

267 Australia Street  
Newtown NSW 2014

14 December 2018

The Hon Shayne Mallard MLC  
Chair  
Legislative Council Committee on Social Issues

[Committee.SocialIssues@parliament.nsw.gov.au](mailto:Committee.SocialIssues@parliament.nsw.gov.au)

Dear Chair,

**Galbraith appearance before the inquiry into Gay and Transgender Hate Crimes,  
9 November 2018**

**Corrections to transcript**

Regarding your Committee's request to review the accuracy of the transcript of my evidence, only one correction needs to be made.

The name Martyn Goddard is correctly spelled on page 46 but is incorrectly spelled on page 48 as Martin Gotthard. Please correct the spelling on page 48.

**Response to highlighted section of transcript**

The following provides additional information relating to the highlighted section of my evidence in the transcript. I also provide additional examples of police conduct that may have undermined NSW Police's relationship with the LGBTI community.

In the following I use the historic term "gay community". This refers to the predominantly gay male community of the early and mid-1980s.

**Ingrained police culture**

During my appearance before the Committee I referred to public declarations made in 1958 by Colin Delaney, then Commissioner of Police, that homosexuality was Australia's greatest menace and homosexuals were a cancer on the community that threatened to damage society's moral welfare.

These declarations were Delaney's justification for his attempts to eradicate homosexuality, at least since 1951. While these statements may have reflected social attitudes of the day, their influence on serving police would have been profound, particularly on those directly involved in anti-gay enforcement activities.

According to historian Graham Willett, Delaney, in his previous position as Chief Superintendent of the NSW Police Force, sought to attack "*perversion*" as early as 1951 and in 1953 was reported as issuing "*special orders*" for an "*intensive drive to stamp out homosexuality*". Willett notes a claim that all 85 Vice Squad officers were committed almost fulltime to this work<sup>1</sup>.

In Dr Garry Wotherspoon's submission to your inquiry, he refers to the use of police acting as agents provocateurs to entrap homoerotically inclined men in suspect situations. These police were generally young (i.e. aged in their early twenties) and good looking. Many police officers who had engaged in this work in the late 1950s and into the 1960s were undoubtedly still serving in the late 1980s and early 1990s. By this time, several of these officers would have

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<sup>1</sup> Willett, Graham "From Vice to Homosexuality: Policing perversion in the 1950s" in Robinson, Shirleene (ed) *Homophobia: An Australian History*, 2008.

risen through the ranks, with some holding senior positions, and even those who had not, based on their age and experience, were still in positions to influence younger police officers' attitudes towards LGBTIQ people.

Although this is conjecture on my part, it should however not be too difficult to examine the careers of previous senior officers serving in the Manly and Bondi Police Commands during the 1980s and 1990s to examine whether there is some basis to this claim.

### **“More enlightened attitudes”**

In my evidence, I stated that Delaney's concern about homosexuality “extended to consensual acts committed behind closed doors...at a time when more enlightened people were asking whether such acts should be criminal offences.”

My specific reference was to the publication of Britain's *The Report of the Departmental Committee on Homosexual Offences and Prostitution*, better known as the Wolfenden Report, after its Chair, Sir John Wolfenden.

This departmental committee recommended that “*homosexual behaviour between consenting adults in private should no longer be a criminal offence*” and found that “*homosexuality cannot legitimately be regarded as a disease, because in many cases it is the only symptom and is compatible with full mental health in other respects.*”

The Wolfenden Report observed:

*“The law's function is to preserve public order and decency, to protect the citizen from what is offensive or injurious, and to provide sufficient safeguards against exploitation and corruption of others ... It is not, in our view, the function of the law to intervene in the private life of citizens, or to seek to enforce any particular pattern of behaviour.”*

The report led to the decriminalisation of private consensual sexual acts between two males 21 years of age and over in England and Wales.

The first legislative attempts to decriminalise homosexuality in Australia did not occur until 1972 in South Australia. Partial decriminalisation did not occur in New South Wales until 1984, a legislative change strongly opposed by one member of your Committee.

It is my recollection that at the time of New South Wales's legislative change, the Police Association journal published at least one letter from a serving police officer strongly opposing the change.

### **Attempts to improve relations between the Police and the LGBTIQ community**

As a journalist working in the gay-male media between 1981 and the mid-1990s (including two periods as editor of the *Star Observer* – 1986 to early 1988 and early 1990 to early 1992), I observed and wrote about several attempts to improve police-LGBTIQ community relations.

These included:

- The appointment of the late Fred Miller as the first police-gay liaison officer around 1985/1986.

Fred Miller had been the MLA for Bligh between 1981 and 1984, the inner-city electorate which then covered Kings Cross, Darlinghurst and Surry Hills – the geographic heart of Sydney's gay-male community.

- The appointment around the same time of Inspector Les Thurgood as the first police officer with gay community liaison responsibilities.
- The first police hotline in the mid-1980s.

This was a joint activity by the police and gay community. Police and volunteers utilised the then premises of the Gay and Lesbian Counselling Service in Chippendale. As

stated in my evidence, the hotline operated on a single Saturday night, and was publicised in gay media and through community networks for some time beforehand. People were encouraged to phone the hotline with information about anti-gay violence and harassment that they had observed or experienced.

- Police-community meetings held in gay venues.
- Following Fred Miller's retirement, the appointment of Sue Thompson as Police Gay and Lesbian Client Group consultant.

Sue greatly expanded initiatives to improve police-LGBTIQ relations, most notably through the GLLO (Gay and Lesbian Liaison Officers) program. The aim of the program was to have at least one officer in every police station in NSW trained to take on GLLO responsibilities.

### **Examples of Police action undermining Police-LGBTIQ community relations**

In my evidence I offered to provide examples of instances where actions by police undermined efforts to improve police-LGBTIQ community relations. The effect of these actions is to create a "two steps back for every one step forward".

The Committee will be aware of the following incidents affecting Police-LGBTIQ community relations:

- 1978 Mardi Gras Parade and subsequent conduct of Police outside the Court on the following Monday.
- Policing of the demonstration against Rev Fred Nile MLC in 1990 – this incident was referred to in my evidence.
- Policing of the 2013 Sydney Gay and Lesbian Mardi Gras Parade.

I provide examples of two others:

#### **Police raid of Inquisition, June 1999.**

- Sydney Leather Pride Association had organised the annual Inquisition party at the former Sydney Showgrounds Moore Park for a number of years, largely without incident.
- Police raided the June 1999 party, arresting one man because he had an adult sex toy in his possession.
- The raid was reported in the gay media with police accused of "*stand-over tactics*" and heavy-handed homophobic behaviour.
- Police conduct during the raid may have been shaped by a lack of knowledge about the nature of the party, its guests and/or the party's dress code. This is despite Leather Pride working with police in the past.

#### **Sniffer Dog Operation, Taylor Square, February 2001**

- This operation took place in a crowded public space in the week before the 2001 Sydney Gay and Lesbian Mardi Gras Parade and Party.
- Apart from targeting lesbians and gay men (including visitors to Sydney for the Mardi Gras) the operation targeted homeless people on Gilligan's Island (the public space on the corner of Oxford and Flinders Streets, Darlinghurst).
- This operation occurred at a time where there was considerable community concern about public safety and homophobic violence.
- At the time of the operation, there was allegedly a large group of young and appealingly homophobic men congregated at the corner of Oxford Street and Crown Street.

Despite the large numbers of sniffer dogs and associated police at Taylor Square, there was no attempt to quickly disperse this group.

There are two particular concerns arising from these examples.

First is the way the police conduct themselves when interacting with LGBTIQ people.

The second is policing priorities – the appearance of police having a much greater focus on LGBTIQ people and their social activities than on policing to guarantee community safety and responses to serious crimes committed against LGBTIQ persons.

It could be said that such police conduct is a continuation of the misplaced priorities set by former Police Commissioner Delaney, when he claimed that homosexuality was the greatest menace facing Australia – and not crimes of violence, non-consensual sexual offences, robbery, fraud and the like.

Yours sincerely,

Larry Galbraith