

# Unleashed

Unleashed presents diverse and robust opinion about politics, society, belief and behaviour.

---

## The age of consent

10 September 2009, 11:30



**John Frame**



I am confident that most people consider the health and welfare of youth to be of utmost importance. I am equally confident that one of the all-time least desirable topics for public discussion is anal intercourse.

However, for the sake of the health and well being of many youth in Queensland, the public must put aside any personal fears about sexual orientation and sexual activity and consider that the state's Criminal Code ought to protect all young people adequately and with equity – and ought not to impose any clearly discriminatory moral judgment.

Queensland is the only state or territory in Australia which has a "sodomy law" - a law which defines a higher age of consent at 18 for homosexual male intercourse than for heterosexual intercourse and other consenting sex (which is 16). The severe penalty for any offender is up to 14 years imprisonment.

Equal age of consent reform is necessary so that same-gender attracted youth can expect to be protected and supported by the law in true equity with their heterosexual peers and siblings. I believe that loving parents would want all of their children to be treated with equity, and to have the best possibility of living long, healthy, loving and productive lives.

The current law validates those who wish to oppress homosexual youth and serves to reinforce institutionalised homophobia, leaving same-gender attracted youth at dramatically increased risk of harassment, abuse, depression and suicide. They may also face increased risk of HIV infection through reduced self-esteem and the impeded delivery of duly inclusive sexual health education.

The Sodomy Law is not about limiting homosexual activity for altruistic societal benefit – it is purely about bigotry based on the unreasoned fear of the reality of love between two people of the same gender, and the

fact they can share love in every way as deeply, sincerely and passionately as can a man and a woman.

In 2008 La Trobe University conducted a national survey of Year 10 and 12 students which they published in August 2009 in the report *Secondary Students and Sexual Health 2008*.

Their results show seven per cent of young men reporting a same-sex partner in their most recent sexual activity, and at least 25 per cent of young men reporting that they have ever engaged in intercourse.

So if these national averages hold true, then perhaps up to two per cent of 16 and 17 year old male Queensland youth could be defined as potential criminals, based solely on their consenting sexual activity. All it might take is a change of government for them to face the grim reality of criminal prosecution.

So why does Queensland have an unequal age of consent?

In 1990 the Goss Labor Government met its commitment to Fitzgerald Report recommendations by appointing a Parliamentary Criminal Justice Committee to hold public hearings and report on the decriminalisation of male-to-male sex. Peter Beattie was the Committee Chairman and in the October 1990 Report he declared his support for the first eight of the nine majority recommendations.

Recommendation seven was that:

"The age of consent for homosexual acts in accordance with the principles of sexual equality and anti-discrimination be the same for males as it is for females, irrespective of whether the sexual act is heterosexual or homosexual."

The scandal is that this was the only majority recommendation which was not realised in the November 1990 Bill. Hansard shows that not one word was spoken about this Section in the passing of the Bill.

Labor did make just one attempt to set things right. Their 1995 Revised Criminal Code included a truly equal age of consent at 16, but it was repealed in 1996, just before its date of effect, by the incoming Borbidge Nationals. The 1899 Code was reinstated – with the term "anal intercourse" changed to "sodomy", the minimum age raised to 18 and the maximum penalty doubled.

Getting rid of the Sodomy Law is a potentially emotive issue, because there's a long and tragic social history of prejudice and bigotry linked directly to the act of anal, rather than vaginal, intercourse.

Why won't the Bligh Government enact equal age of consent reform when Queensland Labor's official Policy Platform in Section 7.9 of the Justice and Governance Chapter states: "7.9 Labor will ensure uniformity of age among laws relating to the age of consent for lawful sexual activity"?

Queensland Anti-Discrimination Commissioner Susan Booth has stated:

"The current provisions of the Criminal Code that impose different ages when people can lawfully participate in sexual intercourse are not consistent with the objects of the Anti-Discrimination Act. These laws discriminate on the basis of sexuality. The Anti-Discrimination Act requires that everyone should be equal before the law – and that includes equal benefit of the law, without discrimination. I support the removal of the provisions that discriminate against same sex attracted young people."

Queensland community attitudes have evolved in line with the rest of Australia – we're overwhelmingly open-minded and compassionate. Our Government needs to reflect those values and bring us to the forefront of social reform, especially in regard to the welfare of youth.

[Send to a friend](#) | [del.icio.us](#) | [Digg](#) | [Furl](#) | [Kwoff](#) | [ma.gnolia](#) | [Reddit](#) | [StumbleUpon](#) | [Twitter](#) | [Facebook](#)

House Rules

---

## Comments (109)

Add your comment

- **DocMercury :**

17 Sep 2009 9:11:31am

The age of consent is exactly as old as a male spider gets.

Reply Alert moderator

- **Georgina :**

17 Sep 2009 7:07:06am

peter,

having had sex with a sixteen year old heterosexual - it was a disaster.

I Would never repeat it.

16 year olds are too young whether hetero or gay.

As someone said earlier if people of the same age are experimenting then they are both learning about their bodies.

My perception is if their is someone older needing someone younger - all they are looking for is control of the younger person and the relationship. Or in other words - Do it my way.

Reply Alert moderator

- **Peter :**

16 Sep 2009 9:01:01am

So, according to some of you here, a 16 or 17-year-old heterosexual guy is fine to have sex, but a 16 or 17-year-old homosexual guy is a "minor". How does that work?

Reply Alert moderator

- **yellow snow :**

13 Sep 2009 12:09:22pm

NAMBLA argue scrapping the homosexual consent-age altogether ... "Those bloody Queenslanders standing in the way of liberal progress!" ...etc

Reply Alert moderator

- **sam :**

13 Sep 2009 11:50:01am

There is enough research these days to prove the male brain does not mature until the age of 23 plus so having sex with a 16 year old is tantamount to having sex with a minor.

Who benefits from having sex with a minor - not the minor.

If two 16 year olds are experimenting, fair enough but if a 30 plus is taking on a 16 year old what is there to gain for the 16 year old male. Someone who is past their sexual prime, trying to prove they are still attractive and can pull someone younger is offensive whether male or female. It surely shows how immature the elder in the relationship is.

Reply Alert moderator

- **Phil Mayne :**

14 Sep 2009 2:41:23pm

A 16 year old is a minor.

Reply Alert moderator

- **Tomokatu :**

15 Sep 2009 3:59:12pm

"...not the minor."

How can you be so certain?

Reply Alert moderator

- **FreeGuy :**

11 Sep 2009 12:54:08pm

To legislate against sodomy based on age only serves to highlight the laughably simple side of the stereotypical Queenslander. In doing so their Government continues to reinforce the backward, red-neck, hick persona that has unfortunately come to characterize the state's locally born and raised population.

Hanging on to a morality law that is rooted (sorry) in the Buggery Act of 16th century Britain is ridiculous. How are they policing it? Do the Qld cops have a 'Butt Squad'? Does their crime lab have a Proctology department? The law in Queensland truly is an ass (sorry)

What's even sillier is the law pre-disposes in a very Victorian way that sodomy is only a homosexual act and that only males are homosexual. The Queensland legislature has not advanced since Queen Victoria refused to sign off on laws against homosexuality across all genders because 'women wouldn't do that sort of thing'.

Reply Alert moderator

- **Ronk :**

16 Sep 2009 3:13:50pm

An urban myth. The insane George III was the last British monarch ever to refuse to assent to legislation which had been duly passed by Parliament.

Reply Alert moderator

- **gerard :**

11 Sep 2009 7:21:22am

Did not Queensland have a minister for 'everything' not long ago, who forbade getting together at all, and banned people from forming a crowd of more than one?

I believe many couples still travel over the border, after packing sandwiches and a thermos of pumpkin soup, for an illicit embrace or cuddle.

Things don't change overnight in sunny Queensland.

We knew people, relatives really, who, when visiting each other, would stand outside and talk to each other through the kitchen window, for fear of getting caught.

Reply Alert moderator

▪ **Helvi :**

11 Sep 2009 10:47:01am

Gerard, please don't darken my surname, the couple in question was related to in-laws...

The man courting the lady of the said house did not happen to wear his knee socks on that given day...

PS. I have to say the blokes here Goulburn area are made of sterner stuff, bare-legged they go through the frosty winters. Good for us girls really, we can easily pick the toughest amongst you lot!

Reply Alert moderator

• **Azrael :**

11 Sep 2009 2:12:16am

It's rare that I praise WA legislative moves, but I think the introduction of sliding scales for sexual intercourse is one of the most intelligent moves in criminal law reform in the past few decades. Whatever the problems that occur with teenagers having sex with other teenagers, criminalising and jailing them is not a good answer. If nothing else, it will lead to an increase in the most horrid and dangerous backyard abortions, as any pregnant teenager will be forced to carry out a backyard abortion or be charged as a paedophile and added to a sex offenders registry (it's happened before) for having sex with her same-age boyfriend. If she has the baby, she'll go to jail for sexually molesting her boyfriend. Same if she has a medical abortion - jail for shagging her same-age boyfriend. The only option she'll have left is to do it herself with a coat hanger, and face the horrific risks that brings.

The REAL problem that should be dealt with criminally is ADULTS having sex with children. Hence the sliding scale: legal for teenagers to have sex with other teenagers (not necessarily great, but criminal convictions won't help). A minor offence for an 18 year old to have sex with a 15 year old (over the line, but not by much). Juvenile intervention without conviction for a 16 year old to have sex with a 14 year old. BUT count it as paedophilia for an 18 year old to sleep with a 14 year old, and for a 20 year old to sleep with a 16 year old. Also paedophilia for a 25 year old to sleep with a 17 year old (straight or gay). Any greater age gap is similarly paedophilia.

The idea is to separate the issue of teenagers experimenting with other teenagers (straight or gay) from the repulsive scenario of adults sleeping with teenagers, with all the problems of stunted development (abandoning same-age friends due to the massive power imbalance in the relationship) etc. Teens shagging teens is a social issue. Adults shagging teens is a criminal issue. Sliding scales are a step towards a sufficiently sophisticated distinction.

Reply Alert moderator

▪ **FreeGuy :**

11 Sep 2009 11:29:26am

Azrael, do you have a reference for your take on WA's sliding-scale system? As far as I am aware the '3 years older' allowance does not apply once a person is over 16. The only rule that comes in after 16 is that it is still illegal in WA to have sex with a child under 18 if you are in a position of authority over them (teacher, guardian etc). This stands regardless of age difference.

I also believe that the '3 years older' rule is only allowed as a defence in law if the victim is over 13 and the accused believed the person was over 16. I believe however that prosecutors and courts do use it as a guide to the severity of the offence when deciding on whether to prosecute or sentence.

Reply Alert moderator

▪ **cedee :**

11 Sep 2009 1:49:33pm

I should admit I have known John for over 10 years and the ongoing campaign, but I have to say I am strongly impressed by the process outlined here. Way more complex, but ultimately more sensible than a blanket or uniform age of consent and nondiscriminatory.

Reply Alert moderator

▪ **Sally :**

11 Sep 2009 6:47:02pm

I agree - the case in Victoria recently where a school teacher early in his life became a registered sex offender because at 18 he had an encounter with his 15 year old girlfriend (which only consisted of groping her breast) is a good case in point. Not good behaviour but streets away from a much older man and a 15 year old and certainly not worth ruining a life over. The system you outline sounds very sensible.

Reply Alert moderator

• **Jamie Gardiner :**

10 Sep 2009 9:24:23pm

A fine article John, and a very worthy campaign.

Best of luck in bringing equality to Queensland's sex laws. It's been a long struggle: South Australia first in 1975, then here in Victoria in 1981, and eventually, Queensland bringing up the rear: in 2009, please!

Maybe someone will have to take a complaint to the UN Human Rights Committee, and then get the federal parliament to implement their no doubt favorable decision. It'll take a few years unfortunately.

Reply Alert moderator

• **Jason :**

10 Sep 2009 8:22:56pm

Ok Im gay and when I lived in Queensland as a teen my concern was that an anti-gay person might find out about my relationship and report it to the police. I felt I had to be carefull who I told about my relationship with my boyfriend.

Also I suspect a number of people in QLD don't actually realise the age of consent is differnt for gays than hetrosexuals.

Reply Alert moderator

▪ **Sally :**

11 Sep 2009 6:49:21pm

Of course - why would you think it could be illegal for a 17 and 19 year old to have sex. You will never stop this sort of behaviour. It is as old as Adam. All you do is criminalise healthy young people enjoying themselves.

Reply Alert moderator

▪ **Peter :**

21 Sep 2009 12:23:09am

Your concern that an 'anti-gay' person may report it to the police is a very real one. Many opponents to changing the law will argue that it has never really been used to criminalise 17 year old boys going at it.

I have never heard of charges being brought against young gay men - I have only seen evidence of this law being 'tagged on' to a string of offences which charging often heterosexual paedophile.

My problem is that this law exists in the first place, not it's lack of use. It was a very real possibility to be a problem in relationship as a 17 year old. When my 16 year old boyfriend came out to his mother, the first thing she asked was if I was having anal intercourse with him and if he knew that that was illegal. I believe that should the mother have wanted to press charges on the spot (as the parent of minor), she was well within her rights to do so. This is despite the fact that I was 'the receiver'. This is then stupid because I could lay charges against him, as he was committing the act as well. No one really wins here...

Reply Alert moderator

• **12345 :**

10 Sep 2009 8:08:01pm

Then again, how old is old enough to know that you ARE homosexual so that you don't engage in behaviour you would later regret

Reply Alert moderator

▪ **Azrael :**

11 Sep 2009 1:59:27am

Around the same age that you're old to enough to know that you ARE heterosexual, so that you don't engage in heterosexual sex that you don't regret. And the issue of people who falsely think they're hetero having sex they later regret is a MUCH bigger problem at the moment - so many broken marriages and shattered relationships due to people rushing into heterosexual relationships before being emotionally ready to recognise that they might not be hetero.

Reply Alert moderator

▪ **Tomokatu :**

11 Sep 2009 8:49:02am

"...old enough to know that you ARE homosexual ..."

For absolute certainty?  
About 12. 15 at the latest.

Reply Alert moderator

■ **lynne :**

11 Sep 2009 5:19:01pm

That does not happen 12345, get educated.

Reply Alert moderator

■ **lynne :**

11 Sep 2009 6:13:22pm

What I meant by the above comment was that people know they are straight or gay by the age of 4 or 5 in some cases, mabe 13 or so at the latest. When 4 jor 5 years old of course they do not know about homosexuality, except that they are "different". And, yes there are those gays who marry and later regret it. They are actually trying to conform, because of family, religion or whatever, but they really do know that they are not straight, even though many are in denial. Just wanted to clarify the previous comment.

Reply Alert moderator

■ **ceedee :**

14 Sep 2009 1:49:24pm

I think it can take until quite a bit later than 13 to work out, particularly in the absense of openness and acceptance in society, where one is not given the opportunity or license to question or explore. And this is not just a manifestation of repression - well perhaps it is, but if it is, then its a deep control of thoughts and beliefs about one's self as opposed to the repression of one's behaviours and expression/verbalisation of one's sexuality which can also take many years to reconcile with one's beliefs about self. I know people who have not understood their sexuality until well into their 20s - perhaps even after they got married. I would think (would hope) that happens much less so now.

Reply Alert moderator

■ **Tomokatu :**

15 Sep 2009 4:05:07pm

And ceedee, your example can just as easily be explained because peoples' tastes change as they mature. Let's try an analogy.

When I was a young feller, I wasn't keen on Parmesan cheese. Then I matured and my taste in cheeses changed.

But nobody had told me I couldn't even TRY Parmesan when I was that young feller or that I was compelled ONLY to eat Kraft Singles (finest non-biodegradable plastic food ever marketed) for the rest of my life.

Reply Alert moderator

■ **ceedee :**

17 Sep 2009 1:02:25pm

quite

Reply Alert moderator

■ **Sally :**

11 Sep 2009 6:52:17pm

I know gay men who say they were sexually inclined towards other boys when they were still kids and absolutely sure at puberty.



Plus, if you put everyone who had ever engaged in sexual behaviour that they later regretted in the one place, it would want to be the MCG!

Reply Alert moderator

■ **Tomokatu :**

13 Sep 2009 5:43:38am

That'd be a bit crowded, Sally.

Reply Alert moderator

• **Bubblecar :**

10 Sep 2009 7:49:07pm

Sex is for young people. I'd say we ought to terminate the age of consent at around 40 or so, and make sex a no-no after that.

Reply Alert moderator

■ **I W :**

11 Sep 2009 1:38:01pm

What! After 40 a 'no-no'? Are you saying that they should just stick with the YO-YO?

Reply Alert moderator

• **michael :**

10 Sep 2009 6:58:06pm

Nothing will happen and the reason for that is that our politicians are a bunch of spineless wonders who follow and don't lead. Unfortunately the people that they follow are the ridiculous and noisy religious lobby with their bizarre take on nature and human sexuality.

As long as we continue to allow the debate on human behaviour and human sexuality to be dominated by the utter tripe that religion foists on the unthinking and the easily deluded, this monstrous abuse of human rights will continue.

I think that it is shameful that in Australia in the 21st century, people can still be discriminated against - quite legally - for their sexual nature. One would think we might have learned something from the women's movement and from the appalling injustices suffered by indigenous Australians, but it appears not to be so. Here we are in 2009, still subjecting people to blind injustice, mindless discrimination and all because they seek to live their lives in harmony with their true nature.

Reply Alert moderator

• **jeff :**

10 Sep 2009 6:44:21pm

Making laws in regard to sexuality and natural human behaviour is just plain silly.

If a man-made law goes against human nature, it will be disregarded by people regardless of consequence.

the only people who get worked up about equal treatment for homosexuals are heterosexuals - invariably the least informed, the most tiresomely bigoted and the most self-importantly self-righteous of heterosexuals as well.

these pompous and arrogant individuals are assured of the 'correctness' of heterosexual behaviour by the 5000 year old rubbish of organized religion and by the fact that heterosexuals are in the majority everywhere.

anyone with the slightest intelligence, curiosity and any sense of decency, fairness and justice might look to nature where homosexual behaviour occurs in hundreds of species of animals and insects, untroubled by the myths and rubbish that humans have been subjected to over the centuries.

homosexuals are a fact of nature. natural selection continues to select FOR homosexuality in every species known to us. despite the most dreadful discrimination people continue to be homosexual, because that is what they are and all they can be.

any prejudice or discrimination against homosexuals is discrimination - no different to racism, sexism, anti-semitism and should be seen in that light.

in a truly decent society people who discriminate against homosexuals would be subject to fines for a first offence and then jailed for subsequent offences. it really is time to stop pandering to people who are really just discriminating mindlessly and causing hurt to individuals who are simply being what they are.

Reply Alert moderator

- **Jeannie :**

10 Sep 2009 4:06:22pm

I am appalled that members of the public have this idea of an older homosexual bogeyman that targets underage, confused and possibly homosexual boys and then makes them gay.

There are predators right throughout the sexuality spectrum, and a 16 year old homosexual is just as likely to be targeted as a 16 year old heterosexual is, just as its just as likely a 16 year old homosexual may be unready to make decisions about suitable partners as a 16 year old heterosexual is. It is quite ridiculous to assume that homosexuality means you are somehow MORE confused and needing 2 extra years to "decide", because in reality its ALL confusing, stressful and possibly threatening REGARDLESS of your orientation.

Making criminals out of teenagers wishing to engage in consensual sexual activity based on nothing more than their sexual preference is discriminatory. There should be one rule for all preferences.

Reply Alert moderator

- **acker :**

11 Sep 2009 9:00:40am

To be charged with "sodomy" the older person having sexual intercourse with someone under 18 would have to be the one was penetrating the anus.

Surely these older "bogeymen" as you put it, could have a relationship with their younger partner without penetrating their anus during sex; if of course they were more concerned about the relationship than instant sexual gratification ?

If not, we then have the situation where the under 18 is also being the passive partner during sexual intercourse as well as being young and legally underage in Queensland.

When you opening remarks are "I am appalled" it really reminded me of religious zealot's that we have writing

in on some other "Unleashed" opinion board topics.

The author has put this topic out to this audience that probably has a bigger cross section of views and opinions rather than just preaching to the converted in the "Pink Link" or another gay dominated forum/debate area. This topic needs debate out in wider society if it is to move forward.

It does not help your cause to be thin skinned or precious in an open debate.

Reply Alert moderator

▪ **Sally :**

11 Sep 2009 7:01:10pm

Sexually selfish people will be sexually selfish through a range of acts, just as sensitive people will express themselves sexually through a range of activities.

In my experience most 17 year old boys are so up for it they would take a runnign jump at a rolling donut if that was all that was on offer. If their sexual behaviour is consensual, even if it seems strange or unpleasant to us, it shouldn't be anyone's business but their own.

Reply Alert moderator

• **FreeGuy :**

10 Sep 2009 3:50:11pm

Good luck getting Queenslanders to agree. My girlfriends well over 18 and I still struggle to get her to consent to it.

Reply Alert moderator

• **gerard :**

10 Sep 2009 2:49:42pm

Australia has one of the highest rates of unwanted pregnancies. The Netherlands with its age of consent also at 16, both hetero and homo, has very low rates of teen pregnancies or unwanted pregnancies.

In 1991, as a result of the work of the Melai Commission, Dutch law was changed so that in cases of sexual contact between adults and 12-to-16 year olds, there would be no prosecution in the absence of any complaint from the young person herself, her parents or the Council for the Protection of Children.

Now, there is Queensland struggling with the age of consent at 18, and amongst Australian states, has high rates of unwanted pregnancies. Of course, not all that long ago, those unwanted children were taken away put into homes and often abused to boot. So much for restricting and trying to legislate (against) human behaviour.

Enlighten your education and pull your knee socks up!

Reply Alert moderator

▪ **acker :**

10 Sep 2009 7:25:38pm

Do the Netherlands offer a \$5185 baby bonus ?

[http://www.centrelink.gov.au/internet/internet.nsf/payments/pay\\_how\\_maty.htm](http://www.centrelink.gov.au/internet/internet.nsf/payments/pay_how_maty.htm)

Reply Alert moderator

- **DannyS :**

10 Sep 2009 8:17:35pm

Maybe we could dispense with incarcerating paedophiles here and send them to The Netherlands where they would be welcome?

I can see it now. Jaan and Hilda, who live close to Schipol Airport, taking their young teens to see the QANTAS plane landing and encouraging them to wait by the baggage carousel to welcome the Aussie detritus.

In no time at all the 'enlightened' Dutch could have an economy buoyed by the mass construction of cellars beneath their houses to accomodate their new guests, and their special friends that they met at Schipol. The youth unemployment problem would be solved almost overnight!

But hang on, why should the Dutch get all the benefit of your implied recommendation?

Get out there gerard and start promoting this idea. Who knows, maybe you'll get the public response you deserve?

Reply Alert moderator

- **VoR :**

13 Sep 2009 9:15:50am

gerard it was naughty of you not to include the subsequent sentence, as follows: "...the Council for the Protection of Children. However, this measure was repealed in 2002."

Reply Alert moderator

- **seajae :**

10 Sep 2009 2:36:57pm

it amazes me that everyone wants teenagers to have adult responsibilities in every possible way. For every adult thinking teen there are dozens of childish ones, lowering the age for many things is just plain silly. Most of these kids have never lived away from mum & dad, held down a job, bought a car or had any major responsibility so how can they be treated as an adult in the way they think. As for sex, I think a lot of them do not really understand the consequences and do it because everyone else is, not good, with homosexuality I think it is even harder as the kids do not really understand what they are feeling and in a lot of cases can be confused. Rather than lowering the age it should be that their partners should be around the same age and not someone well founded in what they do as they can take advantage of a young mind while it has not fully developed exactly where their sexuality lies. I know a 16 y/o that knows exactly where his sexuality is and he is blatantly gay, you couldnt meet a nicer kid but I also think he is an exception to a lot of others, we dont need older men trying to push teenagers into something they are not sure of, let them realize it for themselves.

Reply Alert moderator

- **Poll Hereford :**

10 Sep 2009 5:36:01pm

But some more laws will sort all that out? King Canute's purpose when trying to hold back the sea was to show his courtiers that despite their flattery he could not control nature. Hysteria over adolescent experimentation, and the possibility that it marks a person for life seems rife. Other societies seem to happier with the idea that adolescence is a time of exploration and that the choices a person makes then do not 'decide' their nature for life.

Reply Alert moderator

- **incanberra :**

10 Sep 2009 2:33:28pm

This sounds perfectly sensible - the law is equal everywhere else in Australia and the sky hasn't fallen in. Unless you're homophobic, how can you think there is any difference between 16 year old gay male teenagers and 16 year old straight female teenagers and how much "protection from male predators" they need??

Reply Alert moderator

- **Big M :**

10 Sep 2009 2:19:22pm

...mmmm..wonder how many 16 year old lads will comment on this article?? Or their mums!

Reply Alert moderator

- **Alias :**

10 Sep 2009 2:12:27pm

Of course we should have equality.

But I would be for raising all to 18 rather than lowering to 16.

A bit off topic but..

The age of consent should be there to protect young people from older predators. If teenagers have consensual sex (I know, currently they are unable to legally consent if under 16 but I think you know what I mean) there should be no possibility of legal action (we would have to have additional laws to stop older children/teens preying on younger though).

Reply Alert moderator

- **DocMercury :**

10 Sep 2009 2:08:22pm

Sexual predators are the result of the sick sexual psychology of the society they're born to.

With titillation as an advertising tool, seduction as a negotiation skill, life value demeaned by guilt and mediocrity, and sexuality hidden as if it were a shame, or stoned because someone thinks it is, the psychiatric illness of the human species crosses the line of illness and health upon every civil and social front.

Nutters of all sorts are then more or less endemic.

Reply Alert moderator

- **DocMercury :**

10 Sep 2009 2:03:25pm

Sexual predators are the result of the sick sexual psychology of the society they're born to.

Reply Alert moderator

- **DocMercury :**

10 Sep 2009 1:58:30pm

We have a form of sexuality, generally speaking, which is fundamentally warped by paranoid delusions.

Sexuality is encoded with guilt, and there can be no other cause for this than paranoid and unhealthy delusions arising from nurture.

The average tribe of chimps, which hasn't been interfered with by humans, is sexually healthier than any human built civilization since the Polynesian islanders were given *Neisseria gonorrhoeae* and *Treponema pallidum* by European sailors.

I've no idea why shame has become such a major component of human sexuality, unless by paranoia arising from the consequence of lust.

Chimpanzee don't have this problem, but public masturbation is still gigglingly embarrassing to humans.

Methinks the brain space given to sex is exceedingly disproportionate in any species, and fecundity guarantees progeny by uncontrolled random blind chance anyway.

Reply Alert moderator

- **Alice :**

10 Sep 2009 7:57:03pm

"I've no idea why shame has become such a major component of human sexuality"

I blame Paul of Tarsus. But seriously, isn't sexual repression and guilt a core element of many religions?

Reply Alert moderator

- **DocMercury :**

10 Sep 2009 8:36:07pm

Yes, partially I think so that matrimony can be a revenue collector (paid celebrant and clerks) and as a means for identity tracking through paperwork, and partially because someone, somehow, decided that God didn't like sex in spite of equipping fish for it 380 million years ago.

Reply Alert moderator

- **Lyndon :**

10 Sep 2009 9:33:19pm

"Chimpanzee don't have this problem, but public masturbation is still gigglingly embarrassing to humans."  
Isn't public masturbation a crime?

Reply Alert moderator

- **DocMercury :**

11 Sep 2009 9:13:42am

Not for chimpanzee.  
Which probably proves which ape is really smart.

Reply Alert moderator

- **Peter :**

10 Sep 2009 1:19:30pm

A fine article. I support equal age of consent for differing sexual activities. I am a criminal under this law because I was having anal intercourse in my first year of university only three years ago. My straight friends were not. Why am I treated differently? There is only one reason... because I'm gay. It has nothing to do with child protection.

Reply Alert moderator

- **gerard :**

10 Sep 2009 1:14:24pm

If the open-mindedness of the Queenslanders is so overwhelming and compassionate, how come that law has been allowed to linger for so long?

Why is the law not uniform throughout a single country? Are you telling us that no crime is committed in one part but yet can get a fourteen year jail sentence in another part of the same country?

I better watch where I walk to next. Is it legal to eat a jam sandwich in Queensland?

Reply Alert moderator

- **jeff :**

10 Sep 2009 6:23:55pm

it shouldn't be legal to eat a jam sandwich anywhere, never mind queensland....

the only acceptable thing to do with sliced bread is to toast it lightly, spread liberally with butter and then apply vegemite sparingly...

Reply Alert moderator

- **Jayell :**

10 Sep 2009 6:58:11pm

Yes, it is a bit queer!

Reply Alert moderator

- **Bubblecar :**

10 Sep 2009 7:45:56pm

"Is it legal to eat a jam sandwich in Queensland?"

Technically, no, but the jam laws aren't often enforced these days.

Reply Alert moderator

- **Tomokatu :**

11 Sep 2009 8:52:29am

It depends.

How old is the jam n question?

Reply Alert moderator

- **Simon :**

10 Sep 2009 1:08:42pm

"the state's Criminal Code ought to protect all young people adequately and with equity"

Absolutely! The age of consent ought to be raised to 18 for ALL youth. This would give them a far better chance of gaining the mental maturity required to be able to become sexually active without fear of predators.

I'm sure the gay community would love nothing more than to have access to more twinks. Get them while they are naive and vulnerable. Of course, the same can be said of many heterosexuals that would love to manipulate a child.

If they cannot legally vote till they are 18 - and for good reason, the same should apply to sex laws.

Reply Alert moderator

- **Poll Hereford :**

10 Sep 2009 1:39:58pm

You blow your attempt at appearing fair with the old 'predatory homosexual' line. Most under-age abuse is heterosexual and perpetrated by a family member or friend.

Reply Alert moderator

- **Simon :**

10 Sep 2009 6:44:29pm

Let me assure you I am making no "attempt" to be fair - I agree the same age IS fair. In fact to make it even more fair the age should be raised to 18 for both sexes. I happen to know a lot of teenagers and this is the most tumultuous time of their lives. Anyone that thinks otherwise is ignorant or pushing an agenda, just like this author.

You seriously want me to believe that 16 yo males toying with homosexuality are safe from predatory homosexuals? Many people in the gay community have made no secret of their desires to influence teenagers. They need legal protection. If a gay man loves a gay teen, he will be willing to wait. More likely he just wants to have his way with him. Exactly why I used the term "twink". The gay community knows full well what I mean by this term - it exists for a reason. Predatory behaviour is common among homosexuals and juveniles deserve protection.

Reply Alert moderator

- **Tomokatu :**

11 Sep 2009 8:57:48am

Simon, if your campaign to raise the age of consent for all sexual activity is successful, all you'll do is create more criminals.

Kids are NOT going to stop having sex or experimenting with it because "the law says not to." Human nature and the whole weight of evolutionary history is against you.

They're going to start when they feel like it, not when we say they can.

If you make it an issue, it's going to become another cause for rebellion against parental (and civil) authority and they're going to start BEFORE they're ready, just to make the point, or "show YOU!" and then there'll be even more unwanted pregnancies and STDs.

Reply Alert moderator

- **ceedee :**



11 Sep 2009 1:42:32pm

There are also many sexual predators in the heterosexual world and as that probably represent 90% of the population one would have to conclude there are more there than among homosexuals. Please read Peter's response for a real life example of how this law works. So lets forget the bigotry and focus on child protection shall we.

Reply Alert moderator

▪ **lynne :**

11 Sep 2009 5:23:58pm

Gosh ceedee wrong again. Statistics disprove your theory. 98% of peadophiles are heterosexual. And it is possibly higher according to some surveys.

Reply Alert moderator

▪ **ceedee :**

14 Sep 2009 1:35:04pm

Thanks for the correction - but you seem to be agreeing with my point. I'll take it as a confirmation and defer to your greater knowlege of the stats.

Reply Alert moderator

▪ **Alice :**

10 Sep 2009 1:41:05pm

That's an unjustified slur on the gay community. I've no doubt that sexual predators make up a tiny minority of all gays (just as with heterosexuals), and that the majority of gays are more or less nice people who would be outraged by your comment. So thoughtless.

Reply Alert moderator

▪ **Simon :**

10 Sep 2009 7:04:34pm

If I offend a few people whist voicing concern in protecting others then so be it and I make no apology.

Homosexual people that have high integrity wouldn't be offended anyway. They aren't the one's likely to purportrate abuse against the vulnerable.

But perhaps you think you speak for the whole gay community.

Reply Alert moderator

▪ **Alice :**

11 Sep 2009 8:19:10am

You're the one trying to speak for the gay community: "I'm sure the gay community would love nothing more than..."

and trying to make homophobia more agreeable by dressing it up as the noble sentiment of protecting others.

Reply Alert moderator

▪ **lynne :**

11 Sep 2009 6:18:29pm

Simon, you are mixed up. As stated before, 98% of paedophiles are heterosexual and it is probably higher that 98% anyhow. I am not gay, but have worked in the gay community and have educated myself on sexual diversity. I think you need to read a few books yourself, mabe then you would make sense.

Reply Alert moderator

■ **Bellezyx :**

10 Sep 2009 1:45:32pm

Rubbish. An age of consent of 18 would simply mean more teenage pregnancies and sexually transmitted infections. 16-18 year olds are not going to change their sexual mores and decisions because a law exists that says its not allowed, it just means that they will be even more reluctant to access relevant services and products (eg buy condoms, talk to medical professionals). And while we're on the topic I definately think that optional voting should be allowed for 16-18 year olds.

Reply Alert moderator

■ **Simon :**

10 Sep 2009 6:45:31pm

Care to substantiate that claim about more pregnancies?

Reply Alert moderator

■ **Azrael :**

11 Sep 2009 2:23:04am

Easily done. The US has the highest restrictions on teen sex and the highest rate of teen pregnancies. WITHIN the US, the most conservative states on teen sex are also the states with the highest teen pregnancies, even out of the already high US demographic.

Reply Alert moderator

■ **bellezyx :**

11 Sep 2009 10:55:41am

Thanks for that - beat me to a reply!

Reply Alert moderator

■ **seajae :**

13 Sep 2009 10:09:47am

16 to 18 year olds to vote, you have to be kidding, most still live at home with mum & dad dont work and have no idea what responsibility is. Even at 18 a lot have no real idea what they are voting for they just go with the flow as they havent had to experience what it really takes to survive on their own, policies mean nothing to them. Trying to be adults before you are physically & mentally able is not the answer, they need a bit of life experience before they have the right to decide what others can do.

Reply Alert moderator

■ **Ronk :**

16 Sep 2009 2:55:46pm

You seem to think that "teenage pregnancies" per se are a bad thing, regardless of any circumstances.

Reply Alert moderator

■ **I wonder re Chapter V :**

10 Sep 2009 4:13:32pm

I have just had a look at the following provision from the OZ Con:

117 Rights of residents in States

A subject of the queen, resident in any State, shall not be subject in any other State to any disability or discrimination which would not be equally applicable to him if he were a subject of the queen resident in such other State.

..

So, as you can see, fundamental human rights for all Australian citizens are simply not supported at a constitutional level resulting in the current situation where residents of some states are more equal than others.

If Charlie gets up, excepting a situation where he too becomes a true "Queen" maybe we can look forward to reforming or making anew this section.

!VOTE 1! anyone other than blue or red.

Reply Alert moderator

- **Sally :**

11 Sep 2009 7:10:07pm

Simon, Simon, Simon. I would love to think that my child will wait until she is 18 and has a mature and respectful relationship before having sex, but reality tells me that she will fall in love, experiment, make foolish choices and may well have sex with some pimply faced git who will break her heart some time before that. Whether I like it or not is beside the point. The question is should she be a criminal as a result? And does it make her more of a criminal if her foolish choices are same sex or opposite?

Reply Alert moderator

- **acker :**

10 Sep 2009 12:37:33pm

I think Queensland has got the law right and perhaps the rest of Australia needs to move towards it.

2 years difference I think reflects pretty much where most of the wider community sits with this issue if one of their children openly says they are gay. As a father I like to think

\* Yes they had 2 more years to think about it than the heterosexual majority.

\* They had laws protecting them from older homosexual's wanting to them participate in intercourse, perhaps even pressuring them prior to them reaching voting age

I can't see where dropping the age of consent helps the cause of the teenager who is deciding whether to be concealed gay, openly gay, bisexual or perhaps a one off homosexual relationship. In my opinion it mainly benefits older homosexuals wanting to have intercourse with them.

Also it reduces the new age border to 16, and pressures the children (they are miles from being adults) around that age.

Reply Alert moderator

- **Alice :**

10 Sep 2009 1:36:39pm

Why do gay teenagers need more time to think? Are you hoping they'll change their minds?

And why do they, but not straight teens, need laws protecting them from adults? Shouldn't all teenagers have the same protections?

You write as though there's something inherently dangerous or harmful about gay sex, but I don't think that's true. If anything, heterosexual sex is more risky as it may result in pregnancy.

P.S. I think we can come up with something a little more enlightened than the unreflective opinion of 'the wider community'. If the wider community really is homophobic, then they're wrong.

Reply Alert moderator

■ **acker :**

10 Sep 2009 5:53:18pm

The wider community might be wrong but..

It is still socially awkward to come out in many areas of Australia outside the inner metro areas, and in some religions and cultures.

In comparison being heterosexual is still the social norm across most parts of Australian society and most religions and cultures.

I think a younger person wanting to go down this path (and 18 is hardly old) the additional 2 years protection from pressure via the law is worthwhile so they can make up their mind.

By the way it is a debate not a pep rally, if the wider community was as you put it "homophobic" I doubt we would be having this on-line discussion.

Reply Alert moderator

■ **Hayden :**

10 Sep 2009 7:20:21pm

I fail to see how the law can protect a young gay person from social awkwardness simply by forcing them to stay in the closet for longer. If anything, it would do the reverse by classing them as a special citizen and highlighting the gay/straight divide.

In terms of "pressure via the law", I don't know a single person who considered legal issues before having their first sexual experience or even waited to be a certain age. You do it when it feels right , not when a government tells you.

Reply Alert moderator

■ **Bellezyx :**

10 Sep 2009 1:52:40pm

Have you ever considered the fact that young gay men might be attracted to other young gay men? Sure it sometimes happens that older people will use their experience and power to have unsuitable relationships with younger people but this horror of wrinkly old gay men waiting in the wings, ready to pounce on newly 'available' young men is plain silly. Most young people have relationships with other young people because they find each other attractive. People your dad's age are not hot.

Reply Alert moderator

■ **acker :**

10 Sep 2009 5:58:39pm

I doubt if anyone the same age would get charged, this law mainly effects older men having intercourse with under 18 year olds.

Reply Alert moderator

- **Azrael :**

11 Sep 2009 2:24:20am

Nothing in the law restricts it to adults having sex with 18 year olds. That makes it different to the sliding scale laws used in WA. Teenagers, including pregnant young mothers seeking medical assistance, have been prosecuted under similar laws in many US states.

Reply Alert moderator

- **Alex Read :**

10 Sep 2009 4:31:41pm

To your two points:

1. Gives them more time to think. Please clarify, do you mean it gives same-sex attracted individuals more time to think about being same-sex attracted or to think about whether or not to have sex? If it is the former, than I assure you that all the thinking in the world cannot alter sexual preferences. If it is the latter, then this is simply a point for raising the age of consent in general; perhaps it would be better for all teenagers to have a little more time to think about whether or not to engage in sexual intercourse but whether or not to raise the age of consent is another issue. This article is about the seemingly arbitrary disparity in age of consent laws.
2. That the laws protect youngens from being pressured into sex. This, again, is not an argument that can only be made for same-sex attracted youth but all youth. And bear in mind that, if you are concerned about young men being illegitimately pressured into sex, if consent is vitiated, it doesn't matter what the age of consent is, it is still sexual assault.

And I agree with Alice; that most people hold a certain opinion does not necessarily make that opinion correct.

Reply Alert moderator

- **acker :**

10 Sep 2009 6:24:24pm

Alex even if you lived in the most homosexually populated postcode in Australia I think you would have to admit coming out and saying to the world "I'm Gay" will raise a lot more eyebrows and have more long, medium and short term social ramifications than coming out and saying to the world "I'm Hetero"

Like you agree with Alice's opinion, others probably agree with my opinion...that just makes for good and interesting debate, which in turn living in open democracy like Australia that enjoys a good degree of freedom of speech a good place, not a perfect place but a place better than a lot of others where this discussion would not see the light of day.

Reply Alert moderator

- **3zebras :**

11 Sep 2009 8:32:39am

acker, you seem confused. Raising or lowering the age of consent would have no bearing on when, where and how an individual might or could "...admit coming out and saying to the world "I'm Gay"'"

One does not receive a certificate in the mail after one's first sexual experience with confirmation of sexual status.

Many gay people may have numerous sexual experiences before 'comig out' to the world, and vice versa.

When you talk about 'protection from pressure via the law' I am not sure who is being protected, and from what? You cannot protect people from their own sexuality.

Reply Alert moderator

- **Alex Read :**

11 Sep 2009 11:40:37am

"Like you agree with Alice's opinion, others probably agree with my opinion...that just makes for good and interesting debate, which in turn living in open democracy like Australia that enjoys a good degree of freedom of speech a good place, not a perfect place but a place better than a lot of others where this discussion would not see the light of day."

When in doubt, resort to self-congratulatory banalities like "isn't it great that we live in a country where we can talk about these things?" Yes, it is great, so let's talk about it! Now you started by raising three points, which I rebutted. They were, so far as I can tell (and if I'm wrong please correct):

1. A higher age of consent gives an individual more time to think. You didn't give me the clarification I requested as to what this means, but I see from your reply to Alice that you mean more time to think about coming out. But I hardly see this as relevant, the laws are about age of consent, not forcing someone out of the closet. Please clarify how you reason that a lower age of consent will lead to individuals prematurely outing themselves.

2. That these laws protect youth from being pressured into sex. Please explain how this argument is unique to same-sex attracted males. And, as I said before, if an individual is illegitimately pressured into sex such that consent is vitiated, then this is sexual assault irregardless of what the age of consent is. Is this not true?

3. That somehow, because the majority of Australians agree with you, your opinion is more correct. Do you mean to suggest that majority opinion is by its nature correct?

Reply Alert moderator

- **Ronk :**

10 Sep 2009 12:27:05pm

You seem to be arguing from the assumption that homosexuality is EQUIVALENT to heterosexuality. The age differential is there for the very good reason that teenagers are routinely targeted by homosexual predators. Rather than thinking of reducing it, the age should be raised to at least 21.

Reply Alert moderator

- **Alice :**

10 Sep 2009 1:26:34pm

Really??? I would have thought the vast majority of all sex offenders were heterosexual males. But by all means, show us the evidence that "teenagers are routinely targeted by homosexual predators".

P.S. If you genuinely cared about protecting teenagers from adults (rather than passing judgement on their consensual activities) a better law would be that no one above the age of consent may have sex with someone below the age of consent, unless there is a less than two-year age gap between them (or something similar). That way, teenagers could do whatever they like with people approximately their own age and not fear being sent to jail for years.

Reply Alert moderator

- **Ronk :**

16 Sep 2009 2:41:15pm

What part of my comment can you possibly have twisted into "passing judgment" on anybody?

Reply Alert moderator

- **DocMercury :**

10 Sep 2009 1:44:03pm

Ronk, are you sure the cause isn't just the age group's mindless horniness?

Reply Alert moderator

■ **excantare :**

10 Sep 2009 1:53:50pm

Perpetrators with an adult homosexual orientation represent between 1-4% of child abusers and molesters, despite homosexuals making up roughly 10% of the populations.

So in that sense you're right, homosexuality is \*not\* equivalent to heterosexuality - homosexuals are statistically much less likely to abuse children. Maybe the age of \*heterosexual\* sex should be raised to 21.

Reply Alert moderator

■ **Tomokatu :**

11 Sep 2009 9:04:40am

excantare suggested:

"Maybe the age of \*heterosexual\* sex should be raised to 21."

That was tried in England in the late 18thC, excantare, and was an utter and complete failure.

It led to the whole syndrome of "eloping to Gretn Green" which in turn caused such furore that in less than ten years the age limit was lowered again.

Reply Alert moderator

■ **Ronk :**

16 Sep 2009 2:44:53pm

Where'd you get that absurd statistic? Kinsey's nonsensical "10% of the population" is now regarded as ludicrous by even the most pro-homosexual scholars. The scientific consensus is between 1 and 2%. Your claimed "4% of child abuse" is also absurdly low.

Reply Alert moderator

■ **gerard :**

10 Sep 2009 2:00:05pm

And teen-agers are not 'routinely' targeted by heterosexual predators?

What about our footballing heroes? Who was that TV person again, Sanderson, or something, going on about a 14-year old?

Reply Alert moderator

■ **Alex Read :**

10 Sep 2009 4:21:27pm

Evidence?

Reply Alert moderator

■ **Tomokatu :**

11 Sep 2009 9:02:15am

"...homosexuality is EQUIVALENT to heterosexuality..."

Of course, it is, Ronk. It's different but equal. It's equivalent except in the very limited and often perverse view of certain religions and their followers.

Reply Alert moderator

- **Ronk :**

16 Sep 2009 2:47:48pm

I'm pretty sure that "certain religions and their followers" didn't invent the fact that man X woman = baby.

Reply Alert moderator

- **Hudson Godfrey :**

10 Sep 2009 12:22:35pm

It makes a fine high minded point but the reality is that probably the even more young people are in contravention of the law for under aged straight sex albeit with similarly under aged partners, and of all both categories none are ever jailed. I'd be appalled and up in arms if they were, but these laws really only come into focus in terms of protecting young people from sexual predators. If you wanted equity then community attitudes are as likely to be persuaded towards unifying the age of consent at 18 rather than 16. Unless we can have a conversation that makes the real and proper distinction between a child a teen an adult and two teens going at it rather than predatory behaviour and then codify all of that into law then what we'll get will always fall somehow short of really satisfactory.

Reply Alert moderator

- **Poll Hereford :**

10 Sep 2009 1:42:14pm

I think you'll find the distinction is already there in provision of different offences where the age difference is greater than two years, in NSW and Victoria, for heterosexual and homosexual intercourse.

Reply Alert moderator

- **Hudson Godfrey :**

10 Sep 2009 5:30:36pm

Sounds fair to me! Maybe we just need to let Queensland in on the 21st Century and we'll all be on the same page then.

Reply Alert moderator

- **DocMercury :**

10 Sep 2009 12:20:34pm

Same sex relationships should be supported by law from as early an age level as possible.

If only because they cannot get pregnant that way.

Reply Alert moderator

- **DocMercury :**



10 Sep 2009 1:39:34pm

Seriously.

As practical class in early age sex education, active homosexuality should be mandatory.

Then they can discover in prepubescence which side of the sexual line they'd prefer to live on, before making a choice for fecund heterosexuality, or not, and thus cut down on population growth.

With an environmentalist and ecology subtext, to a more enlightened and less confused sex life.

Reply Alert moderator

▪ **Bellezyx :**

10 Sep 2009 1:53:34pm

lol! agreed.

Reply Alert moderator

• **LezzieMe :**

10 Sep 2009 11:53:07am

While we are debating the right of consensual sex for 18 year olds, we have a 16 year-old embarking on an attempt at a solo around the world voyage.

It's time for a debate on a lot of issues about the rights of teenagers to a) make up their own minds and b) accept responsibility for the consequences of those decisions.

Good luck John. Sodomy is one area where the discrimination focusses very much on males. Maybe that's why everyone is so scared.

Reply Alert moderator

▪ **Subchopper :**

10 Sep 2009 4:08:01pm

Good points LM.

We can make decisions with life changing consequences at 70yo just as well as we can at 13yo. These decisions are what life is about and reflect who we are at that time and we should be allowed to make them.

In this age where information about sex is far more available than ever before in history, is there a greater danger for someone to have homosexual male intercourse at 16yo as opposed to 18yo?

Reply Alert moderator

▪ **John Frame :**

10 Sep 2009 8:06:29pm

LezzieMe is spot on saying "Sodomy is one area where the discrimination focusses very much on males. Maybe that's why everyone is so scared?"

The current law reflects a disproportionate concern for protecting males. Part of that is to do with the archaic patriarchal attitude that male is the gender of power and female the gender of powerlessness - and that to be the receptive partner in male to male intercourse is to assume a feminine role, thereby insulting other males by undervaluing the privilege of power.

Consenting sex between women aged 16 and over is not illegal in Queensland, nor has it ever been illegal anywhere else in Australia above the age of consent (even when the other states had higher ages of consent for

any male to male sexual activity).

The 1990 PCJC Report on Reforms In Laws Relating To Homosexuality accepted expert evidence that while males may mature emotionally at a later age than females, they have sex much younger and much more often. 16 is the reasonable legal age of consent for males and females considering the reality of sexual activity (which will happen regardless of the law), and the need to inform, empower and protect youth from predation, sexually transmitted infections and pregnancy.

Reply Alert moderator

---

**[Unleashed Home](#) | [Contributors](#) | [Video](#) | [Archive](#) | [Poll](#) | [Contact Us](#)**

 ©2007 ABC | [Privacy Policy](#) | [Conditions of Use](#)