



Australia
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Although Australia has a human history stretching back some 60,000 years, dating from the arrival of the indigenous peoples, recorded history begins with the arrival of British settlers in 1788 at what is now Sydney. In the subsequent 200 years, Australians have occupied and unified a continent as large as Europe or the continental United States, created the world's eleventh largest economy (with a population of about 20 million, or two percent of the world's total), and have forged a vibrant, cosmopolitan, and strikingly gay-friendly society.

Despite its image as a land of beaches, deserts, and Outback-dwelling Crocodile Dundees, Australia is in fact highly urbanized, with most of its population living in six major cities.

History

Australia's history is a very queer one, in most senses of the word. Three-quarters of those on the First Fleet, which arrived in January 1788, were prisoners, convicted of various offenses and sentenced by way of punishment to be transported to the other side of the world to found and to live in a penal settlement, essentially a sprawling outdoor prison. Until the end of this system of convict transportation in the 1840s, about half of all those who came to Australia came in chains.

The colonists (by the mid-nineteenth century the continent had been divided into six self-governing colonies) brought with them British law and British attitudes and until the 1860s the crime of sodomy was punishable by death. In New South Wales, there were only four executions, all in the decade after 1828, after which the practice fell into disuse. In Tasmania, however, a dozen men were executed, the last in the 1860s.

The horror of sodomy and "unnatural connection" generally between men and between women figures strongly in the colonies during the convict era and one of the strongest arguments against the transportation of convicts (the vast majority of whom were men) was that it encouraged homosexuality. With "No prospect being afforded them of a woman's Love,--without hope of Heaven or fear of Hell, their already darkened reason became more clouded. Their lax morals gave way and they indulged with apparent delight in every filthy and unnatural propensity . . . ," as one campaigner put it.

Over the course of the nineteenth century as the British parliament amended its laws, the colonial legislatures tended to follow suit--reducing the penalties for homosexual acts from death to relatively short terms of imprisonment, but expanding the number of offenses from the initial crime of buggery to include eventually all sexual contact, attempted sexual contact, and soliciting for sexual contact between men. (As was usual in the British world, there were no offenses pertaining to sexual acts between women).

Australia Today

Given this history, it is surprising perhaps that Australia now has exceptionally gay-friendly laws and public attitudes. All six states and both territories have now decriminalized male homosexual acts--a process that stretched over twenty-five years from South Australia's reforms of 1972 and 1975, to Tasmania's in 1997.

All jurisdictions have now outlawed discrimination on the basis of sexuality and all the special rights enjoyed by opposite-sex couples have been extended, to a greater or lesser degree, to same-sex relationships. This has been done primarily through the extension of de facto or common-law rights and responsibilities (well-entrenched in Australian law) to gay couples, rather than through marriage, which has

very little resonance in Australian public life anyway.

Gay men and lesbians can serve openly in the armed forces and the same-sex partners of gay and lesbian citizens have immigration rights. Since very shortly after its establishment in 1976, the Family Court (which deals with divorce and its associated disputes) has tended to ignore sexuality as an issue in the granting of custody of children. Real legal equality, then, is now well within our grasp, with only a conservative federal government holding out on some areas, such as retirement funds. It is widely assumed that the remaining areas of discrimination will be addressed after the retirement of the current Prime Minister or the election of a Labor government.

In terms of public policy, state agencies are actively challenging the remnants (often rather potent remnants) of their homophobic past. Police-gay liaison has been institutionalized, challenging what one commentator has called the "loathing of generations" between these two groups. The Human Rights and Equal Opportunity Commission has special outreach programs to address the needs of same-sex attracted young people in rural Australia (which tends, in general, to be somewhat --but only somewhat--more conservative on moral issues). Trade unions and professional organizations have long recognized their responsibilities to their gay (and more recently bisexual, transgender, and intersex) members and constituencies. (GLBTI is the current abbreviation employed in Australia.)

There is widespread public tolerance--even, arguably, acceptance--of gay people and the gay community in Australia. Sydney's Gay and Lesbian Mardi Gras has been one of the great spectacles in that city's annual calendar for fifteen of its twenty-five years, with scores of thousands of people, many of them family groups, gathering in the streets to watch the parade. Almost all cities now have annual festivals and marches and it is the politicians and community leaders who fail to send messages of support who are expected to explain themselves. The embrace of the gay community owes much to modern Australia's sense of itself as a multicultural nation--a nation of communities, one of which is the gay community.

How and Why Change Occurred

In the past forty years gay people have gone from being marginalized and vilified to being one of the elements of a modern, open, and celebratory society. We are now, variously, a market to be exploited, voters to be wooed, and (since the publication of Richard Florida's *The Rise of the Cultural Class*) a community asset to be nurtured.

A number of factors help us to understand these developments. In the first place, the Christian Right has never really managed to make itself a significant political force in Australia. Australia has a remarkably secular public life. While some 70% of Australians claim to believe in God, there is very little acceptance of the idea that religious values ought to influence public acts. Australian politicians do not invoke God's blessing; sports heroes and celebrities keep their beliefs (if they have them) to themselves. Even our currency does not trust in God. Attempts therefore to import American-style faith-based politics have never been successful and all recent attempts to invoke God's disapproval of homosexuality as a basis for law and public policy have proved unavailing.

Secondly, although Australia experienced to some extent the Cold War panic around homosexuals as security threats, this panic was largely confined to governing circles--the Cabinet, the security and intelligence organizations, the police and armed services. Homosexuals were restricted in their career choices, arrested in reasonably large numbers, subject to rejection by employers and family and friends in this period, but there was nothing like the McCarthyite witch-hunts of the early 1950s in the United States, which brought the homosexual threat to public attention not merely at the national level but down into local communities.

It is likely that, prior to the rise of the gay rights movement in the 1970s, most Australians never gave a moment's thought to homosexuality from one year to the next unless they happened to know a homosexual.

And in that case, a rather interesting process kicked in. Australians have a remarkable capacity to dislike groups of people in the abstract while exempting from their opprobrium members of those groups that they actually know. They may not have liked homosexuals in general but if Uncle Bob happened to be "like that," then as long as he kept it to himself, well, that was all right.

The homosexual subculture (the "camp scene" it called itself, though in Australia "camp" lacked the connotations of high theatricality that it had in Britain and North America) existed in Australian cities as it did in sizable cities around the world. Garry Wotherspoon has tracked its existence in Sydney back to the 1920s and in most other cities it seems to have existed by then, or shortly afterwards. Organized around more or less discreet gatherings in pubs and cafes, in friendship circles and private parties, and in the bohemian world of theater (with its shading over into the worlds of petty crime and left-wing politics), the camp scene was one in which women and men lived reasonably happy--if rather careful--lives.

This started to change with the emergence of a liberal politics that argued for decriminalization and greater public tolerance. These ideas found ready acceptance in Australia. This politics drew upon British precedents (especially the law reform ideas of Britain's Wolfenden Report of 1957) and it tapped into the idea that Australia needed to reform and modernize itself in a host of ways, one of which was in relation to archaic sex laws (abortion, prostitution, and homosexuality, in particular).

The liberalizing trend accelerated with the foundation of the first national homosexual rights organization, established in Sydney in 1970, the Campaign Against Moral Persecution (CAMP). Intended as a small group to monitor the media and correct misinformation, CAMP found itself inundated by homosexuals ready to take to the public stage, and within a year had branches in all state capital cities as well as on many university campuses.

By 1972 the import of gay rights and gay liberation ideas had propelled the movement well beyond the existing homosexual politics. Demands for radical social change and self-transformation took center stage, facilitated by the return to Australia of Dennis Altman, whose *Homosexual: Oppression and Liberation* expressed international gay liberation ideas in their purest form. From this point on Australian gay and lesbian politics tended to follow the U. S. model, but there were significant divergences. Some of these have been discussed in relation to the failure of the Right to resist the advances of the gay movement.

AIDS in Australia

But the most important difference is undoubtedly the experience of AIDS in Australia. The first cases were transmitted in Australia in 1981. Three years later, there were 2,500 new infections. But then a surprising thing happened. Infection rates dropped. And kept on dropping. In 1988 there were 750 infections. In 1992 there were 500, an annual rate that has been maintained ever since. As a result of this, Australia's HIV-positive population is about 14 per 100,000 people (in the U. S. it is 167); and it is largely confined to gay men.

Australia's remarkable success in containing AIDS relies heavily upon the specifics of Australia's political culture. A newly elected Labor Party government, a gay community leadership that knew what was coming and what had to be done (having watched the first year or two of the epidemic in the U. S. with fascination and horror), a willingness on both sides to trust the other and to cooperate, the existence of a national health system (including universal health insurance and universal access to subsidized pharmaceuticals): all these factors came together in a truly daring experiment.

Sexually explicit information, discussed in the language of the real world, voiced by people who were in and of the gay community, was the key element in bringing about an extremely rapid and widespread adoption of safer sex practices. When gay men spoke to gay men and told them what they needed to do to save their lives, it worked. When they did so with millions of dollars of government funding, they saved even more lives. And if the government could stand at arm's length, denying all responsibility for (sexually-

explicit and therefore politically explosive) content, then the truth could be told in an unvarnished form without public controversy and at very little political cost.

By the end of the crisis phase of AIDS the gay community was in a stronger position vis-à-vis the state and opinion-makers than it had ever been. It had proved itself to be a responsible and well-organized part of the national community; it had saved thousands of lives, generated goodwill, and avoided social and political backlash.

It could well be argued that for the last twenty years, the Australian gay and lesbian movement has been reaping the benefits of this achievement.

Recent Developments

Although Australia still not does permit same-sex marriage, and indeed expressly prohibits the recognition of same-sex marriages performed outside the country, marriage equality has recently become a subject of intense debate.

As a result of reforms made in 2008, after the Labor Party came to power in the federal elections of 2007, "de facto" same-sex couples have been extended the same rights and responsibilities enjoyed by cohabiting opposite-sex couples, including social security and veterans' rights, employment entitlements and pensions, workers' compensation, joint access to the Medicare Safety Net, hospital visitation, immigration, inheritance rights, and the ability to file a joint tax return and gain the same tax rebates as married couples.

Australia has no federal law forbidding discrimination based on sexual orientation. However, the Australian Human Rights Commission Act empowers the HRC to investigate complaints of discrimination in employment and occupation on various grounds, including sexual preference, and to resolve such complaints by conciliation.

While same-sex couples are now recognized in federal law as having the same rights as unmarried heterosexual couples, the burden is on individual couples to prove that they are entitled to these rights, since Australia does not have registered partnerships or civil unions on the national level, though some states do: New South Wales, Tasmania, and Victoria offer domestic partnerships, while civil partnerships are performed in the Australian Capital Territory.

Polls indicate that more than 60% of Australians--including a larger majority of Labor Party members--support marriage equality. However, current Prime Minister Julia Gillard and a conservative minority within the ruling Labor Party are committed to blocking same-sex marriage.

Still, it is likely that Australia will eventually join the list of nations extending full equality to its glbtq citizens.

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