

CAMPUS CAMP (QUEENSLAND)

SUBMISSION TO

THE ROYAL COMMISSION ON

HUMAN RELATIONSHIPS

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## **Contents:**

**Preliminary Introduction to Submission** (Page 3)

**The Law** (Page 4 – 11)

**The Law: *Homosexual Marriage*** (Page 11 – 13)

**The Law: *Adoption*** (Page 13 – 14)

**Medical and Psychiatric: *Sex Education*** (Page 15)

**Medical and Psychiatric: *Aversion Therapy*** (Page 15 – 17)

**Medical and Psychiatric: *Mental Institutions*** (Page 17 – 18)

**Medical and Psychiatric: *Training of Psychiatrists*** (Page 18 – 19)

**Employment** (Page 20 – 22)

**Employment: *The Australian Public Service*** (Page 22 – 23)

**Employment: *Universities*** (Page 23 – 24)

**Employment: *Churches*** (Page 24 – 25)

**Employment: *Teachers*** (Page 25)

**Media** (Page 26 – 30)

**Education: *Sex Education*** (Page 31 – 33)

**Education: *School Curricula*** (Page 33 – 34)

**Education: *Universities*** (Page 34)

**Appendix 1: Suggested Recommendations:- The Law** (Page 35)

**Suggested Recommendations:- Medical and Psychiatric** (Page 35)

**Suggested Recommendations:- Employment, Media** (Page 36)

**Suggested Recommendations:- Education** (Page 37)

**Appendix 2: Proposal to establish a gay and lesbian welfare agency** (Page 38 – 41)

**Appendix 3: Sources (Bibliography)** (Page 42)

**Appendix 4: 1975 A.C.T. Law Reform (Sexual Behaviour) Ordinance** (Page 43 – 45)

**PRELIMINARY**

Relationships between people in this country will never be as they once were. It does not much matter whether one welcomes the changes or deplors them. They are happening anyway, and nothing anyone can do is likely to reverse the process.

One of the fruits of the new style of relationships is a reaction against guilt. There is less self-hate in sex, for instance, than there was fifty or even five years ago. Pre-marital sex was once highly controversial. It is now taken more or less for granted. There is less anxiety about heterosexual relationships, and it is logical that this trend toward freedom from guilt should extend to homosexual relationships.

The whole of this submission - indeed, the whole of gay liberation - is based on the premise that homosexuality is just as valid and normal as heterosexuality. It does not assert that homosexuality is superior to heterosexuality, merely that both have a place within the spectrum of life and that one group should not suppress the behaviour of the other. This submission looks toward a time when the rightness of homosexuality is so universally accepted that it ceases to be regarded as something apart. Then, when human sexuality is something to be proud of, we will look back and wonder what the fuss was all about.

If there is this basis of agreement, we can work together to achieve a happier life for millions of people.

## THE LAW

The law in all states and territories of Australia at present prohibits homosexual acts between males. The repeal of this law is regarded as a central issue by campaigners for and against homosexual rights. The Festival of Light and similar groups maintain that this would “open the floodgates” and flood the country with homosexuality.

Dr. Lance Shilton, now Anglican Dean of Sydney, sums up the right-wing attitude thus:

*“homosexuality is a perversion of God-given sex instincts and, as such, damages the personalities of the people involved in it and often inhibits normal heterosexual relationships. Even if possible future legislation dispenses with the legal consequences, that will not make homosexuality morally right.”*

One cannot help but speculate that if such people really believe that heterosexuality and the nuclear family need the support of the law, they can't find it very attractive.

Arguments against repeal of anti-homosexual statutes tend to be conducted in absolutes, without very much supportive evidence outside of Leviticus. *“Homosexuality is wrong”*, declares Dean Shilton, and who can argue with him on that basis? But he really ought to present some evidence to support his assertions.

Within the anti-gay rhetoric of our opposition, there is a constant assertion that homosexual people need help and understanding. Leaders of the anti-gay campaign assert both that the law should remain, and that it is ineffective. Frequently these conflicting viewpoints are expressed in adjacent paragraphs.

It is possible to quote both Dean Shilton and Dr. John Court in support of our own argument that the law doesn't achieve what it sets out to achieve:

*“There is no evidence that punitive measures against them (i.e. gay people) have assisted them to overcome their problems, but in some cases have deepened them.”* (Lance Shilton, letter to the Adelaide “Advertiser”, 11.2.72).

*“The adoption of legal sanctions... has been traditionally widespread in western society. The sanctions have been notably harsher for men than for women. They have also been notably ineffective. Imprisonment as a constraint without treatment has merely increased the individual's difficulty by removing him into an environment most likely to reinforce his behaviour.”*

## **THE LAW (cont.)**

*That the practice of practice of homosexuality is an offence also makes it an opportunity for blackmail and so extends the first problem by adding further complications. Since none of the currently available sanctions has been shown to improve sexual orientation, the application of the law, where it is still on the statute books, must be questioned.”* (Dr. John Court, senior lecturer in psychology at Flinders University, in a paper presented to the forum “Homosexual Oppression and Liberation”, July 1973).

It is an increasingly general attitude among doctors of all kinds that the law should keep its nose out of the doctor-patient relationship. Dr. Francois Mai, a leading academic psychiatrist now in Canada, told a seminar in 1973 that:

*“The main business of the law is to protect society from exploitation, assault and violence. What adults do in their private life is no business of the law, provided it does not impinge on the rights of others. The present law does nothing to assist the psychiatrist in his task to meet the emotional needs of each patient and assist the latter towards a more satisfying and mature experience of life. I am appalled at having to treat homosexual patients after suicide attempts precipitated by legal proceedings, or the threat of exposure. When this occurs in men who are by my criteria law-abiding conscientious citizens, it is to me a clear example of the law itself causing severe life-threatening behaviour and aggravating an already difficult and complex situation. Helping individuals under these circumstances is frustrating, to put it mildly.”*

Although this commission has no direct relevance to state Acts, it might be good at this point to list the statutes which constitute the anti-homosexual law in Queensland. These laws are basically similar to those in other states.

It is not an offence in Queensland to be homosexual. The law and the more conservative sections of the Church take the same attitude - that someone can be homosexual, but must remain celibate. The Criminal Code of Queensland outlaws “unnatural offences” (i.e. anal intercourse) in section 208 and provides a 14 year maximum penalty. As the law reads, this penalty also applies to married couples who may indulge in anal intercourse. Section 209 outlaws any attempt to have anal intercourse.

Section 210 deals with indecent treatment of boys under 14. There is a seven-year penalty. This section is not contested by gay liberationists: we are not child molesters.

**THE LAW (cont.)**

Section 211 proscribes “any act of gross indecency with another male person”. The maximum penalty is imprisonment with hard labour for three years.

The Queensland law was derived from the English statutes, and is therefore basically similar to the law throughout Australia. In Britain between 1953 and 1956, 480 adults were sentenced for non-violent homosexual acts. One, a member of the House of Lords, received national sympathetic publicity. In 1954 the Royal Commission was set up to inquire into the law on homosexuality, under the chairmanship of Sir John Wolfenden, vice-chancellor of the University of Reading.

The Wolfenden commission held 62 meetings, of which 32 were devoted to hearing evidence.

In its report, which was issued on 4th September 1957, the Commission concluded that homosexual acts in private between consenting adults should not be against the law. Although this was a major breakthrough in homosexual law reform, it left a great deal of ground still to be covered. The legislative reform proposed by the Wolfenden Commission was rejected in the House of Commons on 29th June 1960 by 213 votes to 99. As with the recent abortion controversy in Australia, members faced too many powerful objections from within their own electorates to have a truly free vote.

Finally, a slightly modified version of the original bill was passed by Parliament and received royal assent on 27th July 1967. But the Sexual Offences Act 1967 remains, in the eyes of most gay rights campaigners, a piece of rather tame legislation which still discriminates seriously against homosexual people. Although the heterosexual age of consent in Britain is 16, the Act still forbids homosexual acts between people who are under 21. “Private” is defined as being between two people. If three happen to be in bed together, they are all liable to prosecution. Men on the staff of mental hospitals are excluded from the new law, and homosexual acts of any kind remain criminal offences for any personnel in the armed forces and merchant navy.

We can see no reason why the age of consent for homosexual acts should be different from that for heterosexual acts, and the gay liberation movement as a whole would, we believe, oppose any attempt to perpetuate such a distinction. The age of consent law should make no mention of the gender of the people involved.

**THE LAW (cont.)**

Neither can we see any reason for the high proportion of gay men and women in the Australian armed forces and merchant fleet to be treated in a different way from their brothers and sisters in civilian life. The commonly used argument that this discrimination is necessary for the maintenance of discipline in the armed forces seems to us absent, especially as heterosexual activity is almost encouraged.

Human rights issues in the United States tend to be conducted on a rather different level from that in nations where British law prevails, because of the existence in the U.S. of a codified statement of basic rights: the Constitution. It is, though, possible to argue that many of these rights (the rights of free speech, privacy, religion, and assembly) are such integral components of democratic society as to be an accepted part of Common Law. From this base, a case can be made that the laws restricting the freedom of homosexual people are contrary to a large body of established legal principle.

In any case, the basic human-rights issues which are argued under the United States constitution are worth looking into. Thus it has been argued in America that the first amendment, preventing government from making laws regarding the establishment of religion, prevents the law from enforcing biblical anti-homosexual decrees.

The United States Supreme Court ruled that the first amendment invalidated state laws prohibiting the teaching of Darwin's theory of evolution in the schools. The sodomy laws have a specifically Jewish-Christian origin, in contrast to other religious cultures (including those of Greece, Rome, Japan and Islam) which accepted homosexuality, and held it in some esteem. If it can be shown that the sodomy laws do not serve secular as well as religious functions, they are open to challenge as an expression of Christian dogma. *(1)*

The eighth amendment prohibits "cruel and unusual punishment" and it is quite possible to argue that fourteen years' gaol for sexual relations between two consenting, even eager, participants is cruel and unusual.

The right to privacy is also an established right, seriously compromised by the threat of representatives of law and order breaking in to private bedrooms to disturb peaceful, enjoyable and private acts of sex so that the participants can be dragged through the courts and the newspapers.

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*(1). D. J. West, book review in Southern California Law Review, pages 683 — 687 Vol. 47: 683: 1974.*

**THE LAW (cont.)**

The fourteenth amendment provides for the equal protection of the laws for all persons. It is obvious that punishments for homosexual conduct are based on quite a different set of assumptions from those for prescribed heterosexual conduct. This is a powerful argument for abolishing differences between the statutes dealing with homosexual and heterosexual behaviour, even though in Australia a bill of rights cannot be invoked.

In Western Australia, a commission on reform of the law against homosexuality has just issued its report in favor of change. In South Australia in 1973, a bill to repeal the anti-homosexual law was defeated by the vote of the President of the Legislative Council, Sir Lyell McEwin, after being passed in the lower house and reaching a tied vote in the Council. A defence of consent is now allowed, but the law remains bad.

At the time of writing, the Federal Attorney-General, Mr. Kep Enderby, had forwarded a draft ordinance on sexual law reform to the ACT Legislative Assembly for its consideration. The Bill, and the press release which accompanied it, are included as an appendix (*Appendix 4*). If this bill becomes law, it will be an important step forward in human rights in this country. It is reassuring to see that, for people aged 18 and over, discrimination against homosexual acts are removed. Under this bill, there would be no legal difference between adult homosexual and adult heterosexual acts.

It is disturbing, though, that acts between people under the age of 18 are still to be judged by the old standards. We can see no reason for homosexual acts involving minors to be treated differently in law from heterosexual acts involving minors.

The bill also has no relevance outside the Australian Capital Territory, and no effect on members of the armed forces. Similar bills should immediately be introduced to cover the Northern Territory and other territories, and Department of Defence Regulations should be similarly amended.

In Queensland, it is almost certainly true to say that most state members of Parliament are opposed to any change in the law. During 1974 a questionnaire was sent to all 82 members of the Queensland Parliament. Twenty-six members (32%) responded after the original request and two reminders. ALP members were more generally in favour of some sort of reform than government members. Following the state election on December 7th, there are now only 11 ALP members in the Queensland House.

**THE LAW (cont.)**

Mr. Tom Burns, now Leader of the Opposition, expressed support for the proposal, saying *“I think homosexual law reform is most important and I would suggest a Gorton/Cass type motion.”*

The replies against any sort of reform included a fairly obscene letter from Dr. M. R. Scott-Young, the Liberal member for Townsville, who informed us that when he was a young lad, his father told him to think with his brains and not with his testicles. Mr. James Houghton, Speaker of the House and National Party member for Redcliffe, declared that *“God gave us bowels, but not for this purpose.”* In general, the replies - even many of the less medieval ones - represented precisely the attitudes of prejudice, repression and ignorance against which we constantly address ourselves.

These attitudes are held in a refined but not essentially changed form by many judges, who apply the traditional test of the “reasonable man”. Lord Patrick Devlin, one of this century’s most notable legal critics of the ideals of personal liberty, puts great faith in this standard. He describes the “reasonable man” who is to determine our conduct:

*“He is not to be confused with the rational man. He is not expected to reason about anything and his judgement may be largely a matter of feeling. It is the viewpoint of the man in the street - or to use an archaism familiar to all lawyers - the man on the Clapham omnibus. He might also be called the right-minded man ... Immorality, then, for the purpose of the law, is what every right-minded person is presumed to consider to be immoral.”*

The concept of the reasonable man is a sound one in cases where there is no serious doubt as to the opinion of our fictional man on our fictional Clapham omnibus. How does one go about establishing what he thinks in matters of controversy? Do we ask him, by plebiscite? Or do we rely on the opinion of a magistrate, or judge, or politician, whose concept of morality and reason may be highly individual? Are we to believe that a judge’s personal morality will not be a factor in his judgement of sexual conduct? Or may a judge in fact regard himself as the imaginary “reasonable man”?

We believe that there are many reasonable men and women who believe as we do that the law has no place in the bedrooms of the nation. We believe many people, though they may not accept homosexual conduct as it must be accepted, would nevertheless balk at gaol sentences. One’s concept of a “reasonable man” rather depends on one’s private opinion.

**THE LAW (cont.)**

Another of Lord Devlin's arguments, that there is no "private" morality, is widely heard in Australian conservative circles and must also be answered. If there is no private morality, presumably the public - and the law - have the right to intrude everywhere:

*"I do not think that one can talk of a public or private morality, any more than one can talk of a public or private highway. Morality is a sphere in which there is a public interest and a private interest, and the problem is to reconcile the two. This does not mean that it is impossible to put forward any general statements about how in our society the balance ought to be struck. There must be toleration of the maximum individual freedom that is consistent with the integrity of society."*

He continues this line of argument with the assertion that the majority has the right to impose its will on the minority, provided only that it feels strongly enough:

*"Those who are dissatisfied with the present law on homosexuality often say that the opponents of the law are swayed simply by disgust. If that were so it would be wrong, but I do not think that one can ignore disgust if it is deeply felt and not manufactured. Its presence is a good indication that the bounds of toleration are being reached. Not everything is to be tolerated. No society can do without intolerance, indignation and disgust; they are the forces behind the moral law, and indeed it can be argued that if they or something like them are not present, the feelings of society cannot be weighty enough to deprive the individual of freedom of choice..."*

*"There is, for example, a general abhorrence of homosexuality. We should ask ourselves in the first instance whether, looking at it calmly and dispassionately, we regard it as a vice so abominable that its mere presence is an offence. If that is the genuine feeling of the society in which we live, I do not see how society can be denied the right to eradicate it."*

The logical extension of this argument would result in a society vastly different from our own.

Germans were made indignant and disgusted by Jews: was it right therefore to kill six million of them? Australian colonists were intolerant of aborigines and Chinese: were the massacres therefore justified?

Real harm to society should be shown before any act is forbidden by law. In the case of homosexuality, no harm to society has ever been demonstrated. Yet gays have suffered more than most minorities from the legislation based on irrational mass prejudice. The term "faggot" came into use because until the mid-18th century, gays were burnt at the stake.

## **THE LAW (Cont.)**

Along with the communists and Jews, our brothers and sisters died in Nazi gas chambers. Yet among all the memorials for the Jews and communists, where are those for the fags?

From the point of view of Parliament and the law itself, one of the most powerful arguments in favour of repeal is the fact that so many people are homosexual. According to Kinsey, four percent of the adult male population were exclusively homosexual and a further six percent ambisexual. Some 37% of males over the age of 18 had a homosexual experience to orgasm at some point in their lives. The statistics for women were somewhat lower. A comparative table is included as an appendix.

This means that an enormous number of Australians are breaking the law. Despite massive guilt feelings which the law helps to engender, most gay people can't for the life of them think of themselves as criminals. We aren't harming anyone: ours is a victimless crime. But sexual expression is at the very basis of our humanity, and an attack on a person's sexuality is a very basic attack on that person's psyche, upon his right to exist as a complete and fulfilled human being. The law is the enemy. How can anyone who is subject to such an attack continue to respect the body of law and legislative institutions? By turning a third of the Australian population into criminals subject to imprisonment for up to 14 years, the law is truly an ass.

It should be emphasised that gay liberationists regard repeal of the law as the first step, but only the first step, toward achieving full equality. Once repeal is obtained, the fight against the source of the evil - the repressive and ignorant attitudes of ordinary people, including homosexual people - will continue.

### **Homosexual Marriage:**

The whole question of marriage - heterosexual, let alone homosexual - is under such fire that any proposal to extend the bound of the ceremony is clouded by side issues. It's probable that most homosexual people — certainly most homosexual rights campaigners - are against the concept of holy matrimony as it exists. So if this argument seems to become a little impersonal, it is because we are arguing in favour of something we wouldn't care to try ourselves.

Nevertheless, there are many people who have a deep, intimate and lasting relationship with a member of their own sex and who would like to solemnize the relationship in formal marriage.

**THE LAW (cont.)**

For practical purposes this is not possible, and it seems to us that thousands of people are being deprived of something they consider valuable. Furthermore, their sacrifice is not balanced with a corresponding benefit to society at large. In our view, the argument that the introduction of homosexual marriage would debase and corrupt the concept of marriage is a very shaky one indeed. The crucial tests would seem to be love, and an attempt to make something last.

Inability to procreate is one of the most common legal arguments against homosexual marriage - rather strange judgements have been based on this ground. But the law does not act to prevent the marriage of sterile heterosexual couples! Should the marriages of childless couples, then, be judged failures and legally terminated?

There are important material benefits to be gained from state-sanctioned marriage - substantial tax benefits, tort recovery for wrongful death, dependants' benefits, "next of kin" rights, housing grants and a great many other privileges. There are liabilities, too, like maintenance and support; but those who are attracted by the idea of marriage would be attracted by these, regardless of sexual orientation.

If governments established a policy of recognising single-sex marriages, it would be guilty of hypocrisy if it retained the homosexual offences statutes. The state would then be in the position of officially sanctioning a relationship which had as its very basis the commission of illegal acts. The argument isn't a tough one, though: these repressive laws should be repealed immediately, as we have submitted elsewhere.

The real argument is political, and not theoretical or legal. The fact is that the vast majority of Australians regard marriage as necessarily being a union between a man and a woman. But one of the functions of law is to prevent the deeply-held but irrational beliefs of the majority from riding roughshod over the rights of minorities. Seventy-five years ago, a voter was thought by natural definition to be a white, property-owning, male. That was the way it had always been. Fifty years ago, or less, inter-racial marriage was thought immoral, reprehensible, and rather dirty. The opinions of society should not be given legal stature unless they are rationally held.

## **THE LAW (Cont.)**

In 1859, John Stuart Mill expressed the still-forming ideals of individual freedom in “On Liberty”:

*“If there be among those whom it is attempted to coerce into prudence or temperance any of the material of which vigorous and independent characters are made, they will infallibly rebel against the yoke. No such person will ever feel that others have a right to control him in his concerns, such as they have to prevent him from injuring them in theirs; and it easily comes to be considered a mark of spirit and courage to fly in the face of such usurped authority, and do with ostentation the exact opposite of what it enjoins.”*

That was 90 years after the American revolution, 70 years after the French, 70 years before the Russian, and only eleven years after the troubles of 1848. It’s unlikely that Mill was thinking specifically of homosexual conduct. But the principle holds good: the right of a person to be an individual provided he does not encroach on the rights of others; and the harm which will be done to society at large if these rights are not recognised. Gay people are no different from other minorities: if their rights are not granted, extreme polarisation and disruption is likely to result. And in the end, the rights will be taken.

We recognise that despite the human principles involved, there are political and social considerations which make such recommendations as gay marriage unlikely to be implemented quickly. Therefore, some compromise seems appropriate. The registration of relationships, granting families, couples and other partnerships certain legal benefit, has been suggested as an interim measure. This would not have the full status of marriage with its deeply emotional religious and historical background. But it could mean that homosexual people would be able to enjoy an increasing degree of freedom and benefit under the law.

### **Adoption**

The question of stable homosexual couples being permitted to adopt and raise children is likely to cause great opposition, possibly even distress, among people who haven’t fully thought the matter out. Our case rests on a number of assumptions which we have argued elsewhere:

- (a) homosexuality is as normal and valid as heterosexuality;
- (b) homosexuality is not a mental disease or a disorder of any kind;
- (c) the reasons some people are homosexual are unknown, and the various theories remain unproven;
- (d) That love is as possible in homosexual as in heterosexual relationships.

## **THE LAW (cont.)**

One of the common causes of opposition to any such adoption proposal is grounded in the belief that such an upbringing would turn the child homosexual. We regard this as, at best, unproven; many gay people of our acquaintance have heterosexual siblings. There is a great deal of debate among psychiatrists and other experts over the causes of homosexuality. The use of unproven theories to deprive citizens of rights and privileges would not be applied in less emotional fields, and should not be applied here.

In any case, we reject the notion that it is bad to be homosexual; for us, the criterion would be whether a child becomes a healthy and happy adult.

We also reject utterly the notion that gay people are mentally ill, and thus unfit to bring up children. In classical Greece, Persia, Arabia, Japan and many other major civilisations, most parents - at least, most fathers - were bisexual. It was considered that women were for having babies, but that men were for love. Do we therefore condemn most of the world's great civilizations as corrupt and mad?

Another rather specious argument is the hoary old homosexuals-are-child-molesters one: that if a gay couple was allowed to raise children, sexual relations with the child would ensue. If this contemptible argument is worth following through, it has been documented ad nauseam that almost all child molesters are heterosexual. *(1)*

It is our observation that, despite pressures of society which would destroy many weaker relationships, many gay people live together in loving, permanent, and beautiful relationships. It is hard to see how children could fail to respond to such environments. It is equally true, of course, that some relationships are not loving, permanent or beautiful; the present adoption screening processes are quite capable of telling the difference.

A special case should be made for bisexual parents with their own children. If such marriages end and a bisexual partner achieves a suitable relationship with a homosexual lover, custody of children is at present almost out of the question. A great deal of distress is caused in such cases. Children should be where they're loved.

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*(1). Paul Wilson, "The Sexual Dilemma", University of Queensland Press.*

## **MEDICAL AND PSYCHIATRIC:**

**1. The quality of sex education** in medical schools has been widely criticised, and will no doubt be the subject of other submissions to this Commission. The matter has particular relevance to our case because of the importance of counselling from family doctors. Almost every homosexual adolescent whose parents suspect his development is referred to the local G.P. Attitudes of course vary, but the typical response seems to be less than informed. The “Don’t worry, he’ll grow out of it” answer is common. The degree of repression and guilt-reinforcement depends on the personal prejudice of the doctor.

It seems to us self-evident that medical counselling should be more objective. Medical schools should regard the sympathetic counselling of homosexual adolescents and their parents as being at least as important as the treatment of minor cuts and bruises. It appears that they do not. Federal money is used to fund university medical schools and state teaching hospitals so perhaps influence could be brought to bear. Certainly, there should be strict policies in this regard in the Australian Government’s own departments and institutions.

**2. Aversion therapy:** Grants from two progressive governments, the Australian and South Australian governments, are being used to finance the development of behaviour therapy programmes at Flinders University in Adelaide.

Similar work is being carried out in other parts of Australia, notably in Sydney.

The leading aversion therapist in Australia is Dr. John Court senior lecturer in psychology at Flinders University, and organiser of the Community Standards Organisation and the Festival of Light. Like many professional therapists, Dr. Court proceeds from the premise that homosexuality is per se undesirable, abnormal, and damaging to society and to the individual. But he goes further.

The aversion therapy work at Flinders University is largely a development of experiments carried out overseas, mainly in Britain and the United States (L.T. Max, 1935; H.J. MacCulloch and M.P. Feldman, 1967; K. Freund, 1960; D.C. Barker, 1965).

It is based on the use of punishment, usually by electric shock or the administration of emetic drugs, to try to prevent the patient from responding to homosexual stimuli. These courses of treatment can be quite rigorous. British psychiatrist Dr. D. C. Barker wrote of the treatment of one of his patients in the British Journal of Psychiatry:

**MEDICAL AND PSYCHIATRIC (cont.)**

*“He received a total of 66 emetic trials, one every two hours, which consisted of: 53 intramuscular injections of apomorphine, one intramuscular injection of emetine hydrochloride, five oral doses of emetine hydrochloride in a tumbler of warm water, one dose of two dessertspoons full of mustard in a tumbler of warm water, three doses of two tablespoons full of salt in a tumbler of warm water, and three intramuscular injections of sterile water,”* as well as other drugs.

This treatment was repeated every two hours for six days and six nights. *“After the 68th trial, however, he exhibited rigors, a temperature of 99 degrees and an elevated blood pressure. He became hostile toward his attendants, appeared confused, and was unable to maintain a normal conversation, and his coordination was impaired.”*

The Australian method is tidier, and uses electricity instead. Dr. Court describes his work:

*“The male patient knows that pictures will be projected on a screen and that following the appearance of an attractive male, a shock may be given unless an avoidance response is made. He may avoid by pressing a button which results in rejection of the slide and the appearance of a female instead. In this way males become associated with the threat of pain and hence lose their attractive connotations, while females are associated with escape from pain and hence develop positive associations. The reverse associations can be used for female patients...”*

*Many problems remain with this type of treatment, including techniques to counter relapse and the development of a wider variety of stimuli to allow for individual needs.”*

Estimates of the rate of “Cure” of aversion therapy for homosexuality is not high. Success rates in excess of 27% have seldom been claimed, and have in fact been as low as 2%. There also seems to be a tendency for researchers to publish their results only at a time when everything seems to be going well for them, and before large-scale relapses have begun. Dr. Court admits; *“One may say that the probability of successful treatment for the homosexual, male or female, is still not high for any given individual.”*

## **MEDICAL AND PSYCHIATRIC (cont.)**

The aversion therapists consistently claim that treatment is purely voluntary and that patients are able to discontinue treatment at any stage. But it has often been pointed out that such freedom is illusory. Usually, there is a situation of grave social or legal stress behind a patient's seeking aversion therapy. Homosexual people are frequently pressured into seeking this kind of help from their families, their lawyers or the courts. Also the high degree of internalised guilt felt by many patients makes them feel that they ought to be punished. For such people, aversion therapy is an obvious but strangely perverted form of treatment.

Another major problem is that while a patient's homosexual orientation may be destroyed, he is not given a liking for the opposite sex. Unless the patient is already ambisexual, his entire sexuality is likely to be destroyed. The result of this treatment, where "successful", is the production of numbers of sexless eunuchs.

It seems to us that the money allocated to these research projects and the undoubted talents of those involved could be put to more productive use. The Australian government should stipulate that no Federal funds are to be used to this purpose, and should use its good offices with the South Australian government and the Flinders University administration to end the aversion therapy research programme.

**3. Mental institutions**, virtually without exception, regard homosexuality as a serious disorder. This approach can be quite damaging to the patient if the therapist, instead of giving confidence and reducing guilt, embarks on one of the programmes to 'cure' homosexuality. There have been cases of extensive chemo-therapy and shock therapy on patients presenting with a history of homosexuality. This seems to us to be quite inappropriate, even inhuman: these approaches have been under serious challenge within psychiatric ranks for some years, but it is probably not unfair to say that state psychiatric institutions are decades behind the profession as a whole.

The argument against regarding homosexuality as a disorder has been endorsed by a sizeable majority of psychiatrists in the United States. The executive of the American Psychiatric Association caused something of a stir when it decided that homosexuality was not an illness. A New York psychiatrist, Dr. Charles Socarides, circulated a petition demanding a referendum of all APA members, saying the executive's decision contradicted an historical fact. "*Male and female are programmed to mate with the opposite sex,*" he said. "*This is the story of 2½ billion years of evolution and any society that hopes to survive.*"

## **MEDICAL AND PSYCHIATRIC (cont.)**

Fifty-eight percent of American psychiatrists, apparently, disagreed with Dr. Socarides' reasoning: they voted in favor of the original proposal by a majority of 5874 to 3810. The National Gay Task Force hailed the decision as an instant cure for many of the problems of homosexual people. An APA spokesman said the vote would have "a considerable impact on the lives of homosexuals."

We agree.

Obviously, Parliament cannot make a direction to psychiatrists as to how they should treat their patients. But there may be sanctions which could be introduced against some of the worst abuses in psychiatric hospitals. One sometimes wonders how much the government knows about the institutions for which it provides funds. Perhaps the whole question of funding of state and Commonwealth mental health services could be examined more closely.

**4. Training of psychiatrists** with regard to homosexuality is generally based upon the premise that homosexuality is a disorder. Frequently, treatment is directed towards trying to eliminate homosexual behaviour. It should be acknowledged, however, that large numbers of increasingly liberal psychiatrists are gradually abandoning this approach. Their dilemma between trying to find a "cure" and leading the patient to a better understanding of himself has not been thoroughly resolved.

Dr. Francois Mai, associate professor of psychiatry at the University hospital in London, Ontario, and former senior lecturer in psychiatry at Adelaide University, is fairly representative of the more liberal therapists. Yet even he seems to experience a dilemma. He writes: "*My personal treatment is predominantly psycho-therapeutic, aimed at giving the homosexual a better understanding of himself, directed towards a general improvement in his feeling of well-being and an improvement in the quality of his social and sexual relationships.*"

It is also interesting to note that the Australian and New Zealand College of Psychiatrists issued a position statement on homosexuality in May 1972, attacking discrimination. The statement reads: "*The Australian and New Zealand College of Psychiatrists strongly condemns community attitudes and laws which discriminate against homosexual behaviours between consenting adults in private.*"

**MEDICAL AND PSYCHIATRIC (cont.)**

Lastly, it occurs to us to suggest that the theory of any given psychiatrist may well be the product of his antecedent sexual prejudices, rather than of objective experimentation and expert knowledge. Some psychiatrists seem to regard their science as a means to the end of imposing their private moral values on their patients. The scientific opinion becomes a disguise for the moral or religious passion.

## **EMPLOYMENT**

This is possibly the most complex area for reform. There is little doubt that homosexual people are being discriminated against in employment because of their sexuality. This is usually impossible to prove: few employers are likely to tell a gay employee the real reason for his dismissal or slow promotion. But the fact that most instances of discrimination can never be proved does not mean that the problem does not exist. This does provide a ready-made excuse for government administrators. The problem is not a readily-observable one; and it's easy, and tempting, to pretend that it doesn't exist.

The existence of the Committees for Discrimination in Employment may have contributed to the difficulty of proving discrimination against gay people. It is probable that even fewer employers will now state the real reasons for sacking or failing to promote competent staff whom they suspect of being homosexual. The Queensland committee has been approached by Campus Camp. We were told that no action would be undertaken unless we could conclusively prove our case. This tends to illustrate the inadequacy of the Committee approach. Discrimination continues unchecked. At best, it becomes more subtle and harder to detect.

While accepting the good intentions of the committees, we cannot regard them as a serious attempt on the part of the Government to prevent sexual discrimination in employment. It is in our opinion vital that basic rights to employment should be guaranteed by legislation. The Committees should be given teeth to prosecute in proven cases of discrimination. Such legislation should also allow individuals and organisations, such as trade unions, to sue for damages and/or re-instatement. Legal aid should be made available to individuals wishing to sue.

The weapon of publicity has dubious value. Just how much space would the media be prepared to give a well-documented case of discrimination against a homosexual man or woman? And with community attitudes as they are, how many people would care?

Anti-discrimination legislation in the United States often is taken not to apply to homosexuals. We believe that it should: Homosexual people are a minority and face discrimination of a similar type faced by women and by ethnic minorities. Therefore, Legislation along the lines of the 1964 Civil Rights Act (Title V11) would seem to be a logical starting point for any government or parliament committed to the ideal of equal opportunity.

**EMPLOYMENT (cont.)**

Further action can be taken without legislation. In the U.S., Executive Orders 11246 and 11375 require all companies doing business with the government to take “affirmative action” to employ women and members of minorities. Employers wishing to do business with the government must do more than employ a few “token blacks”; they must actively seek out minorities to fill jobs at all levels, including management. It is true that most corporations pay only lip service to these requirements, or disregard them entirely. But at least a basis exists on which challenges can be made.

The Equal Employment opportunities Commission (EEOC) has much wider powers than our own toothless Committees for discrimination. A complaint to the EEOC frequently generates a major investigation which can uncover many other instances of discrimination. In this, the EEOC seems to have a more active approach to the task than the Australian committees, which require absolute proof of discrimination before being prepared to launch a meaningful investigation.

Many cities and states in the U.S. have Human Rights Commissions, which handle similar charges.

There are obviously problems which face anyone attempting to investigate anti-homosexual discrimination which do not face people working for blacks or women. Ralph Nader and Donald Ross describe one investigation into racial discrimination:

*“Investigations frequently require ingenuity. For example, a group of New York University law students were assured by state officials and construction contractors that blacks accounted for 20 percent of the labour force on construction projects in the New York State. The students went to construction sites where they counted the number and noted the color of all workers entering the sites. Their figure of blacks on the labour force turned out to be less than 5 percent. The students’ effort resulted in extensive newspaper coverage, temporarily halted construction on one major building site, and forced acceleration in minority hiring programs”. (1)*

Homosexual workers are not so visible. It would be impossible to prove anything by such simple methods as those used by the New York people. A more appropriate method might be for a number of highly-qualified people to apply for a series of jobs with a particular firm. All should state

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(1). Nader, Ralph and Ross, Donald, *Action for a Change, Grossman, pages 103 — 104.*

**EMPLOYMENT (cont.)**

upon application that they are homosexual. If none got the jobs, it would be a reasonable indication that the particular company was discriminating. This method may seem a little unorthodox, but new methods are necessary. If a government-sponsored agency is to achieve results in a fight against discrimination, it will have to be prepared to use such methods of investigation.

**Australian Public Service**

It should be possible to eliminate discrimination in the Australian public service, even though some Ministers are opposed to any proposal of homosexual rights. It should be possible to work through the Prime Minister and the Public Service Board to eliminate both discrimination and fear of discrimination.

A memorandum was issued to the Director of Social Security in each state capital, under instruction from the Minister of Social Security, Mr. Bill Hayden. It was dated May 23 1973 and read:

**Homosexuals - Social Security Benefits**

In replying to a suggestion put to him recently that homosexuals feared that they would be barred from receiving pensions and benefits, the Minister replied that homosexuality should in no way interfere with a person's right to receive benefits from the Department, that he knew of no case where this has happened and that he doubted that such a practice existed.

It is unlikely that such an action has ever been taken, but the matter is referred so that all staff can be instructed that pension or benefit is not to be denied on the grounds that he is a homosexual. With regard to the work test, such a person is not to be considered as having breached the test if he declines work where he would be subject to embarrassment, or which is directly opposed to his employment preferences.

Please acknowledge receipt of this memorandum.

(Signed) L.J. Daniels  
Acting Director-General.

This memorandum may have achieved quite a lot within the Social Security department. Its sentiments are admirable. We suggest that a memorandum should be sent by the Prime Minister to every employee

of the Australian Government, guaranteeing that there will be no discrimination within the

**EMPLOYMENT (cont.)**

public service. This should include the armed forces, the Commonwealth police, and the teaching service.

A bureau should be established within the public service to investigate in a sympathetic manner any instances of discrimination. Its operation should be autonomous, and it should have complete powers of investigation. Administratively, it should come under the Public Service Board, and should be empowered to make recommendations directly to the Board. In this way, the bureau could be immune from pressure from unsympathetic department heads or Ministers.

It should also be made clear that any police prosecution for homosexual conduct shall not be a ground for dismissal or retarded promotion. That would be to exact a penalty additional to that exacted by the law. It is to be hoped that the Federal statutes against homosexual conduct between consenting people over the usual (heterosexual) age of consent will be repealed; even if this is so, the state laws will probably remain for some time.

There is no reason for such a bureau as we suggest to be restricted to cases of homosexual discrimination. There seems to be a good argument for such a bureau investigating all claims of discrimination on grounds of sex. Such a bureau, correctly staffed, could also provide an excellent counselling service to public servants - particularly women and homosexual people - who are having various kinds of adjustment problems. For instance, life can be made intolerable for some gay people by constant taunting from fellow-employees. Most of us either learn how to deal with this or become hardened to it. It is nevertheless a real problem, and one which many Section Heads probably do not have the ability or inclination to eliminate.

**Universities**

There is a fairly consistent underlying fear among homosexual staff members of universities that they may be passed over for promotion if their sexuality is widely known. Some members of our own organisation are in this category. They know the university administration well enough to be able to judge it, and are refusing to take part in any Campus Camp functions until their expected promotions are confirmed. They don't like the situation; fairly naturally, they aren't about to lodge formal complaints.

Although universities are autonomous, they are funded by the Australian Government and some appropriate pressure should be available. It could be possible to extend the jurisdiction of the bureau

## **EMPLOYMENT (cont.)**

proposed earlier to include universities and other institutions funded by the Australian Government.

As we said earlier in this submission, it is important to eliminate not only the actual discrimination but also the fear of discrimination. This will never be done by mere reassurances. There will be no fundamental change until community attitudes are transformed. But governments have a duty to lead and accelerate that change.

### **Churches**

The church is not an equal opportunity employer. Many Christian church leaders - there are notable and welcome exceptions - tend to maintain the medieval belief that homosexuality is wrong because St. Paul said so. St. Paul said a number of things, and any modern citizen who lived literally by St. Paul's rulings would be very unusual indeed. Most churches - the Anglican church is fairly typical - maintain that homosexual people should be pitied and need help; and generally refuse to tolerate gay clergymen - or at least, clergymen who refuse to be hidden and ashamed about their sexuality.

We do not intend to enter into a protracted argument about the interpretation of Leviticus or Paul's letters, but we do ask that the church be examined as an employer in a modern society. As such, its treatment of its employees, notably, Peter Bonsall-Boone in Sydney - is remarkable. The treatment handed out to Bonsall-Boone and Jeremy Fisher, who was thrown out of Robert Menzies College because he admitted homosexuality, would probably not be tolerated in any government institution.

Those who uphold the church's alleged right to discriminate against its homosexual employees and adherents usually justify their actions by quoting the Bible. This is not an argument which can be answered rationally; but the whole stance of conservative churchmen on homosexuality relies unfairly on people's unwillingness to regard the churches as they regard other institutions, even in specific areas such as employment and tenancy.

It need hardly be said that the stance taken by (among others) Archbishop Frank Woods: that it's alright to be homosexual as long as you don't have sex - is unacceptable.

It is hard to see how any action by the Australian government could directly affect what the church regards as its moral teaching. But any legislation or other initiative taken by the government should apply also to the churches.

**EMPLOYMENT (cont.)****Teachers:**

The morbid old fears about homosexual child-molesters tend to obscure many discussions about the employment of homosexual teachers. There have been too many destructive jokes on the subject.

The facts should again be stated: there are many sources, the major local one being Paul Wilson's "The Sexual Dilemma": - There are more cases per capita of child molesting among heterosexuals than among homosexuals. There is no reason to believe that a homosexual teacher is more likely than a heterosexual colleague to have sex with a pupil. This dangerous myth has caused untold anxiety, created great misery, and ruined a number of promising careers. Education Departments are in the business of expanding knowledge and reducing irrational prejudices. They should not be permitted any longer to indulge their own nasty prejudices.

There was a recent case of a female student teacher in Sydney whose teaching studentship was cancelled when she publicly admitted that she was homosexual.

The argument that parents and pupils would bring pressure to bear on homosexual teachers is inadequate. Education Departments should be prepared at least, to resist such pressure, rather than exerting and utilising it.

The Australian Department of Education should lead the way by ensuring that homosexual teachers and prospective teachers will in no way be disadvantaged by public knowledge of their sexuality. Any discipline problem which may arise should be handled by the school as a whole.

The Australian Government should encourage state Departments and independent schools to take a similar attitude.

## THE MEDIA

It is fashionable to blame newspapers, magazines, radio and television for the ills of our society. If only the media were really to blame: how simple it would then be to achieve Utopia.

The problem is obviously much deeper. But the main sources of public information nevertheless play an important role in confirming and perpetuating the prejudices which already exist. The women's movement has frequently pointed out the extent to which women's ideas of themselves have been partly shaped by the images poured at them from televisions, radios, newspapers and billboards: the equation of happiness with passive domesticity, of competence with clean washing, and of sexual fulfillment with personal freshness.

The public broadcasters, advertisers and newspaper proprietors are, after all, intent on selling goods. In a capitalist society, this cannot be regarded as a vice. The goods are sold, they will argue, to people who take such images as being pictures of an ideal world.

The issue is complex beyond the scope of this submission. The central question seems to be one of balance, in which a sane community ought to set priorities. The balance is between the economic virtue of selling goods, and the human misery caused by the process of selling them. The basis of the common cause between women's and gay liberation is that we share an oppressor. The oppressor speaks to us in many ways, and one of the most powerful ways is with the enveloping voice of the public media.

It is quite absurd for any group to imagine it can achieve a turnabout of the prevailing media attitudes. Because they are concerned with selling, these attitudes follow rather than lead the feelings of the larger community. It is our function to present a set of reasonable alternatives, and in this we have not been notably successful.

Possibly the most successful public-relations organisation aiming for social change is the Festival of Light. They want a change in the opposite direction to the one we think desirable, but the methods are much the same. In the ABC radio programme "New Society", the Festival of Light's public relations director, Ken Harrison, was asked by reporter Matt Peacock about the workings of this kind of media campaign.

*HARRISON: There has to be an element of conflict in the news release or the contact with the media*

**THE MEDIA (cont.)**

*in any way. This seems to be the basic element of news, and that is conflict of some sort between one group and another - between one point of view and another. We would try to make a fairly provocative heading, because we are aware of the fact that tons of press releases land on the desks of news editors; so we would send that out to a very wide spectrum of people - not just the news editors - we'd send it to columnists.*

PEACOCK: *What about techniques for attracting media coverage? What sort of areas do you use here, like having a meeting or returning from a trip? Do you find these sort of gimmicks - if you like - are effective in attracting media to come to talk to you; even though you may not have anything specific to say?*

HARRISON: *Well, there are patterns that the media work to, and I think —without being critical, because I'm a journalist myself - that they often don't dig deep enough nowadays. In fact the airport is a predictable sort of place to get interviews and it's a very easy way to get interviews. When Fred Nile came back from overseas recently, we sent out a news release listing some of the places he had been to and the reasons he'd been there, and he got phenomenal coverage right across the nation. In fact in a year he has become a national figure.*

PEACOCK: *Do you ever feel that now you have placed yourself in a situation where they have dictated the sort of comments that you must give?*

HARRISON: *To some degree that happens, but with experience you are able to overcome that problem.*

PEACOCK: *How?*

HARRISON: *Hell you learn techniques, like - you know, "I have three things to say and they are one, two, three ... ' which means it's very hard to edit out what you've said, and that's a sort of a technique one learns - that's the sort of thing.*

PEACOCK: *What other sort of techniques like that do you use?*

HARRISON: *Well I think one other thing is just feeling at home with the media. In fact, if you haven't had much contact with the media, you're scared ... you allow them to dictate how the interview goes.*

## **THE MEDIA (cont.)**

*Whereas now we are equal with them, as it were, as the conversation goes. In other words, we would introduce new thoughts, although we are asked a question about such and such we would say, yes, but so and so and we'd get our point across.*

In a sense, we are selling ideas. We are asking the public to accept our ideas, and change their lives accordingly. Our task is harder than that facing a manufacturer selling a product, but the techniques can be compared. Unlike a manufacturer, we do not have the resources to utilise the conventional forms of advertising. Gay liberation organisations are restricted to free publicity, mainly on news and current affairs programmes. They have been extremely naive in the use of these outlets.

In its three year history, Campus Camp in Queensland has issued only two press releases. The Campaign Against Moral Persecution has a similar record.

One reason for this is the unwillingness of members of the groups to be publicly identified as being homosexual. There is, understandably, a fear that public exposure might mean loss of a job, or other personal difficulties. It is very easy for most homosexuals to hide, and even the more radical ones often prefer to do so.

But this is not the main reason. In any organisation, there is always someone who's willing to go on television or be quoted in the newspapers. There are some who enjoy it. What is lacking is the degree of sophistication of such professional publicists as the Festival of Light. There is a publicity battle, and we are losing it. Gay liberationists must develop publicity techniques, if the public is to be made aware of the ideas involved in fighting sexual oppression.

We do not have the ability to raise money which the Festival of Light has. Churches and rich citizens, largely speaking, do not support our cause - and if they do, they don't come forward with much money. An alternative proposal could be worked into the framework of a proposal for a homosexual social welfare agency, currently under preliminary discussion with officers of the Australian Assistance Plan in Brisbane. Under this proposal a centre would be set up with three officers, two full-time and one part-time. They would have a combined function of counselling, community work and social casework. The cost would be

**TH MEDIA (cont.)**

about \$25,000 to \$30,000 per annum (*See Appendix 2*). If similar centres could be established in all capital cities, the paid workers would be able to conduct an important and extensive public awareness campaign.

We ask the Commission to commend the proposal to the Australian government, and to funding authorities. A memorandum on the proposal is included as an appendix to this submission.

It's also a time for a more realistic approach by the media to homosexuality. It's time we were recognised as we are, not as someone else wants us to be. As a first step, time should be given on ABC radio and television to the gay issue. "Coming Out, Ready or Not", the women's rights programme, is produced by a women's broadcasting collective and aired on the ABC second network: it has a minority audience, but at least it's something. Surely half an hour a week could also be found for the gays. The ABC is in a position to lead the way: it is a symbol of the ABC's dereliction of duty that this function is held by two commercial television soap operas. The Minister of the Media should positively encourage the ABC to be less shy about the subject of homosexuality. A half-hour weekly radio programme should be instituted immediately, run preferably by homosexual members of the ABC's own public affairs department. Four Corners and This Day Tonight should be told by the Minister that the issue is an important one.

The Broadcasting Control Board should re-examine its past judgement that homosexuality is not a fit subject for television presentation earlier than 8.30 or 9.00 p.m. The Board has shown a remarkably puritan attitude toward the discussion of sexual matters, and can be blamed for helping to hold back the trend against sexual guilt. The private beliefs of Board members should no longer be permitted to dominate Australian broadcasting.

The Australia Council and the Film Development Board should resist any pressure to refuse funding for homosexually-oriented projects. Projects requiring funds should be judged purely on their potential as viable works of art, bearing in mind that the continued presentation of homosexual stereotypes is damaging to society and to Individuals; and that stereotypes are seldom a part of the best art.

If an Australian Newspapers Commission is established, its guidelines should include a policy on social and sexual matters. This policy should include the frank and intelligent discussion of male and female homosexuality.

**THE MEDIA (cont.)**

In brief, we have always been regarded as outcasts and freaks by the media, when we have been discussed at all. We are now asking for a fair go.

## EDUCATION

### Sex Education

Most people's basic attitudes towards sex are formed while they are at school. It is therefore to be expected that attitudes to homosexuality are formed largely in the ten to seventeen age group. There are two basic sources of information - playground "smut-talk", and "facts-of-life" information from parents. This is supplemented to some degree by sex education agencies, notably the Father and Son/Mother and Daughter movement.

Most parents, being exclusively heterosexual, could be expected as a group to show a strong anti-homosexual bias. Indeed, parents afraid of the seduction and corruption of their children seem likely on our observation to hold the most repressive prejudices and misconceptions.

The voluntary sex-education agencies generally have a strong religious bias, and tend not to discuss homosexuality at all if they can avoid doing so. The only references to homosexuality tend to be in the nature of a warning, rather than real information.

Government-sponsored sex-education programmes tend to be just as bad, if the United States experience is anything to go by. In an exhaustive survey of the sexual attitudes of 30,018 Americans, this was one finding:

*"Twenty-seven percent of our respondents had at one time or another been subjected to a sex education course, approximately equally divided between regular courses and some sort of ad hoc teaching. This might have been an opportunity to learn something about homosexuality, but was it?"*

*More than 60 percent of those who had sex education reported that they had been taught nothing at all about homosexuality. Among those who had been taught something about homosexuality, two-thirds were told that it was always wrong, and only 1.5 percent were advised that it was not wrong at all. Evidently, sex education, at least as it has been structured in the past, was hardly likely to have presented a veridical picture of homosexuality." (1)*

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(1). Eugene E. Levitt and Albert D. Klassen Jr., "Public Attitudes Toward Homosexuality", *Journal of Homosexuality*, Vol. 1 No. 1, Fall 1974. Partial report of findings from a (U.S.) National Institute for Mental Health survey of 30,018 American adults, taken during 1970.

**EDUCATION (cont.)**

Some of the squeamishness about talking about homosexuality may be based on the assumption that by presenting it in an attractive or even coldly objective light, students will be encouraged to “become” homosexual. Freud and most other psychoanalysts maintain that human sexual orientation is an acquired trait; but it is one which can certainly not be taught in a classroom. A great deal of research has been conducted on the effects of homosexual “seduction” of adolescents, and the general conclusion is that even actual homosexual relations will have no significant effect on a young person’s later sexual orientation. (2) In that case, even words of highest praise in a classroom for homosexuality could not be expected to change a student from heterosexual to homosexual orientation.

Most sex education courses would more correctly be named courses in reproductive biology. The reproductive systems of chickens, cows and even eels are examined in depth; but from a study of the courses one might never learn that human sex could be fun. This, in itself, is highly subjective. Sex consists of a lot more than mere reproduction. If reproduction is presented as the only reason for sex, by implication any sexual activity which does not result in babies must be some kind of perversion. In any case, that is the inference one must expect students to draw from conventional sex-education courses.

According to the Kinsey figures (3), four percent of males were exclusively homosexual throughout their lives, and 25 percent had more than incidental homosexual experience. If one translates these figures into the population of our secondary schools, it will be seen that a great many students will be profoundly affected in their own lives by information presented to them at school. Although basic sexual orientation seems to be established much earlier, the patterns of guilt, self-hatred and neurotic conflict formed during adolescence are deeply damaging and difficult to eradicate. It is therefore vital that objective information on homosexuality should be presented from at least one source during this period. Even the most enlightened sex education course is unlikely to overcome the social pressures felt by all homosexual teenagers, but support, particularly from an authoritative source, can mean the difference between happiness and misery - perhaps, later, between fulfillment and suicide.

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(2). D.J. West, “Homosexuality”, p.p. 116-119, Penguin Books, revised edition 1968.

(3). Kinsey, Pomeroy & Martin, “Sexual Behaviour in the Human Male” p.p. 650-651

## **EDUCATION (cont.)**

It is important, too, for heterosexual adolescents to be presented with information which will combat the prevailing myths.

Members of Campus Camp who are engaged in counselling have to constantly deal with young people whose self-hatred is so extreme that they are near, in some cases, to suicide. This self-hatred originates in many cases with ignorant parental attitudes: but it is likely that, during adolescence, the most damage is done by peers. Young people, both heterosexual and homosexual, must be exposed to more reasonable attitudes. It is not pushing the case too far to say better sex education in schools will save lives.

### **School Curricula**

Much of the argument in favour of a more enlightened approach to sex education also applies to general school curricula. It has been pointed out by the women's movement that education in general seems unable to recognise the existence of more than one lifestyle: the heterosexual nuclear family. Again, we say there is nothing wrong with the heterosexual nuclear family; it is not under attack from us. What we do take exception to is the idea that it's the only set-up under which human beings can be happy and fulfilled.

The Australian Union of Students has a policy of opposition to what it terms the heterosexist nature of school curricula. The Union is currently researching a number of submissions for change. These will be presented to a number of departments and organisations, including the Federal and State Departments of Education throughout Australia.

The bias begins at kindergarten level, where children read picture-books in which Johnny goes out on an adventure while Mary stays at home to help her mother cook. Whoever saw a picture book in which two boys, or two girls, hold hands? Or one which shows a boy in a passive or receptive role and a girl in a dominant or creative one?

The homosexual issue should not be ignored. Schools should be prepared not only to study E.M. Forster's "Passage to India", but also his "Maurice". Major books which happen to include homosexuals should be studied, like Christopher Isherwood's "A Single Man". Walt Whitman's love poems should be read, fully and with understanding. Study of Plato's "Republic" should not preclude all reference to his "Symposium". Teachers should not try to hide the fact that Socrates was executed for "corrupting youths".

**EDUCATION (cont.)**

When blacks and migrants are mentioned as disadvantaged groups, so should homosexuals.

Hopefully, such an attitude would pave the way to a more complete understanding and study of the homosexual in his society.

**Universities**

A Gay Studies course has begun at Monash University, and there are plans to establish similar courses at other universities. There is some study of homosexuality at university, but the present teaching is seldom adequate and, in our view, is often offensive. There is no excuse, for instance, for sociologists to present homosexuality along with shoplifting and murder in a topic entitled "Crime and Deviance". At Queensland University, the homosexual themes in major novels are often simply ignored. There is no attempt to explore the claim (Isherwood's) that most of the great romantic novels of the nineteenth and twentieth centuries were written by homosexuals who simply changed the gender of some of their characters. Homosexual social work students are treated with great suspicion by their department, despite the fairly obvious need for realistic social work among homosexuals.

One purpose of a Gay Studies course would be to provide alternatives to these approaches within the university framework. Ideally, a series of inter-disciplinary subjects could be offered, gradually balancing the prevalent attitudes.

We ask this Commission to recommend financial encouragement to gay studies courses, both to university administrations and to the Universities Commission.

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**APPENDIX 1 (i)****SUGGESTED RECOMMENDATIONS**

It is not the business of this submission to try to do the Royal Commission's work for it. But throughout this document, we have made a number of specific suggestions for action which we hope will be taken by the government and the Australian Parliament.

**The Law**

1. All discrimination against homosexuals under Commonwealth law should end.
2. All specifically anti-homosexual statutes in operation under Federal jurisdiction should be immediately repealed.
3. The age of consent for homosexual acts should be the same as that for heterosexual acts.
4. Homosexuals in the armed forces should be subject to the same laws as civilian homosexuals.
5. Any legal definition of the term "private" should be consistently applied to homosexual and heterosexual acts.
6. A register of relationships should be introduced, to give unmarried partners certain legal benefit. This should be seen as a preliminary step toward legal recognition of homosexual "marriage".
7. Guidelines should be established for the adoption of children by certain homosexual couples. These guidelines should be reviewed periodically.

**Medical and Psychiatric**

8. Sex education of medical students should be thoroughly reviewed, and amended courses should include extensive and objective information on homosexuality.
9. Federal grants for aversion therapy and psycho-surgery, as applied to homosexuality, should no longer be made.
10. A full and expert investigation should be carried out into the treatment of homosexuality in psychiatric hospitals. This investigation should proceed from the premise that homosexuality per se is not a disease.
11. Federally-funded hospitals should be directed not to use such techniques as psycho-surgery, aversion therapy, electro-therapy or chemo-therapy on homosexual patients.
12. Directors of psychiatric hospitals should have their attention drawn to statements on homosexuality by the American Psychiatric Association, the Australian and New Zealand College of Psychiatrists, and the Australian Psychological Association. They should be told to re-examine treatment procedures in the light of these statements.

**APPENDIX 1 (cont.) (ii)****Employment**

13. Legislation forbidding anti-homosexual discrimination should be introduced immediately.
14. New policy guidelines for a more active investigation of complaints should be issued to the Committees for Discrimination in Employment.
15. Companies wishing to do business with the Australian Government or its agencies should be required to demonstrate that action had been taken to find and employ members of minorities, including homosexuals, in all levels of employment.
16. A memorandum outlining Australian Government policy on the employment of homosexuals in the public service should be issued by the Prime Minister to every employee of the government.
17. A bureau should be established within the public service to deal with problems surrounding homosexual public servants. The bureau should have investigative and counselling functions.
18. Members of University staffs should have access to such a bureau.
19. Churches should be subject to investigation following complaints of anti-homosexual employment policies.
20. There should be no discrimination against publicly-declared homosexual teachers. The education hierarchy should be prepared to support its teachers in any conflict with students or parents over this issue.

**Media**

21. Encouragement and financial support should be given to the establishment of social-welfare agencies for homosexuals. These agencies would make it possible for present public media resources, including publicity, to be utilised.
22. The ABC should be requested to form a radio production unit to produce a weekly radio programme on homosexual issues.
23. The Australia Council and other government-sponsored organisations should resist any pressure to refuse funding to homosexuality-oriented projects, and should judge such projects on merit alone.

**APPENDIX 1 (cont.) (iii)****Education**

24. Any sex education courses should include objective, unbiased information on homosexuality.
25. The pretence that homosexuals are sick or incapable of love must stop.
26. Teacher training courses should be liberalised to ensure that teachers have a more informed attitude to homosexuality.
27. Education departments should examine their curricula, with a view to reducing the bias against lifestyles which do not conform to a heterosexual nuclear family model.
28. Universities should be encouraged to establish Gay Studies courses, and to re-examine their treatment of homosexual topics in present curricula.

## APPENDIX 2 (i)

## 1

**PROPOSAL TO ESTABLISH A HOMOSEXUAL WELFARE AGENCY IN BRISBANE**  
**MEMORANDUM FOR DISCUSSION**

18.5.75

1. **The need:** Applying Kinsey's figures to Brisbane, there are about 80,000 people in this city who are exclusively homosexual throughout their lives. There are about 150,000 who are predominantly homosexual for at least three years. There is some reason to believe that this estimate is conservative: changes in society's attitudes may have meant that more people are willing to express their homosexual feelings.

There is no full-time specialist counselling available to homosexual people in Brisbane. In general, counselling is either on an unsatisfactory ad-hoc nature by volunteers, or is strongly condemnatory. Yet the social problems suffered by homosexuals are enormous.

People working with other disadvantaged groups - such as blacks, women migrants - have found that problems can be more easily tackled by social workers who come from the same disadvantaged groups. Thus, migrants are more likely to be realistically helped by social workers who were migrants, blacks by black workers, and so on. For many reasons, the same approach is being adopted in this project. People who are exclusively heterosexual don't know what it is like to be homosexual, and often the help they can give is, at best, marginal. Sometimes, counsellors have been willing to take strong personal moral positions when dealing with homosexual clients, and have caused considerable distress. We consider it to be a basic approach that anyone giving guidance to homosexuals should have a close understanding of the situation. Being homosexual oneself may be the best way of ensuring this.

2. Present homosexual welfare counselling is largely confined to two areas: the telephone service run by C.A.M.P. (Campaign Against Moral Persecution) and referrals by Campus Camp. Both groups have specialist counsellors affiliated to them and (for example) the University counselling service refers people with homosexually-oriented problems to Campus Camp. Other agencies, such as Lifeline, who offer general counselling also offer help to homosexual people. It is our experience that this help can be quite unsympathetic and in some instances has tended to increase tension rather than relieve it.

**APPENDIX 2 (cont.) (ii)**

The present initiative represents a coalition of the people involved in Campus Camp and the telephone service. A steering committee is being evolved to bring this proposal into reality.

The steering committee, to be effective, should be limited to eight or nine. Others could be invited onto the committee in a consultative capacity, or for a limited time.

Later, prominent citizens could be approached to lend their names as patrons.

3. The proposed agency would need to take over responsibility for the present telephone counselling service. This is at present run at the C.A.M.P. Club at 379 George Street, and is manned by volunteers. There are several unsatisfactory aspects of the present service which could be improved with a full-time staff coordinating the service. Volunteers would continue to do all, or most, of the answering; but at present:
  - (1) Only one telephone line is available and many callers cannot be counselled for this reason;
  - (2) The service is available only between 8 p.m. and 11 p.m. each evening;
  - (3) Telephone counsellors are totally untrained and can be expected to make more errors than necessary in counselling;
  - (4) The service roster is not particularly well organised and though the service is always maintained, this is often achieved with too few people working too hard. With more effective and positive direction, more volunteers could become involved. There is also a high dropout rate among volunteers, which more positive direction could improve.
  - (5) The service is advertised by a small advertisement in the personal column of the Courier Mail. The response from this is quite strong, but it should be advertised more widely.
4. When demographic studies are carried out, it may be shown that there is a higher concentration of homosexual people in suburbs which have many flats (i.e. Paddington, New Farm) than in other areas. This could be an important factor in the location of the office.
5. Initial discussion has been centred around an agency which has the following staff and resources:

**APPENDIX 2 (cont.) (iii)**

Full-time social worker/counsellor	\$6000 p.a.
Full-time community worker/organiser	\$6000 p.a.
Part-time female counsellor	\$3000 p.a.
Part-time secretary/typist	\$3000 p.a.
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<b>SALARIES</b>	<b>\$18000 p.a.</b>

Accommodation: the most suitable would be a house. Two offices are needed for counsellors, one for the organiser and the secretary, one larger meeting area for CR groups etc., as well as kitchen facilities. A realistic rent may be around \$40 a week ... that's about \$2000 p.a.

Additional facilities and funds would be needed including office supplies, telephones and small switchboard, stationery, typewriter(s), electricity, filing cabinets, furniture, paint, carpet, money for newspaper ads and other publicity material, travel funds. These would have to be budgeted later, but would \$4000 be enough?

\$4000 p.a.

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<b>PROJECTED YEARLY BUDGET</b>	<b><u>\$24000</u></b>

6. The C.A.M.P. headquarters at 379 George Street have been put forward as a possible site for a social work agency. The factors in favour of this are the low rent (\$30 weekly) and the central location. Against this are the facts that the premises are not particularly suitable for office-oriented work and money would have to be spent adapting them; the premises have a strong and often adverse image in the homosexual community as being run by fairly conservative people; the club has a strong social function which through noise and other factors would seem incompatible with the functions of the agency.

This decision does not need to be made for another year.

7. Function of full-time staff: The social worker will be primarily responsible for individual and group counselling. This will probably take most of his time. He will also have a primary responsibility for coordinating the telephone service and training phone counsellors.

**APPENDIX 2 (cont.) (iv)**

He will need to maintain contact with other agencies, and with doctors and psychiatrists. He will need to establish contacts with those psychiatrists best suited for work with homosexuals.

The community worker/organiser will be responsible for reaching out into the community. The people with the greatest problems are often those who do not come forward easily. Inevitably, most of these are likely to remain hidden within the general community and will continue to suffer great guilt and alienation.

There are, though, a number of advantages which a homosexual welfare agency may have over other agencies in reaching its potential clientele. One is the nature of the bar/beat/club world; these people, and those who identify with homosexual organisations, are fairly easily reached. Word passes quickly. The telephone service generally reaches people who have not made contact before with established groups. Most of the genuine callers are married men over the age of 35 or young men who are still uncertain of their sexual orientation. Few callers are women; ways will have to be found of changing the imbalance.

Through the phone service and established contacts, there are plenty of ways of ensuring that counsellors are kept very busy. The job of the community worker, partly, will be to continually extend the contacts made by the agency. He will talk to schools, university groups, service clubs, etc.; obtain media publicity; produce leaflets, mobilise volunteers, and take on the combined role of a community activist and publicist for the counselling service. In addition, the full-time community worker will have the primary responsibility for:

- lobbying for law reform
- attempting to secure changes in society attitudes
- investigations of employment discrimination
- representations to government and other organisations for improvement in attitudes to homosexuals
- making submissions to education authorities on the anti-homosexual bias in syllabi
- use of the community access video centre.

It is hard to totally separate the roles of the social worker and the community organiser. Which is it, for instance, when one is talking to a group in which there are a number of unidentified homosexuals? Similarly, the role of the part-time counsellor is hard to separate completely from that of the other paid workers.

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**APPENDIX 4 (i)****LAW REFORM (SEXUAL BEHAVIOUR) ORDINANCE**  
***(PRESS RELEASE)***

The Attorney-General and Member for Canberra, Hr. Kep Enderby said today he had forwarded the draft Law Reform (Sexual Behaviour) Ordinance 1975 to the ACT Legislative Assembly for consideration.

Mr. Enderby said the Bill was designed to carry out the spirit of the motion passed by the House of Representatives on October 18, 1973 which proposed the decriminalisation of homosexual acts between consenting adult males in private.

The resolution adopted stated:

*“That in the opinion of this House homosexual acts between consenting adults in private should not be subject to the criminal law”.*

Mr. Enderby said the draft ordinance related only to the A.C.T.:

*“The ordinance is based firmly on the principle that it is not the function of the criminal law to intervene in the private morality of citizens.*

*“While it removes the criminal consequences of certain sexual acts, it maintains the necessary protection for minors and persons who do not consent”, he said.*

*“Most importantly, it will reduce the scope for blackmail and will remove an area of unjust discrimination”, Mr. Enderby added.*

He said there had been no prosecutions in the A.C.T. under the relevant sections of the N.S.W. Crimes Act since the House of Representatives resolution.

Mr. Enderby said he hoped the Assembly, which already had indicated its support for the resolution, would soon deal with the ordinance.

**ENDS CANBERRA.**

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**APPENDIX 4 (cont.) (ii)****AUSTRALIAN CAPITAL TERRITORY****A Bill, for AN ORDINANCE**

Relating to Sexual Behaviour by Persons of Eighteen Years of Age or More.

**LAW REFORM (SEXUAL BEHAVIOUR) ORDINANCE 1975**

1. This Ordinance may be cited as the *Law Reform (Sexual Behaviour) Ordinance 1975*.\*  
(\**Notified in the Australian Government Gazette.*)
  
2. 1) In this Ordinance -  
  

“commits” includes attempts to commit, and “commission” has a corresponding meaning;

“Crimes Act” means the Crimes Act, 1900 of the State of New South Wales in its application to the Territory.

2) For the purposes of this Ordinance, two persons are related to each other only if one is the mother, sister, daughter, granddaughter, father, brother, son or grandson of the other, whether the relationship is of the half-blood or the full-blood or is or is not traced through lawful wedlock.
  
3. 1) Subject to this Ordinance, a person who, with the consent of another person (whether of the same or different sex), commits an act of a sexual nature upon or with that person is not, by reason only of the commission of that act, guilty of an offence.  
  

2) Sub-section (1) does not apply where a person commits an act upon or with -

  - a) a person to whom he is related; or
  - b) a person who has not attained the age of 18 years.
  
4. 1) The consent of a person is not effective for the purpose of section 3 if the consent is induced by means of a threat, by force, by means of a false pretence or representation or by the use of intoxicating liquor or a drug.

**APPENDIX 4 (cont.) (iii)**

- 2) The consent of a person of unsound mind is not effective for the purpose of section 3 if the person to whom it is given knows, or has reason to suspect, that the first-mentioned person is of unsound mind.
  5. A person charged with an offence against section 79, 80 or 81 of the Crimes Act shall not be convicted of the offence unless it is proved that the person upon whom the alleged offence was committed -
    5. a) did not consent to the commission of the offence;
    - b) had not attained the age of 18 years; or
    - c) was related to the defendant.
  6. Proceedings in respect of an offence against section 79, 80 or 81 of the Crimes Act shall not be instituted after the expiration of a period of 12 months after the date on which the offence was committed.
  7.
    - 1) Subject to sub-section (2), this Ordinance has effect notwithstanding any other Ordinance, any regulations made under an Ordinance or any Act of the State of New South Wales in its application to the Territory.
    - 2) Nothing in this Ordinance affects the liability of a person to be prosecuted for, and convicted of, an offence against the *Police Offences Ordinance* 1930 - 1970.
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***(End of Campus Camp 1975 document)***