



End of a sorry era

Australia's gay outlaws are still waiting for compensation



Seb Starcevic

January 9, 2018 2:14pm

Subscriber only



IN 1967, at Dendy Street Beach in Melbourne's Brighton, then a popular gay beat, Peter McEwan's life came crashing down.

He'd met a man behind the bushes for sex. "I don't remember what we were doing, a bit of fondling," McEwan tells RendezView. He was 17 years old, and [like many closeted gay men in an era marred by homophobia, anonymous hook-ups were his only outlet.](#)

Without warning, the bushes parted, and McEwan and his 22-year-old companion were pulled off each other. Apparently the police had been staking out the area, which was known to be a gay hotspot. They dragged both men on to the beach, in full view of onlookers, and placed them under arrest.

"It was utterly humiliating," McEwan says. "They did it in front of everyone."

In lock-up, he was handed a pen and urged to sign a written confession that had been prepared for him.

"I didn't know I could refuse," he says. "I trusted them. They didn't tell me I had rights."

To this day, he doesn't know exactly what the statement said, but whatever it was incriminated him.

He was forced to front court twice, and it was at his first hearing that he learned he could face jail time.

"That was when I realised how serious it was," he says. Luckily, an uncle who happened to be a prominent barrister offered to represent him, and he was released on a good behaviour bond.

But he was convicted. As was the custom, his full name and charge was published in a local newspaper. Gossip spread through his traditional Catholic school, and he was forced to deny everything to salvage his reputation. Making matters worse, his father was a police officer, and the shame was unbearable.

"I was alone," he says. "I had no support, no recourse."

Fifty years later, he can now legally marry his partner but still holds a criminal record for this conviction. Under recent legislation in Victoria, he and others with stories like his can apply via the Department of Justice to have their homosexual offences wiped — but some say this doesn't go far enough for those whose lives and careers were destroyed.

In November 2017, Canadian Prime Minister Justin Trudeau delivered a tearful apology in parliament for the "systemic oppression, criminalisation and violence" against gay men, pledging more than \$100 million to compensate victims of the country's "gay purge."

"It is with shame and sorrow and deep regret for the things we have done that I stand here today and say: we were wrong," Trudeau said.

"It is my hope that in talking about these injustices, vowing to never repeat them, and acting to right these wrongs, we can begin to heal."

His words echo those of Victorian Premier Daniel Andrews, who [in 2016 offered a formal apology to those who suffered](#) under the state's tyrannical anti-gay laws, saying: "We criminalised homosexual thoughts and deeds. We validated homophobic words and acts."

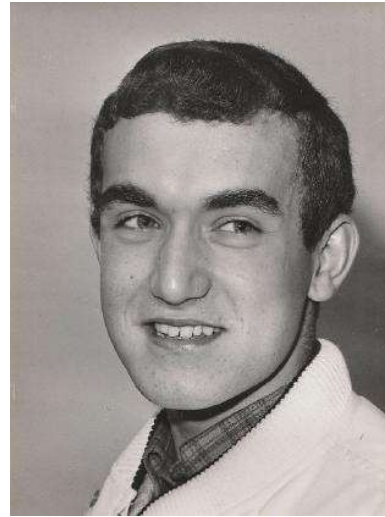
He added, "We set the tone for a society that ruthlessly punished the different — with a short sentence in prison, and a life sentence of shame."

South Australia, Tasmania, Queensland and Western Australia followed suit, issuing apologies to the LGBTIQ community for their role in criminalising homosexuality. Legislation to deal with the legacy of anti-gay laws has since been passed in all states except the Northern Territory, which is currently considering introducing an expungement scheme that would remove barriers to work, travel and volunteering.

But at the moment, there are no plans for a national or state compensation fund anywhere in Australia.

New Zealand is in a similar boat, having announced an expungement scheme in February, 2017 but refusing to add compensation to the legislative process. Scotland, England and Wales have also passed expungement bills that provide posthumous pardons but fall short of offering compensation.

Meanwhile, the Bundestag, Germany's lower house of parliament, voted in June, 2017 to quash over 50,000 Nazi-era homosexual convictions, affording thousands in compensation to the estimated 5000 victims still alive today.



📷 Peter McEwan was 17 years old in 1967, when he was charged with homosexual offences in Melbourne.



📷 Now 67, Peter McEwan isn't sure a compensation scheme is practical "but even the word compensation is important".



📷 Victorian Premier Daniel Andrews shakes hands with Noel Tovey before making an apology for historical homophobic laws. (Pic: Getty)

Anna Brown, Director of Legal Advocacy at the Human Rights Law Centre (HRLC), says the lack of support for compensation domestically is "disappointing" and adds that expungement has been a "healing process" for the gay men involved.

"The historic apologies by state parliaments coupled with the introduction of these schemes has brought enormous relief to many impacted by the legacy of these unjust criminal laws of the past," Brown tells RendezView.

A [2014 report](#) co-authored by Brown in conjunction with the Victorian Gay and Lesbian Rights Lobby, Liberty Victoria, Gay and Lesbian Health Victoria and the Victorian AIDS Council, titled

“Righting historical wrongs”, recommended “concrete reparations measures”, including “financial compensation”.

And in July 2017, a joint submission by advocacy groups including the HRLC, Community Legal Centres Queensland, LGBTI Legal Service and Queensland AIDS Council to a parliamentary committee on historical gay crimes reiterated the need for some sort of compensation, calling it “international best practice”.

For many, revisiting their past convictions dredges up painful memories.

McEwan says talking about that day in 1967 was initially like “coming out all over again” as most of his family didn’t even know he had a criminal record. He says he only shared his story to prove to himself that he wasn’t the same deeply closeted 17-year-old.

Yet he says he doubts he’d apply for compensation even if he turned out to be eligible.

“I don’t know how realistic it would be, just the sheer practicalities and mechanics of a scheme like that,” he says.

“But even the word, ‘compensation’, is important.”

He adds that there may be other ways for states to establish community goodwill, pointing to the upcoming \$30 million Victorian Pride Centre in St Kilda which is to be partially funded by the Andrews government as one example. McEwan is a board member at the Pride Centre.

One thing’s clear: the work’s not over just because same-sex marriage passed. Far from it, McEwan says.

“Even now, I’ve had to ask myself if I’m still ashamed. And if so, why that is,” he reflects. “It’s all a healing process.”

Originally published as [Australia’s gay outlaws still waiting for compo](#)



RendezView welcomes robust but civil discussion on our columns. Abuse of columnists or other readers and defamatory remarks will not be published and may result in a ban from commenting.

COMMENTS 13

^ Hide Comments ^

+ Follow

Share

Post comment

Newest | Oldest | Top Comments

- Warren**
If it was so cool why was he embarrassed ?

4 days ago

Like Reply
- mark**
Tough love, tough luck!

5 days ago

Like Reply
- Adam**
When and where should build a 'Heterosexual Pride Centre' oh, and how much funding will we be getting to build it?

5 days ago

Like Reply
- Pieter**
Seems that victimhood is a “thing” even when the law gets changed...

5 days ago

Like Reply
- Ron**
All about the money

5 days ago

1 Like Reply
- Darren**
Remove the conviction from his record 100% but asking for compensation is overboard. I'm glad he can now marry and that there is no longer any shame in homosexuality. Be happy and content to have seen such changes in one lifetime.

6 days ago

1 Like Reply
- Juanita**
Back then it was illegal, so do we pay compensation to every person who has ever been charged and or convicted of a crime that no longer exists ?
It must have been horrifying for people to get picked up for vagrancy because they never had \$2 and extremely embarrassing, or to get picked up for
or every woman that was charged with having an abortion
And many many more, all of which were stupid and archaic, but it doesn't stop them from being the law, and people had to abide by them or get charged and more often than not humiliated.

6 days ago

3 Like Reply
- Graham J**

6 days ago



The Law is the Law.

You broke the Law.

You suffer the consequences.

Everyone wants a monetary settlement , as if money makes “ Guilt ” and “ immorality ” go a way.

3 Like Reply



Janice

6 days ago

I got fined for speeding---60 kph in a 50 kph zone 2 years ago. The speed limit has recently been raised to 60kph. Where do I go and who do I see to get compensated for that fine?

5 Like Reply



Tony

6 days ago

I notice the words " One thing's clear: the work's not over just because same-sex marriage passed. Far from it, McEwan says." Off Course it's not. This statement is not surprising. But when, some in the No side, forshowed, that the Activists would not stop at the vote, they were mocked, and / or accused of lying by the Left, Labor, Turnbull, George Brandis., and much of the Media. This is just a start of long political fight.

Tony Fitzgerald -Wavell Heights

8 Like Reply



Keeping the Whigs Honest

6 days ago

And the lucky ones who will be paying for it will be the taxpayer, lucky us...

1 Like Reply



Wayne

6 days ago

If we were forever compensating those who were convicted under laws that are not in place today we will never be done !!

9 Like Reply



Leigh

6 days ago

Whether or not you think the law was just, you broke the law of the day.

Don't tell me there is now another group of people trying to get their hands on public money!

10 Like Reply