of these different groups knew each other.

While the onset of HIV/AIDS has been seen as a motivating factor for some of the violence, the start of the violence predates that. A report by the NSW Anti-Discrimination Board in 1982 already highlighted the issue, and over that decade, there was ongoing and increasing violence. In 1990 the Surry Hills police noted a 34% increase in reports of street bashings during that year alone.

Even within the legal system, homophobia could be said to exist. Defence lawyers could argue that sexual abuse as a child might be the reason for their client's violence against gay men, and it wasn't until early 2014, thirty years after male homosexual acts were decriminalised in NSW, that the so-called 'gay panic' defence law was repealed, a welcome end to what had been called the 'most homophobic legal defence on the state's statute books'.

It was not until the violent murder of Richard Johnson at the Alexandria Park beat in January 1990 that the mainstream media began to take a growing interest, it is only now, well into the second decade of the twenty-first century that the magnitude of what occurred is starting to surface and be acknowledged and addressed.

HUMAN RIGHTS – PROGRESS OF GAY, LESBIAN AND TRANSGENDER RIGHTS

While decriminalisation was a major step forward, there were other battles to be fought, and there were some successes. A range of issues started to find resolution in the following decades.

In 1993 Clover Moore's Homosexual Anti-Vilification Bill was eventually passed in state parliament. The City of Sydney set up its Relationships Declaration

Program in July 2004, and the state government launched the NSW Relationships Register in 2010.

On the other hand, it was only in May 2003 that the state government equalised the age of consent to sixteen, nineteen years after decriminalisation.

Aside from the above, lesbians and gays in NSW can now foster and adopt children, and be out at most workplaces. And there is now widespread and increasing social acceptance of same-sex relationships. Perhaps most significantly, when a major public figure dies, their same-sex partner can now be openly acknowledged in the bereaved party at their funeral. The recent marriage survey also demonstrates the acceptability across Australia of same sex relationships and marriage.

State laws are not the only laws that affect the LGBTIQ communities; there are federal laws that also have an impact. By 2010, the federal government had amended over 70 pieces of legislation to remove ongoing discrimination, and gay couples are treated like heterosexual couples for purposes of welfare and taxation. And anti-discrimination laws to protect us have been passed in most states and at federal level. So there have been significant improvements in four decades in the civil sphere, but there are some areas that still need to be addressed.

Similarly, law reform for transgender and intersex people has been slow with anti-discrimination protections on the grounds of gender identity and intersex status only introduced under Federal Anti-Discrimination law in 2013. A number of structural and legal hurdles remain, particularly in relation to the requirement of sterilising surgical procedures for people with an intersex variation and compulsory divorce for the legal recognition of sex in NSW for trans people.

POLICING IN NSW AND ITS RELATIONSHIP WITH THE LGBTI COMMUNITY

The police and homosexuals in NSW have never had an easy relationship. Evidence from over the last century – of the use of *agents provocateurs*, of entrapments, of the most senior police officer declaring homosexuals to be Australia's 'greatest social menace', to the battles of the first Mardi

Gras – through to the more recent incident at the 2013 Mardi Gras, involving a handcuffed 18-year-old being thrown to the ground by police, all are examples of what generated, over time, a ‘lack of trust’ between the gay community and the NSW police.

Parts of the police force did respond to the escalating epidemic of violence that was occurring; a Police-Gay Liaison Group was set up in 1985, and a Police Gay Liaison Officer was appointed in 1988. In the early 1990s, in the face of the still escalating violence and the resulting public outcry, the police set up a special taskforce to address violence occurring in the Oxford and Flinders Street areas.

To some members of the community, these responses seemed inadequate. The Gay and Lesbian Rights Lobby had published *The Streetwatch Report* in April 1990, and this led in June 1991 to the community setting up its own specialised group to monitor violence, the Lesbian and Gay Anti-Violence Project; and Dykes on Bikes ran street patrols in the Oxford Street area.

Such was the concern about the way police were perceived as failing to adequately handle gay hate crimes that some members of the gay community even set up a vigilante group, called One in Seven. One evening in late 1990, a banner was hoisted on light poles outside the Darlinghurst Court House; its message was ‘THIS SUMMER, FIGHT BACK. BASH THE BASHERS’. It lasted for only three hours before police took it down, but it certainly reflected the growing mood of concern about apparent police indifference to the violence against gay men, lesbians and trans women.

And it was probably true that the response of police to gay concerns was somewhat of a lottery, very much dependent on the individual officer, and while Surry Hills station was probably the most supportive, others, like those suburban ones in whose areas the beats were, were much less so.

Indeed, a legitimate question to ask is “was it homophobia that existed in the police responses to anti-gay violence, to those deaths on the beats, was it a general pattern of official disinterest, or just incompetence?” 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.

Beneficial change within the police force is ongoing. The ‘GLLO’ program – Gay and Lesbian Liaison Officers, located in many police stations across NSW – provides support for members of sexuality, gender diverse and intersex communities, continuing the work of the original Police Gay Liaison Officer first appointed nearly three decades ago, and a contingent of police officers are cheered by many as they now march in the annual Sydney Gay and Lesbian Mardi Gras parade, a far cry from the brutal confrontations of nearly forty years ago.

The work of individuals within the police force, who pursued the truth about the deaths of gay men and trans* women with commendable fortitude, often in the face of official indifference, should also be acknowledged. There were officers like Steve McCann and Steve Page, whose tireless and diligent work led to various cases being reinvestigated and sent to new Coroner’s hearings.

LOOKING BACK – AND FORWARD

We should always acknowledge our past, but we should never be captive to it. That is why this Report is important, in that it brings to light part of our city’s shameful history, giving us all a chance to reflect on this, and seek out a new way to move forward.