

Item 3.3

State Apology for the Criminalisation of Homosexuality and the Need for Further Reform

File No: S051491

Minute by the Lord Mayor

To Council:

Just over 40 years ago, on 8 June 1984, the Crimes (Amendment) Bill commenced. This Bill, introduced into the NSW Legislative Assembly as a Private Member's Bill by then NSW Premier Neville Wran, decriminalised consensual homosexual acts between men aged 18 and above, removed the phrases "unnatural offences" and "the abominable crime of buggery" from the Crimes Act and repealed the soliciting provisions frequently used by police to entrap homosexual men.

While welcomed at the time, it was only partial reform. The Bill retained an unequal age of consent. The age of consent for consensual heterosexual acts was and is 16. It was not until 2003 that the Crimes Act was amended to provide equality.

On 6 June 2024, 40 years to the day when the then Governor Sir James Rowland signed the Wran Bill into law, both Houses of the NSW Parliament unanimously agreed to the following resolution:

That this House, on behalf of the people of NSW:

- (1) Apologises unreservedly to those convicted under discriminatory laws that criminalised homosexual acts,
- (2) Recognises and regrets this Parliament's role in enacting laws and endorsing policies of successive governments decisions that criminalised, persecuted and harmed people based on their sexuality and gender,
- (3) Recognises the trauma people of diverse sexualities, their families and loved ones, have endured and continue to live with, and
- (4) Acknowledges that there is still much work to be done to ensure the equal rights for all members of the LGBTQIA+ community.

Several Members in both Houses spoke about the devastating impact of the criminal law on sexually and gender diverse people, and how it encouraged discrimination, prejudice, harassment, hatred and violence.

On 3 June 2024, the Legislative Assembly Committee on Community Services published its report following its inquiry into Equality Legislation Amendment (LGBTIQIA+) Bill 2023 introduced by Alex Greenwich MP.

The Committee recommended that the Parliament of NSW proceed to consider the Bill. It also made two findings:

1. There were diverse and conflicting views on the amendments proposed by the Bill and how they would operate.

2. There is a need for additional policy measures and funding to improve the safety and wellbeing of LGBTIQ+ people. These may be directed towards addressing issues like disadvantage, discrimination and poorer health outcomes experienced by LGBTIQ+ people.

The NSW Parliament now has an opportunity to end remaining inequalities and discrimination. It should not only consider the Equality Bill but pass it forthwith.

Recommendation

It is resolved that Council:

- (A) commend the NSW Parliament for adopting the Apology resolution as set out in this Lord Mayoral Minute and endorse the contents of this resolution; and
- (B) reaffirm Council's endorsement of the Equality Legislation Amendment (LGBTIQ+) Bill 2023 and call upon the NSW Parliament to consider and pass this Bill.

COUNCILLOR CLOVER MOORE AO

Lord Mayor