

## **INQUIRY INTO GAY AND TRANSGENDER HATE CRIMES BETWEEN 1970 AND 2010**

**Organisation:** NSW Beat Project  
**Date Received:** 23 November 2018

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## **Inquiry into Gay and Transgender hate crimes between 1970 and 2010**

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Thank you for the opportunity to make this submission to the Inquiry into **Gay and Transgender hate crimes between 1970 and 2010**. We would appreciate the opportunity to give evidence to the Inquiry.

The NSW Beat Project is a peer-based community network that was initiated in 2008 in response to an alarming increase in police activity and harassment at beats across NSW, and the failure by NSW Police and ACON Anti-Violence Project – as members of the NSW Government Interagency “Beats Working Group”, to address homophobic violence and ensure the safety of the beat community.

Based on numerous reports of police harassment and our work with the beat community, this submission will aim to raise several issues regarding “current policy and practice” and continuing “impediments within the criminal justice system that impacted the protection of LGBTIQ people in NSW, and the delivery of justice to victims of LGBTIQ hate crimes”.

The attached ‘case study’ of homophobic violence at ‘Croudace Bay Park’ between 2011 to 2014 highlights the underlying impediment faced by the beat community – the negative attitude of police officers and deeply entrenched homophobia within NSW Police, and demonstrates the total disregard for the safety and well being of beat users which has resulted in deep mistrust in NSW Police, reluctance to report homophobic violence, and fear of retribution from police and bashers. Unfortunately, it is not difficult to draw comparisons between these experiences and those faced by men who were bashed and murdered between 1970 and 2010.

In relation to the ‘Gay Panic’ defence, please find attached the NSW Beat Project Submission to the 2012 Inquiry into the Partial Defence of Provocation.

The Case Study: [R v C R \(2008\) NSWSC 1208](#) outlines the recent use of provocation where a reduced sentence of manslaughter was handed down to the teenager who fatally stabbed Gerard Fleming at a Narrabeen park in 2007. The teenager claimed he was provoked and acted to protect himself after Fleming had made a non-violent sexual advance toward him.

Stabbed twice, once fatally through the heart, Fleming was found bleeding and calling for help at a bus shelter, and later died while being transported to hospital. The teenager faced up to 25 years in prison, but successfully argued his actions were a result of ‘panic’ and received a seven-year sentence, with a non-parole period of three-and-a-half years.

The need to ensure the safety and well being of beat users is what drives the NSW Beat Project, considering NSW Police, ACON and other government agencies, and the criminal justice system have failed to do so.

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### **NSW BEAT PROJECT**

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## Introduction

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The NSW Beat Project is a peer-based community network that was initiated in 2008 in response to an alarming increase in police activity and harassment at beats across NSW.

Our aim is to ensure the safety and well being of beat users:

- Provide an online resource and community network for beat users
- Monitor and Report police activity and harassment
- Monitor and Report homophobic violence
- Encourage beat users to report homophobic violence directly to police
- Support victims of homophobic violence and liaise with NSW Police on their behalf should they wish to remain anonymous
- Inform beat users of their Rights and ways to keep safe, and to look out for each other
- Encourage a better working relationship between beat users and NSW Police
- Ensure officers behave in an appropriate manner in accordance with the **NSW Police Standards of Professional Conduct** and **Code of Ethics**
- Seek improved training for all NSW Police officers and GLLOs with regard to policing beats and responding to homophobic violence
- Seek better policy regarding policing beats
- Seek legislative change to remove homophobic laws that allow discrimination

We have identified numerous incidents of inappropriate behaviour by officers, and a systemic failure to adequately address homophobic violence – particularly in regional areas:

- Officers not recording reports of homophobic violence into COPS
- Officers searching men for condoms – as evidence of ‘intent to engage in a criminal act’
- Officers searching vehicles seen at ‘known’ beat locations – ‘drug search’, intimidation
  - Officers following men driving out of beats
  - An officer in the Newcastle area harassed a man after PrEP was found in his vehicle
- Use of excessive force, handcuffs, pepper spray, intimidation, threats
- Officers making homophobic and derogatory comments, intimidating questioning
  - “Get out of here you filthy animals”, “Happy Hunting”
- Officers refusing to identify themselves when requested, not wearing identification
- Officers engaging in entrapment
  - Plain-clothes officers sneaking around bushes, and ‘entice’ men with cute young officers
  - Sept 11, 2018 – Central Station, plain-clothes officers behaving like beat users and entice men, then ‘tap men on the shoulder’. Officers insinuated men were paedophiles, refused to provide identification when requested
- Officers recording vehicle registrations then visiting men at their homes
- “Disproportionate Policing” – turning a blind eye to heterosexual activity, while harassing gay men
- Officers telling men they’re on the ‘Sex Offenders Register’
- NSW Police, Crime Stoppers and local councils – CPTED initiatives via the ‘Beats Working Group’, installed signage that incite vilification and re-enforces the paedophile stereotype

## Background

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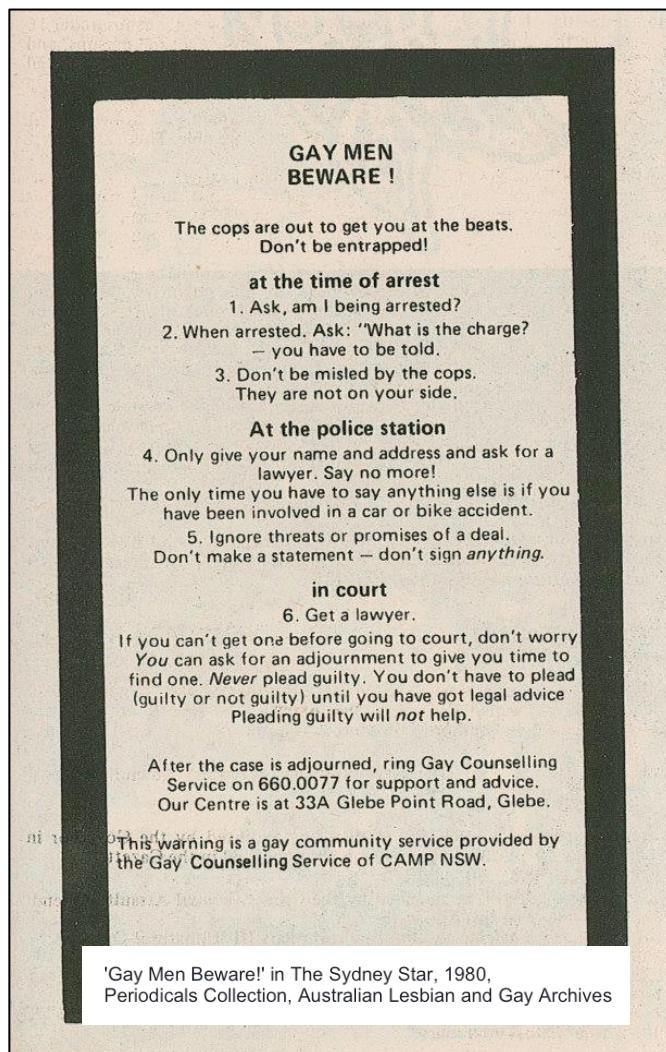
NSW Police have had a long and colourful history of 'patrolling' beats, with stories of intimidation and arrests resulting from covert operations employing 'agent provocateur' and entrapment techniques to 'catch men in the act, as well as a questionable track record when it comes to addressing homophobic violence at beats – and it is widely regarded within the GLBTI community that NSW Police were either involved in and/or turned a blind eye to homophobic violence during the 1970 to 2010 period.

Since 2008, we have documented numerous reports of police activity at beats across NSW.

These reports share a common theme – men being 'hunted' by police, and share similarities with the report made by Alan Rosendale, and what many suggest may have happened on the cliffs at Bondi Beach and Narrabeen.

We have also documented homophobic violence towards the beat community – and lack of interest by NSW Police to address these concerns, and observed a direct correlation between increased police activity and homophobic violence at several locations.

What we found was that even though we encouraged beat users to report homophobic violence to police – which they were reluctant to do, officers failed to adequately investigate and/or record the incidents in COPS system, and would treat these victims of crime with considerable disrespect.



Many men have indicated they are reluctant to report homophobic violence due to:

- Previous negative experiences with officers
- Fear of reprisals and further intimidation by police
- Fear of retribution from vigilante residents and bashers, fear officers would give bashers personal information, deep mistrust
- Lack of trust in NSW Police and the NSW Justice System
- Not being 'out' or married

We have also supported victims – and accompanied them to meet with police, and found they were not treated with the dignity and respect to which they are entitled.

In 2006, Alan Jones 'outed' a popular international cruising website that saw beat locations published in *The Sydney Morning Herald* – and was swiftly followed by a public outcry across Australia.

The Myer City Store toilet was the first to be closed, and followed by a wave of 'Crime Prevention' initiatives that swept through the country – including increased police harassment, vilification and discrimination, and homophobic violence towards beat users.



# Gay men's cruising sites under spotlight

*Accusations of homophobia over Myer's toilet closure*

Katrina Fox

A media furore erupted this week as the *Sydney Morning Herald* published a story about retailer Myer closing the level one toilet in its Pitt Street store in the city to the public because it was being used by gay men as a meeting place. The *SMH* alleged that men were "having sex in full view of other horrified users" and quoted a "staff member" as saying they would not allow their young son to enter the toilets as they would be "really worried" for his safety.

The article referred to Canadian-based members-only website Squirt ([www.squirt.org](http://www.squirt.org)), which lists several pages of public places as being hotspots for gay men to meet each other. They include certain Fitness First gyms, Broadway Shopping Centre, Westfield stores' toilets

and the library at the University of NSW, among many others.

According to Carl Harris, Coordinator of the Anti-Violence Project, the *SMH* published the full list of premises taken from Squirt on its site, but took it down after the AVP said it could incite violence against gay people. "The tone of the story was quite homophobic," Harris told *SX*. "More people read the *SMH* than Squirt [and] we have concerns about particular sites being named because that does increase the risk of violence."

Several companies on the list contacted by *SX* declined to comment on either their listing or whether they were aware of overt sexual activity by gay men at their premises, but a spokesperson for Fitness First said she was "surprised" that some of its gyms appeared on the list and planned to discuss the matter with Squirt as it was "absolutely inappropriate".

She added that the company had a policy whereby anyone engaging in "indecent, inappropriate, offensive sexual activity" would be removed from the club and their membership terminated immediately.

Meanwhile Jerry Gaudet, the Connectivity Division Business Manager for Squirt, lambasted the *SMH* for singling it out, and blamed the political climate in Australia. "We haven't had this kind of bad press here [in Canada] where we have more equality for gays, only in Australia," he told *SX*. "I read the other day about a story which linked us to the death of a girl in Perth, which was really unfair."

"I understand people's concerns but I think [the story in the *SMH*] has been overblown. We've been targeted for one part of our site, which is cruising. Cruising has existed for many years before our site appeared – and in that [Myer] washroom."



Members put up the list of places on Squirt's website where guys can meet, and Squirt has a policy of not removing them, Gaudet added. "If a company makes a complaint that they are listed, we would post this on the message board for members."

This latest outcry follows a police crackdown on gay beats in NSW, including Wanda Beach in Cronulla (*SX* 299), and unconfirmed reports of a marked police presence at Foreshore Drive in Botany Bay at the weekend.

## Police Action 'Not Enough'

Sydney Star Observer – January 17, 2008

**Dissatisfaction with the Surry Hills Local Area Command (LAC) came to a head when ACON took the unprecedented step of reporting the LAC to the NSW Ombudsman over inaction on homophobic violence... within weeks the LACs top two officers were moved to new roles replaced by a new commander Supt. Donna Adney and her second-in-command Shayne Woolbank. The change ushered in a new era bringing about better relations between the community and police...'**

## ACON seeks meeting with police over beats

*AVP highlights 'inconsistencies in protocol' by NSW Police*

In 2007, ACON and the Anti-Violence Project (AVP) raised allegations of police harassment and homophobia.

The community welcomed the new 'working partnership' – and the introduction of Chief Supt. Donna Adney, to hopefully repair the rift between the GLBTI community and NSW Police.

However, instead of ushering in a new era of 'better relations', what they created was something rather sinister and menacing for the beat community – the "Beats Working Group".



## Feeling in the Dark

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In July 2008, we noticed increased activity by NSW Police and City of Sydney Council Rangers in Sydney Park, which significantly intensified over the following months.

Their resources were impressive, with multiple patrols every night during the week – and up to eight patrols on Friday and Saturday nights. It was like a ‘training camp’ for new recruits, and an opportunity for officers to try out the latest techniques on catching ‘crooks’ – by harassing and chasing beat users.

These officers were not courteous or behaving in a ‘professional manner’ – they were aggressive and obnoxious, foul-mouthed and homophobic. Officers would tell us they were free to do whatever they wanted, and there was nothing we could do.

It was not uncommon to see several groups of officers positioned around the park... officers would chase screaming men through the bushes towards waiting officers... Council Rangers would drive through to frighten and flush men out toward waiting officers – one night we caught Council Rangers laughing as they drove behind a man screaming to get away... plain-clothes officers sneaking about the bushes engaging in ‘entrapment’ – they would drag crying men toward waiting uniformed officers.

We saw police vehicles driving in a dangerous and reckless manner – they damaged grassed areas, and sometimes drove with the headlights turned off... vehicles would round up men, or use a ‘pincer’ movement to surround men... officers would be out on the street recording vehicle registration details – one night we watched a police vehicle slowly driving down the road announcing vehicle registration details over a loudspeaker – including vehicles that belonged to residents who lived in the street.

Officers would often yell homophobic comments, use excessive force, and falsely arrest men while they interrogated them – pointing flashlight into their eyes to disorient men and avoid identification.

We heard an officer yell to her fellow officers ‘Happy Hunting’... and caught officers searching men for condoms as proof of “intent to engage in criminal activity” – this behaviour is unconscionable and undermines safer-sex messages (ACON and Dept Health were silent when we later raised the issue.)

Officers would often say they received complaints from residents living close by, but when we spoke with residents they indicated they knew what it was a beat – and did not have any issue with it. Some felt safer that there were often people around. They were appalled when told about the police harassment in the park – some residents would contribute reports, alert beat users of any danger, and offered their homes as ‘safe spaces’ during police patrols or when there were bashers in the area.

Several men reported what was happening to ACON and the AVP, yet there was no response. As patrols intensified, it became clear that we had to do something to ensure our safety and well being.

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During that time, we raised these concerns with ACON and the AVP, yet they were reluctant to respond. Chief Supt. Donna Adney and Jackie Braw did not have an issue with the way officers had conducted themselves. We also asked Acting Commissioner Tony Crandell about this behaviour, and he did not have any issue with the way beats were being policed.

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Thursday January 22, 2009 – 11.30pm -12.30am

Was a hot night, could not sleep, so I went out for a walk, somehow I was near by Sydney Park and went in for a stroll. Been to the Park at night before, so it was not my first time.

Suddenly I could see a silhouette of three men appearing about 4 meters away from me, the middle man flashed his torch and I realised what was going on. I started running in the opposite direction. A voice came from one of the three guys; he shouted another man's name Darryl or Darren - 'he's all yours...'

Then I realised I was surrounded by another 2 guys who started running towards me, and I ran through the bushes into the open space of the park.

It was an appalling experience and the result of this was that I fell forward on my face and escaped the chase with a few scratches on my knee and elbow. Luckily I escaped unharmed and I will not live in their fear, actually this experience makes me even stronger.

My concern is that undercover officers participate in these activities. If they can't handle homosexual activities, they should keep out of it and keep their aggression and homophobia to themselves.

More offensive is why don't they (undercover officers) just start talking to the man who they are participating with, instead of being flashed with light in the dark, hunted, surrounded and chased in the bush-land park.

The only wrongdoing I've done is that I started running to save myself and could have injured myself.

Feels like I'm back in the 70s.

The above report has similarities to the report by **Alan** Rosendale – except that this was 2009, and the harassment was 'approved' by the NSW Government.

During this incident, three officers – a male and 2 females, were seen approaching under the cover of darkness. They hid behind a tree and the male officer counted on his fingers – one, two, three, GO! – then directed the other officers to proceed.

A man intercepted them and a female officer shone her torch at him, which alerted men in the area. The officers ran toward the bushes when they noticed movement in the bushes. There were other officers located on the other side of the bushes waiting to trap the men.

We observed that it was a common tactic for officers to sneak up on men then charge into the bushes to chase them, and often men would run when they saw torches in the distance or an approaching officer. It's been suggested this may have happened on the cliffs at Bondi Beach and Narrabeen.

**NB:** The male officer (name noted) has recently turned up in a regional area – it was reported he followed a man out of a 'known' beat location, searched the vehicle – under the pretence of a 'drug search', and harassed the man after finding PrEP in the car. The officer then proceeded to boast about the time he was attached to Surry Hills LAC and would harass the 'poofers' at Sydney Park.

It didn't take long for bashers to appear in the park. We received reports that men were being robbed and bashed, and we soon found ourselves in an awkward situation where we were unable to notify police because they were harassing us.

One night, a man was severely bashed... he stumbled out of the bushes covered in blood and his clothes torn, and we immediately contacted 000 for police and ambulance. The man collapsed and we told him help was on the way, yet he refused help and instead got into his car and drove away.

Newtown Police attended shortly after and we explained what had happened. The officer scratched his head and said 'well, there's not much we can do if there isn't a victim' and notified Ambulance to stand down. After some discussion, the officer acknowledged there was a trust issue with police – and it was suggested we contact Newtown Police should there be any further violence in the park.

We soon heard that joggers and dog walkers were also being assaulted in the park, and several homes in the area had been broken into... one night, we heard screaming and caught the bashers in the act, and we were able to identify them to Newtown Police – and the violence came to an end.

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## The Beats Working Group

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By 2009, the issue of police harassment at beats had received some attention in the gay press, yet it wasn't until the Sydney Gay and Lesbian Mardi Gras that we attracted the attention of NSW Police – after an officer saw our banners and panicked, he radio'd ahead for officers and Parade Marshalls to remove them, but they were unable to.

The following week, we were contacted by representatives of the "Beats Working Group" who arranged a meeting for March 16, 2009 with Chief Supt.

to discuss harassment by officers from Surry Hills and Redfern LAC at Sydney Park. (Notes attached)

During the meeting, Chief Supt. rejected claims that officers were being aggressive and heavy-handed, and that she did not have a problem with the way her officers have policed Sydney Park. She stated that their policing methods have been 'assertive' and that we are mistaken in believing their actions constitute harassment.

When asked about serious misconduct by officers – and that they may not have followed correct police procedure, she stated that officers have been operating within police procedure, and that she would not expect anything less from them.

Supt. did not appear to be concerned that officers had searched men for condoms.

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As police harassment began to be openly discussed in the gay press, we found men from other beats across Sydney were turning up to the picnics and speaking of similar experiences with police harassment – we quickly realised this was bigger than just removing a few men from Sydney Park.

A beat community was emerging, and with it the need to communicate and reach out beyond Sydney Park.

Alarmingly, we were also receiving reports of homophobic violence.

It was at this point that we realised we were walking a fine line with NSW Police. We needed to remind officers of their **NSW Police Standards of Professional Conduct** and **Code of Ethics** – yet we needed their assistance to address homophobic violence.

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What followed was an awkward relationship with the “**Beats Working Group**”. We were led to believe they would take our concerns seriously – they knew we weren’t going away, but that was not the case.

We met on several occasions, and were hopeful that their intention was to include beat users in the discussion and find a way to work together – they were aware of our concerns with police harassment and homophobic violence, however it appeared the direction of the group had already been decided, and our input from the perspective of the beat user was considered an afterthought.

The representatives were childish and argumentative – during a ‘staged’ meeting at the former ACON building in Surry Hills, [redacted] from ACON AVP asked, “what is your minimum requirement”, and representatives laughed when we replied, “to stop police harassment”... after the meeting, we were ushered out of the building – and they re-convened the ‘actual’ meeting at a café.

What was troubling, was that they spoke negatively about beats... we note the constant reference to ‘children’ – and the insinuation that beat users were paedophiles, which was used to justify police harassment and ‘shutting beats down’. There was no discussion on addressing homophobic violence.

We learned they were working on a ‘z-card’ (attached) – that they intended to distribute to beat users with condom included. We were invited to make suggestions – which were ignored, and note it contained inaccurate and misleading information and the focus was on beat use as a ‘crime’.

We asked whether NSW Police officers would distribute the ‘z-cards’ considering they were caught searching men for condoms, and NSW Police representative [redacted] looked perplexed and admitted officers would not be handing them out.

Instead of a ‘new era, bringing about better relations between the community and police’, we soon realised these government agencies had no intention of working with beat users to address our concerns and ensure our safety. We weren’t ‘stakeholders’, we were the ‘crooks’.

It was a new era of ‘Crime Prevention’ initiatives at beats.

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## The “Interagency Approach”

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We understood the Department of the Attorney General and Justice established “**The Beats Working Group**” (**BWG**) – a Network of Government Agencies (NOGA), and that the framework was informed by the Children’s (Protection and Parental Responsibility) Act 1997 - Part 4 (Crime Prevention), which empowered police to be ‘moral arbiters’.

The BWG oversaw the implementation of the NSW Government’s Strategic Framework to ‘Prevent violence against GLBT people’, which was instead used to brand beat users as paedophiles.

Dept. Attorney General	
NSW Police Force	<ul style="list-style-type: none"><li>• Former GLBTI Spokesperson &amp; Surry Hills LAC Commander Chief Supt.</li><li>• Senior Program Officer for Sexuality and Gender Diversity</li></ul>
ACON (Chair)	<ul style="list-style-type: none"><li>• Former President,</li><li>• CEO,</li></ul>
Anti-Violence Project	
Gay & Lesbian Rights Lobby	(now current President of ACON)
Inner City Legal Centre	<ul style="list-style-type: none"><li>• Co-Chair,</li><li>• Lawyer,</li></ul>
City of Sydney	
NSW Health	

The BWG also oversaw the implementation of Local Crime Prevention Plans with Councils across NSW that we understand was mandatory – and what we refer to as the ‘Interagency Approach’, with the intention being to shut down beats by whatever means necessary.

We understand it was at this point that ACON and AVP ‘Beat Outreach’ services were abandoned – due to ‘OHS Issues’, they told us.

## “ You’d benefit from an ‘Interagency Approach’ “

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The ‘Interagency Approach’ is focused on ‘Crime Prevention’, with the main players eager to exploit the shame and stigma surrounding beats – in their attempts to deter beat use, under the pretense of keeping beat users safe.

Sure, beat use does carry the risk of arrest – after all, exposing yourself in public is a Summary Offence – offensive behaviour – yet it is not an ‘Indecent Act’ under the Crimes Act as police would have us believe, which is loaded with moral indignation and outrage, and insinuates beat users are paedophiles.

Chief Supt.                      once stated that we’re welcome to meet and hold hands, maybe even kiss – but then we’re expected to go home to the privacy of your locked bedroom – out of sight – and away from ‘the children’... yet was at a loss to explain why officers would turn a blind eye to heterosexuals engaging in sexual activity – what is referred to as ‘disproportionate policing’.

We already know this doesn’t work, as police will harass men anyway – simply for being in an area that is a ‘known’ beat, and the latest tactic reported by many men is that police will follow men out of the beat and conduct a vehicle search – under the guise they’re searching for drugs.

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We believe the ‘Interagency Approach’ is flawed... and our attempts to engage with the Beats Working Group have been anything short of impressive.

Yet, we do question why beat use warrants vast NSW Police resources at taxpayer expense – on top of the considerable resources/funds made available to Councils across NSW to implement Crime Prevention Through Environmental Design (CPTED) measures.



Toilet blocks were locked up or demolished... toilet doors were either removed or considerably shortened – raising privacy issues... playground facilities were constructed, some not even used by the public... CCTV and increased surveillance by Council Rangers and Security... trees and bush land were cleared... increased police harassment... inappropriate signage was installed that increased vilification and discrimination toward the GLBTI community – resulting in increased homophobic violence.

It would be interesting to know how much has been spent, especially when there is no clear return on that ‘investment’.

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We sought to work with the BWG to ensure we were safe from homophobic violence, however we were not considered to be 'Stakeholders' – we were viewed as 'crooks' according to Chief Supt. , and treated with considerable disrespect.

More importantly, homophobic violence was ignored and/or not taken seriously. We were aware that NSW Police and ACON ignored reports of homophobic violence and ridiculed victims – especially at Croudace Bay Park, where homophobic violence continued over a 4-year period.

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## Crime Prevention and Policing Beats

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We understand that policing beats is a complex issue – with beat users often caught in the middle.

On one hand, police have the responsibility to respond to complaints by the broader community – this we don't deny them, and each beat brings its own set of issues, whether it's complaints by local residents or concerns raised by councils.

"Beat users do not have the right not to be policed" – Chief Supt.

However, what is being questioned is the methods and tactics used by NSW Police, and the disproportionate attention placed on beats that often ignore the Rights and safety of beat users.

Another concern is that officers engaged in 'approved' methods that disregard the "Standards of Professional Conduct" and "Code of Ethics" – based on moral judgments, and that police and senior management view these methods as 'anything less than they'd expect from their police force'.

Several officers approached us to express their concern about the police harassment – and distance themselves from what was going on... these officers were unable to speak out, and feared they would be targeted or lose their job.

Point 10 of the NSW Police Force "Code of Conduct and Ethics" states that an employee of the NSW Police Force must: "report misconduct of other NSW Police Force employees."

According to Chief Supt. "it's all about perceptions."

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Now, this is where it gets complicated... police also have the responsibility to ensure the safety of all members of the community – and to respond to incidents of homophobic violence in a courteous and professional manner, wherever it occurs.

We have identified several flaws in the GLLO program and examples of inaction when dealing with homophobic violence.

Our experience and reports indicate a disproportionate level of policing when it comes to beats, often resulting in 'vigilante empowerment' and further homophobic violence – yet these incidents often warrant little attention – often because the beat user – that is 'the victim' – is reluctant to report the incident, especially if they're a married man.

This is mostly due to a previous 'negative experience' and a deep lack of trust – the beat user knows their complaint will not be taken seriously, that officers will not act in a professional manner or be courteous and respectful of their sexual identity, and most likely to harass them.

NSW Police and ACON know this, yet 'blame' the beat user – the 'victim' – for not reporting to police, and as we've seen, officers have failed to enter homophobic violence into COPS system when reported.

Despite this, we continue to encourage men to report violence to police, and we provide reporting mechanisms through the Beat Project website. We have also approached NSW Police on several occasions to establish a community-reporting initiative aimed at beat users – and to acknowledge 'third-party reporting', yet they are reluctant to go down that path.

When beats are heavily policed and/or shut down, beat users will seek out other locations – such as abandoned warehouses that could potentially put them in harms way... or forced into locations closer to residential areas where they may be at greater risk of homophobic violence by vigilante residents... or remote locations that would make it impossible to escape any homophobic violence.

We've also noticed an increase in riskier sexual behaviour, especially considering police may search for condoms .

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## Croudace Bay Park

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Between 2011 to 2014, we documented a gang of local vigilante youths harassing and bashing men at Croudace Bay Park – throwing fire crackers and yelling homophobic comments – bashing a man over the head with a metal rod – bashing on vehicles and damaging property – death threats to the man who reported the incidents to police – threats directed at the Beat Project.

The case study is remarkable in that reports made by victims were not recorded in the COPS system – and 'Third Party' reporting by the NSW Beat Project that included dates, times, description of bashers, vehicle registrations, etc., was completely ignored.

When we raised the issue with local GLLO Supt. \_\_\_\_\_ we were met with a lack of professionalism and courtesy. When pushed, Chief Supt. \_\_\_\_\_ and \_\_\_\_\_ instead blamed their inaction on victims for not reporting – even though many did, and indicated these reports were not recorded on the COPS system... and what followed was an 'alleged' cover-up after it was discovered the teen basher was related to a Senior Officer.

ACON Sydney, ACON Hunter, and the AVP were made aware of ongoing homophobic violence and police inaction, yet they were not interested in what was happening to beat users.

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## Braye Park

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At Braye Park, Newcastle, we noted an increase in homophobic violence following increased police activity.

There was a particularly nasty homophobic female officer who declared “we can do whatever we want”... and officers would approach vehicles in the car park and shine their torches into them. On one occasion, an officer stumbled upon a male and female in the ‘act’, yet the officer congratulated the male – for ‘getting his end in’, gave him a ‘high-5’, and told them to move on. The officer then proceeded to harass all the men in the car park... known as “disproportionate policing”.

We also provided Waratah Police with numerous reports of men throwing eggs, and men being threatened with a knife/sword, yet these issues were not addressed – and police denied there were any problems with homophobic activity in the area and publicly blamed men for not reporting. This raises the likelihood of police involvement, and we are certain plain-clothes officers were involved.

Eventually we found a GLLO who was able to assist with stopping the homophobic violence... she should be highly commended.

Please refer to attached reports and articles in the press.

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## Assessing the Impact

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Despite improvements in the way beats are policed – NSW Police only arrived at this point kicking and screaming, and only after intense scrutiny from the GLBTIQ community.

We acknowledge the efforts of Chief Supt. \_\_\_\_\_ in addressing these issues – and for encouraging her officers to better understand the sensitivities around beat use through ‘Beats Training’, however, the reality is that NSW Police continues to harass men, and pander to “complaints” from a handful of residents who also engage in homophobic violence.

We recently reported an incident to police where a man was threatening beat users with an axe and machete. We were unable to locate a GLLO close to the area, however after speaking with an officer – who was alarmed by what she heard and replied “for crying out loud, this is 2018”, it turned out the man had made a complaint about beat activity to police – which police responded by harassing beat users, yet were not aware the man was threatening the safety of beat users.

Obviously, there is still a long way to go to find the balance.

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We have identified serious flaws in the GLLO program – led by \_\_\_\_\_, and note that major regional areas such as Newcastle still don’t have a GLLO.

We are grateful when we come across officers who have an understanding of beats and homophobic violence, yet often found there was interference from \_\_\_\_\_ and Senior Officers.



At the end of the day, beat users are viewed as criminals – ‘crooks’ according to Chief Supt.  
– which further fuels the shame and stigma associated with beat use.

The question is whether this is sufficient justification for officers to ignore guidelines and procedures on policing beats – even police are not above the law... and it would appear ACON is either oblivious or willing to turn a blind eye to questionable police practices that adversely affects the community.

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We also need to consider that the opportunities for men to socialise and engage with each other is significantly reduced, making them more vulnerable and alienated – this raises concerns that mental health issues are being ignored, contributing to an increase in depression, the potential for self-harm, and possibly suicide – particularly in rural and regional areas.

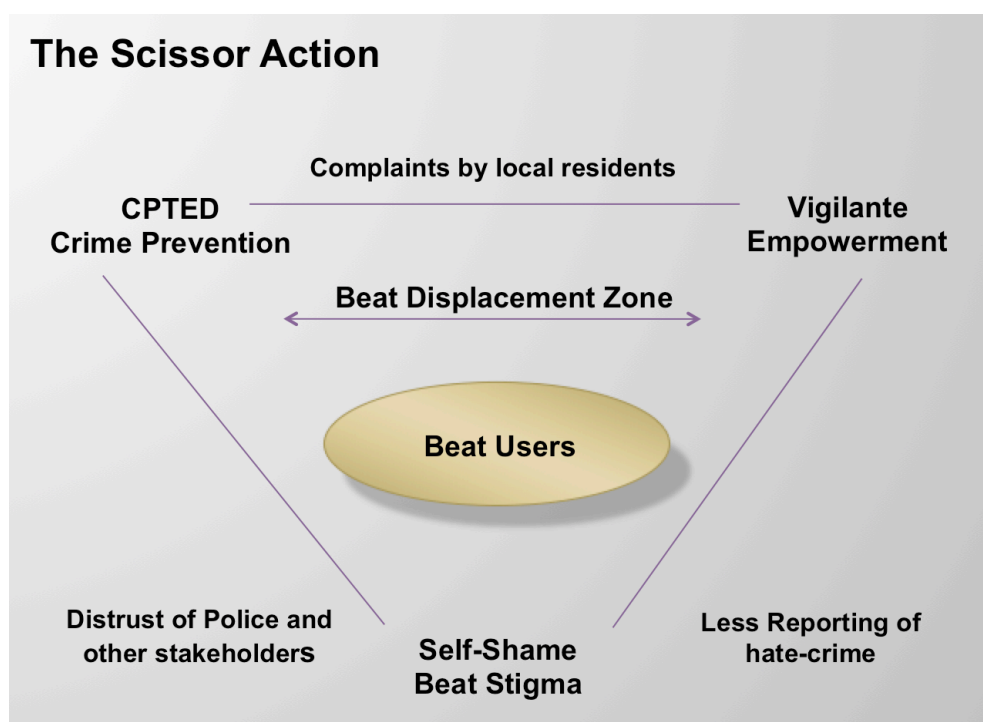
We must also acknowledge that Beat Users share the responsibility for these negative perceptions, and we need to ensure we have minimum impact on the broader community – that is, being discrete, keeping noise to a minimum, tidying up after ourselves, etc., yet NSW Police have refused to work with the beat community to develop strategies to address these issues.

## Scissor Action

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As the ‘Interagency Approach’ is driven by “Crime Prevention” to eradicate this ‘offensive behaviour’, we support a holistic approach and encourage a greater emphasis on working with the beat community to ensure beat users are kept safe from homophobic violence.

We want to see police responding to vigilante behaviour and homophobic violence with compassion and sensitivity, and not be dismissive, rude and judgmental.



More importantly, we believe police should work towards repairing confidence and building trust to encourage beat users – and the wider GLBTI community, to report homophobic violence instead of fearing police and suffering in silence... and send a clear message that homophobic violence will not be tolerated – and more importantly, is subject to the full force of the justice system.

We're all appalled by the increasing level of homophobia in our society — yet, police harassment and homophobic violence at beats doesn't rate a mention, and has only served to condone 'vigilante behaviour' and perpetuate further homophobic violence... This is not acceptable.

These negative perceptions and deep mistrust has its consequences, especially when homophobic violence continues to be a concern – it's simply not enough to say [ 'close the beats down and you'll remove the problem' ] – or blame the victim [ I don't understand what you're doing here at three o'clock in the morning' ].

Even attempts to raise concerns with Redfern LAC about two local youths who were bashing men in Sydney Park was met with a – "I don't get you guys... we go down there and you call us homophobes – and now you want our help". In the end, it was up to beat users to identify the bashers and hand them over to Newtown Police who understood the situation.

There is clearly a lack of trust and confidence in our community organisations (ACON) and government agencies to deliver positive outcomes for beat users... and we've identified the use of inaccurate legal information and dissuasive language... moral judgments... and an ongoing reluctance to have beat users properly represented in discussions on policy and procedure... even a lack of ethical standards and transparency.

It's fairly clear that after ten years of the Beat Project that the culture of incompetence and political shenanigans hasn't changed, and the interagency approach has failed.

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## Moving forward – Building Trust and Community Partnerships

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So how do we remove barriers that discourage an effective working relationship between beat users and NSW Police?

We've identified the need to develop benchmarks and work toward outcomes that aim to remove negative perceptions, and build trust and confidence between beat users, the community and government agencies.

Each situation needs to be addressed on its own merits – working with ALL stakeholders, and working to overcome barriers and flaws in the current direction and policy decisions.

Our ultimate goal would be to push the discussion for a more holistic view of beats as part of a policy regarding 'Public Sex Environments' rather than a policing and 'Crime Prevention' issue that needs constant referral to a gay lesbian themed police unit.

When the vast majority of beat users do not identify as gay, the hesitancy to identify means we have to move away from the discourse of oppressed homosexual, and understand that beat usage is something

that will continue to happen and is not so alien a concept to lover's lanes or drunk straight couples fumbling on a beach at midnight – which apparently is perfectly acceptable to police.

## Recommendations

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We seek to:

- “End Police Harassment” – this would involve a paradigm shift in attitude by NSW Police toward policing beats and the homophobic culture deeply entrenched within NSW Police
- Seek to ensure NSW Police Force focus on improving its culture and conduct towards the GLBTI community
- Seek better procedures on patrolling beats – uniformed presence, respect
- Seek better procedures on reporting homophobic violence in COPS
- Seek better procedures to address homophobic violence – especially when the victim chooses to remain anonymous
- Mandate better Jury Warnings and processes within the NSW Legal System to address Hate Crimes and Hate-Crime Sentencing Enhancements
- Tighten up sentences for youth offenders to discourage ‘vigilante behavior’ and acts of homophobic violence
- Legislative change to remove laws that can be ‘misinterpreted’ and/or misused against beat users
- Seek better regulation and independent oversight Better resource the Anti-Discrimination Board to address homophobia and hate-related crime
- Decriminalise beats and public sex environments in NSW looking at the Amsterdam model and similar moves in the UK for direction, with the aim to ensure the safety of the GLBTIQ community. (see below)

## Amsterdam and UK Model of Decriminalisation

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We're eager to explore alternatives to current crime prevention strategies, and promote the UK and Amsterdam models to ensure the safety of all beat users.

Changes should be implemented to ensure:

- Police and local communities actively engage with each other in a positive manner
- Police actively encourage a zero-tolerance of 'vigilante behaviour' and homophobic violence
- Local authorities establish allocated cruising tolerance zones – with sign-posts to warn people so they're not offended
- A review of guidelines on policing public sex environments
- A review of how complaints against officers are handled
- Ensure the safety of ALL people who frequent beats.

Any move to decriminalise public sex should be undertaken to protect men who frequent cruising areas from violence, and create a culture where men are encouraged to report homophobic violence to police – instead of living with the shame and stigma.

### Amsterdam

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#### **Amsterdam Police Get Homosexuals Out of the Bushes**

Willemien Groot - March 12, 2008

AMSTERDAM - The most beautiful park in the centre of Amsterdam has a colourful mixture of visitors, especially in the summer. Parents with children, inline skaters who display their tricks in front of the film museum, joggers, couples walking hand in hand and ... gay men cruising in the rose garden.

As dusk falls, the Vondelpark has been a regular meeting place for men looking for a short and uncomplicated sexual encounter since time immemorial. Now the Amsterdam police are causing a commotion because they want gay men to stop hiding in the bushes and come out into the open.

### **Police: Allow Sex in All Dutch Parks**

AMSTERDAM, March 8, 2008

The police's National Diversity Expertise Centre (LECD) wants sex allowed in all public parks in the Netherlands. The police institute has advised the cities to follow the example of Amsterdam, De Telegraaf newspaper reported Friday.

In Amsterdam's Vondelpark, owners of dogs let off the leash can be fined, but sex will shortly be permitted. "Why should we try to maintain something that is actually impossible to maintain, which also causes little bother for others and for a certain group actually signifies much pleasure?" says Paul van Grieken, the responsible Alderman in the Oud Zuid district of Amsterdam.

Van Grieken confirmed that the plan to tolerate public sex in Vondelpark is part of a draft version of new rules of conduct for the city's best

known park. The regulations are to come into force after the summer. "Of course there are strict rules attached. Thus, condoms must always be cleared away, it must never take place in the neighbourhood of children's playgrounds and the sex must be restricted to the evening and night time."

### **Gay Beat Gets Nod From Police - samesame.com.au**

Christian Taylor - March 17, 2008

In one of the boldest, most refreshing approaches we've seen from authorities in quite a while, councillors in the Netherlands have just legalised a gay beat in one of Amsterdam's best known parks.

The rose garden at Amsterdam's Vondelpark has been a notorious cruising ground for years, but instead of outlawing what goes on there, authorities have decided to impose a set of rules instead.

## Amsterdam Decriminalizes Public Sex in Famous Park

 [lifesitenews.com/news/amsterdam-decriminalizes-public-sex-in-famous-park](http://lifesitenews.com/news/amsterdam-decriminalizes-public-sex-in-famous-park)

LifeSiteNews.com

NewsFri Mar 14, 2008 - 12:15 pm EST

LifeSiteNews.com

By Matthew Cullinan Hoffman

AMSTERDAM, March 13, 2008 (LifeSiteNews.com) - The government of Amsterdam has decided to decriminalize sexual activity in the Netherlands' most popular and famous park, the Vondelpark.

Frequented by families and tourists, the Vondelpark features ponds, children's playgrounds, an open air theater with free performances, and woodsy areas where authorities say that couples of any sexual combination will be free to copulate beginning in September of this year.

The park has reportedly become a favorite meeting place for homosexuals, who often engage in sexual activities there. Local law has long imposed a fine for those caught in such behavior, but under the new law such fines will no longer apply after dark.

In addition to restricting public sexual activity to nighttime, the law will also allow police to eject couples who make too much noise. Leaving behind condoms or other trash is also prohibited.

"Why prohibit something that hardly bothers other people and that, to the contrary, gives much pleasure to a particular group?" asked Paul van Grieken, an Amsterdam official, according to the Spanish publication El Periodico.

The Dutch police's National Diversity Expertise Center is advising the rest of the nation to follow Amsterdam's example and lift restrictions on public sex in all of the nation's public parks, according to De Telegraaf newspaper.

According to the Center, "cruising" gays in public parks should be tolerated in order to protect homosexuals from "queer bashers", although no explanation was given as to why the policy would afford such protection.

The Vondelpark is the Netherlands' most beloved park, visited by approximately 10 million people each year.

Ironically, the park is named after Joost van den Vondel, a Dutch poet whose conversion to Catholicism in 1641 inspired his most famous work, "Lucifer". The park contains a statue of the poet.



Officers should turn a blind eye to dogging and cottaging by consenting adults as their role is not "moral arbiter" a senior officer said.

**Police End Gay Sex Crackdown - November 28, 2008**

After a controversial new report was been leaked by the Deputy Chief Constable of Lancashire Police Michael Cunningham to Police Review magazine. Several Police forces across England have now stopped their practice of arresting gay men and heterosexual couples who have sex in public. It is believed Greater Manchester Police is the first with Merseyside following suit.

Gay Rights Groups such as OutRage! and campaigners such as Peter Tatchell have long argued that police actions against gay men who meet for sex in public are homophobic and vilify the entire gay community for what is a largely unpolicable offense.

**UK Decriminalises Sex in Public - October 22, 2008**

Deputy Chief Constable Michael Cunningham called on police to turn a blind eye to people having public sex recently in a new report on dogging and gay men cruising. The top cop suggested police should stop being 'moral arbiters' in the report and said sensitive policing could help prevent suicides amongst people busted in public toilets and parks.

"The impact can be extreme and can include humiliation, breakdown of relationships and the 'outing' of men living in an opposite sex relationship being perceived as 'gay'," he said. "Acts of suicide and self-harm by people who may have been arrested or come into contact with the police situation has happened," he added.

**Police May Ignore Public Sex Acts - October 16 2008**

The police chief in charge of lesbian gay bisexual and transgender issues said the force's attitudes towards cottaging and dogging alienated the gay community.

Deputy Chief Constable Michael Cunningham of Lancashire Police said police should not become a "moral arbiter" by arresting those with a penchant for outdoor sex.

## **Police told to avoid arresting people having sex in parks**

October 17, 2008

New guidelines for police officers on how to deal with public sex have recommended they avoid “knee jerk” reactions to people cottaging, dogging and cruising.

At present it is not illegal to have sex in a public place unless someone else sees the act and complains to police.

The new draft guidelines will be considered by Association of Chief Police Officers.

They were drawn up by Deputy Chief Constable Michael Cunningham, of Lancashire Police, ACPO lead on LGBT issues.

He claimed the “human rights of those people who frequent open spaces for the purposes of having sexual relationships with other like-minded people” should be considered.

A small minority of gay men use parks or open spaces, known as cruising grounds, or public toilets, known as cottages, to look for sex.

These venues are also used by bisexual or “straight” men looking for gay encounters.

Some heterosexuals now ape that with dogging, a similar practice whereby single men and couples gather in a public place such as a car park either to watch or participate.

Mr Cunningham said that police actions at toilets and cruising grounds had alienated gay men.

“Acts of suicide and self-harm by persons who may have been arrested, charged or come into contact with the police in such a situation have happened in various parts of the country,” he said.

“It is not for the police to take the role of moral arbiter, the police role is to ensure that any complaints are dealt with fairly and professionally and that where individuals are engaged in lawful activity they may do so safely.

<https://www.pinknews.co.uk/2008/10/17/police-told-to-avoid-arresting-people-having-sex-in-parks/>



### **Police leniency call on park sex**

**People caught having sex in public should only be arrested as a last resort, according to draft guidelines.**

Police should instead turn a blind eye to consenting adults in parks and public toilets, a senior officer said.

Deputy Chief Constable Michael Cunningham, of Lancashire Police, said in a report that previous responses had alienated the gay community.

Shadow home secretary Dominic Grieve described the report's findings as "unacceptable".

The report - Guidance on Policing Public Sex Environments - was leaked to Police Review magazine.

Mr Cunningham is the Association of Chief Police Officers (Acpo) spokesman on lesbian, gay, bisexual and transgender issues.

He said officers should avoid a "knee jerk" reaction to incidents of dogging, in which previously unknown partners meet in public for sex, as well as cruising and cottaging, in which gay men meet in parks and toilets.

**" Acts of suicide and self-harm by persons who may have been arrested, charged or come into contact with the police in such a situation has happened "**

Deputy Chief Constable Michael Cunningham

Mr Cunningham said: "In any event it is not for the police to take the role of moral arbiter.

Mr Cunningham said: "In any event it is not for the police to take the role of moral arbiter.

"The police role is to ensure that any complaints are dealt with fairly and professionally and that where individuals are engaged in lawful activity they may do so safely."

The guidance proposed in his report will now go forward to a committee of senior police officers.

No guidance will be issued until a decision has been made but, if approved, it could be put in place across England and Wales.

Mr Cunningham said it was not illegal to visit known sites where people met for sex, although people's behaviour could be criminal.

Measures such as closing an area, lighting, CCTV, or regular uniformed patrols should be considered by officers before arrests, he said.

Plain-clothes officers should be avoided because they could be seen as an "agent provocateur", Mr Cunningham said.

### **'Self-harm'**

Mr Cunningham said the impact on people's lives could be extreme, and could lead to humiliation and the breakdown of relationships.

"Acts of suicide and self-harm by persons who may have been arrested, charged or come into contact with the police in such a situation have happened in various parts of the country," he added.

Commenting on the report, shadow home secretary Mr Grieve said: "This is unacceptable. The law is the law and there should be no exceptions."

An Acpo spokeswoman said: "This document has been put forward as a developing proposal. It is not complete and has not been adopted as Acpo guidance."

Story from BBC NEWS:

[http://news.bbc.co.uk/go/pr/fr/-/2/hi/uk\\_news/england/lancashire/7674874.stm](http://news.bbc.co.uk/go/pr/fr/-/2/hi/uk_news/england/lancashire/7674874.stm)

UK Police Instructed Not to Interfere with the "Human Right"...

<https://www.lifesitenews.com/news/uk-police-instructed-not-t...>

NEWS | Fri Oct 17, 2008 - 12:15 pm EST



## UK Police Instructed Not to Interfere with the "Human Right" of Anonymous Public Sex

By Kathleen Gilbert

LANCASHIRE, United Kingdom, October 17, 2008 (LifeSiteNews.com) - Public homosexual activity in parks and public bathrooms must not be impeded by law enforcement officials except as a last resort, says a new set of draft guidelines for UK police.

Deputy Chief Constable Michael Cunningham of Lancashire Police, who drew up the 21-page report, titled "Guidance on Policing Public Sex Environments", wrote, "In any event it is not for the police to take the role of moral arbiter." Rather than arresting those who have sex in public, the police should instead guard the "human rights of those people who frequent open spaces" to seek anonymous copulation partners, an activity known as "cruising."

"The police role is to ensure that any complaints are dealt with fairly and professionally and that where individuals are engaged in lawful activity they may do so safely," said the report. Mr. Cunningham is the Association of Chief Police Officers (ACPO) spokesman on homosexual issues.

The constable encouraged police to study sex websites for insight into the whereabouts of homosexual sex hot spots. Such websites show, among pornographic advertisements, dozens of public haunts for homosexual men seeking anonymous sex - among the most notorious being Dartford Heath, where public sex has been said to have spiraled "out of control."

The report complained that previous activity on the part of police officers to stop public sex has alienated the gay community. The report blames law enforcement for leading to homosexual "self-harm," citing the fact that some homosexuals have attempted suicide who "may have been arrested, charged or come into contact with the police in such a situation."

"The impact of enforcement can also be severe and rarely resolves the community problems associated with the existence of a public sex environment," wrote Cunningham.

"This impact can be extreme and can include humiliation, breakdown of relationships and the 'outing' of men living in an opposite sex relationship being perceived as 'gay.'"

"The ACPO already enforces guidelines for police officers handling the public indecency claims against homosexual cruising, which emphasize "the value of building trust with local LGBT communities" to ensure that action against homosexual activity be "fair, necessary, and legitimate." The guidelines were authored by the ACPO Lesbian, Gay, Bisexual and Transgender (LGBT) Working Group in 2000 to provide "a comprehensive LGBT policing strategy centered around anti-homophobia."

Cunningham's report will now be submitted for approval by a committee of senior police officers before it is put in place across England and Wales.

NEWS | Wed Jan 16, 2008 - 12:15 pm EST



## ACLU Backs Gay Sex in Public Toilets under "Privacy" Provisions

By Hilary White

MINNEAPOLIS, January 16, 2008 (LifeSiteNews.com) - The American Civil Liberties Union is arguing that men who have sex in public washrooms should be protected under court rulings guaranteeing privacy.

On Tuesday, the ACLU filed an amicus brief to the Minnesota 4th District Court citing a Minnesota Supreme Court ruling 38 years ago that found that people who have sex in closed stalls in public restrooms "have a reasonable expectation of privacy."

The brief was filed in defence of Republican Senator Larry Craig who was arrested and charged with lewd conduct in June 2007.

ACLU Executive Director Anthony Romero said, "The real motive behind secret sting operations like the one that resulted in Sen. Craig's arrest is not to stop people from inappropriate activity. It is to make as many arrests as possible - arrests that sometimes unconstitutionally trap innocent people." Solicitation for private sex is protected speech under the First Amendment, the ACLU argues.

Romero wrote, "If the police really want to stop people from having sex in public bathrooms, they should put up a sign banning sex in the restroom and send in a uniformed officer to patrol periodically. That works."

But Patrick Hogan of the Metropolitan Airports Commission said Monday that Craig's arrest and at least 41 similar arrests were made lawfully. "Engaging in public sex in a bathroom is a crime and most people understand that without putting up a sign," Hogan said.

"We saw a lot of communication about this particular bathroom on Web sites, and if we make it known that we're aware of it we can't be expected to enforce the law as effectively."

Hogan added, "We believe the charges fit the crime and Sen. Craig agreed to the charges as part of plea negotiations."

Craig, widely regarded before his arrest as a family-values conservative, was arrested for lewd conduct in a men's bathroom on June 11, 2007. He pleaded guilty to a lesser charge of disorderly conduct on August 8, 2007.

The ACLU's defence of homosexual sex in public will come as no surprise to those who have followed its years of work as one of the strongest supporters of the homosexual movement. It has also been in the forefront of the perennial efforts by secularists and the hard left to ban public displays of Christianity, particularly at Christmas. Nativity scenes and the Ten Commandments, mentions of God or Christian themes in public speeches at schools and colleges, and the teaching of alternatives to Darwinian theory have all come under attack from the organization.

A movement opposing the anti-Christian and anti-family work of the ACLU is gaining steam in the

## Attachments

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Please find attached to the email.

<b>Submission No 27</b>
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### **INQUIRY INTO PARTIAL DEFENCE OF PROVOCATION**

**Organisation:** NSW Beat Project  
**Name:** Mr Richard Capuano and Mr Maurice Farrell  
**Date received:** 10/08/2012

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# PERSONAL SAFETY

- Tell someone where you are going.
- Doing a beat when drunk or on drugs may impair your judgement and make you more vulnerable.
- Leave valuables at home.
- Attacks at beats may involve theft.
- Don't wear a personal stereo - you need to be able to hear what's going on around you.
- Wear clothes and shoes you can run in if need be. Know the surroundings - you may need exits/escape routes.
- If you want to leave the beat with someone you meet, talk with them first to determine whether you feel safe with them.
- Be discreet when you are hiring sex. Most police activity at beats is in response to complaints from the public about obvious sexual activity taking place in easy-to-view areas.
- Stay away from anyone you think is suspicious - even if they look like your "type". Be especially wary of groups of people.
- If threatened, run away (if you can) and try to attract help by shouting. Or, if you see anyone being harassed, help by shouting. Or, if you see anyone being harassed,

call the police or yell.  
Take a note of their details (appearance, car rego, etc) so that you can identify them later.

- If you see someone being attacked, try to help them but don't put yourself at risk.
- Consider learning self-defence.



## RESPECTING THE BUSH AND OTHER VISITORS

Keep to the constructed paths to protect the native vegetation, prevent soil compaction, erosion and weed infestation and to allow the bush to regenerate.

Do not litter. Take all rubbish away with you. Discarded condoms/wrappers are not only environmentally unfriendly but they also attract complaints and interest from the public and authorities.

## RESPECTING YOUR RIGHTS THE BUSH AND AT BEATS

### IT IS NOT AN OFFENCE TO BE PRESENT AT A BEAT.

However, if you perform any sexual act in public you may be charged with committing an indecent act under NSW law. Indecent acts include: displaying sexual organs, solo or mutual masturbation, oral and anal sex. It is not unlawful to just hold hands or kiss.

You cannot turn a public place into a private one just because others cannot see you. Closing a cubicle door doesn't turn a public place into a private one.

## INTERACTING WITH THE POLICE

### IF YOU ARE STOPPED BY THE POLICE AT A BEAT FOR ANY REASON:

- Be cooperative, do not act in a disorderly fashion, resist arrest or be abusive towards them.
- Police have the right to ask you for your name and address if they reasonably believe you have broken the law (or are about to) and in other limited circumstances.
- Police have the right to stop, search and detain you without a warrant if they reasonably believe you have committed (or are about to commit) a serious offence such as an assault, robbery, drug dealing or possession.
- Police have the right to ask you for your licence if you are driving or sitting in a car.
- You have the right to ask the police why they are questioning you.
- You have the right to ask the police for their name or number, rank and station, if they are questioning you.
- You are not obliged to answer their questions (apart from name and address), or to give a statement or participate in an interview.
- Police cannot insist that you go with them to a police station if you are not under arrest.
- You can maintain your right to silence.
- You have the right to request legal advice.
- Police will always consider bail. If bail is refused you will be presented to a magistrate at the earliest opportunity.
- If you feel you have been treated unfairly or discriminated against by police you can make an official complaint to the relevant authorities.



## WHERE TO GET HELP

### IN AN EMERGENCY - CALL 000

SEXUAL HEALTH HOTLINE - 1800 451 624  
WWW.WHYTEST.ORG

IF YOU THINK YOU HAVE BEEN EXPOSED TO HIV WITHIN THE LAST 72 HOURS CALL THE PEP HOTLINE 1800 737 669

ACON - (02) 9206 2000 (FREECALL: 1800 063 060)  
WWW.ACON.ORG.AU

LESBIAN & GAY ANTI VIOLENCE PROJECT

(02) 9206 2116 (FREECALL: 1800 063 060)  
WWW.LAVP.ACON.ORG.AU (ON-LINE REPORTING)

WWW.BEATS.ORG.AU

NSW POLICE FORCE GAY & LESBIAN LIAISON OFFICER  
(ELL04): (02) 9281 0000

LAWACCESS NSW - 1300 888 529  
WWW.LAWACCESS.NSW.GOV.AU

INNER CITY LEGAL CENTRE (02) 9332 1966

GAY AND MARRIED MEN'S ASSOCIATION (GAMMA)  
(FREECALL) 1800 804 617

The information in this resource is provided as a guide only.

Developed by The NSW Bush Working Group. A collaboration of agencies including NSW Police, NSW Health, NSW Environment and Heritage, NSW Fire and Rescue, NSW Land and Water Conservation, NSW Local Government Community based organisation and environment.

Funded by Sydney South West, South East Sydney Illawarra and Northern Sydney Central Coast Area Health Services and ACON.



# SEX AT BEATS

Whatever type of sex you are having, it is important to protect yourself and your partner from sexually transmitted infections (STIs) including HIV. HIV is the virus that leads to AIDS.

STIs such as chlamydia, gonorrhoea and syphilis can be passed on by blood, cum, rectum or mucus during anal or oral sex. Some STIs may also be passed on by skin to skin contact.

HIV is most commonly passed on through anal sex without a condom. Oral sex carries a small risk of HIV transmission particularly if it involves getting cum in the mouth.

You can't tell whether someone has HIV or an STI just by looking at them. People with HIV or STIs often don't know they are infected as they may not have any symptoms. The only way to know is to have a test.

Using a condom and water based lubricant reduces your risk of getting and passing on HIV and many STIs.

# TO KEEP MY SEXUAL HEALTH IN CHECK I CAN...

1. Use condoms and water based lubricant
2. Get regularly tested for STIs including HIV
3. Recognise and act on symptoms of STIs
4. When possible, tell my recent sex partners if I have been diagnosed with an STI
5. Get vaccinated for hepatitis A & B

## WHAT'S INVOLVED IN A SEXUAL HEALTH CHECK-UP?

As part of a thorough check-up, ask for a:

- Blood test to check for HIV, syphilis, hepatitis A and B
- Urine test, anal and throat swab to check for chlamydia and gonorrhoea
- Physical examination to check for signs of other STIs like crabs, scabies, warts and herpes
- Referral, counselling, advice and support

Many GPs and clinics now offer patients the option of providing a self-collected urine sample and anal swab. If you have symptoms, you may be offered different tests.

Check-ups are free at Sexual Health Clinics. You can remain anonymous.

## CONDOMS

- Check the use by date
- Open the packet carefully to avoid damage to condom
- Always use water based lubricant. Oil based lubricants weaken latex condoms which may cause them to break
- During sex, check regularly that the condom is still on and intact
- When pulling out either before or after coming hold the condom firmly at the base of the shaft
- Condoms are not reusable

Dispose of the condom, pack and the lubricant sachet responsibly to protect the environment and reduce unwanted attention.

## ORAL SEX

TIPS ON REDUCING THE RISK OF STI & HIV TRANSMISSION

- Avoid getting pre-cum and cum in your mouth
- Brushing/flossing your teeth or eating sugary/very crisp food may cause tiny cuts in your mouth. This could create an entry point for HIV and STIs
- Try gargling with salty water. If you notice any stinging you may have a cut or sore so avoid oral sex
- Check the dick and arse for sores, rashes or discharge

**CONDOMS AND WATER BASED LUBRICANTS STILL OFFER THE BEST PROTECTION AGAINST HIV AND MANY STIs**

**March 16, 2009**

**Met with Supt.**

We spoke openly about SBP concerns of harassment by officers from Redfern LAC at Sydney Park, and the response by Newtown Officers that was in stark contrast.

Based on the information provided by SBP, [redacted] did not see anything wrong with the way the police had 'policed' the park, and that she would 'expect' her officers to police 'crime' in such a fashion.

[redacted] pointed out that this is 'Assertive' policing, and we discussed in length about 'Aggressive' and 'Assertive' responses, and the way that Redfern response 'could' be perceived as 'aggressive and homophobic'.

[redacted] noted instances where police would be expected to approach men in the park (robbery, vandalism, non-consensual acts of sex), and we noted that although this may happen, it was however clear in this situation that the police were there purely to police the beat and did so in a way that specifically targeted 'homosexual activity'.

We recounted numerous instances where police have been perceived as 'Aggressive' and heavy-handed, and where inappropriate language had been used, and [redacted] was given a breakdown based on information provided on the website. [redacted] will address this with Supt.

We assured [redacted] that the police response was 'Aggressive' and heavy-handed, and she expressed concerned that there were such instances, especially concerns that an officer disregarded an incident where two men were confronted by 2 fellas harassing them in the park.

Adney was also told that officers and Supt. [redacted] of Redfern LAC were not taking the complaint currently before the NSW Ombudsman seriously.

[redacted] commented that training was undertaken in Mid-February, to which we replied that there were numerous instances where police continued to be aggressive and heavy-handed after that date. The training consisted of talking to officers at 'Parade' when they were about to leave for their duties.

Officers expressed concerns that SBP were recording them while performing their duties. We are aware this is illegal and unsure where this rumour has come from, and that we are aware it is acceptable to film officers performing their duties.

[redacted] mentioned the PIC being involved, and we assured him that [redacted] President Anti-Discrimination Board, suggested we contact them. We also acknowledged that SBP only contacted the PIC after the 'filthy animals' comment, which I noted was 'repulsive and turned my stomach'.