

Queensland reacted coolly yesterday to the NSW Wood commission recommendation to lower the age of consent for male homosexuality to 16. Matthew Fynes-Clinton reports



JUSTICE James Wood's recommendation — as part of his report into paedophilia in NSW — to lower the male age of consent from 18 to 16 for homosexual acts brought a curious reaction in Queensland yesterday. This was hardly unexpected. After all, Queensland is where homosexual acts between consenting adults were decriminalised only seven years ago. The build-up to that momentous legislation, brought by the Goss government, was fiercely controversial: with the National Party, on the eve of Labor's 1989 win, warning voters to start selecting their dress for "Brisbane's first gay mardi gras". However, Goss and his cabinet, having made up their minds to push ahead, then were left to wrestle with the almost equally contentious secondary issue of consent.

In the end, attorney-general Dean Wells, introducing the amended laws in Parliament, came out strongly in declaring the age of homosexual consent was to be set at 16.

"Homosexuality is behaviour that is acceptable among adults in the community," he said.

"The age of 18 is acceptable, I understand, to a wide section of the community."

"The age of 16 is not acceptable because the laws that exist to protect children are going to be enforced."

"We believe the interests of young people and society are best served by setting an age of consent that is consistent with the age which legally defines young people as adults."

"The laws against interfering with children are not touched by the legislation and those who offend against those laws will be treated with the full force of the law."

Today, in Queensland, it

remains illegal for any person to have "carnal knowledge by anal intercourse of any person not an adult" — that is, any person who is not 16.

The maximum penalty is seven years' jail; 14 years if the victim is under 16; or life if he or she is under 12.

However, the age of consent for heterosexual intercourse is 16 in Queensland and NSW, and Justice Wood argued that there was no reason to "perpetuate a distinction between consensual homosexual sex and heterosexual activity".

He added that he did not think any legislative change to achieve such uniformity would expose any more young boys to the risk of paedophile activity.

Yesterday, a spokesman for Queensland Attorney-General Denver Beanland said he found it

difficult to follow Wood's thinking. "There is definitely not any plan to lower the age for homosexual consent in this state," he said.

"And there's no justification for lowering it either. What would be served in terms of the fight against paedophilia — how could it possibly help, except make more young people available as victims?" NSW Opposition Leader Peter Collins is similarly alarmed, saying: "I cannot for a minute see how lowering the age of consent achieves the primary goal of child protection."

"It merely redefines the problem of paedophilia and expands the pool of victims." Yet the gay community has reacted with hostility, alleging that that sort of talk serves only to enlarge the myth that homosex-

uals pose a greater risk to children than do heterosexuals.

And Queensland Council for Civil Liberties vice-president Terry O'Gorman says he would support the lowering of the age of homosexual consent to 16 — simply on the grounds of egalitarianism.

"PEOPLE in the gay community say there are particular problems for young gays who are unable to deal properly with their sexuality — when it's okay to have sex with girls of 16, but illegal to have sex with a boy of 16," O'Gorman says. "It's okay for a male to have sex with a girl at 16 years and one day, how can it be justified that a male who is gay has to wait until he is 18?"

O'Gorman says the real problem of paedophilia is that it preys

on a much younger demographic than 16 to 18-year-olds.

O'Gorman believes that to say, as did one NSW Labor backbencher, that "you can't sell cigarettes to 18-year-olds — doesn't sodomy also carry serious health risks?" is tantamount to scare-mongering.

"Let's look at the argument from the opposite direction," O'Gorman offers.

"If, in fact, young gay men — and I understand that boys can have a pretty fixed idea that they're homosexual before they're 16 — are engaging in anal sex anyway, irrespective of the law, isn't it better to get at them with a safe-sex educational approach when they're doing it?"

"Isn't it better than turning a blind eye and saying, 'Well, we won't address any educational, safe-sex material to them because they don't do it until they're 18'?"

Dr Richard Roylance, a Brisbane paediatrician and president of child advocacy group Protect All Children Today, believes child-protection issues are relevant to Wood's consent proposal.

"Decisions young people make about their sexual orientation are very significant ones," Roylance says.

"And I'm not comfortable with some of the paternalistic attitudes I've heard put about that gay men have difficulty finding peers, so therefore the older gay community has a responsibility to nurture."

"When that takes the form of, 'Try this, it will be a nice experience', that has all the flavour of the men who offend against girls and say, 'Oh, I didn't want this girl to experience her first sexual experience in the back seat of a car with a boyfriend. I wanted her to be associated with an experi-

enced male'... all those rationalised paedophile kind of excuses.

"I'm not saying the people who are pushing this (lowering the age of homosexual consent) are paedophiles."

"But the number of people who would benefit from such a change, I would argue, is very small."

"And the number of children who could be damaged would be potentially greater."

For many, the debate gets down to this: is a boy of 16 sufficiently mature to make a choice about his willingness to engage in homosexual sex?

The question of adolescent sexuality and how young? has been spotlighted by recent revelations from England about an 11-year-old boy's passionate affair with his 15-year-old female neighbour.

The girl now is expecting the boy's baby, although the boy's mother claims her son was an innocent victim of seduction.

DR ALISTAIR Barron, Royal Brisbane Hospital director of adolescent psychiatry, explains puberty in girls is thought to start at age 8 or 9.

"It is completed roughly around 15 or 16, whereas with boys, puberty starts later, around 10, and goes through to about 16 or 17," Barron says.

"So there are some boys who don't develop sexual characteristics, like increased genital size and ability to ejaculate, until they're 16 or 17."

"In other words, some 16-year-old boys could be considered prepubescent; in these boys, their sexual identity would not be completed until they are 18 and above."

"At 16, they definitely may not be enough in touch with their own sexuality to make mature decisions about consent, particularly when emotional development goes along with their physical development."

"Boys under 18 may lack the complete ability to be aware of the consequences of their actions."

Barron feels a perception that children are growing up quicker and are ready for sexual encounters earlier is not based on reality. He thinks it is media-driven.

"There's certainly a lot of hype, especially for girls to doll themselves up and use nail polish and stuff like that, even while they're at primary school," he says.

"But this is more a result of adult values and the media pushing down, shall we say, the onset of sexual awareness."

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FEATURES

AGE BARRIER

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