

Police Harrassment of Gay Men

Robert French

Racism, sexism and homophobia (like corruption) have been endemic in the NSW Police Force since the foundation days of the Colony. Granted these attitudes once reflected general societal prejudices. In the case of gay men (and I do not presume to speak on behalf of lesbian women) such prejudice is illustrated in the remarks of Captain Phillip to the Colonial Secretary, Lord Sydney, in 1787 when he said that in the new colony there were only two classes of persons who warranted the death penalty - murderers and sodomites, and as for the latter, they should be fed to the New Zealand blacks!!

Unfortunately, these attitudes have become enshrined in pieces of legislation such as the NSW Crimes Act, 1900. Sections 79-81B of this act proscribe gay male sexual activities upon which are imposed penalties of one to fourteen years imprisonment.

The problem is, firstly, that such prejudices are no longer part of general societal attitudes despite what a vocal moral minority would have us believe. In a 1978 SMH Opinion Poll some 61% of people questioned believed that homosexuals should be treated equally before the law with heterosexuals. However, our gutless legislators are having difficulty in facing up to this despite several attempts to change the law over the past two years, and the presentation to them by Gay Rights Lobby earlier this year of a Bill which would grant equality to gay men.

The real problem, however, is that the legislation has come to reinforce the ignorance and prejudice within the NSW Police Force, and it is used as a means to justify their harassment of gay men. The police force is a caste system closed to outside influence (and, to the present, outside investigation). Homophobic attitudes are perpetuated by inadequate training at the point of entry into the force through to the 'closed shop' mentality of the local police station.

The result has been some bizarre statements, such as that by Police Commissioner Delaney who in 1958 saw homosexuality as 'Australia's greatest menace', and equally bizarre practices, such as

- entrapment whereby police would pose as homosexuals for the purposes of inviting sexual advances (and, I am led to believe, sometimes take part in sexual activity) and then proceed to arrest their victims;

- the use of the Intoxicated Persons Act to detain gay men (and others) without arrest;

- the charging of people with causing 'serious alarm and affront';

- and negative harassment as reflected in police unwillingness to protect gays during a recent series of bashings in the Surry Hills area.

But more disturbing is the recent 'crusade' by that most 19th century section of the police force - the Vice Squad. In a series of three raids on gay bars over the past nine months some 27 people have been arrested and charged under sections of the Crimes Act and with causing Scandalous Conduct - a common law misdemeanour dating from the 17th century!! Yet during a current campaign wherein 27 gay activists presented to the Vice Squad signed statutory declarations to the effect that they had committed activities outlawed by Sections 79-81B the police failed to act. We were not even called in for further questioning.

It is obvious that the police use the law to discriminate against and harass gay men as they do other sections of the community.

I believe that there must be greater control exercised over the police force by the Parliament; that police training must be upgraded and open to community influence; that the Ombudsman must have independent powers to investigate complaints against the police; that the discriminatory sections of the Crimes Act must be repealed; and that that most antiquated section of the police force - the Vice Squad - should be disbanded.

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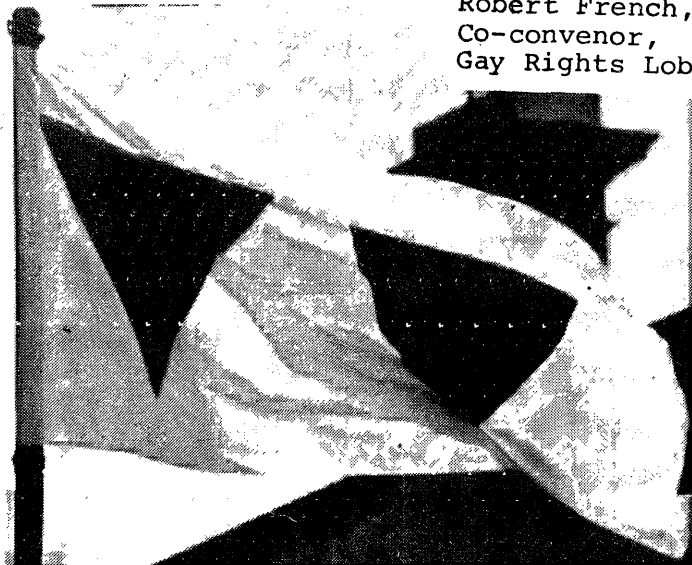


Photo: Glen Lake