

## Fish in a barrel: police targeting of Brisbane's ephemeral gay spaces in the pre-decriminalisation era

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### Abstract

Across history, and particularly in periods of criminalisation, the gay community have often been forced to resort to public spaces – ‘beats’ – to clandestinely seek out anonymised sex with partners who share their sexual preference. This article reframes the construction of gay beats as ephemeral spaces that prevails in existing sexuality literature. Instead, it shows that Brisbane's beats were semi-permanent spaces with subcultural meaning to the local gay community — a fact that was used by police to target gay men during law enforcement's attempts to re-establish a moral order in the post-war era. Using a combination of archival material, personal narratives and secondary sources, this article effectively reframes the concept of gay beats as transitory spaces, and instead argues that it was their permanence and resilience in Brisbane's gay subculture that made them a perfect hunting ground for police looking to target a vulnerable homosexual community.

### Key Words

Policing; homosexuality; beats; cruising; entrapment; Australia; colonial; agent provocateur; corruption.

Cruising gay beats has been a central factor in the practice of homosexuality stretching back to the colonial origins of Brisbane, the subtropical capital of Queensland. As was the case in

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comparable societies around the world, the beat developed in Australia as a focal point for the gay community to gather and interact with each other at a time when homosexual acts were strictly prohibited under criminal law. Beats are defined as public spaces which individuals – usually gay men – attend in search of strangers who share their sexual preference that they are then able to participate in sexual acts with, usually in the same public ‘beat space’. In modern liberalised societies ‘cruising a beat’, or actively searching for sex in one of these spaces, often occurs as a thrill-seeking behaviour in which gay men actively seek out anonymised sex in public to increase the excitement of the act. While this may be the contemporary motivation for beat culture, it has not been the case historically. Traditionally, beats have been treated as ephemeral spaces that, while seemingly innocuous to the uninitiated, held great subcultural significance to members of the gay community: what may have been a children’s playground or public bathroom in the day transformed by night into the venue for illicit sexual liaisons (Wotherspoon, 1994). During the period in which homosexual acts were criminalised in Queensland, inner-city suburbs of Brisbane were littered with gay beats, some continuing to exist for decades along the banks of the Brisbane River and in urban parklands (Smaal, 2010). Beats also centred on Brisbane’s public transport infrastructure and formed around locations like ferry and bus terminals, giving gay men from the outer-suburbs the opportunity to participate in beat culture and further reflecting the transitory nature of the practice.

While beats are transitory places, the notion that they are entirely ephemeral is challenged in this article. Instead, it is argued that beat spaces are semi-permanent subcultural installations that maintain their status as a central organising point for the gay community over time. For gay men in pre-legalisation Brisbane, the beat assumed a more important subcultural role than simply serving as a location for illicit sex. Beats were a place where men who shared a sexual preference that was criminalised by the state could meet, and practice their sexuality in a way

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that – though fraught with the risk of being caught by police – allowed them to be more confident that their sexual overtures would be well-received. Unlike more recent, post-legalisation cases of gay cruising behaviours the beat was not historically used a venue for men to achieve the thrill of engaging in public sex. Under the repressive moral governance of Queensland, the beat was a necessary outlet for sexual expression for a community that had few opportunities to interact in a public setting without risking public exposure or punitive legal action. This article will use archival and secondary sources to argue that gay beats persisted in Brisbane across a significant period, stretching over more than a century prior to decriminalisation in 1990. It is the contention of this article that the implications of this semi-permanent state were both positive and negative: while it provided the city's gay community with physical venues of cultural significance where they could gather, it also made these places more vulnerable to being targeted by both anti-gay civilians and the Queensland Police Force.

Gay beats are public areas that held different meanings depending on the subcultural community that an individual belonged to. Only by tapping into the collective memory of Brisbane's gay community could homosexual men become aware of where beats were located. This provided a layer of security to men who frequented these locations in the understanding that the other men they came across while cruising the beat were also members of the gay community (Moore, 1995). Again, this highlights the fact that beats were not ephemeral as they have been previously characterised, but were instead semi-permanent spaces that individuals were able to access by engaging with Brisbane's gay subculture. It was this naïve misconception that allowed police officers to target Brisbane's gay community in one of the few safe spaces in which it practiced publicly during the lengthy criminalisation period. In the post-World War II era, a renewed push to enforce a moral order in Brisbane began which saw police take action to drive the gay community out of the city's bars and coffee-houses (Moore,

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2001). Agitation for a resumption of moral order largely came about as a response to the suspension of conventional conservative values during World War II, a period in which Brisbane served as the Pacific headquarters for the Allied forces. During this time, Brisbane was inundated by servicemen from around the world, triggering a boom in vice that authorities sought to rectify in the wake of the military's post-war departure (Smaal, 2011). By the early 1950s, gay men in Brisbane were more reliant on beats than ever before as a result of this newly-enthusiastic approach to enforcing the existing anti-homosexual legislation (Moore, 2001).

Forcing the practice of homosexuality back into the public realm left gay men more vulnerable to police harassment than ever before. Using agent provocateur tactics of entrapment, officers were able to incite gay men into making sexual overtures toward them at beats before threatening them with legal action. While on some occasions this threat would be carried out in the court system, often gay men were extorted by officers in return for not pursuing charges (Moore, 2001). Ultimately, the existence of beats gave police the opportunity to easily identify and target gay men in Brisbane both legally and extra-judicially. The impact of the targeting of gay beats was to inflame the negative relationship between police and the gay community in a way that would continue even beyond decriminalisation in 1990. Taking a historical perspective, this article examines the beat as a flashpoint for the antagonism that characterised police-gay relations in Brisbane. It explores the criminalisation of homosexual acts in colonial Queensland, and the way in which patrons of beats were made vulnerable to considerable punitive measures if caught practicing their sexuality. It then examines the moral recalibration that occurred in the post-war era of the 1950s, wherein established gay venues were no longer tolerated by police who used violence and harassment to drive gay men back to the beat. Finally, it will evaluate the ways in which police used their knowledge of gay beats to harass

and coerce gay men by use of extortion and agent provocateur tactics. Police harassment was made possible by the semi-permanent state of Brisbane's gay beats over a period of more than a century. It is the aim of this article to show that gay beats are not simply ephemeral locations, but semi-permanent venues with considerable subcultural meaning in the gay community. It is only because of this semi-permanent state that police were able to target gay men in Brisbane so effectively using their own historical knowledge of beat culture to harass the community up until decriminalisation.

### Literature review

Gay occupation of space has long been a subject of fascination for sociologists. The first concerted effort to position gay beats – often referred to in a global context as 'cruising areas' – began in the early-1970s in a period that was typified by a general liberalisation in academia. Levine's study of the homosexual communities in several mainland American cities applied an ecological lens to the practice of gay-related activities in the urban environment. Levine used Park and Wirth's typology to determine whether the development of prominent gay spaces in major cities constituted the foundation of 'gay ghettos' (Levine, 1979). After conducting an analysis of identified neighbourhoods with a prominent homosexual community, Levine found cause to believe that these hypothesised 'gay ghettos' were in the process of taking shape to varying degrees around the country. Mapping subcultural venues like gay bars or clubs, as well as cruising areas, Levine found that as much as 86 percent of designed 'gay locations' were located in as little as two percent of the cities total landmass (1979, p. 188). Building on this foundation, Tewksbury (1996) directly engaged with gay cruising areas to identify the normative subcultural structures that were typical in these ephemeral spaces. Tewksbury's research outlined a set of four key non-verbal cues that gay men in cruising areas used to signal

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their intentions to each other: eye contact, pursuit, exposure and body contact. It was crucial for men operating in the cruising space to be aware of these conventions, and those who did not conform to this ritualised process were often excluded from further participation in this space.

Acceptance of the normative conventions of gay cruising areas by those who frequent them is an important element in their construction. In the absence of a reliable means to identify who is using a public space for the purpose of gay sex, it is difficult for this ephemeral space to form in the otherwise mundane setting of a public toilet or parkland. Stacey describes the type of recreational gay male sexuality that takes place at cruising sites as a behaviour that fundamentally 'disrupts conventional family norms and practices... [and] simultaneously reinforce[s] and challenge[s] conventional gender and family practices and values' (2004, p. 181). Stacey also links the breaching of sexual norms such as participation in cruising culture with a greater degree of social fluidity: she argues that the act of breaching sexual norms makes it more likely that an individual will force 'hypergamous [sic] intimate attachments that cross racial, generational and social class boundaries more frequently than heterosexuals do' (Stacey, 2004, p. 181). This observation can certainly be made of historical beat culture in Brisbane, where the gay community who participated in public sex rituals was made up of a highly diverse demographic range. A singular commonality in Brisbane's cruising scene can be observed to be homosexuality itself. However, Qian found that self-conceptions of homosexuality in gay male 'cruisers' were intrinsically connected to heteronormative values. While cruising held 'emancipatory potentials' for men by connecting them to sexual opportunity, Qian's study focused on the experience of gay men who attended beats in Guangzhou, China, where homosexuality continues to be treated punitively and was only declassified as a mental illness relatively recently in 2001. Qian found that cruisers 'associate

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public visibility with shame and transgressiveness' in a way that is reinforced by heteronormative structures (2014, p. 157). This sense of shame is embedded within the community of gay cruisers, and is a critical factor in the willingness of this population to cooperate with extortion in order to preserve their privacy as was seen throughout the history of Brisbane's gay beats.

A relatively strong stable of literature exists in relation to Brisbane's gay community, notwithstanding that much of which has been written by a limited field of researchers who have published extensively on the subject. Inarguably one of the more prolific of these researchers is Clive Moore, who charted the history of Queensland's gay culture in his 2001 book *Sunshine and Rainbows: The Development of Gay and Lesbian Culture in Queensland*. Moore provides evidence that beat culture in Brisbane could be traced in 'a very primitive' form to the 1860s, and had advanced to the point that it was visible to the discerning observer by the 1890s (Moore, 2001, p. 31). Similar to that which Tewksbury identified in his research, Moore notes that the gay community in Brisbane established an informal set of signalling behaviours designed to be used on beats as a way of identifying men as a part of the city's clandestine homosexual subculture. While Tewksbury listed a set of non-verbal cues in his study, Moore suggests that cruisers in Brisbane preferred to screen their potential sexual partners with verbal interaction. Moore claims that 'men on the make asked each other the time, requested a match for their cigarette, or spoke some pleasantries that allowed a conversation to begin' as a precursor in determining whether a sexual proposition would be well-received (Moore, 2001, p. 70). Aside from his extensive work in detailing the practice of 'doing the beats' in Brisbane, in *Sunshine and Rainbows* Moore provides one of the few comprehensive histories of gay Queensland from the colonial era to decriminalisation. While he does not focus exclusively on policing, his research does provide considerable insight into the circumstances around the post-

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war crackdown on gay-friendly venues that predicated much of the extortive behaviour that will be discussed in this article.

Several other researchers have focused on varying aspects of Brisbane's gay culture, and many of these have touched on the role of beats as a fundamental feature of homosexual practice in the city. Wotherspoon focuses on the cultural norms of beat culture in Australia on a more holistic level, tracing its origins in the country to Sydney in the 1830s at the very least. Wotherspoon (1994) serves as an expert on Australian beat culture, and is clear in his views that beats were historically treated as ephemeral and transitory places that assumed meaning from the sexual encounters that occurred before reverting back to their original purpose, or identity. Wotherspoon also characterises the public exposure of beats as a historical tradition in Australia, arguing that the publication of beat locations by a sensationalist tabloid media posed a critical threat to the practice of cruising. He asserts that making this formerly subcultural information common knowledge placed gay men at greater risk of homophobic reprisal or police action (Wotherspoon, 1994). Smaal's research is more directly concerned with the development of a homosexual subculture in Brisbane, which he asserts was present since the earliest days of colonial settlement in the early 19<sup>th</sup> Century. Smaal notes the dichotomous state of colonial Queensland, in which a pronounced gender imbalance skewed towards men simultaneously facilitated a casual homosexual subculture whilst also reinforcing the 'heteronormative and patriarchal order' of a hypermasculine socio-cultural system (2007, p. 15). Smaal (2007) argues that the idea of the gay beat evolved out of the need for men to reconcile their sexuality and their masculinity under these repressive conditions. While Smaal refers to the creation of gay beats as 'a uniquely Australian concept' (2007, p. 18), there are many examples of similar behaviours being practiced in venues around the world. While the term 'beat' may indeed be uniquely Australian, a sociological analysis conducted by Laud



Humphrey in *Tearoom Trade* (1970) examined the use of public spaces like restrooms as a venue for anonymous sex in the United States. The anonymised, often gay sex described in Humphrey's work is directly comparable to that which occurred at Brisbane's gay beats, calling into question the substance of Smaal's claim to the exceptionality of the beat. Whether a space is referred to as a 'beat', a 'tearoom' or another related term is used, it remains that frequenting beats has been a common occurrence in the gay community worldwide, with patrons facing similar challenges to those experienced by those cruising Brisbane's beats.

### Methodology

Before the decriminalisation of homosexuality in 1990, the status of the beat as an important subcultural factor in the history of Brisbane's gay community was obscured. This deficit was purposeful from both sides of the socio-political spectrum: while the conservative elements of Queensland society were reluctant to admit that gay sex was openly practiced in Brisbane's public spaces, the gay community was equally reticent to reveal the existence and location of beats in the fear that doing so would contribute to perpetuating a cycle of persecution. However, in the post-decriminalisation era the gaps in historical understanding of this practice have started to become less significant. Primarily, this article draws its understanding of historical beat culture on a combination of both the judicial record and anecdotal personal narratives. While the judicial record assists in providing the details of where gay beats were and when they were active, it is less useful in conveying the actual experience of the men who frequented them. It is for this reason that it is equally as necessary to incorporate material from anecdotal personal narratives as a means of balancing the empirical data of the judicial record with a qualitative measure of the gay experience.

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Incorporating the details of anecdotal personal narratives is also necessary to provide greater insight into the campaign waged on gay beats by Queensland police. Given the illicit or otherwise questionable nature of the police entrapment and extortion techniques that were typical of the response to gay beats in the post-World War II era, there is little evidence of malfeasance in the official police record. Instead, much of the information regarding unsanctioned extortion rackets operated by police officers derives from the recollections of gay men who were targeted by this practice. Even so, there are opportunities to incorporate additional forms of historical evidence to support the contentions made in these anecdotal accounts. Anecdotal evidence was sourced from a range of primary and secondary sources, including contemporaneous news articles from the period and recounts of interviews reproduced later in the seminal literature of renowned experts on homosexuality in Queensland like Moore and Smaal. With an extensive career researching homosexuality in the state, Moore and Smaal have collected the personal recollections of many individuals affected by the tactics of the Queensland police in the pre-decriminalisation era, which have proven effective as means of providing context. To provide further context, this article makes specific reference to several case studies and, in particular, the example provided by Welldon and Fulton. While some of the case studies discussed in this article are compiled using court testimony recovered from the state archives, the Welldon and Fulton case was highly public and has used contemporaneous news articles to assist in providing detail and context. In this rare case, two serving police officers were arrested and jailed for operating an extortion scheme using an agent provocateur strategy to target gay men ('Detectives gaoled', 1968). While the tactics used by Welldon and Fulton are the same as those reported in the personal recounts of experiences on the gay beats, this case is supported both by contemporary news reporting of the case alongside a judicial finding that confirms the merit of other similar accounts. This case study – while limited in scope to the proven allegations against Welldon and Fulton – serves

as a crucial cornerstone of the historical narrative of gay beats, acting as a prime example of the type of predatory practices that anecdotal evidence suggests was rife in the latter half of the 20<sup>th</sup> Century.

### Discussion

#### Criminalisation and the need for 'gay spaces' in Brisbane

Cruising the beat is a practice that is historically linked to notions of deviance and shame, both for outsiders and for the homosexual men who patronise these ephemeral areas. Nevertheless, across the history of Brisbane the beat has played a significant role as a contributing factor in the foundation for gay identity in the city. As the community was largely driven underground and forced to practice their sexuality in secret because of a prohibitive legal status, gay men artificially constructed temporary venues for sexual interactions that existed alongside the dominant socio-cultural framework (Moore, 1995). In his seminal discussion of urban ecology in 1945, Walter Firey argued that the value of an urban space derived 'not from any intrinsic spatial attributes, but rather from its representation in peoples' minds as a symbol for collective sentiments' (p. 94). Stevenson built on Firey's paradigm, arguing that the inherent diversity of a city caused the urban environment to be more multifaceted and holding different meanings for different sectors of the community. Pertinently for this study, Stevenson drew on the example of a city park to outline this concept of layered socio-cultural meaning: she noted that a city's communal spaces are subject to 'often-competing identities and subject positions' to the degree that a parkland that may serve as a meeting point for mothers in the daylight might simultaneously exist as a gay beat or place for homeless people to sleep at night (Stevenson, 2003, p. 41). It is this negotiated use of public space that is central to the conflict over the practice of gay cruising in Brisbane, a city with a historical tradition of using punitive policing

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to reinforce social norms (Moore, 1994). Even so, such was the importance of the gay beat in Brisbane that its existence can be traced from the very origins of the city in the 1860s through until – and, to a lesser extent, after – the decriminalisation of homosexuality in Queensland in 1990.

Outlawing homosexuality was a practice that can be traced to the very foundations of the Moreton Bay penal colony in the region that would shortly after become Brisbane in 1824. As was the case in other extensions of the British Empire around the world, the original Moreton Bay settlement fell under the scope of English jurisprudence which at the time considered the act of sodomy to be a capital offence. While gay men were theoretically at risk of the death penalty in this pre-colonial era, this option was rarely invoked in practice: judicial records suggest that only one death penalty sentence was issued between 1824 and 1865, and even this sentence was commuted after the fact (Moore & Jamison, 2007). Queensland's formal incorporation as a colony separate from New South Wales in 1859 triggered a revision and consolidation of all its existing laws, including those relating to homosexuality. It was during this process that sodomy was removed from the list of capital offences in Queensland, in an apparent liberalisation of the existing laws governing the gay community. While the threat of execution no longer hung over the heads of gay men in Brisbane, the laws which replaced this repealed death penalty could be seen to be even harsher in a practical sense. As noted, the death penalty was seldom used against gay men in Queensland. As a result, the threat it posed was primarily existential rather than being an immediate danger to homosexual men. In the 1865 act, a new set of statutes under the banner of 'Unnatural Offences' were introduced which broadened the police's ability to target gay men. It was these laws that would form the basis for policing Brisbane's gay community for more than a century, and were particularly effective in the targeting of gay beats across the city.

While the amended 1865 *Offences Against the Person* act liberalised the sentencing guidelines around sodomy to reflect judicial practice, it also extended the restrictions on homosexuality that existed in Queensland in a way that made gay men far more vulnerable to police. Anal intercourse remained an offence which could attract a sentence of ten years to life imprisonment under section 62 of the act. When taking into consideration the fact that most judges elected to sentence offenders to a period of imprisonment instead of execution in any case, this sentencing reform offered minimal practical benefit to the gay community. In addition to re-affirming the criminalisation of sodomy the *Offences Against the Person* act contributed two additional homosexual-related statutory offences into Queensland law, both of which were extremely significant to the policing of gay beats. Section 63 of the act made it an offence to 'attempt to commit the said abominable crime [sodomy]'. In cases in which police could prove that there was intent to commit a homosexual act, gay men risked a three-to-ten-year term of imprisonment. The final statutory offence in this section of the act was that of indecent assault or exposure: a misdemeanour offence with a lower burden of proof to prosecute which made it a favourite of police officers looking for a quick and simple arrest (Moore, 2001). In making it an offence to merely attempt to commit anal intercourse, Queensland essentially opened the door for the use of coercive tactics of entrapment against the gay community. No longer would police have to physically catch gay men in the act of intercourse, or have a witness to attest to having been present. Instead, suspected offenders could be flushed out by undercover officers who could then attest in court to having been propositioned for sex.

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Queensland's transition to statehood in 1901 forced one final revision of its legislative restrictions on homosexuality, represented by Section 208 to 211 of the *Criminal Code 1899*. The reforms offered by the *Criminal Code 1899* reflected an expansion in the number of statutory offences targeting the gay community, rising to four offences from the three that were covered by the *Offences Against the Person* act. Sodomy was now punishable by a sentence of up to 14 years imprisonment, while the penalties for an attempt to commit anal intercourse increased to a maximum of seven years. An additional offence of indecent treatment of boys under the age of 14 was included in this section of the *Criminal Code 1899* in an attempt to address community concerns about the conflation of homosexuality and paedophilia. Finally, the legislation introduced a provision outlawing acts of 'gross indecency' which – while not formally defined in the act – was intended as a catch-all offence covering all non-penetrative forms of homosexual intercourse (Moore & Jamison, 2007).

In the specific language of the 'gross indecency' provision, there are indications that legislators were aware of and concerned by the existence of beats in Brisbane: the clause specifically refers to indecent acts being carried out in public or private, showcasing an awareness that the public sex was an extant feature of Brisbane's gay community. Importantly, this section also made it an offence to attempt to 'procure' an act of gross indecency. An addendum to the longstanding statute which prohibited an attempt to commit anal intercourse, this provision again lowered the bar for police when it came to proving a homosexual offence under the act. Whereas the language of the *Offences Against the Person* act meant police needed to be able to show that a suspect intended to commit sodomy on them, the expansion of the gross indecency provision meant that any attempt to engage in a male-on-male sexual encounter would fall under the category of a criminal offence. As noted, the subcultural conventions of beats relied on ritualised verbal and non-verbal signals that allowed gay men to extend an offer

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to engage in sexual acts with strangers (Tewksbury, 1996). Under the reformed law, any of these overt signals could be considered an attempt to procure an act of gross indecency and place gay men at considerable risk of legal action. This is a fact that Queensland police were very aware of, and greatly informed their approach to the use of entrapment strategies to police gay beats in Brisbane from the post-colonial period onwards.

### Practicing sexuality in public: the historical origins of Brisbane's gay sex beats

While gay beats were not unique to Brisbane, Smaal traces their origins in the city to the 'boarding house society' that colonial settlers lived in in the earliest years of colonial settlement. In this era, Brisbane was a relatively small town that served as a gateway to the vast Queensland frontier territory. This sparse landscape held contradictory meanings for the young men who were drawn to it: on one hand, it was a wild terrain that was occupied by a resistant native population, while on the other it represented increased work opportunities and social advancement as a part of the burgeoning pastoralist class (Evans, 2007). The allure of Queensland's frontier drew an inordinate number of young men to Brisbane in the mid-1800s, at a rate that the city's infrastructure simply could not sustain. As a result, the 'perennial circuit of migratory male workers meant that men and youths were often left with little choice but to sleep in makeshift huts and share accommodation with other men' (Smaal, 2010, p. 1). Smaal notes that his boarding house culture 'gave little privacy for sexually active men, and [that] privacy was especially luxurious for homosexually inclined men' (2007, p. 15). It is this state of overcrowding that historians believe drove the initial need for gay beats in Brisbane. A lack of private space inhibited the sex life of all men living in these conditions, but while heterosexual men had the opportunity to attend brothels there was no such similar service for

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gay men who were forced to practice their sexuality in whatever public space afforded them the greatest semblance of privacy (Dalton, 2008).

A direct correlation between Brisbane's boarding house society and its gay beats can be observed in the location of some of the city's most prolific cruising locations. Moore notes that charting the historical beats of Brisbane shows that most were centred on the inner-city, an area that in the colonial period – as remains the case to this day – was characterised by the type of high population density that was typical of boarding house society (Moore, 2001). As noted previously, most of Brisbane's parklands served as gay beats in some form from this period on. Other beats included the secluded area under the city's cross-river bridges, as well as public toilet blocks and other undeveloped urban areas (Smaal, 2010). Essentially, a gay beat could take shape in any inner-city area that afforded patrons a sense of privacy whilst simultaneously acting as a plausible place for a person to casually pass through on a nightly stroll (Swivel, 1991). One gay beat located at a quarry in metropolitan Spring Hill provides a prime example of the kind of location that was often chosen as a beat:

‘At that time they [the quarries] occupied a large area... it was overgrown in some places with lantana bushes and in one section the bushes had been grown over to create an enclosed tunnel. In the tunnel were piles of paper which resembled a rough bed’ (Case 290, 1925).

Although these gay beats were ephemeral areas that held contrasting significance for the gay community and mainstream Brisbane society, their transcendental nature did not mean that they were solely temporary venues for sexual encounters. Importantly, many beats in Brisbane can be seen to have existed in some form across a considerable span of time: the Spring Hill quarry features in criminal trials for homosexual offences more than a decade apart in 1914



and 1925, while another beat at Victoria Bridge continued to operate from the 1890s until well into the post-World War II era (Moore, 2001, pp. 101-103).

The consistent use of specific locations across Brisbane's history suggests that, while each sexual encounter that occurs at these locations take place in an ephemeral setting, the beat itself represents more than a transitory venue for deviance. Instead, over time these areas develop a cultural significance that is perpetuated by a healthy system of intra-communal knowledge transfer: the gay men of the colonial era may have constructed these spaces as venues for sexual liaisons, but it is a generational engagement with the beats that solidifies their place in the cultural zeitgeist and contributes to their resilience and persistence over the course of more than a century in some cases (Dalton, 2008). It is pertinent to note that even after the liberalising period of the mid-20<sup>th</sup> Century in which homosexual men were increasingly able to associate in certain public bars and coffee-houses, the beats maintained a strong subcultural significance in Brisbane's gay community. While members of the community were able to associate with each other openly in these venues, sexual encounters rarely took place on the premises and as such the beats still served as a primary venue where homosexual acts took place (Case 206, 1950).

### [A police crackdown on homosexuality drives the gay community back to the beat](#)

While the laws around homosexuality in Queensland were tightened by the *Criminal Code 1899*, the turn of the century was a period in which the gay subculture in Brisbane continued to develop into a more overt, visible form. Gay men could be found at every level of Brisbane's social hierarchy, however it was in the city's 'flamboyant lower orders' that a developing homosexual subculture was most obvious in the early 20<sup>th</sup> Century (Moore, 2001, p. 88). The

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fact that the practice of homosexuality differed considerably across class-lines was not unique to Brisbane: research on New York City's gay scene between 1890 and 1940 found that financial security was a key factor that drove this subcultural evolution, providing gay men with the opportunity to avoid risky practices by hosting private house parties where they could be open about their sexual preferences (Chauncey, 1994). For those without access to this type of upward social mobility, the beat persisted as one of the few venues where gay men could meet each other and take part in sexual intercourse (Swivel, 1991). Nevertheless, the progressive growth of Brisbane's gay scene continued in the period prior to World War II. By the time the war ended in 1945, the origins of a public gay social scene could be observed in Brisbane's 'coffee-house culture'. It was in these urban cafes which enjoyed 'rather risqué reputations and were often hangouts for homosexuals' that the gay community were able to gather in a venue that allowed for a public expression of sexuality whilst not holding the same inherent risks as cruising the city's beats (Moore, 2001, p. 88).

Brisbane, more than any other city in Australia, experienced a significant cultural shift during World War II in which it 'experienced a suspension of normality... when normal values were turned up-side-down' (Moore, 2001, xi). A base for Allied troops in the Pacific, an influx of foreign soldiers transited through Brisbane during the war-years. As is often the case in cities that serve as wartime bases, the result of this social upheaval was a loosening of the moral order to the extent that society became increasingly permissive previously taboo behaviours (Smaal, 2011). The Queensland Police Force deferred much of its power to the military in this period, with civilian officers seeking opportunities to reassert their authority after regaining full control over policing in Brisbane at the end of the war in 1945. The targeting of the Pink Elephant Café in Petrie Bight provides clear insight into the attempts of Brisbane police to reassert the moral order in regard to homosexuality after the departure of the Allied forces. In

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addition, it provides a clear example of how venues that were identified as gathering places for the gay community were routinely targeted during periods in which police cracked down on public displays of homosexuality. Established by an Air Force veteran in 1946, the Pink Elephant quickly became a meeting place for the 'coffee-house' set that was made up of artists, intellectuals and – often – homosexuals. It was the Pink Elephant's reputation as a 'den of vice, and a place where undesirables [gay men] congregated' that attracted the attention of Queensland police officers on 2 October 1946 (Moore, 2001, p. 125). On this evening, two officers – Merton Hopgood and Charles Hackett Scanlan – entered the café and began acting aggressively to its patrons. Hopgood then violently assaulted and arrested city clerk Douglas Morton Murray ('Pink Elephant Affair', 1946). This type of violent assault was commonplace on the exposed beats that were historically used as gay meeting places, however the Pink Elephant affair was one of the first occasions in which police engaged in the use of force against a patron of a gay-affiliated coffee-house. In this regard, it effectively marked an end to the period of détente that had existed between police and the gay community in the wartime period of the early 1940s.

While Murray was ultimately found not guilty of the charges of attacking Hopgood, the court case that resulted in lasting damage to the Pink Elephant and coffee-house culture on the whole. Not only did this incident highlight the fact that police were now willing to target gay spaces that were previously safe from harassment, the media description of the Pink Elephant Café as a place that 'reeked of perversion' forced the venue to close, leaving Brisbane's gay community with one less place to congregate in public (Moore, 2001, p. 125). Hopgood argued in court that he and Scanlan attended the Pink Elephant on routine business, however there is evidence to suggest that their violent incursion at the café was part of a broader strategy designed to repress Brisbane's gay community in the post-war era. Even those gay men who practiced their

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sexuality in the privacy of their own homes were targeted by this renewed campaign against homosexuality: in a prominent 1950 case, two men were found guilty of committing anal intercourse at their home in the riverside suburb of Kangaroo Point after police drilled a hole in the wall of an adjoining apartment and purportedly witnessed the act taking place ('Jury View Flat', 1950). Both men were sentenced under the *Criminal Code 1899* to terms of four and five years' imprisonment respectively. More so than the Pink Elephant case, the Kangaroo Point case shows the proactive lengths that police were willing to go to in re-asserting the moral order relating to homosexuality in the post-war era. Of note, the lead detective on the Kangaroo Point case was the same Charles Hackett Scanlan who was partnered with Hopgood during the Pink Elephant incident four years earlier ('Jury View Flat', 1950, p. 9). While there is no proof that these two incidences were connected, Scanlan's participation suggests one of two things: either that he held an abiding personal interest in prosecuting homosexual offences or – alternatively – that his aggressive pursuit of such allegations was a responsibility he was tasked with as part of a larger police campaign to drive Brisbane's gay community underground once again.

### Harassment and vulnerability to law enforcement in Brisbane's gay community

Just as the Pink Elephant case marked the beginning of the end of coffee-house culture in Brisbane, the Kangaroo Point case proved that gay men were not even safe practicing their sexuality in the privacy of their own homes. With the Queensland police newly-recommitted to prosecuting homosexuality no matter where it was practiced, the beat returned to prominence as a place for gay men to gather. In the absence of the coffee-houses and cafes that used to serve as safe meeting places, the beat regained its position as one of the few places for gay men to come into contact with each other (Moore, 2001). At the same time, the Kangaroo Point case

proved that retreating to private residences was not a foolproof option either. This also pushed gay men back onto the beat, with the inherent risks of cruising mitigated by the realisation that they were not safe from prosecution in their own homes in any case (Case 299, 1950). The fact that gay men in Brisbane returned to many of the same beats that had existed since the city's colonial period speaks to the permanency of the spaces, if not the experiences that took place there. While the public performance of homosexuality had begun to transition to more traditional venues in the pre-war period, the beats continued to a diminished extent throughout this period and – after these new spaces were compromised by police action – the gay community was able to return to these historically-meaningful spaces (Dalton, 2008). It is a testament to the resilience of the beat, and fundamentally disputes the conventional construction of beats as ephemeral spaces, suggesting that while the encounters taking place in the space are fleeting the physical environment itself holds a subcultural significance that is far more lasting.

It is the permanence and widespread public knowledge of the locations of these beats that increased the threat to the gay community who returned to them in the post-war era. It was not only the risk of police action that faced gay men cruising the beats, but the latent potential that these spaces had for homophobic violence (Ormsbee, 2010). A constantly growing public understanding of the subcultural features of the Brisbane's homosexual scene meant that beats were no longer the clandestine locations that they had been in the past, where knowledge of their significance was restricted to the gay community and those closely affiliated with it. This new level of visibility meant that gay men were increasingly vulnerable to violent attack, whether from those looking for easy targets to rob or those who purposefully wished to punish homosexuals for their perceived perversion (Dalton, 2012). While gay bashings occurred on beats in Brisbane across the history of the practice, it was the murder of Gary Venamore on 6

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November 1968 that made the most significant impact on the gay community. Venamore, a 35-year-old regular of Brisbane's social scene, was last seen leaving the Playboy Club at Petrie Bight at 2.25am in the company of two unknown men (Rogers, 2018). His dead body was discovered in the Brisbane River at New Farm at 6.10am the next morning. It appeared that he had been 'really badly bashed about... someone had taken to him with a fence paling or something like that' (Condon, 2013, p. 193).

Described as described as 'the gay, witty exuberant life of the party' Venamore was known to patronise the city's beats after a night drinking and, as such, it fell to police to investigate the possibility that he had been beaten to death on one of several beats along the river near the Playboy Club (Condon, 2013, p. 191). While Venamore's killer was never identified, the investigation into his death introduced police to the array of opportunities for extortion that existed in the beat-culture of Brisbane's gay community. Corruption whistle-blower Shirley Brifman claims that Glendon Patrick Hallahan – the lead detective on Venamore's death investigation – told her that after being made aware of beats the victim may have visited, he and his cohorts commenced a blackmail racket targeting gay men cruising the beat located at the Eagle Street public toilets (Condon, 2016). According to Brifman, the police would record men entering the toilet block alone and leaving with other men on surveillance cameras, and later show these men the tapes before offering to make them disappear in return for payment.

It is important to note is that policing in Queensland was pervasively impacted by endemic corruption from at least the late 1950s when corrupt commissioner Francis Bischof took control of the force (Fitzgerald, 1989). Sherman (1975) uses a three-level typology to categorise police corruption: he differentiates isolated, independent 'rotten apple' corruption (level one) from

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unorganised corruption in which many officers are corrupt, but do not act in conjunction with each other (level two). While both of these types of corruption could be observed in this period, it was the findings of the Fitzgerald Inquiry into police misconduct (1987-89) that the Queensland Police Force was subject to a form of corruption that was authoritarian, hierarchical and organised at the highest levels of the force (Fitzgerald, 1989). Identified as part of the 'Rat Pack' of officers responsible for organising corruption in Queensland, it is likely that Hallahan's blackmail plot was sanctioned by his fellow level three operators in the force, and formed part of broader system of financially-motivated misconduct in the organisation (Condon, 2013).

The Eagle Street scam was not the only example of police extortion of gay men in this era, with rackets of varying degrees persisting into the 1980s at least. Former officer Domenico Cacciola recalls an incident in which a career conman, Douglas Stevenson, was accused of going to toilet blocks known as gay beats and posing as an undercover police officer. After accusing unwitting patrons of touching his penis, he would extort as much as \$2 000 from them to 'turn a blind eye to the crime' (Cacciola & Robertson, 2014, p. 194). On his arrest, Stevenson told Cacciola that he was an associate of Hallahan and usually gave Hallahan's corrupt partner Assistant Commissioner (Crime) Anthony Murphy a cut of his profits any time he conducted one of these scams. No matter whether Stevenson's claims of police involvement were accurate, his participation in this type of crime suggests that the beats continued to be fertile ground for extortionists for many years after the commencement of the Eagle Street scam; as such, the men who frequented these beats continued to face the constant threat of illicit blackmail in addition to the ever-looming possibility of formal legal action.

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### Case study: Welldon, Fulton and the agent provocateur strategy, 1967

An organised system of police extortion targeting gay men existed from at least the death of Gary Venamore in late 1968. Nevertheless, the case of police officers Welldon and Fulton one year earlier suggests that Hallahan was not the first to consider the idea of blackmailing vulnerable gay men on the beat. The case of Welldon and Fulton is an important example of police harassment of the gay community on Brisbane's beats, reflecting the second level in Sherman's typology of corruption (1975) where corruption is unorganised-yet-pervasive. It represents the only occasion in which officers were formally charged and convicted of blackmailing homosexuals, and the records that came from the subsequent court hearing gives considerable insight into the practical application of harassment in this environment. Unlike the passive system of surveillance established by Hallahan, direct engagement with gay men suspected of cruising for sex was essential to the racket operated by Detective Senior-Constable Lawrence Welldon and his subordinate partner Plainclothes Constable John Fulton. On numerous occasions, Welldon and Fulton conducted operations in which they purposefully sought to entrap gay men into make sexual advances on them in traditional gay spaces like beats. Charges were ultimately brought against both officers in November 1967 after they were observed receiving a \$200 bribe from a man they had threatened with gross indecency charges for propositioning Fulton for sex ('Police Trap', 1967). It was after this incident that the full scale of the scam operated by Welldon and Fulton was revealed when officers investigating this \$200 bribe seized their police notebooks and began contacting other men whose names featured in their records (Rogers, 2018). Many of the men contacted refused to cooperate with the police in compiling a prosecution brief against Welldon and Fulton. This is understandable when considering that it was this same fear of being publicly exposed as a homosexual that led them to pay a bribe to Welldon and Fulton in the first place (Lee, 1974). The struggle to attract witnesses in this case is highly reflective of the antagonistic relationship that had developed



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between police and gay men in Brisbane, characterised by a deficit in trust that precluded cooperation with law enforcement even in cases where officers were acting to protect the gay community from exploitation.

Ultimately, investigating officers contacted another of Welldon and Fulton's victims who was willing to cooperate and outlined in detail the process by which the two officers would entrap and compromise their targets. Local teacher William Hamilton Leslie told police he was shopping in the Brisbane CBD on 6 September 1967 when he visited the public toilets under the Fig Tree at Eagle Street, the same location where Hallahan would set up his surveillance racket the very next year (Rogers, 2018). Although these public toilets was a known beat at the time, Leslie claimed he was not gay and simply visited the Eagle Street beat to relieve himself. It was outside the Fig Tree toilets that he was approached by Fulton, who invited Leslie to join him for a drink. Fulton then 'struck up a conversation [with Leslie], and invited him into his car for a cigarette and then Welldon appeared and accused Leslie of trying to "pick up" Fulton' ('Detectives gaoled', 1968, p. 8). Welldon arrested Leslie under the provisions of Section 211 of the *Criminal Code 1899* covering the attempt to procure an act of gross indecency and commenced to drive him to the city watch-house for processing.

Use of Section 211 in this case showcases the way that police engaged with the informal subcultural codes of the gay community to facilitate arrests on the beat: while accepting Fulton's offer of a cigarette in his car was seemingly innocent, when considered in conjunction with the venue that the interaction took place – a notorious gay beat – the words took on additional meaning, and were indicative of an intent to take part in homosexual acts. Again, this supports the contention that beats in Brisbane were more permanent than their traditional

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depiction would suggest: Welldon and Fulton purposefully attended known beats, and used verbal and non-verbal codes that were specific to the gay community to carry out their arrests (Tewksbury, 1996). If the beats were the ephemeral zones that they are often described as, it would have been a far more challenging task to identify areas where potential targets congregated for sex and, as such, this use of subcultural codes used to entrap gay men would not have been as effective.

Fulton's direct approach to Leslie was also representative of a common tactic for policing gay beats in Brisbane, with the junior officer serving in the role of an agent provocateur. In this strategy, 'young, good-looking constables' were selected to pose as homosexual and attempt to elicit an indecent sexual proposition from legitimately gay men cruising the beat (Morton & Lobe, 2016, p. 81). Use of an agent provocateur was supported under the *Criminal Code 1899* which had lowered the standard of proof for an arrest under Section 211 to any behaviour that could be considered as an attempt to procure a sexual act. Young officers chosen to perform as agent provocateurs engaged directly with other men on the beat and then 'wait for a man to expose himself or make a solicitous request' before arresting them (Dalton, 2012, p. 69). As mentioned, this strategy was only successful insofar as police were able to identify an area as a gay beat. The fact that many of Brisbane's cruising areas had persisted for almost a century without disruption made this an easy task for officers, and a risky proposition for the actual gay men who frequented the beat for sex. That Leslie was arrested outside the Eagle Street toilets – a beat that had continued to exist since the early colonial period – is unsurprising given this strategic targeting, nor is the fact that the same beat was the subject of Hallahan's blackmail racket the subsequent year.

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While the agent provocateur approach was often used by police who were legitimately attempting to arrest gay men cruising the beat, Leslie's case suggests that official documentation was not always filed. Shortly before arriving at the watch-house, Welldon and Fulton pulled over and offered Leslie to drop the charges in exchange for the \$7 he was carrying on his person and an additional \$100 bribe to be handed over within the week (Rogers, 2018). This blackmail was only made possible by the heavily punitive measures of the *Criminal Code 1899* which provided gay men with all the reason necessary to avoid official charges. This desire to avoid a criminal record was supplemented by the fact that such charges were published in the local media, revealing the identity of men who cruised the beat for gay sex. For many men who were not openly 'out', the payment of a bribe to corrupt officers like Welldon and Fulton was the only reasonable option available after having been caught in an entrapment operation. As a result of the investigation into their conduct, Welldon and Fulton were both sentenced to five years imprisonment ('Detectives gaoled', 1968). Removing Welldon and Fulton from the streets only offered a short reprieve to the gay community, however: it was less than a year before Hallahan would take their place in extorting patrons of the Eagle Street beat, and the use of agent provocateur tactics continued unabated until the reform of homosexual-related laws in 1990.

## Conclusion

Laws that criminalised homosexual acts were not changed in Queensland until 1990, when the leftist Goss government took power after a period of more than thirty years of consecutive conservative rule (Robinson, 2011). While sections 208 to 211 were removed from the *Criminal Code 1899* the impact of more than 160 years of anti-gay laws persisted: as the Goss government's law reforms were not retrospective, gay men continued to carry criminal records

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for gross indecency or other associated crimes in the years that followed. It was not until another 28 years had passed that these men were offered the opportunity to have their convictions expunged by the Queensland government. In the intervening period, many of those convicted of homosexual offences went to their grave without ever having been vindicated by the state's legal system (D'Ath, 2018). In this respect, a form of proxy discrimination against Queensland's homosexual community was allowed to continue well after judicial reform took place. A criminal record for sexual offences prevented gay men from obtaining employment, or visas for travel, and re-victimised them persistently whenever they were forced to list their criminal convictions on official documentation (D'Ath, 2018). This type of targeting may not have been as overt as the entrapment or blackmail techniques used against men cruising Brisbane's beats, yet constitutes a far more insidious pattern of anti-homosexual prejudice in the Queensland legal system.

While the laws regarding homosexuality were reformed in 1990, this change was not the result of a cultural shift in the practice of policing. Indeed, the use of entrapment and surveillance techniques on gay beats in Brisbane can be observed to continue right to the point that the *Criminal Code 1899* was changed. Lane found that police continued to target cruising areas as late as 1988, using 'glory holes' cut into the walls of toilet cubicles at the Brisbane Transit Centre to observe gay men and in some cases 'invite a response' (Bull, Pinto & Wilson, 1991, p. 6). Just as it was in the preceding years, this invitation of a response at known beats was a clear example of officers targeting the gay community and using the broad provisions of the *Criminal Code 1899* to entrap suspects into engaging in behaviours that would fall under the definition of an attempt to procure an act of gross indecency. As this study has shown, the use of the agent provocateur was a storied tradition in the policing of gay spaces in Brisbane. It was routinely employed by police for the formal purpose of prosecuting homosexual offences,

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as well as being a tool used by corrupt officers to threaten and blackmail vulnerable gay men with very few other options available to them in an era where homosexuals were considered social pariahs.

Finally, this study calls into question the characterisation of gay beats as ephemeral urban spaces – at least in the context of Brisbane. Much of the literature on cruising treats beats as transitory areas for public sex that exist fleetingly before reverting to their previous status as a more benign public space (Wotherspoon, 1994). An assessment of gay culture in Brisbane suggests that the reality is more complex and that, while the sexual encounters taking place on beats may be ephemeral and transitory, the significance of the location itself can often be permanent and persist across the years through an intergenerational passing down of subcultural customs and knowledge within a gay community. This is undoubtedly the case in Brisbane, where the same beats targeted by police in the late 1980s can be observed as having originated in the pre-colonial period prior to the 1860s (Moore, 2001). After a resurgence in the police's focus on enforcing the anti-homosexual provisions of the *Criminal Code 1899* after World War II, gay men returned to these same beats, further suggesting their resilience and status as a semi-permanent feature of Brisbane's gay subculture. Indeed, it is the lasting nature of gay beats in Brisbane that facilitated police targeting of gay spaces throughout the latter half of the 20<sup>th</sup> Century. The fact that these locations were so widely-known allowed officers to focus their attentions on the men who patronised them, using agent provocateur tactics to secure the evidence necessary to arrest or, alternatively, extort men suspected of being gay. The permanence of the gay beat in Brisbane was, to the gay community, a double-edged sword: while it was a subcultural foundation that served a purpose by clandestinely connecting homosexual men with each other, it also made them an easy target – fish in a barrel – for a police force that had a mandate to preserve the moral order.

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