

26 Nov 2025



Parliament of South Australia

REPORT OF THE PREMIER'S COMMEMMORATIVE COMMITTEE

First Session of the Fifty-Fifth Parliament

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The Committee

Functions of the Committee

On Monday 16 September 2024, Premier Hon. Peter Malinauskas MP proposed in writing to Hon. Ian Hunter MLC to establish the Premier's Commemorative Committee (*see Appendix 1*).

Functions of the Premier's Commemorative Committee as set out in the Premier's correspondence is to—

- (1) *oversee a series of events to commemorate the fiftieth anniversary of the decriminalisation of male homosexuality in South Australia.*

Presiding Member

Hon. I. K. Hunter MLC

Members

Hon. R. A. Simms MLC

Hon. J. M. A. Lensink MLC

Hon. L. Hood MP

Hon. D. Pisoni MP

The Committee is assisted by:

Secretary

Ms Kirby-Alyce Welke, Department of Premier and Cabinet

Mr Declan Tarbard, Department of Premier and Cabinet

Research Officers

Mr David Elliott

Ms Sima Gem

Mr Chetan Khanna

Ms Lauren Blyth

Mr Michael Donato

Mr Sean Cullen McAskill

Introduction

2025 marks 50 years since the nation-leading reforms in South Australia to decriminalise male homosexuality. Sparked by the death of University of Adelaide law lecturer Dr George Duncan on 10 May 1972, gay rights were firmly at the centre of public debate spurred on by a growing local activist movement for equality. Three years of Parliamentary debates followed, with the *Criminal Law Consolidation (Homosexuality) Bill* introduced by Murray Hill MLC in 1972, and the *Criminal Law (Sexual Offences) Bill* introduced by Peter Duncan MP in 1973 and again in 1975.

It was not until the 1975 attempt by then Attorney-General Peter Duncan that reforms were successfully adopted by the Parliament. While just a handful of jurisdictions globally had already decriminalised male homosexuality, South Australia was the first place in Australia to do so, and appears to have been the first English-speaking jurisdiction to also implement an equal age of consent at the same time.

On 18 December 2019, the Parliament hosted a historical re-enactment of debates for the 125th anniversary of women's suffrage in South Australia. Another Australian-first reform, women were granted equal rights to vote in and stand for Parliamentary elections.

Noting South Australia's longstanding tradition for social reform, the Premier appointed a committee to prepare activities of a similar nature to the Suffrage anniversary to recognise this important moment in Parliamentary history.

Meetings of the Committee

The Committee met:

- (1) 24 September 2024
- (2) 14 November 2024
- (3) 11 December 2024
- (4) 4 February 2025
- (5) 20 February 2025
- (6) 5 March 2025
- (7) 20 March 2025
- (8) 2 April 2025
- (9) 1 May 2025
- (10) 18 September 2025

Parliamentary Commemorative Activities

The Committee sought to coordinate several key actions constituting Parliament's commemoration of the 50th anniversary of decriminalisation of homosexuality. These were to hold a re-enactment of debates, host a reception, prepare a historical legislative timeline and to display Pride Flags and rainbow lighting at Parliament House and other buildings.

The Committee made requests to the President of the Legislative Council Hon. Terry Stephens MLC and Speaker of the House of Assembly Hon. Leon Bignell MP to:

- (1) fly the Pride Flag and Inclusive Pride Flag from the Parliament House flagpoles;
- (2) light the façade of Parliament House in rainbow colours;
- (3) lift from their respective house archives and display historical petitions relating to decriminalisation of homosexuality and other matters;

The Parliamentary Research Library was engaged by the Committee in September 2024 to contribute research into the South Australian legislative reforms leading to the decriminalisation of homosexuality, and to provide comparisons of these reforms to those in other Australian, English-speaking, and Westminster systems and jurisdictions.

Stakeholder Engagement for Public Commemorative Activities

Initially the Committee was concerned with the coordination of commemorative activities to be undertaken by Members of Parliament at Parliament House. The Committee further engaged with other state institutions, individuals and representatives of the queer/LGBTI+ community to also participate in the anniversary (*See Appendix 2*).

The Committee sought supplementary archival materials and support from organisations including the State Library of South Australia (SLSA), South Australian Museum (SAM) and History Trust of South Australia (HTSA) to support the research conducted by the Parliamentary Research Library.

Many groups or institutions indicated their intention of contributing to the commemorations.

To assist the finalisation of commemorative activities, the Committee coordinated a roundtable session at Parliament House on 28 March 2025 with community stakeholders.

Development of Commemorative Materials and Activities

The Committee published a historical program of significant events from 1972 to the present day, plus a variety of events to commemorate the passage of the *Criminal Law (Sexual Offences) Act* in 1975. The program booklet included:

- forewords by the Governor Her Excellency Hon. Frances Adamson AC, the Premier Hon. Peter Malinauskas MP, the Leader of the Opposition Hon. Vincent Tarzia MP;
- a compiled timeline of events relating to the passage of legislation leading to the decriminalisation of male homosexuality, other legislative reforms and petitions relating to queer/LGBTI+ equality;
- notable queer/LGBTI+ occasions and commemorative events, occasions or activities relating to the 50th anniversary of decriminalisation;
- collage artwork gathered from archival material provided with the permission of National Archives of Australia, Will Sergeant OAM, The Dunstan Foundation and State Library of South Australia.
- an essay by Simon Royal separately published with a precis in the commemorative program.

A launch event for the commemorative program hosted by Hotel Indigo at the Merrymaker Rooftop Bar was held on Thursday 15 May 2025.

Commemorative motions were also moved in both chambers of Parliament. Firstly, the House of Assembly on 20 August 2025 moved by Sarah Andrews MP, reading:

That this House -

- a) recognises that 2025 is the 50 year anniversary of the decriminalisation of homosexuality in South Australia;*
- b) acknowledges the leadership of Premier Don Dunstan in ensuring South Australia was the first Australian jurisdiction to undertake this important reform;*

- c) celebrates South Australia as being at the forefront of progressive reform in Australia; and
- d) remembers the sacrifices of the LGBTIQ+ community in ensuring this reform, particularly the late George Duncan.

and additionally, the following motion on 4 September 2025 by Deputy Premier Hon. Susan Close MP in the House of Assembly and in the Legislative Council by the Attorney-General Hon. Kyam Maher MLC on 4 October 2025, reading:

That the House/Council:

- I. Notes that on 27 August 1975, South Australia became the first jurisdiction in the nation to decriminalise male homosexuality, with the passage of the Criminal Law (Sexual Offences) Act 1975, which commenced operation on 2 October 1975;
- II. Expresses its regret to the many South Australians who were charged with and convicted of criminal offences simply for being their authentic selves;
- III. Recognises that in making these reforms, our state began a process which would be repeated in every Australian State and Territory;
- IV. Acknowledges that in 2025, South Australia will commemorate this nation-leading legislation and mark its 50th anniversary;
- V. Expresses its support for the community coming together to celebrate this anniversary, and our state's role in leading the way on LGBTIQ+ law reform;
- VI. Celebrates the passage of other landmark LGBTIQ+ law reform in South Australia; and
- VII. Commits to continuing to work toward equality for all South Australians.

Support was sought through Minister for Human Services Nat Cook MP for a digital version of the commemorative program to be hosted on the Department of Human Services website¹. This was facilitated through the Minister's office and was launched online to coincide with the launch of the program booklet in April 2025.

Department of Premier and Cabinet facilitated the lighting of public buildings in Adelaide, including Adelaide Oval, Adelaide Town Hall and the Adelaide Footbridge during the week starting 29 September 2025 to coincide with the re-enactment of Parliamentary debates event.

The Parliamentary Research Library has produced its first resources specifically relating to the legislative timeline of the decriminalisation of homosexuality in South Australia. The resource, published on the Parliamentary Intranet page, collates speeches from all Members of Parliament who contributed to debates on the three separate bills attempting to decriminalise homosexuality in 1972, 1973, and 1975², and provides a comparative timeline of decriminalisation for all Australian States and Territories³.

Noting the historic nature of the material produced by the Committee, copies of the commemorative program booklet, legislative reform essay and lapel pin, copies of each were offered to be distributed

¹ <https://dhs.sa.gov.au/how-we-help/lgbtiqa/anniversary-of-the-decriminalisation-of-homosexuality> (live as at 5 November 2025)

² https://parlsa.sharepoint.com/sites/PRLMGMT/_layouts/15/embed.aspx?UniqueId=084d5b40-4e96-4c9e-8781-50f85e4a2eae

³ <https://parlsa.sharepoint.com/sites/PRLMGMT/PortalResources/Forms/AllItems.aspx?id=%2Fsites%2FPRLMGMT%2FPortalResources%2FV%2E1%20%2D%20Timeline%20of%20the%20decriminalisation%20of%20homosexuality%2Epdf&parent=%2Fsites%2FPRLMGMT%2FPortalResources>

by mail to the following State and Commonwealth institutions for inclusion in their archives or collections:

- National Archives of Australia
- Australian Queer Archives
- Museum of Australian Democracy (Old Parliament House, Canberra)
- State Library of South Australia
- History Trust South Australia
- Centre for Democracy (South Australia)
- Parliamentary Research Library (South Australia)
- South Australian Parliament Education Office

Re-enactment of Parliamentary Debates

A re-enactment of Parliamentary debates was held on Thursday 2nd October 2025 in the Legislative Council chamber, coinciding with the anniversary date of the Proclamation of the Criminal Law (Sexual Offences) Act.

Guests were invited to attend the Legislative Council Chamber for a 90-minute reading of excerpts from speeches given in both houses of Parliament from 1972 to 1975, with speaking roles assigned to members of the Committee. A list of invitees can be found at *Appendix 3*.

Parliamentarians were invited to reprise their speeches or contribute to the re-enactment, including: former President of the Legislative Council Anne Levy AO and former Attorney-General Peter Duncan.

The Committee engaged Dr Tim Reeves as dramaturge, preparing relevant excerpts of speeches for the re-enactment. Hansard was engaged to produce a transcript of the re-enactment (*see Appendix 4*).

The re-enactment was broadcast live online and could be viewed by any member of the public by accessing the Parliament of South Australia website.

The re-enactment was followed by a reception at Government House, at the invitation of the Governor. Her Excellency gave a welcome speech reflecting on the occasion of the anniversary. The speeches were succeeded by a choral rendition of 'A day like today' from the musical *Watershed: The Death of Dr Duncan*, performed by the Marryatville High School Choir.

Conclusion

The Committee thanks Premier Hon. Peter Malinauskas MP for creating the Premier's Commemorative Committee to appropriately recognise the landmark social reform of decriminalising male homosexuality in South Australia.

With more than 50 state institutions, public figures and community groups engaged in the commemorative program of events, the Committee is confident that this initiative has generated a renewed interest in South Australia's legacy of leading social reform.


Importantly, it has told the decriminalisation story in many cases to young audiences for the first time.

In his closing address to the Parliamentary re-enactment, former Attorney-General Peter Duncan, stated:

“this is a proud moment of reflection on a great achievement. It is not often in public life or post-public life that you are able to achieve something worthwhile and live long enough to see the successful outcomes of that reform. How lucky am I to be here today to mark 50 years since the passage of the homosexual reform bill.

South Australia led the nation, and of course now every jurisdiction has cast aside the criminal sanctions. A wise leader once said, 'Ask yourself if the generation in 100 years will thank you for the decisions that you make today.' Well, we are halfway there, and in relation to homosexual law reform, the answer unarguably is a resounding 'yes'.”

The Committee expresses its gratitude to the South Australian queer/LGBTI+ community for their engagement and support of this initiative.



Hon Ian Hunter MLC
Presiding Member

12 / 11 / 2025



THE HON PETER MALINAUSKAS MP

PREMIER OF SOUTH AUSTRALIA

The Hon Ian Hunter MLC
Member of the Legislative Council
Via email: ian.hunter@parliament.sa.gov.au

18437423

Dear Mr Hunter

South Australia has a proud and progressive history in the fight against discrimination and equal rights.

We were the first to legalise the formation of Trade Unions in 1876, the first to sanction the right for women to vote, including Aboriginal women in 1894, and the first to decriminalise homosexual acts in 1975.

South Australia and Victoria were also the first Australian states to issue apologies for discrimination against homosexual persons in 2016, followed by Queensland, Western Australia and Tasmania in 2017, and New South Wales this year.

Importantly, the 50th anniversary of the decriminalisation of male homosexual acts in South Australia will occur on 17 September next year.

To that end, continuing South Australia's proud history, I propose to appoint a special committee of parliamentarians to oversee a series of events to commemorate this important anniversary.

I propose to appoint you as the Chairperson of the committee, with the following Members of Parliament to be appointed as committee members:

- Hon Michelle Lensink MLC
- Hon Robert Simms MLC
- Hon David Pisoni MP, Member for Unley
- Ms Lucy Hood MP, Member for Adelaide

You will not be remunerated to undertake this role over and above your existing remuneration as a Member of Parliament, however I am currently making arrangements to ensure the Council is appropriately staffed to prepare a program of events during 2025 to celebrate this important milestone.

Should you wish to accept this appointment, please advise my Senior Adviser, Ms Cat Blaikie, via email catherine.blaikie@sa.gov.au or telephone 0422 546 421.

I thank you for your consideration of this important role.

Yours sincerely

Peter Malinauskas
PREMIER

16/19/2024

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Appendix 2: List of engaged stakeholders

Adelaide Dolphins Swim Club	Mary's Poppin
Adelaide Football Club	Murder City Roller Girls
Adelaide Frontrunners	Office of the Chief Psychiatrist
Adelaide Spectres	The Pinnacle Foundation
Adelaide Spikers	Port Adelaide Football Club
Adelaide Symphony Orchestra	Pride Adelaide
Adelaide University Sharks	Pride of the North
Adelaide University Sport and Fitness	Pride of the South
Adelaide University Pride Club	Pride Tennis
ASHM	The Queer Society
City of Adelaide	Rainbow Hub SA
Cul-de-sac Creative	Riverland Youth Theatre
Department of Human Services	South Australia Museum
Department of Premier and Cabinet	SA Rainbow Advocacy Alliance
Don Dunstan Foundation	ShineSA
Equal Opportunity Commission	Simon Royal
The Equality Project	State Library SA
Feast Festival	State Theatre Company
Flinders University	Thorne Harbour
Governor of South Australia	Dr Tim Reeves
Happy Wanderers	UniSA Creative
History Trust of South Australia	UniSA Rainbow Club
Hotel Indigo	University of Adelaide Law School
Law Society SA	University of Adelaide Student
Marryatville High School Choir	Representative Council
Mark Oates	Will Sergeant

Appendix 3: List of invitees to the Parliamentary Debate Re-enactment

Her Excellency Hon Frances Adamson AC	Robert Hill AC	Mick Petrovski
Mr Rod Buntten	Diana Hill	David Hilliard
Senator Penny Wong	Wiwik Pusparini	John Ruwolt
Senator Charlotte Walker	Georgia Duncan	Steve Cheng
Premier Peter Malinauskas MP	William Sergeant OAM	Graham Clark
Hon Susan Close MP	Dr Tim Reeves	Callum Barrott-Walsh
Hon Terry Stephens MLC	Simon Royal	Phoebe Redington
Hon Leon Bignell MP	Commissioner Jodeen Carney	Vanessa Maczkowiack
Hon Vincent Tarzia MP	Prof John Williams AM	Benika Bhoola
Hon Kyam Maher MLC	Prof Roger Knight	Georgia Thompson
Hon Ian Hunter MLC	Prof Jill Matthews	Lockhart Arasu
Hon Robert Simms MLC	Anna Brown OAM	Susie Sergeant
Hon Michelle Lensink MLC	Robert Lempens	Richard Davies
Hon Nicola Centofanti MLC	Patrick Stewart	Stephanie Richards
Hon Tammy Franks MLC	Declan Price-Brooks	David Washington
Hon Constadina Bonaros MLC	Jason Tuazon-McCheyne	Linden Roberts
Hon Frank Pangallo MLC	Tish Naughton	Desmond Ford
Hon Jing Lee MLC	Stephen Craddock	Samuel Joyce
Hon Sarah Game MLC	Holley Skene	Robyn Smythe
Hon David Pisoni MP	Simon Ruth	Jody Anderson
Hon Nat Cook MP	Jess Cronin	Megan Barnes
Hon Joshua Teague MP	Jackie Wurm	Nic Kimberly
Ms Lucy Hood MP	Varo Le	Dr James Roffee
Ms Nadia Clancy MP	David Newman	Rosalie Rotolo-Hassan
Ms Sarah Andrews MP	Shayne Glasgow	Paul Starick
Hon Anne Levy AO	Karen Harvey-Clifford	Kansas Bird
Hon Chris Sumner AM	Jane Abbey KC	Kye Lawler
Hon Peter Duncan	David Elliott	Lucy Hackworth
Hon Dr Diana Laidlaw AM	Sima Gem	Charlie Hamra
Lord Mayor Hon Dr Jane Lomax-Smith AM	Kirby-Alyce Welk	Edwin Kemp Attrill
	Miranda Starke	
	Kurtis Eichler	

**RE-ENACTMENT OF THE 1972, 1973 AND 1975
PARLIAMENTARY AND OTHER DEBATES ON THE
DECRIMINALISATION OF MALE
HOMOSEXUALITY**

**Held in the Legislative Council Chamber
on Thursday 2 October 2025 at 3.30pm**

The Hon. IAN HUNTER: Good afternoon, everyone. I warmly welcome you to the state's Legislative Council, and this re-enactment of the 1972, 1973 and 1975 parliamentary and community debates on the decriminalisation of male homosexuality.

In this parliament we acknowledge the traditional owners throughout South Australia, and we pay our respects to the custodians of the land on which we live and learn. We respect their spiritual relationship with Country and acknowledge that their cultural and heritage beliefs are still important to those living today.

I would like also to acknowledge honourable guests who have joined us today for these proceedings: the Hon. Anne Levy AO, Compagnon de Legion d'honneur; the Hon. Robert Hill AC; Diana Hill; the Hon. Dr Diana Laidlaw AM; Will Sergeant OAM; the Hon. Peter Duncan; the Hon. Chris Sumner AM; Senator Charlotte Walker; the Hon. Terry Stephens MLC; the Hon. Tammy Franks MLC; the Hon. Connie Bonaros MLC; the Hon. Russell Wortley MLC; Ms Nadia Clancy MP; Ms Sarah Andrews MP; Dana Wortley MP; the Hon. Josh Teague MP; and the Hon. Alanna Clohesy MLC, Western Australian President of the Legislative Council. The other MPs that I haven't acknowledged yet I will do so very shortly, because they are participating in today's proceedings.

I would also like to take the opportunity to thank the Presiding Members of our parliament: the Hon. Terry Stephens MLC and the Hon. Leon Bignell MP, who made it possible for us to use this chamber for the re-enactment, to fly Pride flags from Parliament House, and, later this evening, to light up Parliament House in rainbow colours.

This event is coordinated by a parliamentary committee appointed by the Premier to commemorate the 50th anniversary of South Australia leading the nation when it embraced decriminalisation on 17 September 1975 in parliament. This bill was then signed into law by Governor Sir Mark Oliphant just over two weeks later exactly 50 years ago today, on 2 October.

I would now like to acknowledge and thank my parliamentary colleagues who worked hard and tirelessly on this committee, for their commitment and for that work—even though we know it is our staff who do most of the work, but the MPs get all the credit, as is appropriate and proper! They are: the Hon. Lucy Hood MP; the Hon. Michelle Lensink MLC; the Hon. David Pisoni MP; and the Hon. Robert Simms MLC. All of these people and other honourable participants who will be speaking today will be taking us back to a time which for some of us will be hard to comprehend. I always warn people about reading *Hansard*. It is a dangerous proposition and it shouldn't be undertaken lightly!

The role that I will play today as your emcee is to be pretend President of the Legislative Council—with the full support of the Hon. Terry Stephens, I assume! I remind honourable members who will be speaking that parliamentary privilege is not attached to your words today, so please do not depart from the script very much at all!

South Australia made three attempts at gay law reform. The first was in 1972 and followed the tragic drowning of Dr Duncan in the River Torrens. This private member's bill was introduced into the Legislative Council by the Hon. Murray Hill, a courageous member of the Liberal and Country League Party. The bill was based on that passed in 1967 in the

UK Parliament, which set an age of consent of 21 for two—and only two—consenting males in private. Murray Hill's 1972 bill, however, was significantly weakened by an amendment introduced by one of his colleagues and ended up not decriminalising homosexuality, but it did create a defence that the criminal act occurred in private. The subsequent legislation was often referred to, humorously, as the 'curtains defence' because if you pulled the curtains you had a defence in law against a criminal act.

The second and third attempts were in 1973 and 1975, also through private members' bills, but introduced into the House of Assembly under a Dunstan Government by Peter Duncan MP, member for Elizabeth, and a future Attorney-General in the state government. This was groundbreaking legislation which created legal parity between men and women, and homosexuals and heterosexuals, including a common age of consent of 17. The 1973 bill failed to pass, by the barest of margins, but the 1975 bill finally broke through. To remind us how groundbreaking this legislation was in 1975, I remind all members present that Tasmania was the last jurisdiction in Australia to act, and it took another 22 years to do so, in 1997.

Today you will hear speeches from parliamentarians who spoke for and against all three bills, in both the lower and upper houses, as well as material from other sources. This has been selected, edited and arranged by Tim Reeves, who has written on the subject in his book *The Death of Dr Duncan*. I acknowledge Tim in the gallery here today.

What you will hear this afternoon may shock you. Male homosexuality in this period was still a major social taboo and largely misunderstood, which is reflected in what many parliamentarians had to say. This could range from the condescending to the deeply offensive, even from members who were in support of the legislation. Some of the sentiments expressed are now so outdated they may appear almost comical. And this is not at all to downplay the important role of South Australian parliamentarians and of parliament itself for debating and ultimately passing the law that decriminalised male homosexuality. But it does illustrate how far we have come in 50 years and how our values have changed.

The first contribution this afternoon is not a parliamentary speech but an editorial from *The Advertiser*, which under its then Editor-in-Chief Des Colquhoun AM pursued decriminalisation until its subsequent success in 1975. The editorial was published under the heading 'Legalise Homosexuality', just as the inquest into Dr Duncan's death was coming to a close. The full editorial will be read today, and I call on the current Editor-at-Large of *The Advertiser*, Mr Paul Starick.

Mr PAUL STARICK: Thank you, Mr President.

Editorial from the *Advertiser*, 1 July 1972:

The present law on homosexuality cannot be justified. As the controversy stirred by the Duncan inquest suggests, it is one of the reasons why many homosexuals in Australia are forced to lead unhappy, sometimes tragic lives. As it stands, 'any male person who, in public or private commits, or is party to the commission of...any act of gross indecency with another male person,' is punishable by up to three years in jail, although there is no similar charge for females.

The argument in favour of retaining this law can be broken down into two basic positions. First, there is the argument that homosexuality is an immoral form of behaviour and therefore should be outlawed. But even if it could be easily determined which behaviour is immoral and which is not, it is still not the duty of the law to enforce a code of moral behaviour upon anyone. The law should only become involved when a certain mode of conduct is harmful to others which, in the case of homosexuality, it is not.

The second argument frequently used to support the existing law rests on the fear that many people who are not homosexuals would become so if the law were changed. But as the example of other countries has shown, there is no evidence that heterosexuals have any desire to become homosexuals just because they are no longer subject to punishment by the law. Of course, there should still be strong laws against corrupting the young, just as there are already strong heterosexual laws to protect the young.

Finally, it is sometimes argued that homosexuality should be outlawed because it is unnatural. Certainly, to most of the community it is, but that is no reason to punish or try to change those who practise it. Provided it is done in private between consenting adults, it is not offending or harming anyone, and that is where the matter should end. Thus it seems that the basis of the present law is, at best, unsound.

On the other hand, the argument in favour of legalising homosexual acts in private between consenting males is quite clear cut. Put simply, such acts harm no one and offend no one, and the law has no right to intervene in such a situation. To be fair, it should be stated that the law is not rigidly enforced by the police. However, it is objectionable that such a law exists at all. The State has no business in its citizens' bedrooms and the sooner it is completely removed from them, the better.

The Hon. IAN HUNTER: Thank you, Paul. For its time, that was a remarkable editorial for *The Advertiser*. Five days later, when Murray Hill announced he was introducing his bill, *The Advertiser* ran it as a front-page story. Hill was a progressive member of the Liberal and Country League Party in the Legislative Council, a man who was deeply troubled by the killing of Dr Duncan and who decided to act.

I am pleased to welcome Murray Hill's son, the Hon. Robert Hill, who is with us today, and his wife, Di, who I understand herself played a very important role in this legislation. Its ultimate demise was not through any effort that she might have made in convincing people to support it. Robert, of course, went on to serve in the federal parliament as a senator for South Australia.

Murray's speech was delivered on 2 August 1972, 12 weeks to the day following Dr Duncan's death. As with many speeches that will be read today, it was too long to be included in its entirety and has been edited to focus on its key points. I call the Hon. Michelle Lensink.

The Hon. MICHELLE LENSINK: Thank you, Mr President.

From the Hon. Murray Hill MLC, Central No. 2:

I suppose that most honourable members received from a group of people calling themselves the Moral Freedom Committee a letter dated 21 June 1972, in which an appeal was made for a member of Parliament to offer to bring forward a Bill and so introduce social reform to relax the laws applying to homosexual acts. The letter claimed that the Legislature in South Australia was still

equating the sphere of crime with sin, and that the Duncan inquest once again illustrated the persecution to which minority groups were subjected.

Earlier this year, I heard debates on the effects of reform of this kind in England. I discussed the subject with parliamentarians and others. Honourable members will be aware that in England in 1967 the criminal sanctions against homosexual acts in private between consenting adult males were repealed. As a result of receiving the letter, and as a result of deep concern regarding the recent death of Dr Duncan, and for another important reason too, I decided to introduce this Bill.

The last reason is simply that I represent the interests of people. I have stood up in this chamber from time to time and made that claim. People come before all other 'interests'. In this issue, I am confronted with a minority of people whose cause to change the law here, as it was changed in England, is just and right. Irrespective of the severe personal criticism that I know will come from some members of the public, I cannot justify my claim to represent 'people' if I turn my back on this minority.

I believe the days are gone when politicians should talk platitudes and seek popularity and office by reference only to those matters which do not offend. Nothing must be beyond question and discussion, and all people have a right to expect their anguish and concern in all issues to be raised in the Legislature.

The Bill before honourable members is a short Bill and provides that certain homosexual acts between consenting males, of 21 years and over, and in private, shall no longer be offences under the criminal law. The age of 21 years may raise some queries, in view of the age of majority in this state now being 18 years. The Bill may err on the side of caution in this respect, but I believe 21 years to be the better age. The Bill follows the major change regarding homosexuality in the English Sexual Offences Act, 1967.

Many who study this subject deeply challenge the wisdom of the present law on homosexuality and the general beliefs held by the public about the subject. Such experts have reached advanced and deep understanding of the psychological nature of the condition of homosexuality. The views of such professional men and women are extremely important, especially because of the ignorance and prejudice of which one hears so much, and also because of the sincere wish of many people to understand more about this social problem.

There is now much reason to believe that the psychological nature of the condition of homosexuality is such that the threat of criminal sanctions is not an appropriate means of controlling the behaviours in question. Conversely, there is reason to believe that the bad effects on the community stemming from the existence of the sanctions are considerable.

Some fear removal of these sanctions might lead to even worse effects. It has been suggested that homosexual practices among existing homosexuals may become more common, that attacks upon, or seduction of, minors may increase and, in general, that influences tending to turn people into homosexuals may become stronger. These fears are based primarily on a failure to understand the nature of homosexuality.

By introducing the change proposed in the Bill, the Legislature is not condoning the behaviour, nor wishing that society should condone it, but is laying down the principle that, like other sins such as adultery, fornication, homosexual acts between women, the sin of homosexual acts between adult males in private is not a criminal offence.

In this state, a challenge has come to our often expressed claims that we, within the nation as a whole, are a tolerant and socially understanding people; that challenge came as a result of the

Duncan inquiry and the public discussion that followed. That there are critics of the change is undeniable, but argument by such critics tend to wilt, I suggest, with the greatest respect, as one studies the subject in detail.

I emphasise my personal view that I do not condone homosexual behaviour. I believe, however, that there is an urgent need for community attitude towards those who are homosexuals to improve. Apart from such improvement which would follow the proposed change, two groups of people whose lives have previously been guilty and frustrated would benefit. I refer, first, to those who commit these acts privately and who cannot be helped by medical or other aid, or who do not wish such aid. These are law-abiding citizens in all other respects except that they infringe the criminal code in this one matter. These people surely are not criminals. The second group would be those who, wanting release from their present way of life, would come forward and seek discussion, communication and, most importantly, medical treatment.

A former British MP, writing of that country's experience, said: 'The homosexual society is and always will be a minority. But it is no longer an oppressed or persecuted minority in the fullest sense. The worst fears of those who opposed the Sexual Offences Bill have not been realised. The moral fibre of the nation has not been undermined. Those who have been given a greater degree of freedom have not abused it or turned it into licence. There have been no public orgies. These are the lessons to be learnt from an Act which was both humane and progressive.'

Thank you, Mr President.

The Hon. IAN HUNTER: Thank you, Michelle. Robert, your father will be remembered as a hero in relation to the law reform events of 1972. We are very pleased to have you here with us today.

After the Legislative Council, the bill moved to the House of Assembly, where it was introduced by Dr David Tonkin, another supporter from the Liberal and Country League Party. There was sustained debate in both houses, and a small selection of edited excerpts of speeches, including from Tonkin himself, will now be read. I call on the Hon. Robert Simms.

The Hon. ROBERT SIMMS: Thank you, Mr President.

From the Hon. Boyd Dawkins MLC, Midland:

I believe that all members of Parliament agree that homosexuals need help; there is no doubt about that. Homosexuals need to be able to come forward and get treatment and assistance without any fear; that is one of the basic ideas behind this Bill. Nevertheless, I believe the Hon Mr Hill, in framing this Bill, has taken the wrong approach because the Bill will make it easier for people to carry on with their homosexual practices and it will be immeasurably harder, if not impossible, to stem the tide and to keep a check on the spread of such practices in the community. We should learn from the experience we gained in connection with the abortion legislation; if we liberalise things too much, we find it hard to stem the tide. What is needed is a Bill for homosexuals – not simply a Bill about homosexuals.

From the Hon. Ross Story MLC, Midland:

I have listened with great interest to the representations of groups that are very worried about the subject matter of the Bill. Like alcoholism, mental derangement and adultery, this is not a palatable subject to discuss, but it is a fact of life. Much has been said here and in various reports about the cure for the trouble under discussion. Much therapy can be given, but it is a matter of

whether the person can absorb the therapy and whether psychologically he is able to be rehabilitated by the therapy that is given. I believe that some of us do not realise the terrific trauma and terrible weight of guilt which weighs these people down and which has a great effect on the way in which they live in our community. I do not condone homosexual acts, but I have much sympathy for these people, whatever their frailty might be.

From Dr David Tonkin, member for Bragg:

There is now much reason to believe that the psychological nature of the condition of homosexuality is such that the threat of criminal sanctions is not an appropriate means of controlling the behaviours in question. This abnormal emotional attachment, which often has its beginnings in a person's early life, unfortunately, and without any element of real conscious choice, becomes the normal thing for that person, and I believe that such people are to be pitied. Certainly, I believe they should be helped if this is at all possible, but unfortunately, this is not often the case. It must not be thought that homosexuals, who are strongly and positively motivated to change their behaviour into conformity with the norms of society, cannot do so. These efforts, however, are not likely to be successful if the patient is resentful of his situation and certainly will fail if the patient is motivated only by fear, either of exposure or of punishment. Nor will homosexuals come forward to seek help while there is any risk of prosecution.

The Hon. IAN HUNTER: Thank you, Rob, for that salacious selection of speeches. As those speeches show, homosexual men were seen by some MPs as almost pitiable creatures who needed treatment to change their behaviour. The 1972 bill was not meant to give homosexuals equality with heterosexuals, as the bill turned out through the amendments process, but to remove the sanction of criminal prosecution.

Another recurring theme in the parliamentary debates concerned how male homosexuality was considered in the Christian context. The Labor Attorney-General Len King supported the 1972 bill as he did not believe that the sanctions of the criminal law should apply. But, as a devout Catholic, he still expressed his strong personal views about male homosexuality. To delight us today with some of those views, I call on the Hon. David Pisoni.

The Hon. DAVID PISONI: Thank you, Mr President.

From the Hon. Len King MP, member for Coles, Attorney-General:

I take the view that the traditional attitude of Christendom, the traditional Judaeo-Christian ethic on this matter, is right and homosexual practices are intrinsically evil, because they represent a dehumanisation of the sexual capacity of the human being. The sexual powers that the human being possesses, if they are to be used in a truly human and not merely in an animal manner, are to be used, as it seems to me, as part of an enduring personal relationship between a man and a woman, which in the normal course of events will result in the production of a family, the procreation of children. It seems to me that, when human sexuality is diverted from that particular use, it then becomes a perverted activity, and one must not shrink from describing it as intrinsically evil.

The Hon. IAN HUNTER: Thank you, David. As I said, the Attorney-General still supported the bill, thankfully. Murray Hill was well aware that religious arguments would be used against the bill in parliament, and he rebutted such thinking gently and respectfully in his opening speech. Once again, I call on the Hon. David Pisoni to give us a section of that speech.

The Hon. DAVID PISONI: Thank you, Mr President.

From the Hon. Murray Hill MLC, Central No. 2:

The only real opposition comes from those who deal solely with the religious viewpoint, and it comes from the extreme literalist group who provide judgemental attitudes, based upon Biblical passages. I respect these views, but point out that laws made in Biblical times were made according to behaviour in those times, and of course the great advances in medicine and knowledge should now be used to help and understand these people rather than treat them as social outcasts, with moral persecution and social stigma heaped not only upon them but in many cases also upon their families. Further, the whole basis of Christian faith is surely that God forgives, and God is love. The great Christian virtues of compassion, forgiveness and understanding must be pillars of strength in this enlightened age, not simply props to uphold every word written some 2,000 years ago.

The Hon. IAN HUNTER: Thank you again, David. As we will hear in an upcoming reading of letters to the editor of *The Advertiser*, the issue being debated in parliament spilled over into the wider community. A key person who spoke in support of the 1972 bill in the House of Assembly was Premier Don Dunstan. Dunstan had tried, as early as 1965, to introduce a decriminalisation bill but had not been able to get sufficient support in the Labor caucus. He tried again in 1969 but was stymied by the calling of an early election. I call on the Hon. Robert Simms.

The Hon. ROBERT SIMMS: Thank you, Mr President.

From the Hon. Don Dunstan MP, member for Norwood, Premier and Treasurer:

I believe it is right to make a change now, for my experience in the criminal law had been such that I had seen the misery, the harm, the hurt, and the injustice that have occurred in this area of the law. In practice, I saw what happened to clients whom I had to represent. As Attorney-General, I saw two cases of people who hanged themselves as a result of accusations under the law, although what they had done had been done in private with consenting males and had actually done no harm to anyone except perhaps themselves. In all humanity, I could not believe that the law should remain as it was then or as it is now.

I want, if I may, to turn to the nature of the prejudice that society has about this matter and the extent to which that kind of emotion blinds society to doing justice in a matter of this kind. I think most of us have been brought up with a kind of traditional prejudice about this matter, a prejudice prevalent in society. I certainly was. As Secretary of my union, since there is a larger proportion of people who are homosexually inclined in the acting profession than almost anywhere else, naturally enough I came in contact with cases of people who were obviously homosexual; and those people who were obviously so caused my hackles to rise, as they would with most people in the community. The vulgarity and unpleasantness of the behaviour in which they indulged was something that would obviously offend most people. I had the traditional prejudices of the community about this, and there were some cases, which frankly astonished me, concerning people whom I had considered obviously masculine and apparently normal. When I discovered, since it happened in the course of my union activities that matters occurred in front of my eyes that astonished me, that those people were homosexual, I simply could not understand it. I poured all this out to a prominent producer in Australia who, with his wife, was having dinner with my wife and me on one occasion, and he bitterly attacked me, as did his wife, and said that I was utterly lacking in understanding. I was hopelessly prejudiced and did not know what I was talking about. He proceeded to assail all my previous

assumptions. I think that that was a salutary lesson for me, as a matter of fact. I think everyone of us, in life and in politics, needs constantly to question his own assumptions.

I do not believe that society has any right whatsoever to trespass in this area. The purpose of the criminal law is to protect persons from physical harm and from active affront, and their property from harm, also. Outside of that area, I believe the criminal law has no place at all, and it is from the social influences of the community to impose or induce or persuade the moral standards which various sections of the community advocate, to establish the moral standards which will be accepted by the majority of the community. The law is not a means of enforcing morality.

The Hon. IAN HUNTER: Thank you, Robert, and I hope that you will take some lessons in comportment from that contribution from the Hon. Don Dunstan into the future. Even though both parties allowed parliamentarians a conscience vote in 1972, Don Dunstan worked behind the scenes to urge Labor members to support the bill. During the debates, members of parliament were lobbied by groups like the religious Community Standards Organisation on one side and the gay and lesbian Campaign Against Moral Persecution (or CAMP, as it was known) on the other. Parliamentarians were also deluged with letters from the public. *The Advertiser* became a conduit for community opinion as well, through its letters to the editor. I call again on Paul Starick.

Mr PAUL STARICK: Thank you, Mr President.

From letters to the editor of *The Advertiser*:

Sir:- I felt sick and disgusted at my breakfast table when I read your headline: 'Homosexual Bill for SA Parliament'. I could not swallow my food nor the Bill. I am totally against legalised homosexuality and lesbianism. At the next election I will vote against any politician, regardless of his party, who supports the homosexual Bill.

Sir:- I am a mother and I have a son. The problems of bringing up a child in this permissive society are almost insurmountable, and so I strongly protest against Mr Hill's move to legalise homosexuality. God, in his Holy Word, has set down moral rules for mankind, and if man deliberately and defiantly disobeys, then he will destroy himself.

Sir:- To all interested in homosexuality I commend the 13th verse of the 20th chapter of Leviticus: 'If a man also lie with mankind, as he lieth with a woman, both of them have committed an abomination: they shall surely be put to death: their blood shall be upon them.'

Sir:- We are not living in pre-Christian Israel, but in a modern secular state, most of the laws of which are demonstrably not derived from Old Testament precepts. Selective quotation from Leviticus is not, in these circumstances, any justification for the continued legal persecution of homosexuals.

Sir:- The Old Testament is mainly an historical account of bygone centuries, and therefore states the out-dated and often extremely unjust laws of 2,000 years ago. Surely there is such a thing as progress and reform.

Sir:- I hope that soon homosexuality will become legal and that narrow-minded MPs will realise that we can no longer punish these people just because they are different. I believe that all people should be allowed to run their own lives, and take their own private road to hell in any way they wish, so long as they don't hurt anyone else. Homosexuality is something that people can't help, not a condition they have forced themselves into.

Thank you, Mr President.

The Hon. IAN HUNTER: Thank you, Paul. It is good to see *The Advertiser* continues its fair and even-handed approach to issues even today. Those letters were a very small sample from 1972, with more published during 1973 and 1975, and by no means were they the worst of their kind.

The 1972 bill was eventually passed, but with the amendment that I mentioned earlier. Even if a sexual act occurred in private between two consenting men over the age of 21, they would still have to attend court to cite these conditions as a defence if they were indeed prosecuted, so that male homosexuality was still essentially a criminal act. It was reform correctly described as 'largely illusory'.

In 1973, newly elected to the seat of Elizabeth, the 28-year-old Peter Duncan took up the cause. He was a fervent believer that what were termed 'victimless crimes' should not be subject to the criminal code. He decided to take a completely different approach to decriminalising male homosexuality. He drafted a bill that would create statutory equality between homosexuals and heterosexuals, including a common age of consent of 17, the same penalties for non-consenting acts and the same restrictions on public acts and penalties. This was a first, certainly in the Westminster system and possibly in the world. It also treated males and females the same. It was trailblazing for Australia. In a few short years, Peter would be appointed South Australia's 42nd Attorney-General.

I am very pleased and honoured to welcome the Hon. Peter Duncan and his family, who have travelled from overseas for this occasion today. Peter will conclude this event with a personal speech of remembrance in a few moments that he has written for this occasion. I will now ask the Hon. Lucy Hood MP to read from Peter's introductory speech of 19 September 1973 in the House of Assembly. I call on the Hon. Lucy Hood.

The Hon. LUCY HOOD: Thank you, Mr President.

The Hon. Peter Duncan's introductory speech of 19 September 1973 in the House of Assembly:

This Bill provides for various amendments to the criminal law to remove specific reference to homosexual acts and to provide for a code of sexual behaviour in society regardless of the sex or sexual orientation of the person committing the prescribed behaviour. The introduction of the Bill is a further step towards legal reform in an area where, in the past, there has been much emotion and much questioning in the community.

I have introduced the measure because I consider that the law in this area is entirely inconsistent and not based on sound legal principles. The effect of the present position is that a minority of otherwise law-abiding citizens are declared criminals and are unable to make to society the useful contribution that they would otherwise be able to make. The state of the law at present is iniquitous and entirely unsatisfactory, in my view.

As members will be aware, the present law controlling homosexual behaviour results from an amendment to the Criminal Law Consolidation Act passed last year which resulted from a Bill introduced in another place by the Hon Murray Hill. Following that legislation, the legal position in respect of homosexual acts has been left little different from that obtained before the amendment was

made. The law still clings to the concept of illegality of homosexual behaviour and merely provides for a defence for an accused if he can prove that the conduct occurred in private between consenting adults.

This is a far cry from the objective, spirit and intent of the Hon Mr Hill's original Bill, which clearly sought to remove the criminal sanctions against such conduct. It is now nearly 18 months since the murder of Dr George Duncan and the inquest which established that his death resulted from victimisation because of his homosexuality. I suppose it is fair to say that this incident, more than any other, has brought the subject of homosexual law reform to the fore in South Australia.

The central question raised by this Bill, put simply, is as follows: whether a person, by virtue of his committing homosexual acts, must be prosecuted by society or, where no positive harm is caused to third parties or society, whether such a person should simply be ignored by society's laws.

The Bill is a statement of support for the second proposition. It is a recognition of the view that the law should not enter into matters of private moral conduct except in so far as they directly and positively affect the public good. In saying this, I recognise that it is part of the function of the criminal law to safeguard those who need protection by reason of youth, age or inability to withstand the force of others. I certainly strongly support such protection. Indeed, the Bill seeks to strengthen such safeguards by expanding certain offences involving persons of special responsibility in society to apply regardless of the sex of the offenders or victims. This is a reflection of the policy of not differentiating, so far as behaviour is concerned, between homosexual and heterosexual activities.

It is absurd that, as a result of the law as it stands, homosexuals apart from motorists, comprise the largest class of so-called criminals in the land, yet as we know few convictions are recorded each year for homosexual offences. Clearly, the detection rate is therefore minimal. The law is as random in its application as it is demonstrably unenforceable. This situation is unfair to homosexuals and needs to be changed urgently.

There is now strong evidence that the psychological nature of the condition of homosexuality is such that the threat of criminal sanctions is not an appropriate means of approaching this matter. The time is long overdue for reform in this area and the appropriate form of reform is for society to require a standard of sexual conduct from all of its adult members, whether they be homosexual or heterosexual, male or female. Many heterosexual acts are not criminal if committed in private but are punishable if committed in circumstances which outrage public decency, and I should expect the same criteria to be applied to homosexual acts.

I hope this Bill will be treated in the same dedicated manner as in 1972 and that, in the less emotive atmosphere now prevailing, it may complete the task of providing a just and enlightened criminal law in this area. When the Bill goes to another place I hope it will receive favourable consideration so that these unfortunate people in the community will not be treated in such a shameful manner as they are now.

Thank you, Mr President.

The Hon. IAN HUNTER: Thank you, Lucy. During the 1973 debate, *The Advertiser* reported that a group called Gay Activists Alliance would give talks on homosexuality to South Australian senior students. The issue, predictably, erupted in the Legislative Council. I call on the Hon. David Pisoni to give us a bit of the flavour of that debate.

The Hon. DAVID PISONI: Thank you, Mr President.

From the Hon. Gordon Gilfillan MLC, Northern:

This is a different matter altogether from that recognising the problems of a minority group. I do not think the word 'promote' is unduly exaggerating the position. I believe in sex education within the schools if it is properly conducted, and conducted with common sense, but I do not think that any one view should be placed before students, or before any other group of people, as a form of lecture. I will not support the Bill.

From the Hon. Richard Geddes MLC, Northern:

One must not forget that one of the Communist ways of subversion is the undermining of society through sexual perversion. As parents (not as Governments or as Parliaments) we have been able to understand and control this problem through many generations, with a slight easing of attitude between the time of Queen Victoria and the present day. However, thanks to the press, and thanks to the Gay Activists Alliance, I have now to oppose the Bill.

From the Hon. Tom Casey MLC, Central No. 1, Minister of Agriculture:

I emphasise very strongly indeed that homosexuality is not, as certain gay activist groups would have it, the lifestyle of the future. That is what concerns me. I believe that under existing legislation homosexuals have a freedom which has been denied to them for many years. I do not deny them this freedom, but to go further as is attempted in this Bill will put our youth and moral decency that we respect in our community at a distinct disadvantage. It is for those reasons that I cannot support the Bill.

The Hon. IAN HUNTER: Thank you, David. The final speaker, Tom Casey, whom David referred to, was a very rare example of a Labor member who opposed gay law reform.

The 1973 bill was on a knife edge. It would have passed except that a Labor member of the Legislative Council, the Hon. Cec Creedon, claimed that he did not hear the ringing of the bells calling for a vote. The bill was resubmitted a week later under a rarely used standing order but defeated again on the vote of the President, Sir Lyell McEwin. South Australia had come oh so very close.

Following the 1975 election, the make-up of the Legislative Council changed dramatically, with the Labor Party holding 10 of 21 seats and three opponents of gay law reform no longer sitting in the chamber. As well, a 1974 Gallup poll had showed that 57 per cent of South Australians now supported decriminalisation. Peter Duncan decided to move again with an almost identical bill to that of 1973.

I am delighted to have in the chamber with us today the Hon. Anne Levy AO, the first woman to preside in an Australian parliament. She entered the South Australian parliament at the 1975 election and introduced Peter Duncan's bill into the Legislative Council on 9 September. I call on the Hon. Anne Levy.

The Hon. ANNE LEVY: Thank you, Mr President.

The Hon. Anne Levy's introductory speech of 9 September 1975 in the Legislative Council:

This Bill seeks to put homosexual activity between consenting adult males into the same category as that applying to consenting adult females. Its basis is surely that what two adults consent to do together in private is their own business and that society has no right to interfere when no one is getting hurt. On this aspect Pierre Trudeau stated: 'The state has no business in the bedrooms of the nation.'

In considering this matter, we need to distinguish clearly between activities which are immoral and sinful and those which are criminal. Often these three categories coincide, for example, in the case of murder and rape. 'Sinful' is a religious term implying that the action taken is against God's law; 'immoral' implies that an action is against some moral code, whereas 'criminal' means that an action is prohibited by secular law.

Where there is a victim of an action by a person, as in the case of murder and rape, we all agree not only that such action is immoral but also that society, through its law, must protect individuals from such actions; hence the rationale of making such actions criminal. However, acts involving sexual behaviour between two consenting adults of the same sex have no victim and, although most of us would regard such acts as immoral, it does not follow logically that they must therefore be criminal.

I contend that our present law with regard to homosexual behaviour is neither humane nor compassionate. It causes unnecessary suffering, and serves no useful purpose. Indeed, it makes criminals of thousands of otherwise law-abiding citizens, and it makes a mockery of our social value of minority and individual rights.

It is said by some that the practice of homosexuality will destroy our society, that it is a form of moral pollution. Such statements are certainly not based on any sound evidence, and it would indeed be difficult to prove a causal relationship between homosexual acts in private and any decay of civilisation. The fall of Rome has sometimes been quoted as being an example of such destruction of society. However, I imagine that an argument that homosexual activity was the cause of the decay of the Roman Empire would be supported only by Hollywood: certainly not by any serious historian.

Another argument that is used in opposition to reform of the law is to say that homosexual practices are damaging to family life, yet this argument appears to ignore the facts of what homosexuality is – a condition where sexual attraction and attention and preference are directed to members of the same sex, not the opposite sex.

Surprisingly, in the extensive literature I have read on homosexuality there is not a single reference to the difficulties and life of the wife of a homosexual. This aspect has been omitted by all the male authors on the subject. If objectors to this Bill were really consistent in their concern for maintaining family life, they should try to have adultery and fornication made crimes, as indeed they were in medieval times. Adultery will always cause far more marriages to founder than will homosexual practices, as our divorce courts have shown only too well.

The law as it stands encourages blackmail and physical assaults on homosexuals who hesitate to complain to police because of the fear of being charged themselves. In South Australia, let us not forget Dr Duncan, whose death occurred only just over three years ago. With the passage of this Bill, let us hope that there will be no more such tragedies.

Honourable members present may not be aware of the legislation with respect to homosexual acts that applies in many countries. Such acts have not been regarded as criminal in France and Italy for more than 150 years. The Netherlands liberalised its laws in 1911, and Scandinavian countries have also long permitted homosexual acts while retaining complete protection for minors, as the

present Bill does. In the United Kingdom, homosexual acts between consenting adults in private were decriminalised in 1967, and the same reforms took place in Canada in 1970. As far as I am aware, those communities have not disintegrated as a result.

West Germany and Austria followed suit in 1972, and about a dozen states of the United States of America have similarly reformed their laws, California doing so only last month. So, this Bill is part of a worldwide trend to reform the law in this area. I firmly believe that there is widespread community support in Australia for a Bill of this nature. Attitudes have been changing rapidly in recent years. Only eight years ago, in 1967, only 22 per cent of an Australian sample favoured decriminalisation, whereas last year this figure had changed to a majority of 54 per cent. About 12 months ago, only 26 per cent of Australians thought that homosexual acts should remain illegal.

I should like to pay a tribute to Mr Duncan, member for Elizabeth in the other place, who has devised this just and humane legislation, and to the Hon. Murray Hill, who first attempted reform on this issue in our Parliament.

Thank you, Mr President.

Those assembled: Hear, hear!

The Hon. IAN HUNTER: Thank you very much indeed, Anne. I think it is important to note that in Anne's 1975 speech she acknowledged both Peter Duncan and Murray Hill. Even back in 1975, it was understood very clearly that the passage of the legislation and its subsequent support in the community would rely on bipartisanship. That was a crucial part of the campaign to have the legislation passed and be supported into the future.

Now, it is my very great pleasure to invite the Hon. Peter Duncan to address us. Instead of giving us a reading, Peter will talk about his experience with gay law reform in South Australia and reminisce on how far we have come. I call on the Hon. Peter Duncan.

Those assembled: Hear, hear!

The Hon. PETER DUNCAN: Thank you, Mr Chairman. Well, this is a proud moment of reflection on a great achievement. It is not often in public life or post-public life that you are able to achieve something worthwhile and live long enough to see the successful outcomes of that reform. How lucky am I to be here today to mark 50 years since the passage of the homosexual reform bill.

South Australia led the nation, and of course now every jurisdiction has cast aside the criminal sanctions. A wise leader once said, 'Ask yourself if the generation in 100 years will thank you for the decisions that you make today.' Well, we are halfway there, and in relation to homosexual law reform, the answer unarguably is a resounding 'yes'.

Subsequently, South Australia has not always led. It took 30 years before legislation to expunge homosexual convictions was passed. South Australia was the last state in the country to abolish the gay panic defence, passing reforms through the parliament in December 2020.

Hate crime laws that explicitly include 'sexual orientation, gender identity and intersex characteristics' within South Australian sentencing legislation were passed and implemented in November 2021. The state parliament recently passed legislation explicitly

banning gay conversion therapy. This was nearly 50 years after the pioneering legislation that we are celebrating here today.

I could never have achieved this had it not been for the persuasive advocacy of Don Dunstan in the background and the support, initially of Brian Chatterton and later of Anne Levy, in the Legislative Council.

Less than a year before the 1973 election, Dr George Duncan, a lecturer in law at the University of Adelaide (who is no relation of mine, incidentally), had been drowned in the River Torrens at the hands of South Australia Police vice squad members conducting their so-called 'learn-to-swim campaign for poofters'.

The appalling circumstances of this murder led, in 1972, to the introduction, by the Hon. Murray Hill, of a bill for the reform of homosexual law. The bill passed in a diluted form, with homosexual conduct remaining illegal. I found this new act to be completely unsatisfactory for several reasons.

Firstly, the criminal law should only be applied in circumstances where there is overwhelming public agreement and support; for example, 99 per cent of the public agree that murder should be a crime. Criminalisation should not occur at the whim of one group or another, such as churches or employers.

Secondly, homosexual behaviour between consenting adults was still a crime, enabling prosecution, blackmail and public exposure to continue.

Thirdly, under the normal criminal law the burden of proof is on the prosecution. The Hill bill, as amended, had effectively reversed the onus of proof.

Finally, the legal position was completely unclear in circumstances involving more than two consenting adults. Apparently, three in a bed would still be illegal, which was completely ludicrous.

When I first introduced the homosexual law reform bill in 1973, I was just 28 and full of youthful enthusiasm. Frankly, it appalled me that a class of otherwise law-abiding citizens should be subjected to the criminal law for behaviour that had no social impact except to offend the sensibilities of some individuals.

A short time after my election in 1973, I had received a letter from Don DeBats, the Chair of the South Australian Council for Civil Liberties, of which I was a member, urging me to take action to alleviate the suffering and persecution of homosexual people. Soon after I received the letter, I drafted a bill to decriminalise homosexual acts between consenting adults in private and introduced it into the parliament.

I want to make the point that this was a private member's bill, first introduced by me in 1973, long before I became the Attorney-General. As such, it was not legislation of the Labor Government. The media, in getting the details wrong, as often happens, have in recent years reported that the reform was introduced by me as Attorney-General and as a government bill. This of course is incorrect.

My bill simply altered the law so that males and females, heterosexual or homosexual, were treated in relation to sexual behaviour without distinction. Importantly, it introduced a code of conduct applicable to all people, regardless of gender or sexual orientation. The latter was a world first for South Australia and provided a model for reform, one that has now been copied, I might say, in dozens of jurisdictions.

Premier Dunstan and I had numerous discussions about the bill. Don's influence in the debate was obviously of vital importance, although not necessarily in the way implied in some publications.

Don's strategy of creating a coalition of electoral support from workers, members of the Italian community, members of the Greek community, and the intelligentsia was quite critical. Without that strong support base I think it was unlikely that a large majority of Labor members of the parliament would have been brave enough to support the measure, given the bill's initial unpopularity. Opinion polling at the time indicated that more than 60 per cent were in opposition, with only 17 per cent in favour. It is not true, however, that Don played any role in initiating the bill, as some people have suggested. As I said, he gave it his enthusiastic support once the bill had been announced and introduced.

So here we are today, celebrating the golden jubilee of the successful passing of this legislation. I can scarce compare then to now. The country has changed and the lives of rainbow people have profoundly altered for the better.

Spending much time in Indonesia now, I cannot pass up the opportunity to encourage the rainbow community in South Australia and Australia to raise your horizon and focus on the international position of rainbow people, which in many countries is still absolutely appalling.

Domestically, we must always be vigilant because we know that what has been won can be taken away. We must never let that happen.

Whilst I did not personally experience discrimination on the grounds of sexuality, I tried and succeeded in introducing legislation to protect people from such malicious discrimination. I can go to my grave knowing that in this I bore out Paul Keating's words: 'The reward for public life is public progress.'

Thank you for your kind invitation to speak today, on the golden jubilee anniversary of the homosexual law reform bill.

[Applause]

The Hon. IAN HUNTER: Thank you, Peter, for your contribution, not just to today's commemoration but for your leadership over the decades and for your compassion and dedication in promoting gay law reform in South Australia. I personally have much to be grateful for because of this legislation, which passed when I was just 15 years old. I am sure that some other honourable members here in the chamber today with us have a similar point of view, Robert.

By 1975, the time for gay law reform had come. The bill was debated and passed in 3½ hours in a single sitting of the House of Assembly on 27 August and supported by every

Labor member plus the current and former leaders of the Liberal Party and the leader of the New Liberal Movement. The bill was debated in the Legislative Council between 9 and 17 September. The final vote resolved with 12 to six in favour, and so it passed both houses of parliament and now awaited assent from the Governor.

Gay rights lobbyists who were in the gallery trooped downstairs and declared their delight to *The Advertiser*, saying that they hoped to 'educate the public about homosexuality and secure a community acceptance of homosexual people'. It was an extraordinary moment for the citizens of South Australia and Australia and entirely appropriate to commemorate as we do now, 50 years later.

Again, I would like to thank the honourable members who read extracts from historical speeches today. I want to acknowledge that the views expressed in some of those speeches may not always reflect the views of the honourable members who read them today.

Ladies and gentlemen, friends, that concludes our re-enactment of the South Australian parliamentary and other debates on the decriminalisation of male homosexuality. I ask you to again show your appreciation of our special guests Paul Starick, Robert Hill, Anne Levy and Peter Duncan and of everyone who has spoken today. I would also like to especially thank the curator of today's event, Tim Reeves.

[Applause]

The Hon. IAN HUNTER: This concludes the re-enactment process in the Legislative Council today. For those of you who have an invitation to join us at the Governor's residence at I think 5.30pm, we will be trooping over there at about 5.25pm. Please have your invitation cards with you, or, if you are on the invitation list, you will be checked off at the gate. I would like to here thank Her Excellency the Hon. Frances Adamson AC and Mr Bunton, who will host this celebration. It is incredibly apposite, given the Governor's role in signing the 1975 bill into law 50 years ago today.

I am delighted to tell you that also during this function we will hear several songs from the oratorio *Watershed: The Death of Dr Duncan*. This was commissioned by Feast Festival, the State Opera and the Adelaide Festival, and mounted by the Festival in 2022 to mark the 50th anniversary of Dr Duncan's death. It has since appeared at the Sydney Opera House, courtesy of Opera Australia, and will be shown again in Melbourne next year, I am advised. This part of the proceedings has been coordinated by Mark Oates, the singer who plays the dual roles of Dr Duncan and Don Dunstan, and I look forward to that in about an hour's time.

Thank you very much for joining us today. We appreciate your company in this very significant event. I look forward to meeting you again in about an hour's time, across the road.

[Applause]

[Re-enactment concluded]