



Special Commission of Inquiry into LGBTIQ hate crimes

Statement of Dr Gary Cox

15 November 2022

This statement made by me accurately sets out the evidence that I would be prepared, if necessary to give to the Special Commission of Inquiry into LGBTIQ hate crimes as a witness. The statement is true to the best of my knowledge and belief.

Background

1. My name is Gary Cox.
2. I am 63 years old. I moved to Sydney from the United Kingdom in 1982.
3. I am an urban planner and public policy specialist. I am currently employed by RPS Group Australia as an Executive Advisor in Social Advisory and Research.
4. My qualifications are as follows:
 - Bachelor of Arts (Economics) from the University of Manchester
 - Master of Urban and Regional Planning from the University of Sydney
 - PhD (Arch) from the University of Sydney
 - Master of International and Community Development from Deakin University
 - Master of Laws (LLM) in International Environmental Law from the School of Oriental and African Studies at London University.

In 2018, I was awarded Honorary Member of the Faculty of Public Health, Royal College of Physicians, London.

5. From the early 1980s through to 2001, I was involved in many LGBTIQ organisations in NSW. That involvement included the following:

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- Shortly after arriving in Sydney from the United Kingdom in 1982, I established the University of Sydney Gay and Lesbian Collective.
 - In 1983 and 1984, I was actively involved in an ad-hoc community organisation called the Homosexual Law Reform Coalition (HLRC).
 - In 1984 and 1985 I was a committee member of the Sydney Gay and Lesbian Mardi Gras Association.
 - In 1984 and 1985 I was also a founding member of the Committee of the AIDS Council of New South Wales (ACON), and I was involved in several informal HIV/AIDS groups at that time focussed on peer support and education.
 - From around May 1988 to September 1989, I was firstly President and then male Co-Convenor of the newly formed Gay and Lesbian Rights Lobby (GLRL). In that capacity I was directly involved in the development of the *Streetwatch* Project.
 - In that period, I also participated in the Police Gay/Lesbian Liaison Committee, also referred to below.
 - I was the author of *The Streetwatch Report: A Study into Violence Against Lesbians and Gay Men* (published by the Gay and Lesbian Rights Lobby, 1990) (Streetwatch Report) and *The Count and Counter Report: A Study into Hate Related Violence Against Lesbians and Gays* (Count and Counter Report).
 - From 1991 to 1995 I was a member of the committee of Sydney Pride, and for the latter part of that period was its male Co-President.
 - From 1996 to 2001, I was a Director of the Sydney 2002 Gay Games.
6. Most of the events described in this statement took place between 30 and 40 years ago. Though most of the events are clear in my mind, dates may be difficult to provide with precision. Therefore, dates should be taken as indicative.

The Gay and Lesbian Rights Lobby

7. The Gay and Lesbian Rights Lobby (GLRL) was formed at a community public meeting around May 1988.
8. The organisation was formed following the change of NSW Government in March 1988, amidst concerns that some of the advances of the previous decade or so, particularly relating to the

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Anti-Discrimination Act 1977, might be reversed. The GLRL had a broad remit to advance LGBTIQ rights in NSW with the understanding that HIV/AIDS issues would largely be taken up by organisations such as ACON.

9. I was elected as the GLRL's first President at the initial public meeting in 1988, along with around 12 committee members. One priority for the GLRL was to increase the involvement of women in the organisation. Hence, a subsequent community meeting was held three months later (around the end of August 1988) at which I was elected male Co-Convenor and Jane Clements was elected female Co-Convenor. Membership of the GLRL committee was altered to provide for equal representation of men and women.
10. The GLRL was a community organisation and did not have any public funding at that time. It had very limited funds and relied on the support of other organisations and fundraising to conduct its activities. All members gave their time on a voluntary basis. Violence against members of the LGBTIQ community soon became the primary issue of concern to the GLRL.

Police Gay/Lesbian Liaison Committee

11. In 1983 and 1984, I was actively involved in the ad-hoc community organisation called the Homosexual Law Reform Coalition (HLRC). This was established by a number of existing groups including the Gay Rights Lobby (a precursor to the GLRL), Gay Solidarity Group, and the Gay and Lesbian Counselling Service.
12. Legislative changes prior to this time had included the repeal of the then *Summary Offences Act 1970* in 1979, and the inclusion of 'homosexuality' as a ground under the *Anti-Discrimination Act 1977* in 1993.
13. In 1984, the work of HLRC contributed to the partial decriminalisation of male homosexual acts by amendment to the *Crimes Act 1900*.
14. In 1988 the GLRL was invited to participate in the Police Gay/Lesbian Liaison Committee. I, along with a female member of the GLRL committee, attended the meetings. The Liaison Committee was a community policing initiative by the NSW Police and the Anti-Discrimination Board to establish links with the LGBTIQ community in Sydney. It was chaired by the then President of the NSW Anti-Discrimination Board, Steve Mark AM.
15. The NSW Police had appointed former State Member of Parliament, Mr Fred Miller, who had strong links with the inner city LGBTIQ community, as the Police Gay/Lesbian Liaison Officer. The Liaison Committee was attended by around three senior police officers and met at the

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NSW Police headquarters on College Street, Sydney. Throughout my relatively short tenure as President and Co-Convenor of the GLRL, in 1988 – 1989, I attended all the Police Gay/Lesbian Liaison Committee meetings, as well as having private discussions on policing matters with the President of the Anti-Discrimination Board.

1988 onwards: The *Streetwatch* Project

16. In September 1988, following a meeting of the Police Gay/Lesbian Liaison Committee, I realised the urgent need for a project to gather data on violence against members of the LGBTIQ community.
17. By that time, there was a marked rise in violence in Sydney particularly against gay men. I was living in east Sydney at the time, close to the Oxford Street LGBTIQ 'scene' of commercial bars, pubs, clubs, cafes, and bookshops. I was aware that there was a definite upturn in street violence, and a number of friends of mine were directly affected.
18. At the Liaison Committee meeting in September 1988, this was discussed. But I found that the police members of the Liaison Committee did not seem to believe this was a real problem, as they were not receiving reports from survivors of these attacks. There was a palpable sense of complacency.
19. Immediately after the meeting, I drew up the outline of a project to enable members of the LGBTIQ community, directly affected by violence, to report to a trusted third party. The GLRL would gather the data as the evidence base that there was indeed a significant problem with anti-LGBTIQ hate crime in Sydney.
20. That same evening there was a meeting of the GLRL committee, at the Sydney Gay and Lesbian Mardi Gras Workshop in Boundary Street, Paddington. I presented the concept of the project to the committee, and they accepted the challenge. Roles and tasks were allocated at that meeting. The project proceeded with a real sense of urgency. Two project convenors were selected: David Englebrecht and Karen Maxwell. David came up with the name '*Streetwatch*'.
21. The *Streetwatch* Project (***Streetwatch***) involved other community organisations as critical partners with GLRL. These organisations were the Gay and Lesbian Counselling Service and Lesbian Line. These were both well respected and long-established organisations in the LGBTIQ community in Sydney. They both ran telephone advice and counselling phone lines and had a pool of volunteers. We asked both organisations to administer a 15 to 20 minute questionnaire with survivors of violent attacks or abuse. The GLRL would then collate the data and present a report to the NSW Government, the NSW Police and the Anti-Discrimination Board.

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22. The GLRL obtained a \$500 grant from the Anti-Discrimination Board for the printing of posters, and these were displayed in pubs, clubs, cafes and shops in LGBTIQ neighbourhoods in inner city Sydney. We sought discount rates for full page advertising in the community newspapers, the *Sydney Star Observer*, *Oxford Weekender News* and *Lesbians on the Loose*.
23. On 11 November 1988 the *Sydney Star Observer*, a prominent LGBTIQ community newspaper, reported on the launch of *Streetwatch* with an article on page 1 entitled “*Anti-Violence Campaign Launched: Stop the Bashers!*” (SCOI.76950).
24. As the project proceeded, the profile of *Streetwatch* was elevated by regular reports in the *Sydney Morning Herald* and live interviews on Triple J and *Good Morning Australia*. We also had the active support of the local State Member of Parliament, the Honourable Clover Moore MLA, who was close to the Minister for Police and Emergency Services, the Honourable Ted Pickering MLC. There were also community rallies to raise awareness. One such rally, a little later, was the “Stop the Bashings Rally” held on Saturday, 3 March 1990.
25. The first stage of *Streetwatch* covered the six-month period from the start of November 1988 to the end of April 1989. The total number of respondents during this time was 67 (63 men and 4 women). Interviews were still taken after this time by the Gay and Lesbian Counselling Service and Lesbian Line. Interviews were only taken with the person directly the subject of the incident. No third-party interviews were accepted.

1990: The *Streetwatch Report*

26. In April 1990 the findings of the first *Streetwatch* survey were published by the Gay and Lesbian Rights Lobby, as **The Streetwatch Report**. The full title was *The Streetwatch Report: A Study into Violence Against Lesbians and Gay Men* (SCOI.76806).
27. The *Streetwatch Report* was officially launched in April 1990 by the then Minister for Police and Emergency Services, the Honourable Ted Pickering MLC. This was a significant event. The Minister’s public willingness to launch a report into LGBTIQ hate crimes was an important milestone in indicating to the wider Australian community that such crimes were unacceptable and that they required action by government to eradicate them and the social attitudes that supported them.
28. I refer to the summary I wrote at the conclusion of the *Streetwatch Report*:¹

¹ Gary Cox, ‘The Streetwatch Report: A Study into Violence Against Lesbians and Gay Men’ (Streetwatch Series Report No 1, Lesbian and Gay Anti-Violence Project, 1990), p. 36.

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The *Streetwatch* project clearly demonstrates the endemic nature of the violence against gay men and lesbians in Sydney today. The findings confirm other data sources, such as the 1982 ADB (Anti-Discrimination Board) Report survey and the ADB-Police Hotlines.

Given the nature of taunts spoken by assailants, the motivation for most of the attacks is hate against gay men and lesbians. Robbery was not a major feature.

An alarming aspect of the assaults was the size of the gangs of assailants – an average of 4 members, and often many more. The youth of the assailants was a clear finding, confirming the results of the previous surveys.

29. The findings published in the *Streetwatch Report* built on, and extended, data available from other sources earlier than 1990, including:

- 1982: NSW Anti-Discrimination Board, *Discrimination and Homosexuality*, NSW (including the ‘Homosexual Phone-In’ conducted in February 1980 as part of the research for this seminal report) **(SCOI.76800)**.
- 1985: Miller, F., & Thorgood, L., 1985, *Report of Gay Hotline 19/7/85 -21/7/85*, Police Gay Liaison Unit, Police Department, Sydney.
- 1985: *Annual Report of the Police Gay Liaison Group for the year ended October 31, 1985*, Police Gay Liaison Group, Anti-Discrimination Board, Sydney.
- 1986: Miller, F., & Dack, D.F., *Gay Hotline 18-19 October 1986*, Police Gay Liaison Unit, Sydney.
- 1988: Police Community Relations Bureau, *Community Liaison Manual*, NSW Police Department, Sydney.
- 1988: T Robb, ‘Police Reports of Serious Assault in NSW’, (NSW Bureau of Crime Statistics and Research, 1988, Sydney) **(SCOI.77284)**.

30. The findings in the *Streetwatch Report* demonstrated that violent assaults were not confined to the identifiable LGBTIQ neighbourhoods around Darlinghurst/Surry Hills and Newtown. Around a third of reports were in these areas. But there was clearly a more widespread problem. Some of the other notable aspects of the findings were:

- The date and time that assaults took place was mainly from Thursday to Sunday from 6pm to 3am.
- Most of the incidents did not involve weapons. Where a weapon was used, it was usually an object close at hand such as a bottle or a stick.

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- Robbery occurred in around a third of incidents, though it was difficult from the data to judge whether this was the prime motivation for the attack or an opportunistic element of it.
 - The young gang aspect of the assaults was confirmed by the perception that over 80% of the assailants were under the age of 30. Nearly half were judged to be 20 or under.
 - Over two thirds of incidents involved three or more assailants, with over 30% of incidents involving six or more assailants.
31. As I have said, a major rationale for initiating *Streetwatch* was concern around the lack of reporting to the police of violent assaults, this was despite the obvious growth in the problem of street violence and hate crimes, including deaths, that GLRL and other community organisations acutely were aware of at this time.
32. There was a long-standing suspicion of law enforcement agencies in the 1980s within the LGBTIQ community. This was coupled with a pervasive view that clear-up rates for aggravated assaults were poor. The *Streetwatch* data I reported on suggested that the main reason for non-reporting was the widespread expectation of low clear-up rates.
33. Less than 20% of respondents stated that bias ('not being taken seriously') was the reason for not reporting. However, only 56% of respondents stated that they were satisfied with the service offered by the police, compared with 83% for health services. Only 21% of the respondents knew of the existence of the Victims Compensation Scheme, although knowledge of the Police Gay/Lesbian Liaison Unit was around 60%.
34. I refer the Inquiry to the three pages of recommendations contained in the *Streetwatch Report*.² These recommendations covered legislative change (principally a new ground of complaint under the *Anti-Discrimination Act* relating to homosexual vilification), policing, the Attorney-General's Department, education, youth, health, and community programs.
35. There was a key recommendation to the Federal Minister for Justice for a nationwide inquiry into 'the nature, prevalence and root causes of violence against lesbians and gay men' (Recommendation 2.2.1).³ To the best of my knowledge, such an inquiry has never taken place.
36. On publication, in April 1990, the GLRL submitted the *Streetwatch Report* to the Attorney-General, the Minister for Police, the Federal Minister for Justice, the State Member for Bligh,

² SCOI.76806, pp. 8-10.

³ SCOI.76806, p. 8.

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and the Anti-Discrimination Board. The report was also widely disseminated to many other politicians and organisations.

37. A number of policing initiatives came directly from the *Streetwatch Report*. These included:
- More on the ground community policing measures were implemented.
 - Foot patrols were instituted on Oxford Street and other locations during evenings and night-time hours.
 - There was a particular issue around the boundary between Kings Cross Police Station and Surry Hills Police Station in the Oxford Street area, inhibiting joint operations. This was eventually resolved.
 - In December 1990, a large police operations van was stationed at Taylor Square to provide assistance to members of the LGBTIQ community and to speed up police response times to incidents. It also improved police-community relations.
 - The new Gay and Lesbian Client Group Consultant for the NSW Police, Ms Sue Thompson, took a much more proactive role in monitoring incidents, resolving complaints, and promoting improved policing practices.
38. On 14 December 1990, the *Sydney Morning Herald* reported that between September 1990 and December 1990, seven people had been arrested or cautioned for anti-gay attacks.⁴

1990 onwards: The Lesbian and Gay Anti-Violence Project

39. In 1990, the Lesbian and Gay Anti-Violence Project (AVP) was established. I was not directly involved in the establishment of the AVP. That is described in the statement by Mr Bruce Grant, which I have read.

1992: The Off Our Backs report

40. In 1992, the GLRL and the AVP prepared and published a report specifically addressing hate crime against lesbians. This is ***The Off Our Backs Report: A Study into Anti-Lesbian Violence*** (Schembri, A. 1992, Lesbian and Gay Anti-Violence Project) **(SCOI.76803)**.

⁴ John Stapleton, 'Police Van Keeps Bashers at Bay', *The Sydney Morning Herald* (Sydney), 14 December 1991, 2 **(SCOI.76917)**.

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Count and Counter: the project, and the report

41. In 1994, the GLRL and the AVP prepared and published a further report, called ***The Count and Counter Report***. Its full title was: *The Count and Counter Report: A Study into Hate Related Violence Against Lesbians and Gays (SCOI.76804)*. I was the author of that report, which documented the work of the *Count and Counter Project* between 1991 and 1994.
42. In November 1991, following the establishment of the AVP, the *Count and Counter Project* was launched. Incidents of hate crime against members of the LGBTIQ community were now encouraged to be reported to the AVP itself.
43. There were two periods of analysis from the *Count and Counter Project*.
- (1) *Count and Counter 1992* collected incident reports from November 1991 to June 1992 (90 respondents).
- (2) *Count and Counter 1993* collected incident reports from July 1992 to June 1993 (94 respondents).
44. In the *Count and Counter Report*, I presented those two years of data. The Report also provided comparison tables with respect to the *Streetwatch Report* and the *Off Our Backs Report*, which had collected data in 1988-1989 (*Streetwatch*) and the early part of 1991 (*Off Our Backs*) respectively.
45. In summary, the profile of incidents (location, time of day, number of assailants) was very similar across the *Streetwatch* and *Count and Counter Project* datasets. However, I observed that there did seem to be a decline in physical injury,⁵ And there was also a notable decline in incidents ‘in the street’ in *Count and Counter 1993*.⁶
46. A major difference between the data collected by *Streetwatch* and the *Count and Counter Project* was that, for the latter, robbery occurred in far fewer cases.
47. With respect to violence against lesbians, the *Count and Counter Report* notes that violence against lesbians tended to be on-going in nature and in settings other than the street, such as workplaces.⁷

⁵ Gary Cox, ‘The Count and Counter Report: A Study into Hate Related Violence Against Lesbians and Gays’ (*Streetwatch Series Report No 3, Lesbian and Gay Anti-Violence Project, January 1994*), Table 13, p. 32 (SCOI.76804).

⁶ SCOI.76804, Table 16, p. 34.

⁷ SCOI.76804, p. 40.

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48. The *Count and Counter Project* surveys asked more questions about the NSW Police than did *Streetwatch*.⁸ In 1993, there had been a decrease in reports to the police, although it should be borne in mind that contacting the AVP was often a first step to a formal police report. Most respondents reported that the service received by the police was either ‘friendly/supportive’ or ‘routine/neutral’.⁹ Perhaps more significant is that 60% of respondents in *Count and Counter 1992* and 41% in *Count and Counter 1993* identified as lesbian or gay to the police. The equivalent figure for *Streetwatch* in 1990 had been 25%.¹⁰
49. I concluded in the *Count and Counter Report* that reports of physical attacks appeared to be declining, but that ‘there is still a long way to go’ to eradicate the problem and the long-term effects of the psychological scars on survivors.¹¹
50. I also pointed to some positive initiatives:
- Since *Streetwatch* commenced in 1988, many preventive initiatives have been taken. These have ranged from community policing, increased police foot patrols, the Volunteer Street Patrol, the *Streetsmart Project*, self-defence classes, to name but a few, not to mention the AVP itself. In general, there has been a growing body of opinion both in government and the media that this form of violence is no longer acceptable.¹²

Experiences of gay and lesbian people in the late 80s and 90s

51. In 1988, I was personally aware of a handful of friends who had been attacked. However, by 1994 the situation was very different due to the persistent nature of the problem. At the start of the *Count and Counter Report*, I related some real-life violent attacks from the time. These indicate the varying nature of the issue and are consistent with what I was personally seeing and hearing about violence against the LGBTIQ community in the late 1980s and into the 1990s.
52. In a preliminary section of the *Count and Counter Report* entitled ‘The Truth of the Matter’, I presented five short narratives of real-life incidents.¹³ It should be borne in mind that the narratives reflect the language used at the time to describe members of the LGBTIQ community.

- I. Little Oxford Street, Darlinghurst.

⁸ SCOI.76804, pp. 57-62.

⁹ SCOI.76804, Table 46 p. 60.

¹⁰ SCOI.76804, Table 47 p. 60.

¹¹ SCOI.76804, p. 67.

¹² SCOI.76804, p. 67.

¹³ SCOI.76804, p. 5.

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A gay tourist was bashed around mid-night. The survivor suffered 9 days in hospital with a brain haemorrhage, fractured skull and major injuries to his eyes and forehead. The motive for the attack - because the survivor was gay.

II. Maroubra, Sydney.

*A lesbian mother and her children were continually harassed for over 2 years. "You lesbian sluts!" was frequently yelled through the door. "Get out. Go home you f**g dyke!". The children were told by other kids: "We can't play with you as we'll get AIDS". This verbal abuse has led to violence against both parent and children on a number of occasions. The attackers were often younger than 15.*

III. William Street, Darlinghurst.

1am: 4 men drove down William Street abusing the transys standing on the pavement: "Faggot AIDS carriers". A bottle was thrown from the car, narrowly missing the transys but the impact of the broken glass required one of them to have stitches.

IV. Department of Housing Estate, Waterloo.

November 1991 to June 1992.

Day in day out. People Living With HIV/AIDS were subjected to verbal abuse and threats due to their HIV status and presumed homosexuality.

V. Lismore, Northern NSW.

September 1993

Outside a non-gay nightclub, a 34 year old gay was bashed to the ground by 2 men who shouted: "Poofter! Eat shit and die!" He had to receive urgent medical attention for injuries to his head.

Newspaper reports

53. One aim of *Streetwatch* was to get LGBTIQ hate crime issues highlighted in the mainstream media. I spent time with selected journalists during this period to keep the issue in the public domain.

54. There was a lot of media coverage concerning violence against LGBTIQ people at around this time. In the *Sydney Morning Herald* alone, between 1988 and 1990, some of the articles published were the following:

1988

Move to curb 'poofter-bashing' - 14/09/1988 p. 96 (SCOI.76890).

The time of the year the gay world dreads - 28/10/1988 p. 3 (SCOI.76913).

Rights lobby says lesbian bashings are on the rise - 24/11/1988 p. 104 (SCOI.76889).

Ninja gangs attaching homosexuals - 17/12/1988 p. 4 (SCOI.76857).

1989

Hotline on gay assault planned - 10/04/1989 p. 2 (SCOI.76891).

Gay-bashing - 18/04/1989 p. 12 (SCOI.76916).

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Who's who in Hyde Park at night - 26/06/1989, p. 1 (SCOI.76894).

1990

Teenagers go on the prowl to bash gays - 04/03/1990 p. 30 (SCOI.76858).

Blitz on gay bashing gangs - 12/03/1990 p. 10 (SCOI.76915).

Bashings lead to call for greater police presence - 15/03/1990 p. 106 (SCOI.76859).

Liaison squad for gays - 10/04/1990 p. 7 (SCOI.76860).

Treatment by the police hurt more than the bashing - 19/10/1990 p. 2 (SCOI.76862).

Fear and loathing as violence rife - 31/10/1990 p. 2 (SCOI.76861).

Police ignored me after bashing: gay MP - 31/10/1990 p. 2 (SCOI.76861).

Police van keeps bashers at bay - 14/12/1990 p. 2 (SCOI.76917).

Conclusion

55. I was probably unaware at the time of the significance of *Streetwatch*. This was the start of a long journey for the LGBTIQ community in NSW, in terms of responding to hate crime and ensuring that both legislation and government services supported its eradication.
56. Looking back on those times, in some ways we – being members of the GLRL and the wider LGBTIQ community – were merely responding in the best way we could to our friends and loved ones being abused, physically attacked and in some cases murdered. It was obvious to us that the police in NSW were not seeing the patterns in this type of hate crime that were self-evident to us. At the time, community policing was not fully understood and certainly not adopted fully and effectively in frontline policing. There was a need for legislative change, community attitudinal change and effective support from both government and community services. In one word: respect.
57. I concur with the conclusions of Mr Bruce Grant that it is possible to change societal problems when there is consensus for action backed by sustainable financial commitments. Also, I agree that without a full-scale inquiry into the nature and prevalence of hate crimes against people because of their actual or perceived sexual orientation or gender identity, elimination of this societal problem will remain elusive. I commend the work of the Special Commission into LGBTIQ hate crimes.

Signature:



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