



Department of the Attorney General & of Justice NSW Bureau of Crime Statistics & Research

Research Report **3**

## **Homosexual Offences**

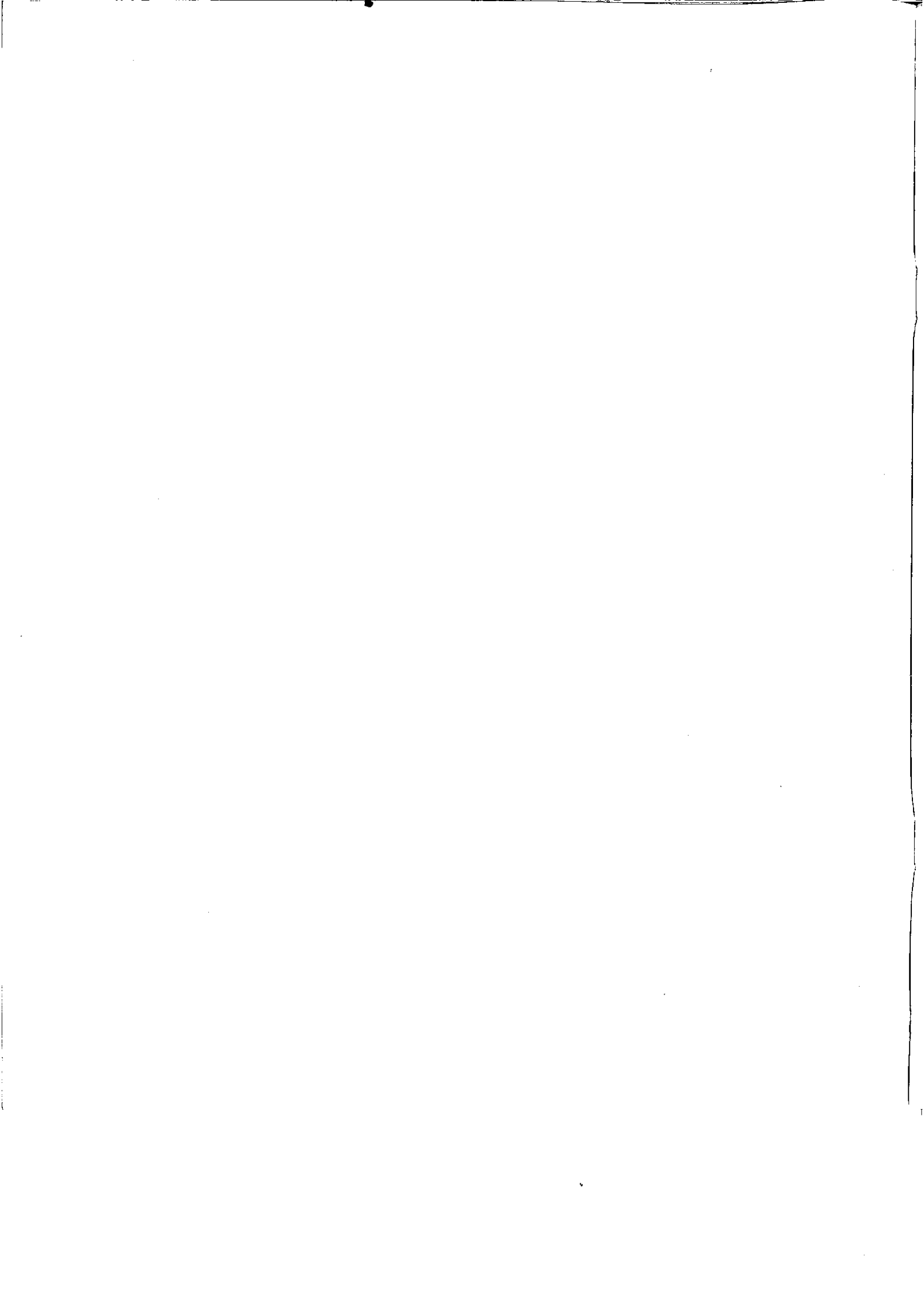
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## PREFACE

At the end of 1976 the Bureau of Crime statistics and Research was asked to commission background papers for a seminar to be held by the State Government on victimless crime. The offences included under this title were homosexuality, drug abuse, prostitution and drunkenness.

After the seminar it seemed that perhaps the most useful contribution which could be made by the Bureau would be to conduct further research to obtain factual data about the way the law in these areas is administered in New South Wales and about the consequences of various proposed changes in the law. A number of reports have already been published by the Bureau on public drunkenness. Each of the remaining areas is to be the subject of a separate project and the first of these, the results of which are published in this report, is on homosexual offences.

We are grateful for the assistance given to us by the court officers in obtaining the data. The report was written by Rosemary Leonard, research officer in the Bureau and by Lex Watson Principal Tutor in the Department of Government at the University of Sydney. The data was collected by Cheryll Meakins. We are also grateful for the advice given by other members of the Bureau staff who have read and commented upon the report at various stages.

A.J. Sutton,  
Director.

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## SECTION 1 - INTRODUCTION

Male homosexual behaviour has been illegal in many countries including almost all countries based on the Judaeo-Christian ethic. Since 1800 there has been increasing discussion of possible liberalisation of the law and over the last 170 years most of these countries have repealed some of these laws.

In Australia, the Australian Capital Territory removed private consenting adult male offences from the Crimes Act in 1976 and South Australia in 1975 gave homosexual male acts exactly the same legal status as heterosexual and lesbian acts. Two law reform bills have been debated by the Western Australian parliament, several have been introduced into the Victorian parliament and the government there has promised to introduce a further measure soon. The Tasmanian government has a select committee enquiring into homosexual and other 'victimless crime' laws.

In New South Wales the question was raised in the Seminar on Victimless Crime held by the New South Wales Government in February, 1977.

A number of papers were presented at that Seminar expressing different points of view. One point of view is that where people consent to an act solely concerning themselves there cannot be a victim and, therefore, the law should not be involved. This view, arising from the arguments of J.S. Mill, leads to the concept of 'Victimless Crime'.

The other view is that even though the actors may not be victims, to legalise such behaviour will increase the potential that others may become involved, and they are the victims. A third view holds that the behaviour itself is morally wrong and therefore those involved, even with consent, are themselves victims. The fourth view is that society at large will in some way suffer as a consequence of allowing such behaviour. Finally, some would argue that society has the right to proscribe behaviour which it dislikes, regardless of whether or not there is a victim of the offence. Because of the confusion about what constitutes a victim in such circumstances, and because some would argue that the concept of a 'victimless crime' is not the central question anyhow, it is important to consider particular arguments and proposals about homosexual law reform.

Perhaps one of the most extreme views in favour of liberalisation of the law was contained in the victimless crime Seminar paper by Marie Curnick. This put the view that opposition to homosexuality was a necessary requirement for the maintenance of the nuclear family, which in its turn was essential for the development and growth of the capitalist society. The function of the woman as a caretaker of children is an integral part of such a concept and flexible demand for labour required that there should be a dependent woman able to care for children while the male unit in the workforce could be moved from place to place as labour demand required. This position, associated with a marxist view of society, heavily depends on a social determinist view of society.

A submission placed before the Seminar by the Sydney Homosexual Rights Coalition leads to similar conclusions but does not associate itself with a marxist position. Instead, it generally argues that homosexuals have a right to expression of their sexuality. It thus puts the view that homosexuality is a normal and alternative form of sexual expression to heterosexuality. It then discusses what it sees as oppression of this form of sexuality and considers various reasons for this. This is a broader view than the Marxist one but still makes the assumption that the causes of homosexual 'oppression' are entirely social and specific to this society.

Lex Watson's paper was based primarily on the John Stuart Mill doctrine of the right of the individual to self-determination provided that it did not infringe the equal freedom of others. He argued further that the challenge to this position voiced by Devlin in his debate with Hart was not significant in contemporary Australia since the evidence was that the majority wished to repeal these laws and therefore the majority were not, in this area, in conflict with the claimed right to freedom of the male homosexual minority. Watson went on to detail the history of the New South Wales law and its enforcement and argue that public policy on homosexuality has in the past been irrational because it was based on many assumptions but few facts and that any discussion of the homosexual laws needed to have a full knowledge of the operation and enforcement of the law. He included a list of other countries and their laws to illustrate the



claim that the alleged consequences had not come to pass in those countries which did not maintain total prohibition on male homosexual behaviour.

Another paper to the Seminar by Ronald Conway, a consultant psychologist, argues that it is generally accepted by psychologists, anthropologists and psychiatrists that genetic or hereditary causes play a relatively minor part in the development of homosexual preferences. Where there may be genetic or physiological predisposition to homosexuality it still requires environmental decisions which are favourable to the development of the psychological traits corresponding to the physical pre-dispositions. Conway's paper makes the point that it is an important and worthwhile study in psychology or sociology to examine the causes of homosexuality and its determination; heterosexuality is at least the most common form of sexual expression and is inevitably associated with the furtherance of the species. Whatever his reservations about homosexuality, Conway argues for the repeal of existing laws.

Stronger views in opposition to homosexuality generally look upon homosexuality from a religious perspective. In a paper to the Seminar by the Dean of Sydney, the Very Reverend Dean Shilton, the continuing condemnation of homosexual practices in both the old and new testament is pointed out. The paper also notes psychological authorities who argue for the deviance and abnormality of homosexual practices. Conway's paper quotes contrary authorities and perhaps the core of Dean Shilton's paper rests upon the religious and judaeo-christian ethical view. He points out, as mentioned earlier, that it is possible to identify the victims of such behaviour if one accepts the notion that it is fundamentally objectionable and that the practice of such behaviour or even tolerance of it is likely to lead others towards homosexuality. He points out that even if the law is difficult to enforce, it is not necessarily a bad law. Amendment of the law he argues, is likely to lead to acceptance within society of an increasing frequency of homosexual acts, and homosexuality is likely to threaten the institution of marriage and the notion of the family as the foundation of human society. Some homosexuals would argue that the definition of the family should be extended to include homosexual relationships. However, Dean Shilton argues that the polarity of the sexes and the traditional family is determined and ordained by God and by religious belief, hence any attack on this institution of the traditional family is a threat to society as we know it. He argues that if the law was changed then there would be pressure to encourage persons, particularly young people, to undertake homosexual behaviour. There would be serious problems within the schools, and he quotes, to support this view, the submission of CAMP to the Royal Commission on Human Relationships, in which it is argued that there should be sex education courses in schools and other institutions which would show homosexual behaviour as a legitimate form of sexual expression.

It is clear that there are strong and opposing views on the philosophic aspects of the homosexual law reform debate. In this debate it is possible to call on the writings of a wide range of academic disciplines. The medical profession has contributed a vast literature from several perspectives including psychiatry, medical biology, neurology and endocrinology. There is a considerable psychological literature on the subject. Theologians, sociologists, historians and anthropologists, venerologists, lawyers and educationalists have all made significant contributions. In such a situation any proposed changes in the law must be carefully examined in the light of these writings.

Important though this literature is, there is an element missing, namely a description of what the current law and its enforcement means in terms of prosecutions. Which acts does it punish and how severely? These sorts of questions are important if change is to be considered.

For instance one of the most common proposals is to remove legal sanctions against consenting adult homosexual acts in private. There are therefore certain crucial issues: one is that of consent. Is the present law confusing the situation where there is consent between the parties involved and other situations where there is some sort of coercion or even violence? The age of consent is also critical. Concern is expressed by many that any easing of the law will make it easier for

juveniles to be involved in homosexual offences. Therefore, any changes in the law should be carefully examined for this possibility. At present there is no concept of age of consent in homosexual offences as there is in heterosexual offences. Another issue concerns the location of the offences. To what degree are they to be permitted in a private place as opposed to a public place and how should such places be defined. These matters are much better understood if a detailed examination of current offences is undertaken.

The purpose of this report is to present factual material on the homosexual offences in New South Wales. The report considers offences under the relevant sections of the Crimes Act. Charges of offensive behaviour have also been examined in order to determine what proportion of such charges concern homosexual acts. The total number of relevant charges in 1975 has then been accumulated and studied in some detail. The ages of the parties involved and the presence or absence of consent has been examined. The location of the offence has been studied in some detail as have characteristics of the social background of the offenders. Some comparison has been made between comparable offences in the heterosexual area and finally, the likely implications of proposed changes in the law for the incidence of such offences has been discussed.

In providing answers to the questions about the operation of the New South Wales homosexual behaviour laws, this study hopes to add a useful dimension to the debate about those laws. In detailing the police and judicial practices under the homosexual laws it is of course not implied that these are the sole considerations upon which legislation in this area should be based. There are many approaches which need to be taken into account in deciding what the law ought to proscribe. A criminological study such as this cannot resolve the debate about the law's symbolic value either as a statement of morality or as a deterrent, nor can it answer the question of whether the law as it stands promotes other crimes such as blackmail, robbery or assault.

Whatever the conclusions that are reached on the moral aspects of this debate about the homosexual laws, it remains true that they cannot be analysed meaningfully without knowledge of the operation of those laws. This Report seeks to provide those missing data and thus contribute to a more comprehensive public debate on the role of the law in relation to homosexual behaviour.

#### REVIEW OF PREVIOUS STUDIES

There was a major study done on prosecution in Great Britain in 1947 (1) which, along with additional data on prosecution rates and figures on outcome, age of offender and previous criminal record, was the criminological data on which the Wolfenden Committee based their findings. (2) This University of Cambridge study covered much the same area as the present study, but included similar data on heterosexual offences, a considerable body of case material, and a discussion of the history of the law and its enforcement both in England and a number of other countries.

In the mid 1960's, two American studies were published. One was of homosexual prosecutions in Los Angeles County, and was more limited than this study in confining itself to consenting adult homosexual prosecutions, though it did include a large amount of case material and descriptive material about enforcement procedures and the general

- (1) University of Cambridge, Department of Criminal Science, Sexual Offences, Macmillan, 1957. (Radzinowicz ed. English Studies in Criminal Science(Vol. IX)
- (2) Report of the Committee on Homosexual Offences and Prostitution. H.M.S.O. 1957. Appendix I.

debate about the law which is beyond the present scope. (3) The second American study was from the Kinsey Institute and concerned itself with sexual offenders. (4) This Kinsey study provides considerable material of relevance to the present study, but was concerned primarily with an examination of the sexual and other history of the offenders rather than the pattern and incidence of homosexual or heterosexual offences.

The Canadian homosexual law reform of 1968 was preceded by a study which concentrated on a historical approach to the evolution of the Canadian law, and on a case study approach to the contemporary law - an approach which may have more relevance to Canadian problems than would apply to New South Wales. (5) Though the wording of the New South Wales laws in this area is at times not very explicit, (see below) it has not been subject to many rulings as to its intention or extent and the question of its interpretation is not the concern of this Report.

Information about homosexual offences in Australia is even more sketchy. The Western Australian Honorary Royal Commission into Matters Relating to Homosexuality had the benefit of some statistics on homosexual offences in that State. (6) In the last two years, South Australia and the Australian Capital Territory have repealed or reformed sections of their homosexual laws. In both cases, the decision was taken in the absence of any substantive data about the operation of the existing laws.

For New South Wales, there is one study of male sexual offences in public places, detailing the offences under the Summary Offences Act and the Vagrancy Act for the years 1969 and 1970. (7) This report does not attempt to replicate that study (though see under Basis of Data below) but rather to complement it with material on the operation of other sections of the law on homosexual behaviour.

#### THE LAW

Male homosexual behaviour is proscribed by at least four New South Wales acts. Since the detail of these laws is not widely known, the relevant sections are listed here.

#### Crimes Act, 1900, as amended.

##### Unnatural offences

79. Whosoever commits the abominable crime of buggery, or bestiality, with mankind, or with any animal, shall be liable to penal servitude for fourteen years.
80. Whosoever attempts to commit the said abominable crime, or assault any person with intent to commit the same with or without the consent of such persons, shall be liable to penal servitude for five years.
81. Whosoever commits an indecent assault upon a male person of whatever age, with or without the consent of such person, shall be liable to penal servitude for five years.

- (3) 'The Consenting Adult Homosexual and the Law: An Empirical Study of Enforcement and Administration in Los Angeles County.' UCLA Law Review. 13 : 643-832. (1966).
- (4) P.H. Gebhard, J.H. Gagnon, W.B. Pomeroy and C.V. Christenson, Sex Offenders: An Analysis of Types. Heinemann, 1965.
- (5) A.K. Gigeroff. Sexual Deviations in the Criminal Law: Homosexual, Exhibitionistic and Pedophilic Offences In Canada. University of Toronto Press, 1968.
- (6) Report of the Honorary Royal Commission Appointed to Inquire into and Report Upon Matters Relating to Homosexuality. Western Australia, 1974.
- (7) G. Hawkins ed. Male Sex Offences In Public Places. Institute of Criminology, Law School, University of Sydney, 1970.

81A. Whosoever, being a male person, in public or private, commits or is a party to the commission of, or procures or attempts to procure the commission by any male person of, or any act of indecency with another male person shall be liable to imprisonment for two years.

81B. (1) Whosoever, being a male person, in any public place -  
(a) solicits or incites; or  
(b) attempts to solicit or incite,  
in any manner whatsoever any male person to commit or to be a party to the commission of any offence under section 79, 81 or 81A shall be liable to imprisonment for twelve months.

(2) A person shall not be convicted of an offence under this section upon the testimony of one witness only, unless such testimony is corroborated by some other material evidence implicating the accused in the commission of the offence.

(3) This section does not exempt any person from any proceeding for an offence which is punishable at common law, but so that no person shall be punished twice for the same offence.

(4) An offence under this section shall not be prosecuted and punished under the Crimes Prevention Act, 1916.

Summary Offences Act, 1970.

7. A person who in or within view from a public place or a school behaves in a riotous, indecent, offensive threatening or insulting manner is guilty of an offence.

Penalty: Two hundred dollars or imprisonment for three months.

11. A person whose person is indecently exposed in or within view from a public place or a school is guilty of an offence.

Penalty: One hundred dollars.

12. A person who, in or within view from a public place or a school, wilfully and obscenely exposes his person is guilty of an offence.

Penalty: Four hundred dollars or imprisonment for six months.

Child Welfare Act, 1939, as amended.

Definitions.

72. "Neglected child" means child or young person - (n) who is falling into bad associations or is exposed to moral danger.

79. Any child or young person who solicits any person for immoral purposes or otherwise behaves in an indecent manner shall be deemed an uncontrollable child or young person.

Government Railways Act, 1912.

Under s.64 of this Act, the Commissioner may make by-laws in relation to certain areas of conduct. Under s.64 (1) (8), which covers conduct on railway premises, by-laws 1099 (15) prohibits behaving in a 'disorderly or offensive manner' on the railway or its premises.

The offences above are the ones which came to light in this study and not an exhaustive list of legislation under which homosexual acts can be prosecuted. For instance a conspiracy charge may be laid when it cannot be proved that buggery actually took place. Homosexual acts can also be prosecuted under common law.

#### A Comparison of Heterosexual and Homosexual Offences.

- i. Age of other party. The male homosexual laws make no distinction as to the age of either party. In heterosexual acts, the age of consent for the female partner is normally sixteen. It is seventeen where the male is a teacher or schoolmaster, and fourteen if the female is a prostitute or associate of prostitutes. Heterosexual carnal knowledge (intercourse with a female under the age of consent) carries a maximum penalty of fourteen years. All heterosexual incestuous acts are illegal. Heterosexual age of consent provisions only cover females; there is no age of consent as such for males.

Lesbian acts with females under the age of consent are covered by the heterosexual laws on indecent acts with females under the age of consent.

- ii. Age of Defendant. Just as the age of the other party is irrelevant to the charge which can be brought for a homosexual offence, so also is the age of the defendant irrelevant. There is no provision to exempt males under the age of eighteen or even sixteen from a prosecution for being party to a consenting homosexual offence.

Persons under eighteen who are involved in sexual activity, or at some higher than normal risk of being exposed to it, may be subject of a complaint of being 'exposed to moral danger' of 'uncontrollable' under the Child Welfare Act. These provisions have been used for both heterosexual and homosexual acts by both male and female minors, and there is nothing in the law to indicate when the Child Welfare Act or the Crimes Act should be used especially against male homosexual minors.

The maximum penalty under the Child Welfare Act provisions is committal to an institution for three years. Such a sentence need not expire when the person reaches the age of eighteen. (S.82 (e)).

- iii. Consent. The homosexual laws make no distinction between consenting and non-consenting acts. Both 'indecent assaults' (S.81) and 'acts of indecency' (S.81A) are used for acts performed with consent and without consent. The law distinguishes between consenting and non-consenting heterosexual acts. Rape carries a maximum penalty of life, and attempted rape a penalty up to fourteen years. Indecent assault on a female carries a penalty up to either four or six years depending on whether the female assaulted is over or under sixteen years. An indecent assault on a male by a female is illegal under S. 81.

The notion of 'assault' as established by precedent is necessary to any prosecution of heterosexual or lesbian offences under the indecent assault provisions, but is not a necessary factor for a male prosecution under S. 81.

- iv. Public and Private. The law makes no distinction about the setting of homosexual offences with two exceptions. Offences under the Summary Offences Act are necessarily public or visible to the public. Soliciting (which does not imply any financial transaction) is an offence only in public, however it is identical to procuring which is an offence in both public and private and carries a more severe penalty. Public heterosexual acts are not illegal as such, though under certain circumstances they would be offences under the Summary Offences Act provisions. Acts of affection between lesbians in public may also be prosecuted under the same laws.
- v. All heterosexual acts of buggery are illegal under the same law as homosexual buggery. In addition, most heterosexual acts involving females under the age of ten years carry higher maximum penalties than offences with females over ten years of age.

SECTION 2 - DATA COLLECTION

The data for this project was based on the regular collection of statistics from all courts of criminal jurisdiction in New South Wales made by the Australian Bureau of Statistics and the Bureau of Crime Statistics and Research. 1975 figures were used as these were the most up to date at the commencement of the project.

Information on the data tapes for the three types of courts was accessed for all cases coded as homosexual offences. These were all Crimes Act cases except for 2 Petty Sessions charges under the Government Railway Act - details such as the court, date of determination or file number (for higher court cases) were used to locate court papers for the relevant cases. The court papers were then examined and forms A and B (Appendix I) were completed. In the process of examining the Children's Court papers one relevant offence under the Child Welfare Act, was found.

The regular collection of statistics on the higher courts, Children's Court and Courts of Petty Sessions all use different counting bases. For this study it was necessary to collect data from all courts on the same basis. Tables 2.1 and 2.2 sets out the details of the collections.

Table 2.1 Comparison of the Collection for this Study and the Official Statistical Collections - Cases Counted.

	This Study	Courts of Petty Sessions Official Statistics	Higher Courts Official Statistics	Children's Courts Official Statistics
Type of charge	Principal Charge i.e. The one with the most severe penalty imposed		Principal charge	All charges
What is Counted	*Persons appearing in completed cases  i.e. 1. Finding of not guilty  2. Sentence passed  3. Accused died  4. Prosecution did not proceed  5. Recognizance forfeited was the final outcome		Persons appearing in all cases  1. Finding of not guilty  2. Sentence passed  3. Accused died  4. Prosecution did not proceed  5. Accused absconded  6. Venue changed  7. Unfit to plead  8. Changed plea	Persons appearing in completed cases  1. Finding of not guilty  2. Sentence passed  3. Accused died  4. Prosecution did not proceed
Time span	Jan - Dec, 1975		Jan - Dec, 1975	July 74 - June 75 July 75 - June 76

\*While data is usually presented in this way, it was collected so as to enable us to look at 'distinct offenders' when desirable. Thus Section 4 contains data on 142 distinct Offenders.

Table 2.2 Comparison of the Collection for this Study and the Official Statistical Collections - Offences Counted

	This Study	Courts of Petty Sessions Official Statistics	Higher Courts Official Statistics	Childrens Courts Official Statistics
Type of homosexual offences separately identifiable	1 Buggery on male	1 Indecent assault on male	1 Buggery on male or female and Bestiality	All homosexual offences - not separately specified
	2 Indecent assault on male	2 Indecent act with male	2 Indecent assault on male and indecent act on male	
	3 Indecent act with male	3 Solicit or procure indecent act with male	3 Procure indecent act with male	
	4 Solicit indecent act with male			
	5 Procure indecent act with male			
No. of homosexual offences	Petty Sessions 110*			
	Higher Courts 54			
	Childrens Courts <u>31</u>			24 in July 74 - June 75 35 in July 75 - June 76.
	195	97	65	

In addition it was believed that homosexual and related offences were occasionally prosecuted under the Summary Offences Act so a pilot test was run at Central Court. It indicated that Section 7 of that Act was used to prosecute men soliciting in public for homosexual purposes. However it revealed no cases under S.11 or S.12 although it had been believed that these sections may have been used. As there were 2798 cases prosecuted under S.7 of the Act in 1975 and it was not known how many of these would be related to homosexual acts, data for these offences were only collected from a sample of courts. For ease of access to records the sample was limited to the metropolitan area.

\* In the process of examining cases at Central Court a few extra cases were found. In view of these errors in the official collection all the bench sheets were checked and a total of 13 extra were found.

A total of 1149 cases were investigated at 12 different courts, Central, Fairfield, North Sydney, Parramatta, Newtown, Bankstown, Hornsby, Sutherland, Waverley Penrith, Blacktown Burwood. Of these 1149 cases, 107 were found to be specifically related to homosexual acts and another 44 were cases in which the offender's intent was probably homosexual. (The latter were cases in which a person was masturbating at the urinal in a public toilet.)

There were only three cases of specifically homosexual offences at the eleven courts sampled outside Central Court it is therefore possible that the majority of all such charges in the State have been collected.



SECTION 3 - TYPES OF OFFENCES

This section looks at the various types of cases which are prosecuted under the relevant sections of the Crimes Act and the Summary Offences Act in an attempt to give some overall description of each type of offence. The cases are examined in terms of outcome, whether or not there was consent, the age of the other party, soliciting and the involvement of money, and the location of the offence.

Table 3.1 - Court and Type of Offence

	Higher Courts	Courts of Petty Sessions	Children's Courts	Total
Acts and Sections				
Crimes Act S.79 Buggery	9	-	4	13
Crimes Act S.80 Attempted Buggery	2	-	-	2
Crimes Act S.81 Indecent assault on male	39	29	24	92
Crimes Act, S.81A Indecent act with male or solicit for indecent act	4	77	2	83
Crimes Act S.81B Procure indecent act with male	-	2	1	3
<b>Total Crimes Act</b>	<b>54</b>	<b>108</b>	<b>31</b>	<b>193</b>
Summary Offences Act Offensive behaviour or indecent behaviour	-	107	-	107

PROFILE OF TYPES OF OFFENCES PROSECUTED UNDER THE CRIMES ACT

In 1975 15 cases of buggery and attempted buggery were prosecuted under S.79 and S.80 of the Crimes Act. Buggery is an indictable offence and the seriousness with which the court views the offence is reflected in the outcomes of the trials. (See Table 3.9)

Unlike the buggery offences, S.81 offences which deal with indecent assaults on males can be dealt with summarily i.e. by a Magistrate rather than by a jury if both the Magistrate and the accused agree to it. Therefore the data on indecent assault will include cases from both higher courts and magistrates courts.

The 86 cases under Sections 81A and 81B will be considered together. They deal with the committal of an indecent act with a male (78 cases) or soliciting (5 cases) or procuring (3 cases) for such an act. These sections of the Crimes Act can also be dealt with summarily or indictably.

Table 3.2 shows a tendency for more defendants of the more serious cases to be legally represented.

Table 3.2 - Legal Representation

	Buggery	Indecent assault on male	Indecent act with male	Total		Hetero-sexual Offences		1975 Petty Sessions	
				No.	%	'75 P.S. %	%		
Legally represented	12	70	48	130	67.4	70.7		30.9	
Not legally represented	2	19	36	57	29.5	29.3		58.1	
Unknown	1	3	2	6	3.1	-		-	
	15	92	86	193	100.0	100.0		100.0	

A much higher proportion of defendants on homosexual charges were legally represented than the corresponding proportion for Courts of Petty Sessions overall. This can partly be accounted for by the fact that while this study included higher court and Petty Sessions figures only Petty Sessions figures were available for comparison. It is probable that the level of legal representation is much higher in Higher Courts. However, comparison with heterosexual offences showed that roughly the same proportion of defendants of homosexual and heterosexual cases have legal representation.

Table 3.3 - Plea

	Buggery	Indecent assault on male	Indecent act with male	Total		Hetero-sexual %		1975 %	
				H.C.	P.S.	H.C.	P.S.		
Guilty	13	70	75	158	81.9	61.4	59.3	76.9	66.6
Not guilty	2	17	7	26	13.5	38.4	28.2	23.1	10.1
Ex-parte	-	1	1	2	1.0	-	-	-	3.3
No plea	-	4	2	6	3.1	-	12.5	-	20.0
Unknown	-	-	1	1	0.5	-	-	-	-
	15	92	86	193	100.0	100.0	100.0	100.0	100.0

There is a high proportion of guilty pleas for all types of homosexual offences. It is higher than for heterosexual offences, and higher than for all offences in the higher court.

One reason for this rather high level of guilty pleas may be that the defendant wished to have the matter resolved as quickly and quietly as possible. To contest the charge would involve more court appearances, possibly more time off work, and would allow the evidence to be produced in court. This may be seen to increase the risk that employer or family would hear of the matter and the defendant would then face the risk of incurring the social stigma of being labelled homosexual in addition to the legal sanction. A second reason is that a plea of guilty may be seen by the defendant to be a measure of contrition which may lead to a more lenient outcome.

Another reason for the high frequency of guilty pleas, especially for cases of indecent acts with males, is that many of these took place in public toilets (Table 3.8) and the offenders were caught by the police in flagrante delicto.

Not many of the Crimes Act cases involved soliciting which was defined as a verbal request for sexual activity. For instance in the case of a minor the boy might be asked to go into the bedroom with the offender. If the other party was an adult the request was usually more specific.

Table 3.4 - Involvement of Soliciting

	Buggery	Indecent assault on male	Indecent act with male	Total	
				No.	%
Soliciting	2	12	13	27	14.0
Not soliciting	12	67	61	140	72.5
Unknown	1	13	12	26	13.5
	15	92	86	193	100.0

Soliciting must be considered together with the involvement of money. It should be noted that although the term money is used sweets were sometimes used as inducements for children.

Table 3.5 - Involvement of Money

	Buggery	Indecent assault on male	Indecent act with male	Total	
				No.	%
Money offered	3	14	5	22	11.4
No money involved	11	67	72	150	77.7
Money requested by accused	-	-	1	1	0.4
Unknown	1	11	8	20	10.4
	15	92	86	193	100.0

In only 3 buggery cases money was offered or soliciting was involved. In cases of indecent assault 12 involved soliciting and in 13 cases money was offered. As with the buggery and indecent assault cases money has a relatively small role in the indecent acts with males. However, unlike the previous offence types there is a case of the accused asking for money to perform an indecent act. It is surprising that money and soliciting are not involved in more cases of indecent act as this category includes cases under legislation on soliciting and procuring.

Until 1954 homosexual acts of soliciting, whether money was requested or not, were prosecuted under sections of the Police Offences Act covering female prostitution. In 1954 the court ruled that this section did not apply to males and consequently in 1955 ss.81A and 81B were added to the Crimes Act to cover such behaviour. These sections were used extensively until around 1970, since when 'soliciting' and 'procuring' charges have been rare and most such cases, including those where money was requested, have been dealt with under s.7 of the Summary Offences Act. This procedural change has meant that male prostitution, like female prostitution, is usually treated as a summary rather than an indictable offence.

Consent, Age of Other Party, Location and Outcome

Consent is an important factor in describing the type of case. The other party was considered to have consented if he did not refuse and there was no sign of threats or a struggle. This definition was used irrespective of the age of the other party. The category "no act took place" is used in soliciting, procuring and attempt cases when it is not known if the other party would have consented if the act had been carried out.

Table 3.6 - Consent

	Buggery	Indecent assault on male	Indecent act with male	Total	
				No.	%
Other party consented	8	48	76	132	68.4
Other party did not consent	6	35	3	42	21.8
No act took place	1	3	4	7	3.6
Unknown	1	8	3	12	6.2
	15	92	86	193	100.0

Most of the buggery and over one third of the indecent assault cases involved some form of coercion, while in the vast majority of indecent acts both parties consented. There is no clear distinction between indecent assault and indecent act charges, either in written law or in practice. Consent is an important factor in preferring s.81A to s.81 as the charge but it is not the sole factor. The general nature of the offence, its location and the involvement of minors could be other factors in such a decision by the police.

Table 3.7 shows the majority of buggery offences were against minors, 7 of whom were 15 years or younger with four children under ten.

Five of the acts of buggery with minors (i.e., under 18 years) were consenting acts. One was with a child under ten, though it is arguable whether meaningful consent can be given by someone as young as that to a sexual act. However, the three acts involving youths of 16 and 17 were all consented to, and are similar to heterosexual acts to which females 16 and over can legally consent.

Unfortunately court records obtained from courts of Petty Sessions and Children's Courts were in many cases not sufficiently detailed to give the exact age of the other party, so the cases of indecent assault on male and indecent act with male could only be tabulated for adult, and minor.

Table 3.7 - Age of other party.

	Buggery	Indecent assault on male	Indecent act with male	Total	
				No.	%
Adult	4	29	71	104	53.9
16-17	3 )				
	)				
15-10	3 )	57	11	78	40.4
	)				
Under 10 years	4 )				
Unknown	1	6	4	11	5.7
	<hr/>				
	15	92	86	193	100.0

Again the charge of indecent act appears to be used in the less serious cases as few of these involved minors. Charges of indecent assault on male heard at Court of Petty Sessions also rarely involved minors.

There were 14 cases in which an indecent assault charge was used against consenting adults. They were all heard at Courts of Petty Sessions. There were 29 juveniles who were consenting parties to the assaults, all but one were fifteen years old or less and at least 10 of those 28 children were less than ten years old.

There are only six cases in which a juvenile consented to an indecent act. Four of the six juveniles were between ten and fifteen years and one was less than ten.

Table 3.8 shows nine groupings of the locations in which the offences occurred. These groupings have been arranged roughly along a public/private continuum. A full listing of the locations is presented in Appendix II.

The group 'privately owned area but well frequented' includes areas such as a restaurant kitchen or the laundry of a block of units where, although the area is private, it is fairly likely that another person will enter. "Other places visible to the public" is a miscellaneous group including the escalators at Wynyard Station, a school yard and on a bus, "public area but secluded" mostly refers to places in the bush.

Table 3.8 - Location

	Buggery	Indecent assault on male	Indecent act with male	Total No.	%
Main St. Inner city	-	-	1	1	0.5
Minor St. or lane	-	2	4	6	3.1
Public park, beach etc.	1	3	3	7	3.6
Outside cubicle of public toilet	1	5	9	15	7.8
Privately owned but often frequented	-	4	1	5	2.6
Other places visible to the public	1	4	2	7	3.6
Publicly owned area but secluded	3	16	2	21	10.9
Inside cubicle of public toilet	1	14	54	69	35.8
Private	7	35	4	46	25.8
Unknown	1	9	6	16	8.3
	15	92	86	193	100.0

While only 46 offences took place in strictly private areas a further 90 offences were very unlikely to be seen accidentally. The offences which took place in very public places such as streets or parks were mainly soliciting or procuring offences. By far the largest are the 69 offences in public toilet cubicles, 54 of which were indecent acts with males.

Table 3.9 - Outcome

	Buggery	Indecent assault on male	Indecent act on male	Total	
				No.	%
Withdrawn or dismissed	1	10	3	14	7.2
Recognizance forfeited not relisted	-	-	-	-	-
Not guilty	2	4	1	7	3.6
S.83(3)/S. 556A, recognizance/ dismissal	1	9	14	24	12.4
Fine	-	2	19	21	10.9
Recognizance Fine probation	5	52	45	103	53.4
2 years prison	1	9	1	11	5.7
2-5 years prison	1	3	-	4	2.1
Over 5 years prison	4	1	-	5	2.6
Unknown	-	2	2	4	2.1
	15	92	86	193	100.00

Apart from the 3 cases in which the accused was not convicted the outcomes for buggery cases were mainly divided between recognizances and prison sentences. The recognizances were under section 558 of the Crimes Act and take the form of a suspended sentence so that if the offender breaks the conditions of the recognizance he is sent to prison. Recognizances may be accompanied by a fine or supervision by the Probation and Parole Service. For cases of indecent assault a recognizance was by far the most common outcome.

As with both the buggery and the indecent assault charges the recognizance is the most common outcome for charges of indecent act with male. As might be expected from the less serious nature of this charge there is further decrease in the proportion sent to prison and an increase in the proportion being given fines or S.83(3)/ S.556A dismissals or recognizances. Under S.83(3) or S.556A, the offender has no conviction recorded against him.

In nine of the 54 higher court cases the accused had to undergo psychiatric testing and in five of these cases the accused was specifically ordered to undergo treatment. In a further five cases the accused had undergone, or was at present undergoing psychiatric treatment voluntarily. All of the 14 cases involved offences against minors.

The effect of the age of the party, consent and location on the sentence imposed for each type of offence is shown in Table 3.10. This table ranks the combination of variables roughly in order of seriousness from an offence with a consenting adult by a person in private to an offence against a non-consenting minor by a person in a public place. It shows that there is a relationship between seriousness of offence, in these terms, and the penalty meted out by the courts, even when there is not a statutory difference in penalty.

Table 3.10 Effect of age of other party, consent and location on sentence

Age of Other party	Consent or no consent	Location	556A/83(3) Dismissal/Recog.			Fine only			Recog. etc.			Up to 2yrs Prison			2-5yrs Prison	Over 5 yrs Prison
			CC	PS	HC	CC	PS	HC	CC	PS	HC	CC	PS	HC	HC	HC
<b>INDECENT ACT WITH MALE</b>																
Adult	Consent	Private														
		Public	1	12		17		1	28	1						
	No Consent	Private														
		Public							2							
Minor	Consent	Private				1		1	1							
		Public				1		1	1							
	No Consent	Private														
		Public							1							
<b>INDECENT ASSAULT ON MALE</b>																
Adult	Consent	Private				1		1	1							
		Public	2	5				2	5							
	No Consent	Private														
		Public							2	1	2					
Minor	Consent	Private						3	1	9		2				
		Public						2	3	2		2		1		1
	No Consent	Private						4	5		1		1			
		Public						5	3		1		1			
<b>BUGGERY</b>																
Adult	Consent	Private	1							1						
		Public							1							
	No Consent	Private														
		Public														
Minor	Consent	Private								2						1
		Public												1		
	No Consent	Private														1
		Public							1		1					1
Unknown			3			1		13			1			-		1
<b>Total</b>			24			21		103			11			4		5

A total of five persons were convicted of private acts with consenting adults. Three were given recognizances under S.558 one was fined and the other was a juvenile who was



given a S.83(3) recognizance. In these cases the behaviour was not an offence because of the use of force or because it took advantage of a minor or because it was offensive to the public, but simply because it was a homosexual act which took place.

As shown in Table 3.8 many offences which were not strictly private were unlikely to be seen. In particular the 69 offences in closed public toilet cubicles are of interest as at least 49 of those were for acts with consenting adults.

PROFILE OF TYPE OF OFFENCES PROSECUTED UNDER S.7 OF THE SUMMARY OFFENCES ACT

Section 7 of the Summary offences Act deals with offensive, riotous, indecent, threatening or insulting behaviour. Unlike the Crimes Act cases just dealt with, offences under this Act can only be heard by a Magistrate. Information for this section was obtained from a sample of courts so that these cases do not represent the complete set of homosexual and related offences dealt with in 1975 under that Act.

Table 3.11 - Outcome

Withdrawn/dismissed	1
Recognizance forfeited not relisted	1
Not guilty	-
S.556A recognizance/ dismissal	4
Rising of the Court	4
Recognizance/fine/ probation	4
Fine only	87
Up to 3 months prison	5
Unknown	1
	<hr/>
	107
	<hr/>

A fine was by far the most common outcome. An outcome of a fine is more characteristic of female prostitution offences (where 89% were fined) than of the other homosexual offences.

In general the outcomes are more lenient than for Crimes Act cases, one person was allowed to forfeit his recognizance, four were only sentenced to the rising of the court i.e. they were released as soon as the court rose from that sitting. Perhaps because of the light sentences usually imposed only 22% were legally represented and 95% pleaded guilty.

Table 3.12 - Consent

Other party consented	13
Other party did not consent	-
No act took place	91
Unknown	3
	<hr/>
	107
	<hr/>

There is not one case prosecuted under the Summary Offences Act in which the other party did not consent. In most cases no act took place because the accused was arrested while soliciting,

There were no cases in which a minor was involved. In most cases soliciting was involved and money was requested.

Table 3.13 - Soliciting

Soliciting	93
Not soliciting	11
Unknown	3
	<u>107</u>

Table 3.14 - Money

No money involved	15
Money requested	89
Unknown	3
	<u>107</u>

Tables 3.13 and 3.14 illustrate the point mentioned earlier, that cases of male prostitution are usually dealt with under the Summary Offences Act though the vast majority of cases involved soliciting and a request for money. In fact the description of the offence on the charge sheet was usually "Offering French love in William Street" or whatever location it happened to be.

Table 3.15 - Location of offence

Main St. Inner City	91
Minor St. or lane	1
Public Park, beach etc.	5
Outside cubicle to public toilet	1
Other places visible to the public	1
Privately owned but well frequented	-
Public area well secluded	-
Inside cubicle of public toilet	8
Private	-
	<u>107</u>

Still there is a similarity with female prostitution as most of the offence occurred on busy streets in the inner city. A closer examination shows that 84 of those 91 cases occurred in the vicinity of Kings Cross.

Despite the similarity between the bulk of these cases, and the female prostitution cases, there is another group prosecuted under the Summary Offences Act which is much smaller - but perhaps more significant. These five cases do not involve soliciting or money. They took place in public toilets. They are therefore similar to those generally prosecuted as indecent acts with males. It appears that just as the Crimes Act can be used to prosecute male prostitution the Summary Offences Act can be used against acts between consenting males,

COMPARISONS OF NUMBERS OF HOMOSEXUAL PROSECUTIONS  
WITH NUMBERS OF HETEROSEXUAL PROSECUTIONS

In the section dealing with the law, legislation covering homosexual behaviour was compared with that for heterosexual behaviour. Table 3.16 presents the numbers of charges for similar offences under the two types of legislation. The most striking features of the table are the much larger numbers of heterosexual charges and the 116 homosexual charges for which there are no equivalent heterosexual offences.

Table 3.16 - Numbers of Adult appearances for Homosexual and Heterosexual  
Offences in Higher Courts and Courts of Petty Sessions

<u>Heterosexual</u>		<u>Homosexual</u>	
Rape or attempted rape	93	Buggery or attempted buggery without consent	4
Indecent assault on female	83	Indecent act or assault on male without consent	24
Assault with intent to have carnal knowledge of a 10-15 year old	4	Assault with intent to commit buggery on male 10-15 years old	-
Carnal knowledge or attempted carnal knowledge on a girl 10-15 years	255	Buggery or attempted buggery with consent on male 10-15 years	1
Indecent act with girl less than 16 years	1	Indecent act or assault with consent on male less than 16 years	26
Unlawful intercourse with female under 10	3	Buggery with male under 10 years	1
Incest	15	Indecent assault by father on son	1
Soliciting for prostitution	2592	Soliciting or procuring for indecent act with money being asked	91
No equivalent	-	Soliciting or procuring for indecent act no request for money	27
No equivalent	-	Buggery, indecent assault, or indecent act on male 16 and over with consent	89
No equivalent	-	Others	5
<b>Total</b>	<b>3046</b>	<b>Total</b>	<b>269</b>
*Juvenile offences 74/75	254	Juvenile offences 74/75	24

\*The main body of the table has been limited to Courts of Petty Sessions and higher courts as there is no readily available breakdown of heterosexual offences in Childrens Courts. However for completeness. Official statistics on juvenile offences have been added to the table.

SECTION 4 - CHARACTERISTICS OF OFFENDERS.

As this section deals with offenders rather than types of offences, the basis for counting relevant cases has been changed. In cases where the accused appeared more than once in that year only the case which obtained the most severe penalty was retained. Cases in which the accused was not found guilty have also been excluded.

ADULT OFFENDERS

The data for all three types of courts has been combined to give a total of 217 convicted persons. Offenders under S.7 of the Summary Offences Act have been kept separate as these cases only represent a sample of the homosexual offenders prosecuted under the Act.

The offenders were then grouped into 6 mutually exclusive groups:

Crimes Act

1. Adults offending against minors
2. Adults offending against non-consenting adults
3. Adults involved in acts with other consenting adults
4. Other Crimes Act cases. This includes cases where no act actually took place and cases in which there was insufficient evidence to classify the offender.

Summary Offences Act

5. Prostitution Type offences
6. Other S.7 offences

Table 4.1 shows the numbers of offenders from the different courts in each category.

Table 4.1 - Type of Offender and Type of Court.

	<u>Crimes Act</u>				<u>S.7 Summary Offences Act</u>		<u>Total</u>
	Adult Offences against minors	No Consent	Consent	Others	Prostitution type offences	Other	
Higher Court	38	3	3	3	-	-	45
Court of Petty Sessions	13	4	76	4	-	-	97
S.7 Summary Offences Act at Courts of Petty Sessions	-	-	-	-	56	17	73
	51	6	78	7	56	17	215

As expected the majority of higher court offences were against minors whereas the majority of Crimes Act offenders in Petty Sessions were involved with consenting adults.

These groups of offenders are as different as the child molester, the rapist, the couple out 'parking' and the prostitute. The sentences imposed by the court reflect these differences to some degree.

Table 4.2 - Sentences Imposed for each Type of Offender

	<u>Crimes Act</u>				<u>S.7 Summary Offences Act</u>		<u>Total</u>
	Offences against minors	No consent	Consent	Other	Prostitution type offences	Other	
S.556A dismissal/recognizance	1	-	18	-	1	3	23
Rising of the Court	-	-	-	-	2	-	2
Fine Only	2	-	18	1	46	11	78
Recog. with or w/out Fine, Prob.	32	-	41	2	2	2	79
Less than 2 yrs.	6	6	1	-	5	-	18
2 - 5 years	4	-	-	-	-	-	4
Over 5 years	5	-	-	-	-	-	5
Unknown	1	-	-	4	-	1	6
	51	6	78	7	56	17	215

Table 4.3 - Age of Offender

	<u>Crimes Act</u>				<u>S.7 Summary Offences Act</u>		<u>Total</u>
	Offences against minors	No consent	Consent	Other	Prostitution type offences	Other	
18 - 19	4	-	7	1	8	-	20
20 - 24	7	-	17	-	31	4	59
25 - 29	12	1	17	3	17	4	54
30 - 34	7	3	9	1	-	2	22
35 - 39	6	1	10	-	-	3	20
40 - 44	9	1	6	-	-	-	16
45 - 49	1	-	3	1	-	-	5
50 - 54	2	-	3	-	-	1	6
55 - 59	-	-	2	-	-	-	2
60 & over	1	-	2	-	-	2	5
Unknown	2	-	2	1	-	1	6
Total	51	6	78	7	56	17	215

For all types of offences, the majority of offenders were under 30 years of age. This tendency is most pronounced for persons convicted of prostitution type offences where all 56 offenders were less than 30.

Table 4.4 sets out the employment status of the offenders. No attempt was made to further break down the different types of employment as the accused will often downgrade his occupation in order to avoid recognition. This is especially likely in the case of homosexual offences where there is the double stigma of being homosexual and criminal.

Table 4.4 - Employment Status

	<u>Crimes Act</u>				<u>S.7 Summary Offences Act</u>		<u>Total</u>
	Offences against minor	No Consent	Consent	Other	Prostitution type offences	Other	
Unemployed	8	1	3	-	8	-	20
Ordinary employment	39	5	64	6	26	15	155
Female Impersonator	-	-	-	1	19	-	20
Pensioner	2	-	8	-	2	1	13
Student	-	-	3	-	-	-	3
Self employed	1	-	-	-	-	1	2
Prostitute	-	-	-	-	1	-	1
Unknown	1	-	-	-	-	-	1
	51	6	78	7	56	17	215

It is interesting to note that 20 offenders gave female occupations such as waitress. Many of these also gave the feminine form of their first name. In all cases they had committed prostitution type offences.

Table 4.5 shows a collapsed version of Table 4.4 so that the employment status of homosexual offenders can be compared to that for the general population.

Table 4.5-Comparison of the Employment Status of Homosexual Offenders with that for the Male Population.

	Adult	Juveniles over 15 years of age	Total		N.S.W. Male Population over 15 years (May 1975)*
	No.	No.	No.	%	%
Unemployed	20	5	25	10.7	3.3
Employed	178	12	190	81.2	77.7
Pensioner or student	16	2	18	7.7	19.0
Unknown	1	-	1	0.4	-
	215	19	234	100.0	100.0

\* Australian Bureau of Statistics 'Employment Status and the Population' New South Wales, May 1977.

The table shows that a higher proportion of offenders were unemployed than the proportion of the general community. The most likely explanation for the difference is that the homosexual offenders were mostly young (table 4.3) and it is among the young that the problems of unemployment is greatest. Unemployment may also contribute to the incidence of male prostitution.

Table 4.6 - Area of Residence of Offender

	<u>Crimes Act</u>				<u>S.7 Summary Offences Act</u>		<u>Total</u>
	Offences against minors	No consent	Consent	Other	Prostitution type offences	Other	
Sydney							
Inner City	3	-	11	1	47	3	65
Eastern Suburbs	9	-	12	1	3	-	25
Northern Suburbs	5	2	8	-	-	4	19
Western Suburbs	4	1	14	1	-	3	23
South Western Suburbs	6	2	6	-	2	-	16
Southern Suburbs	6	-	6	-	1	-	13
Newcastle	2	1	5	-	1	-	9
Country	15	-	9	1	-	3	28
Other States	1	-	4	-	-	1	6
Unknown	-	-	3	3	2	3	11
	51	6	78	7	56	17	215

There is a marked difference in the residential pattern of the defendants depending on the nature of the offence committed. 47 of the 56 charged with prostitution related offences, lived in either Potts Point or Darlinghurst which was also the location of most such offences and reflects the character and attraction of the Kings Cross area with its young and relatively floating population.

The consenting adult offenders were much more evenly spread around the metropolitan area than either the offensive behaviour people or the criminal population at large.<sup>1</sup> This group included the bulk of the public toilet offenders and may reflect the pattern of commuters coming into the city. This group also included four people from interstate.

The non-consenting offenders against adults was a small category and offenders lived in the suburbs of Sydney or Newcastle.

Offenders against minors are a notable group since 15 of the 52 lived in country areas. This is roughly in proportion with the population. The low incidence of country offenders in other categories may be because of the relative lack of opportunities to commit such offences, for instance soliciting for prostitution or the railway station toilet type of offences.

1. Bureau of Crime Statistics and Research Court statistics 1976.

It is of interest that the areas of Sydney such as the Paddington area and the northern Harbour side suburbs, reputed to have relatively large homosexual populations, make almost no contribution to the incidence of offences against minors and none to the non-consenting offences. These areas' contribution to public offences is largely the soliciting offences in the Kings Cross area, and again most offenders lived in Potts Point or Darlinghurst. Paddington was home for only 3 offenders in the whole study and none lived in suburbs such as Double Bay, Surry Hills or the North Sydney and Neutral Bay areas, nor around Manly.

Table 4.7 -Previous Convictions of Offenders.

	<u>Crimes Act</u>				<u>S.7 Summary Offences Act</u>		<u>Total</u>
	<u>Offences against minors</u>	<u>No Consent</u>	<u>Consent</u>	<u>Other</u>	<u>Prostitution type offences</u>	<u>Other</u>	
None	22	2	49	2	23	8	106
Homosexual only	3	1	6	1	27	1	39
Heterosexual	-	-	-	-	-	-	-
Homo & Heterosexual	-	-	-	-	-	-	-
Other only	13	3	16	3	2	8	45
Homosexual and other	10	-	7	1	4	-	22
Heterosexual and other	2	-	-	-	-	-	2
All three	1	-	-	-	-	-	1
	51	6	78	7	56	17	215

About half of the offenders had previous convictions. This result is similar to that for both heterosexual offenders and offenders generally in Courts of Petty Sessions<sup>1</sup>. The higher court offenders were more likely to have previous convictions - three quarters of them doing so. This is in line with other higher court offenders.

Only 3 offenders had previous convictions of a heterosexual nature whereas 70 had convictions which were not specifically sexual. These 70 include some offensive behaviour cases which may in fact have been homosexual or heterosexual in nature. It is interesting that only half as many offenders (39) had exclusively homosexual convictions.

The three offenders who had previous heterosexual convictions were all offenders against minors suggesting that for some pedophiliacs the gender of the minor is not of great importance.

1. Bureau of Crime Statistics and Research 'Court Statistics 1975'



Table 4.8- Marital Status: Higher Court Only.

	Crimes Act				Total
	Offences against minors	No consent	Consent	Other	
Never married	29	1	1	2	33
Separated	1	-	-	1	2
Divorced	-	-	-	-	-
Widowed	2	-	-	-	2
Married	4	1	1	-	6
De Facto	2	-	-	-	2
	38	2	2	3	45

Thirty-seven of the 45 offenders were single when they appeared at court. A total of 12 were or had been married at some time. It is perhaps surprising that there are even this many but the pressure to marry is very strong even when a heterosexual union is not the person's preference.

While the result for the Courts of Petty Sessions were too incomplete for tabulation it is worth noting that there were at least 15 Crimes Act offenders who were married or in defacto relationships. In all but one of these both parties consented. It was suggested in Tea Room Trade that most of the men using the public toilets were married. Our results show that while most of the married men in the study were involved in acts in public toilets, by no means most of the men involved in such acts were married. Even if all the unresolved cases did in fact involve married men, they would only number half of the total of such offenders.

Table 4.9 - Highest Level of Schooling, Higher Courts Only.

	Crimes Act				Total
	Offences against minors	No consent	Consent	Other	
Tertiary	3	-	-	-	3
H.S.C.	2	-	-	1	3
School Certificate	5	-	-	-	5
Some Secondary	22	1	1	2	26
Primary	3	-	1	-	4
None	2	-	-	-	2
Unknown	1	1	-	-	2
	38	2	2	3	45

2. Laud Humphreys. Tearoom Trade. A Study of Homosexual Encounters in Public Place. Duckworth, London, 1970.

Over half (57.4%) of the higher court offenders left school after a minimum of high school education. This proportion is similar to that of the general population (60% at the '71 census) and is also about the same as that for higher court offenders generally (59.9%).

#### JUVENILE OFFENDERS

Juvenile sex offences in New South Wales can be dealt with under the Child Welfare Act as well as under the Crimes Act and Summary Offences Act, (See Section 1). This study did not include an analysis of prosecution under the Child Welfare Act, but at least some of these prosecutions would have been for homosexual offences. One such case was noted while collecting the Crimes Act cases. In this case a youth was charged with being exposed to moral danger for associating with a 'drag queen'.

In 1975, 29 juveniles were found to have committed homosexual offences under the Crimes Act. This was possible because the Act makes no reference to an age of consent for either party to the offence. The figures for juvenile offenders are included elsewhere in this study, but the pattern of these offences deserves to be looked at separately as they differ in several ways from the adult offences. As the juveniles are all Crimes Act cases they have been compared only to the Crimes Act offenders for Courts of Petty Sessions and higher courts.

Table 4.10 - Consenting and Non-Consenting Offences by Age of Offender.

	Juvenile Offender	Adult Offender
Consent	14	109
Non-consent	14	23
No Act	1	3
Unknown	-	7
	29	142

The incidence of non-consenting offences by juveniles is relatively higher than among offences by adults. There are five possible explanations for this difference:

- it may be that police are rather more reluctant to prosecute juveniles for consenting offences when they are brought to their attention;
- it may be that juveniles involved in consenting acts are more likely to be charged with offences under the Child Welfare Act than under the Crimes Act;
- this difference may be the result of a relatively high incidence of juveniles offending against males under the age of ten;
- it may be the result of the different pattern of location of juvenile offences (see Table 4.13) which are less likely to be committed in a public place where the offence will come to the attention of the police. Thus only non-consenting cases are likely to be reported to police in the normal course of events;
- it may be that consenting juvenile offences are less likely to be reported to the police when they come to the attention of other people such as the parents.

Table 4.11 - Ages of Juvenile Offenders.

10 years	1
11	-
12	1
13	3
14	5
15	10
16	5
17	3
18	1
	<hr/>
	29

Table 4.12 - Age of Offender and Age of the Other Party.

	Juvenile Offender	Adult Offender
Age of other Party		
Under 10 years	13	13
10 - 15 years	1	30
16 - 17	-	7
18 years +	11	85
Unknown	4 (all under 18 years)	7
	<hr/>	<hr/>
	29	142

Juveniles are much more likely than adults to be charged with offences against minors especially males under 10 years, and much less likely to be charged with committing offences with males in broadly the same age group as themselves - i.e. 11-17 years. Further, the age of the other party in these offences ranged from nineteen years older than the offender to ten years younger. In most cases the age difference was quite large and an average age difference of 8.75 years was calculated for the cases in which the exact age of both parties was known.

Of the eleven juveniles charged with offences involving adults 9 were for consenting acts. Of the 18 charged with offences involving minors 5 were for consenting acts. Two of the five consenting minors were involved in the same case. They were both aged between ten and thirteen and their offences only came to the attention of the police while they were investigating another matter.

Table 4.13- Location of Offence and Age of Offender.

	Juvenile	Adult
Main St. Inner City	-	1
Minor St. or lane	2	4
Public park or beach etc.	-	5
Outside cubicle of public toilet	1	13
Privately owned but well frequented	-	4
Other places visible to the public	3	4
Publicly owned but secluded	5	13
Inside cubicle of public toilet	7	59
Private	11	30
Unknown	-	9
	<hr/>	<hr/>
	29	142

The pattern of location of juvenile offences is not unexpected. They are less likely to be arrested for public toilet offences, though 8 were in this category. Over a third of juvenile offenders carried out the acts in private. In many cases it was the home of the offender or the other party.

Table 4.14- Involvement of Money and Age of Offender.

	Juvenile	Adult
Money offered by defendant	6	14
No money	22	115
Money requested by defendant	-	1
Unknown	1	12
	<hr/>	<hr/>
	29	142

Surprisingly, juvenile offenders appear to be more likely to offer money (which includes sweets and other gifts) to the other party to engage in a sexual act than adults. This may again be linked to the higher number of offences against males under 10 years old to whom money was offered to try to induce consent.

As least 16 of the offenders had left school before 16 years, and one had no education at all (seven were of unknown educational achievement). One had spent his life in an institution. At the time of the offence, 12 were still at school.

Table 4.15 - Occupation of Juvenile Offender.

Unemployed	5
Employed	11
Female Impersonator	1
Student	12
	—
	29

Table 4.16-Place of Residence and Age of Offender

	Juvenile	Adult
Sydney - Inner City	-	15
Eastern Suburbs	1	22
Northern Suburbs	3	15
Western Suburbs	3	20
South Western Suburbs	4	14
Southern Suburbs	2	12
Newcastle	1	8
N.S.W. Country	14	25
Interstate	-	5
Other/unknown	1	6
	29	142

Half of the juvenile offenders lived outside the Sydney metropolitan area. This means that the incidence of such offenders who get prosecuted is significantly higher outside Sydney. The finding contrasts markedly with the prosecution approach to adult offenders, though whether it is a product of parental, police or juvenile behaviour cannot be answered on the available facts.

Only just over one quarter had previous convictions, mainly for non-sexual offences. In this respect they differed from the adult homosexual offenders of whom more than half had previous convictions which were almost as frequently sexual as other.

Table 4.17 - Previous Convictions and Age of Offender.

	Juvenile	Adult
Homosexual only	2	11
Homosexual + other	-	18
Heterosexual only	-	-
Heterosexual + other	-	2
Both Homosexual and Heterosexual	-	-
Other only	6	35
All three	-	1
None	21	75
	<hr/>	<hr/>
	29	142

Juveniles were more likely to plead guilty than adult offenders all doing so except for one who pleaded not guilty and one who did not enter a plea. 24 adults pleaded not guilty and five did not plead. Related to the high number of guilty pleas is that all the juveniles were found guilty. As with other Petty Sessions and Childrens Court offenders, they were unlikely to appeal against their sentence, only one doing so. Most were legally represented but 5 persons appeared without representation.

Table 4.18 - Sentence and Age of Offender.

	Juvenile	Adult
S.556A/83(3) Dismissal/Recognizance	4	19
Rising of Court	-	-
Fine only	-	21
Recognizance with/without probation, fine	20	82
Imprisonment (Institution)	2	18
Unknown	3	2
	<hr/>	<hr/>
	29	142

Of the four juvenile 83(3) dismissal/recognizance sentences, three were for consenting offences with adults, and the fourth was for a minor assault. In the two cases where the defendant was committed to an institution, both were for acts without consent where serious violence or the threat of violence was employed, in one case the youth threatened two minors with an iron bar, in the other the offence ended in a fight between the youth and an adult.

SECTION 5 - THE TRENDS IN ENFORCEMENT OF THE LAW

In order to comment on enforcement of the homosexual laws, Tables 5.1 and 5.2 set out information on how the prosecutions in 1975 came to be initiated. The most detailed information on this was available from the records of the higher courts.

Table 5.1 - How the Higher Court Matters came to the Attention of the Police.

	Number of prosecutions involved
Boy told family and they reported the matter	28
Incident observed by a third party	6
Boy told the police	4
Offender told boys parents	1
Boy was reported missing when he stayed with the offender 5 days	1
A man arrested on a drug charge complained of his attack by others in the drugs racket	1
A man in 'drag' accidentally tried to solicit two policemen	1
One of the two men who consented to a series of homosexual acts felt guilty about his actions and confessed when the police were inquiring about a different matter	2
Unknown	10
	—
	54

Information on the 246 cases from Children's Courts and Courts of Petty Sessions is more sketchy. Table 5.2 groups the various offences so as to give some indication of how the different types of matters came to the attention of the police.

Only 22 offences involved non-consent cases and were probably referred to the police by the victim.

The prostitution offences may have arisen from a public complaint but may also have arisen from police observation as heterosexual prostitution offences do. Offences which were committed outside the cubicles of public toilets and other offences which occurred in other fairly public areas would be easily detected. The 70 cases of offences in the cubicles of public toilets are more interesting. It can only be surmised how these offences were detected, though the figures suggest a policy of surveillance of toilets at St. James Railway Station and other places.

The method of detection is known in only 3 of the 10 offences between consenting parties in private. An act by two boys aged 10 to 13 was discovered when the police were investigating another offence by one of the boys. The third offender, a juvenile aged 17, was arrested when he told the police that he had willingly committed an indecent act with an older man but had become frightened when the man had used threats to try to make him repeat it.

Table 5.2 - Typology of Petty Sessions and Childrens Court Matters - Attempting to indicate how they came to the attention of the Police

	Crimes Act		S.7 Summary	Total
	Courts of Petty Sessions	Children's Court	Offences Act	
All non-consent offences	7	15	-	22
Offences with consent in public toilets				
Inside closed cubicle at St. James railway station	40	2	2	44
Inside closed cubicle at other public toilet	16	4	6	26
Outside cubicle	9	-	1	10
Prostitution type offences				
Streets in Kings Cross area	-	-	84	84
Other public street	-	-	8	8
Other offences				
In public	19	4	6	29
In private	5	5	-	10
Unknown location	12	1	-	13
	108	31	107	246

The incidence of homosexual prosecutions in N.S.W. has varied dramatically over the years. Within overall movements, the use of one charge or another has also varied significantly. Since 1945, there are three very noticeable peaks, in 1958, in 1963 and in 1968.



FIGURE 5.1 - HOMOSEXUAL CASES BROUGHT BEFORE THE COURTS OF NEW SOUTH WALES. 1943 - 1971  
 Figures from the New South Wales Police Department Annual reports.

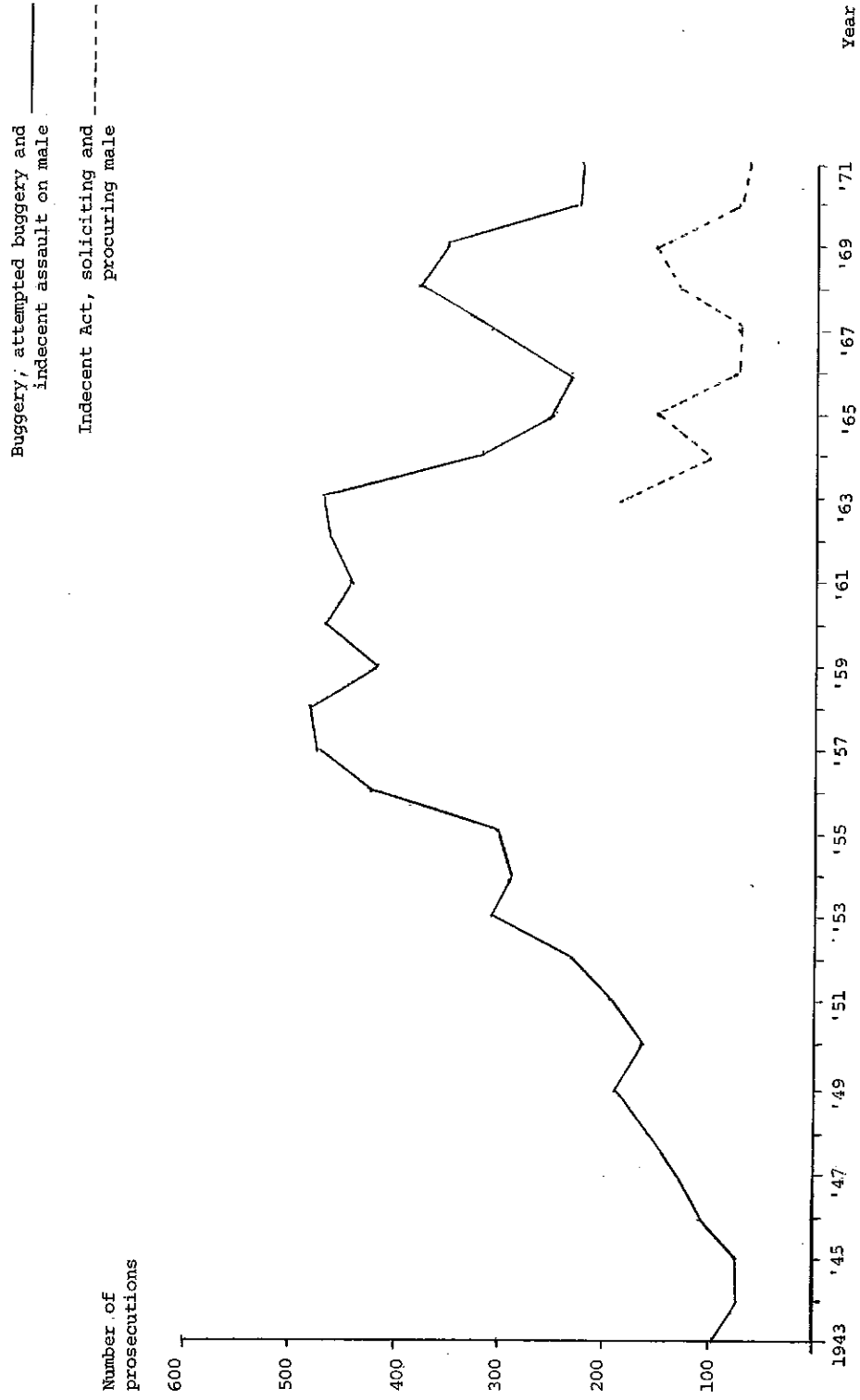


Table 5.3 - Cases dealt with by the Vice Squad in the Sydney Metropolitan Area

Year	Indecent assault on male.	Buggery	Wilful/obscene exposure	Male soliciting for immoral purpose	Total
1956	98	29	46	37	210
1957	135	56	202	90	483
1958	80	9	298	127	514
1959	113	33	165	71	382
1960	123	1	258	85	467
1961	89	25	234	91	439
1962	94	30	271	102	497
1963	140	89	213	80	522
1964	126	21	224	55	426
1965	55	52	201	19	327
1966	27	5	70	15	117
1967					516
1968					1204
1969					217

This series ran only for the years shown, and a breakdown of the total was not published after 1966.

It can be seen from a study of the 1969 and 1970 prosecutions<sup>1</sup> and from Table 5.3 that the variation in prosecution rates occurs primarily in lesser offences such as offensive behaviour, soliciting and procuring, obscene exposure, indecent acts between males and indecent assault with consent.

1. G. Hawkins ed. Male Sex Offences In Public Places.

Table 5.4, showing a detailed breakdown of recent figures, shows that the fluctuations in the minor offences has continued.

Table 5.4 - Numbers of Appearances in Higher Courts, Children's Courts and Courts of Petty Sessions 1972 to 1976.

Higher Courts	Appearances by distinct persons for which the principal charge was a homosexual offence				
	1976	1975*	1974	1973	1972
Buggery or Bestiality	17	11	18	16	17
Indecent assault or act on male	28	38	47	47	48
Procuring male for unnatural act	1	1	-	-	-
<b>Total</b>	<b>46</b>	<b>50</b>	<b>65</b>	<b>63</b>	<b>65</b>
Courts of Petty Sessions	All appearances for which the principal charge was a homosexual offence				
	1976	1975*	1974	1973	1972
Indecent assault on male	70	29	26	11	20
Indecent act with male	89	74	18	43	41
Procure male for indecent act	26	5	5	9	21
<b>Total</b>	<b>185</b>	<b>108</b>	<b>49</b>	<b>63</b>	<b>82</b>
Children's Courts	Appearances by distinct juveniles for which the principal charge was a homosexual offence				
	1975/76	1974/75	1973/74	1972/73	
All homosexual offences	31	18	19	22	

\*For purposes of comparison with other years, figures for 1975 have been taken from regular collections by the Australian Bureau of Statistics. As mentioned in Section 2 their counting base varies slightly from that used in this study.

While comparisons across the years are limited because of the different types of statistical collections, it can be noted that for wilful and obscene exposure related to homosexual acts prosecutions totalled 298 in 1958 but the pilot test at Central Court in 1975 did not reveal any such cases. Soliciting in 1958 accounted for 127 prosecutions, but in 1975, even including procuring charges, there were only five court appearances though the number was up to 26 in 1976. It appears from Section 3 that there has been a preference to prosecute many such offences under offensive behaviour, possibly because such acts are viewed less seriously now and possibly because they are easier for the prosecution to prove. In addition Table 5.4 shows that overall Petty Sessions cases have increased threefold between 1974 and 1976. In contrast to the minor offences the higher court prosecutions have declined slightly over the last five years.

While these variations may have been due to changes in the number of offences committed, information on police enforcement policy is also relevant as it is important in the detection of the offence. The higher court offences which are more serious and are reported to the police, have remained fairly stable.

During the 1950's, the police regularly reported that they were 'as active as is possible to suppress such offences' and patrols were made by the Vice Squad and 21 Division. Indeed the Vice Squad paid such activity 'the utmost attention' 'by the constant supervision of places where homosexuals (were) known to congregate,'<sup>3</sup>

Having reached the 1963 peak, the police surveillance declined steadily until a low point in 1966. The following year however the Vice Squad again formed a special patrol on homosexual activity, and the resultant effect of this renewed activity by the Parks and Gardens Squad, as it was colloquially known, can be seen in Table 5.2. The squad was disbanded in 1969, and the prosecution rate again decreased steadily until 1974.

Since there is such a degree of correlation between the prosecution rates and enforcement policy in previous years, it is probable that the increase in Petty Sessions appearances since 1974 is also the result of increased police surveillance.

The increase in 1976 in prosecutions for soliciting and procuring may be a function of this also, or it may be that there has been a reversion to charging more male prostitution offences under this more serious section.

1. New South Wales Government Police Department Annual Report 1956
2. New South Wales Government Police Department Annual Report 1960

## SECTION 6 - DISCUSSION

The homosexual law reform debate poses many questions about the operation and enforcement of the present law. These include the extent to which homosexual men are subject to prosecution when heterosexual people are not; the relation of homosexual to heterosexual prosecutions where the offence involves force or is against a minor; and the degree to which the present law enforcement protects the public from inadvertent offence from homosexual activities. The data in this study provides answers to these questions.

This study examined 193 homosexual Crimes Act charges. In 162 of them the person charged was an adult. From the official statistics it can be calculated that these 162 cases make up 26% of all adult sexual offences. However 89 of those 162 charges were for acts which would not have been criminal if they had been heterosexual. When only comparable Crimes Act charges are used homosexual offences make up only 12% of all adult sexual offences.

The other group of offences was 107 offensive behaviour charges under S.7 of the Summary-offences Act, 89 of these were prostitution type offences. They form only 3.5% of the total of prostitution offences.

Offences against minors made up 78 (40%) of the Crimes Act offences. In 19 cases the offenders were juveniles themselves and in at least 8 cases the other party was a youth over 16 years of age. Therefore 51 (26%) of the 193 Crimes Act charges were offences by adults against boys under 16. In addition it is interesting to note that 3 boys under 16 were charged for offences against adults. Girls involved in equivalent heterosexual offences would not have been prosecuted.

Non-consenting offences accounted for 42 (22%) of the Crimes Act cases. In addition, at least 12 children under 10 years consented. It is unlikely that these children could give a meaningful consent to a sexual act.

While allowance must be made for differences in legislation some comparison can be made between overseas studies and this one. The Cambridge study found that homosexual offences involving minors or force made up 36% of all sexual offences of that nature. In this study the proportion was only 13%. The study of adult offences against minors in the Brooklyn and Bronx Boroughs of New York found that around 5-7% of such offences were homosexual. In N.S.W. in 1975 the figure was slightly higher at 11%.

Public acts of one sort and another accounted for the bulk of homosexual prosecutions. 131 of the adult Crimes Act offences were committed in places which were either public or accessible to the public in some way, and 18 of the juvenile offenders committed their offences in similar places. However the risk of the public observing such offences is rather less than these figures would suggest. Only 16 (including one juvenile) of the offences were committed in the open area of public toilets. The largest group of these offences were alleged to have been committed within a closed toilet cubicle and could have been observed only with considerable difficulty and a degree of deliberateness on the part of the observer. 69 of the adult offences were committed in such circumstances, and 7 of the juveniles committed similar offences.

Offensive behaviour prosecutions are a somewhat separate category of public homosexual acts. The offences were almost entirely confined to the inner city area around Kings Cross. The prostitution offenders were younger, over two thirds being under 25; they lived almost entirely in the region of Kings Cross; with almost half having previous homosexual convictions, they were more likely to have a previous record; and they were more likely to have been prosecuted more than once in the same year, as 56 offenders were responsible for 89 offences. They further differed from other homosexual offenders in that 1/3 were female impersonators. That they were more easily identifiable may have contributed to the likelihood of arrest and prosecution.

1. Vincent de Francis. Protecting the Child Victim of Sex Crimes Committed by Adults, American Humane Association, 1969, pp. 37, 66.

Private offences attracted prosecutions mainly when minors or coercion were involved. There were, however, four men prosecuted for private consenting adult homosexuals acts which in two cases at least came about through an admission while being questioned by police on a separate matter. This is similar to several of the 'public' consenting offences when the main evidence was a confession from the defendant to police.

Reform of the law or repeal of the sections of the Crimes Act dealing with homosexual acts needs to be considered in the light of these findings. There are several distinct approaches to change which deserve consideration given the demonstrated use of the law at present. It is not possible from this study to predict whether the incidence of certain forms of behaviour would change consequent upon a change in the law. Such prediction of behaviour is not the business of this report. What the report enables us to do is to say how different the figures would look if the law and its administration were changed in some of the ways which have been suggested. Many of these proposed changes relate to the parameter of age and the dichotomy of public/private.

. Repeal of laws governing 'private consenting adult male homosexual acts' is the most commonly suggested reform. It would have only a very limited effect on prosecutions - only four people in this study would have avoided prosecution after such a change.

. If the age of consent for male homosexual acts was set at 16, as it is for the female age of consent, somewhat more offences would not have been prosecuted. Again the difference would be small, as only an additional five people would have escaped prosecution.

. Consenting acts involving males under 16 are another category where the homosexual law is different from the heterosexual. If the heterosexual law were replicated in the male homosexual area, then the 9 juveniles committing consenting acts with adults would not have been prosecuted (though the adults would have been); the 5 juveniles involved in sexual activity with other juveniles would continue to be guilty of serious criminal offences.

. The largest category of offences prosecuted under the Crimes Act was the combined category of indecent act with male and of indecent assault on male for offences in closed public toilet cubicles (69 total); 49 of these were between consenting adult males. Five apparently similar offences were prosecuted as offensive behaviour. Similar heterosexual or lesbian acts could not be prosecuted under the Crimes Act; they could be possibly prosecuted as offensive behaviour; These sorts of prosecutions raise the question of what properly constitutes a public offence, what penalty ought to attach to offences against public decency, and the extent to which police resources should be used to detect often difficult to observe 'public' activity.

. If soliciting and procuring laws were altered to correspond to the laws covering heterosexual prostitution, then the 2 men who were charged with these offences but were not involved in prostitution would not have been prosecuted.

. Prostitution-like offences were the most common (91). It is interesting that these offences can be prosecuted indictably; no equivalent female offences can be so prosecuted. More usually, though, charges were laid under the offensive behaviour section of the Summary Offences Act; these offences were therefore usually prosecuted and penalised similarly to female prostitution offences.

In 1976 the A.C.T. law was changed, but only in line with the first point above. In 1975 the S.A. law was reformed more extensively, establishing statutory equality for homosexual and heterosexual offences and thus taking account of points, 2 and 5 above. This study suggests that, whatever the decisions taken on homosexual law reform, the debate should be cast in wider terms than has happened hitherto in Australia.

That debate will continue to include concerns other than those directly related to the data on the existing legal and enforcement situation, but those other concerns need to be assessed in the perspective of this study. It is not possible to predict what effect changes in certain laws will have on the incidence of particular forms of behaviour from this study. This report provides a picture of the situation as it now exists under the law. That information has not previously been available in Australia. In addition to its intrinsic interest it provides information relevant to many of the questions that have previously gone unanswered or have been answered speculatively.



1. Serial No.....
2. Act and Section No.
- 1. Crimes Act 40/900 S.79
  - 2.                               S.80
  - 3.                               S.81
  - 4.                               S.81A
  - 5.                               S.81B
  - 6. Summary offences Act 96/1970 S.7
  - 7.                               S.11 or S.12
  - 8. Other.....
3. Occupation of accused.....(LEAVE BLANK)
4. Was the act consensual?
- 1. Yes
  - 2. No
  - 3. Unknown.....
5. Was it alleged that soliciting was involved?
- 1. Yes
  - 2. No
  - 3. Unknown.....
6. Was it alleged that money was offered?
- 1. Yes
  - 2. No
  - 3. Unknown.....
7. Setting of offence
- A 1. Prison
  - 2. Private dwelling
  - 3. Private but visible from public place
  - 4. Public
  - 5. Other.....
  - B Full description of setting.....
  - .....
  - .....
8. Age of other party
- A 1. Adult; 2 Minor; 3 Unknown.....
  - B Age in years (code 99 if age unknown).....
9. Previous offences of accused
- Homosexual - 1 Yes; 2 No; .....
  - Heterosexual - 1 Yes; 2 No.....
  - Unrelated to sex - 1 Yes; 2 No.....
10. Marital Status of accused
- 1. Single
  - 2. Married
  - 3. Separated
  - 4. Divorced
  - 5. Defacto
  - 6. Widowed
  - 7. Unknown.....
11. Country of birth of accused
- A 1 Australian; 2 Migrant; 3 Unknown.....
  - B Exact country..... (LEAVE BLANK)
12. Highest level of schooling of accused
- 1. Completed tertiary
  - 2.     "     H.S.C. or Leaving Certificate
  - 3.     "     S. Certificate or Intermediate Certificate
  - 4.     "     Primary School
  - 5. None
  - 6. Not known .....



APPENDIX II GROUPING OF OFFENCE LOCATIONS

1. Main Street in inner city  
Street in Kings Cross  
Boundary St. Paddington  
Barncleuth Square  
Hughes Street  
City  
Darlinghurst  
Riley Street  
Orwell Street  
Stanley Street, Darlinghurst  
William Street  
Roslyn Gardens
2. Minor street or lane  
Street besides St. Leonards' railway station  
In roadway  
In car in lane
3. Public Park, showground or beach  
Fitzroy Gardens  
Green Park  
Petersham Park  
Beach - Kurnell  
Park  
On a track in an oval  
Racecourse
4. Outside cubicle of Public toilet  
Toilets at St. James station  
Other public toilet  
Privately owned but well frequented
5. Restaurant kitchen  
Change room at RAAF base  
Laundry in block of flats  
Sleeping bag - scout hall - other scouts asleep in hall  
Petrol station
6. Other places visible to general public  
Escalators at Wynyard Railway  
Car port  
On bus

On grass near deserted house  
Railway station  
School ground  
General association  
Church grounds  
Outside Police Boys Club

7. Other public areas but hidden from general view

Back of car  
Bush  
In taxi on the way to Berowra  
In car  
In tent in bush  
Outside toilet block (behind bush & shed)  
Cave in bush  
Under bridge  
Hut in bush

8. Inside cubicle of Public Toilet or change-room

Men's toilet at St. James - adjoining cubicles  
Toilet at Town Hall Railway - adjoining cubicles  
Other railway station  
Dressing shed at beach  
Other public toilet

9. Private

Room in private house  
Deserted house  
Caravan  
Room in hotel  
Private room of hairdresser at night  
Room in college  
Under house  
Manager's room in bank after hours  
Room in Boy's home  
Room in Police Boy's Club

APPENDIX III. GROUPING OF AREAS OF RESIDENCE

SYDNEY

Inner City  
 Sydney  
 Darlinghurst  
 Potts Point  
 Redfern  
 Rosebery  
 Glebe

Eastern Suburbs  
 Paddington  
 Waverley  
 Woollahra  
 Bondi Beach  
 Darling Point  
 Vaucluse  
 Randwick  
 Kensington  
 Maroubra  
 Matraville

Northern Suburbs  
 Waverton  
 Crows Nest  
 Lane Cove  
 Willoughby  
 Roseville  
 Pymble  
 Turramurra  
 St. Ives  
 Wahroonga  
 Hornsby  
 Terrey Hills  
 Mosman  
 Cremorne  
 Brookvale  
 Ryde  
 Rydalmere  
 Telopea  
 Epping

Western Suburbs  
 Leichhardt  
 Erskineville  
 Five Dock  
 Drumoyne  
 Petersham  
 Ashfield  
 Croydon  
 Croydon Park  
 Strathfield  
 Granville  
 Regents Park  
 Auburn  
 Toongabbie  
 Seven Hills  
 Blacktown  
 North Parramatta  
 Merrylands

Guildford  
 Chester Hill  
 Fairfield

South Western Suburbs  
 Cabramatta  
 Green Valley  
 Liverpool  
 Campsie  
 Lakemba  
 Dulwich Hill  
 Marrickville  
 Bexley  
 Kingsgrove  
 Beverley Hills  
 Riverwood

Southern Suburbs  
 Panania  
 Beverley Park  
 Carlton  
 Sans Souci  
 Penshurst  
 Sylvania  
 Jannali  
 Miranda  
 Caringbah  
 Cronulla  
 Sutherland

NEWCASTLE

Belmont  
 Cardiff  
 West Wallsend  
 Kotara  
 Carrington  
 Newcastle  
 Hamilton  
 Mayfield  
 New Lambton

REST OF NEW SOUTH WALES

