REPORT
OF THE
HONORARY ROYAL COMMISSION
APPOINTED TO INQUIRE INTO AND
REPORT UPON
MATTERS RELATING TO
HOMOSEXUALITY
HONORARY ROYAL COMMISSION TO INQUIRE INTO MATTERS RELATING TO HOMOSEXUALITY.

INTRODUCTION.

To His Excellency Air Commodore Sir Hughie Idwal Edwards, V.C., K.C.M.G., C.B., D.S.O., O.B.E., D.F.C., Governor in and over the State of Western Australia and its Dependencies in the Commonwealth of Australia.

May it please Your Excellency -

We, the members of the Honorary Royal Commission appointed to inquire into matters relating to homosexuality, have the honour to present to Your Excellency, our report as follows:-

HISTORY.

On 29th November, 1973, a Bill was introduced into the Legislative Assembly to amend those sections of the Criminal Code relating to homosexual acts. The Bill was subsequently passed by the Assembly, and transmitted to the Legislative Council on 5th December, 1973.

On Saturday, 15th December, 1973, the Honourable R.J.L. Williams moved in the Legislative Council:-

That the Criminal Code Amendment Bill be referred to a Select Committee.

The motion was agreed to. The Legislative Council then appointed the Honourables V.J. Ferry, N.E. Baxter, and the mover, members of the Committee.

It was ordered that the Committee have power to call for persons, papers and documents; to adjourn from place to place; to sit on days over which the House stands adjourned, and that the Committee report when the House reassembled.
It was further ordered that a message be transmitted to the Legislative Assembly seeking its concurrence with the Legislative Council motion:—

That the Criminal Code Amendment Bill be referred to a Select Committee of three members, and that the Legislative Assembly appoint a Select Committee of the same numbers with power to confer with the Committee of the Legislative Council.

The request was agreed to by the Legislative Assembly on the same day. The then Minister for Works (Hon. C.J. Jamieson), the Member for Darling Range (Mr. I.D. Thompson), and the Member for Ascot (Mr. M.J. Bryce), were appointed members of the Select Committee to confer with the Committee of the Legislative Council.

PROCEDURE.

The Joint Select Committee at its initial meeting on 19th December, 1973, appointed the Hon. R.J.L. Williams, Chairman.

In view of the proximity of the State General Elections, the meeting further resolved:—

That an application be made to the Government requesting that the Joint Select Committee be granted the status of an Honorary Royal Commission.

The request was acceded to.

On 16th January, 1974, the members of the Joint Select Committee were duly appointed as an Honorary Royal Commission with the Honourable R.J.L. Williams Chairman.

The terms of the appointment as published in the Government Gazette on 18th January, 1974, were as follows:—

ROYAL COMMISSION

WESTERN AUSTRALIA )
To Wit: )

By His Excellency Air Commodore Hughie Idwal Edwards, Victoria Cross, Companion of the Most Honourable Order of the Bath, Companion of the Distinguished Service Order, Officer of the Most Excellent Order of the British Empire, Distinguished Flying Cross, Governor in and over the State of Western Australia and its Dependencies in the Commonwealth of Australia.
TO the Honourable Richard John Lloyd Williams, B.A.,
the Honourable Norman Eric Baxter, and
the Honourable Victor Jasper Ferry, D.F.C.,
members of the Legislative Council; and
Ian David Thompson,
Malcolm John Bryce, B.A., and
the Honourable Colin John Jamieson,
members of the Legislative Assembly:

WHEREAS you were appointed by the respective Houses of
which you are members to form Select Committees to inquire
into matters relating to homosexuality: NOW, I, HUGHIE
IDWAL EDWARDS, Governor, acting with the advice and consent
of the Executive Council, do hereby appoint you -

RICHARD JOHN LLOYD WILLIAMS,
NORMAN ERIC BAXTER,
VICTOR JASPER FERRY,
IAN DAVID THOMPSON,
MALCOLM JOHN BRYCE, AND
COLIN JOHN JAMIESON,

to be a Royal Commission, without payment of remuneration,
to do the following things, namely: -

(a) to consider together and to continue the inquiries
into matters relating to homosexuality commenced
by you as members of the Select Committees respect-
ively appointed by the Legislative Council and the
Legislative Assembly;

(b) to examine the provisions of section one hundred and
eighty one and section one hundred and eighty four
of the Criminal Code in relation to -

   (i) offences; and

   (ii) punishments,

and to make recommendations as to the re-wording
in more precise terms of the offences outlined
in those sections;
(c) to take evidence as to the public attitude towards homosexuals within the State;
(d) to inquire into and make recommendations in respect of the prevention of the victimisation of homosexuals;
(e) to inquire into and make recommendations in respect of the prevention of the proliferation of homosexuality by the soliciting activities of some homosexuals;
(f) to examine whether suitable medical and mental facilities are available within the State to help those homosexuals who have a genuine desire to discontinue their present methods of sexual gratification; and
(g) having completed those inquiries, to make your report to me in writing thereon,

AND I hereby appoint the aforesaid Richard John Lloyd Williams to be the Chairman of the Royal Commission.

I hereby declare that by virtue of this Commission you may, in the execution of this Commission, do all such powers as a Royal Commission or members of a Royal Commission may lawfully do and exercise, whether under or pursuant to the Royal Commissions Act, 1968 or otherwise.

GIVEN under my hand and the Public Seal of the State of Western Australia, at Perth, this 16th day of January, 1974.

By His Excellency's Command,

J.T. TONKIN
PREMIER

GOD SAVE THE QUEEN !!!

Due to Ministerial responsibilities the Hon. N.E. Baxter considered it impracticable to continue as a member of the Commission, and submitted his resignation on 8th May, 1974. The Commission resolved not to seek a replacement for Mr. Baxter.
EVIDENCE.

Following the appointment of the Honorary Royal Commission, advertisements were lodged in the four principal metropolitan newspapers.

These called for written submissions and applications from persons wishing to present oral evidence to the Commission.

Commencing on Tuesday, 30th April, 1974, and on eleven subsequent days formal evidence was taken from 53 witnesses - the last evidence was taken on Tuesday, 25th June, 1974, and the transcript of evidence from witnesses totalled 598 pages.

In addition to oral evidence, written submissions were received from 63 persons and organisations.

By virtue of the nature of the inquiry, many witnesses were reluctant to appear before the Commission unless their anonymity was guaranteed. Where required the Commission undertook to protect those witnesses who gave their evidence in Camera, and their names have been deleted from the official transcripts and indexes, and only appear under an arbitrary alphabetical listing.

The list of witnesses is as follows:

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<thead>
<tr>
<th>Witness</th>
<th>Occupation</th>
<th>Transcript Page</th>
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<tbody>
<tr>
<td>A.</td>
<td>Retail Furniture.</td>
<td>17-31</td>
</tr>
<tr>
<td>Adams, Cyrus</td>
<td>President Seventh Day Adventist Church.</td>
<td>356-378</td>
</tr>
<tr>
<td>Southey</td>
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<tr>
<td>Alexander P.</td>
<td>President Guild of Undergraduates, University of W.A.</td>
<td>212-224</td>
</tr>
<tr>
<td>B.</td>
<td>Tradesman.</td>
<td>110-116</td>
</tr>
<tr>
<td>Bownes, A.F.</td>
<td>Snr. Lecturer in Psychology, University of W.A.</td>
<td>225-232</td>
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<tr>
<td>Patrick</td>
<td></td>
<td></td>
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<tr>
<td>C.</td>
<td>Armed Forces.</td>
<td>39-45</td>
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<tr>
<td>Calnon, Ross</td>
<td>Clinical Psychologist.</td>
<td>406-422</td>
</tr>
<tr>
<td>Csillag, Erwin</td>
<td>Snr. Lecturer in Psychiatry, University of W.A.</td>
<td>423-426</td>
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<tr>
<td>Robert</td>
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<tr>
<td>D.</td>
<td>Public Servant.</td>
<td>46-53</td>
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<tr>
<td>Dickey, Anthony Frank</td>
<td>Snr. Lecturer in Law, University of W.A.</td>
<td>336-340</td>
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<tr>
<td>Dickenson, William Rivers</td>
<td>Schoolmaster, Scotch College.</td>
<td>513-521</td>
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<tr>
<td>Dowding, Keith McCallum</td>
<td>Minister of Religion.</td>
<td>323-328</td>
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<tr>
<td>E.</td>
<td>P.M.G. Employee.</td>
<td>82-90</td>
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<tr>
<td>Ellis, Archi Samuel</td>
<td>Director Mental Health Services.</td>
<td>32-38</td>
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<tr>
<td>Ewer, Edward Sydney John</td>
<td>Anglican Chaplain University of W.A.</td>
<td>117-121</td>
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<tr>
<td>F.</td>
<td>Lecturer.</td>
<td>91-97</td>
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<tr>
<td>Franklin, K.T.</td>
<td>Teacher, Education Dept. of W.A.</td>
<td>65-81</td>
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<tr>
<td>G.</td>
<td>Pharmacist.</td>
<td>125-133A</td>
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<td>Gandini, John Riyo</td>
<td>Electrician - Representative Trades &amp; Labour Council, W.A.</td>
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<td>German, Gordon Allen</td>
<td>Prof. Psychiatry University of W.A.</td>
<td>291-296, 302</td>
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<tr>
<td>Goldstone, Sydney</td>
<td>Youth Director Seventh Day Adventist Church.</td>
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<td>Ross</td>
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<td>H.</td>
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<tr>
<td>Hassam, Leo Joseph</td>
<td>Principal, Aquinas College.</td>
<td>340-346</td>
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<tr>
<td>Hickey, Barry James</td>
<td>Director Catholic Welfare Bureau.</td>
<td>346-348</td>
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<tr>
<td>I.</td>
<td>Student.</td>
<td>157-176</td>
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<tr>
<td>J.</td>
<td>Writer.</td>
<td>177-200</td>
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<tr>
<td>K.</td>
<td>Social Worker.</td>
<td>225-232, 460-492</td>
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<td>Kernohan, James Garrett</td>
<td>Minister of Religion.</td>
<td>385-400</td>
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<tr>
<td>Lindberg, Brian Charles</td>
<td>Teacher, Education Dept. of W.A.</td>
<td>562-588</td>
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<tr>
<td>M.</td>
<td>Chief Probation &amp; Parole Officer, Crown Law Dept.</td>
<td>271-286</td>
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<tr>
<td>McLaren, Noel</td>
<td>Registrar, Dept. Psychiatry, Sir Charles Gairdner Hosp.</td>
<td>297-301</td>
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<td>Monaghan, Phillip Raymond Parnell</td>
<td>Teacher, Education Dept. of W.A.</td>
<td>98-109</td>
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<td>Witness</td>
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<tr>
<td>Myers, David</td>
<td>C.A.M.P. Organiser.</td>
<td>287-290, 340</td>
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<td>Wilfred</td>
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<tr>
<td>N.</td>
<td>Minister of Religion.</td>
<td>401-405</td>
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<tr>
<td>O.</td>
<td>Psychiatrist.</td>
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<tr>
<td>Owen, Hugh Francis</td>
<td>Sr. Lecturer in History, University of W.A.</td>
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<td>P.</td>
<td>Teacher, Education Dept. of W.A.</td>
<td>504-512</td>
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<tr>
<td>Parker, Arthur John</td>
<td>Acting Chief Supt. Police, W.A.</td>
<td>447-449</td>
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<tr>
<td>Parlin, Frank</td>
<td>Sr. Lecturer Dept. Social Work, University of W.A.</td>
<td>349-355</td>
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<tr>
<td>Cedric Maudsley</td>
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<td>Ingram</td>
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<tr>
<td>Poole, Alfred</td>
<td>Lecturer, Medical Psychology, University of W.A.</td>
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<tr>
<td>Desmond</td>
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<tr>
<td>Q.</td>
<td>Salesman.</td>
<td>547-561</td>
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<tr>
<td>Robinson, David</td>
<td>Minister of Religion, Principal, St. Columba College, Nedlands.</td>
<td>522-525</td>
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<td>Andrew</td>
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<td>Smith, Ross</td>
<td>Clinical Psychologist.</td>
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<td>Lamont</td>
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<td>Taylor, Celia</td>
<td>Home Duties.</td>
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<td>Mary Lumsden</td>
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<td>Themal Uri</td>
<td>Rabbi, Temple David.</td>
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<td>Tewfik, Gerald</td>
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<td>Tillet, Greg</td>
<td>Current Affairs Specialist, A.B.C.</td>
<td>303-322</td>
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<td>John</td>
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<td>Watson, R.</td>
<td>C.A.M.P. Organiser.</td>
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<td>Weeks, R.H.</td>
<td>P.M.G. Employee.</td>
<td>1-16</td>
</tr>
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In addition to oral evidence received, written submissions were received from the following persons:

<table>
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<tr>
<th>Date</th>
<th>Name and Address</th>
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<tr>
<td>4.2.74</td>
<td>Mr. and Mrs. M.E. Trudgeon, 62 Ryrie Avenue, Como.</td>
</tr>
<tr>
<td>5.2.74</td>
<td>Mrs. J. Moran, Post Office, Koorda.</td>
</tr>
<tr>
<td>11.2.74</td>
<td>A.S. Ellis, Director, Mental Health Services, 3 Havelock Street, West Perth.</td>
</tr>
<tr>
<td>11.2.74</td>
<td>H.N. Watney, Flat 38, 60 Forrest Avenue, Perth.</td>
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<td>11.2.74</td>
<td>Richards Family, 91 Belmont Road, Kenwick.</td>
</tr>
<tr>
<td>13.2.74</td>
<td>W.J. Renouf, Lot 6, Frenchman's Bay Road, Albany.</td>
</tr>
<tr>
<td>18.2.74</td>
<td>P. Sellars, 109 Glendower Street, Highgate.</td>
</tr>
<tr>
<td>6.3.74</td>
<td>Mrs. Ruth Ball, 187 Peninsular Road, Maylands.</td>
</tr>
<tr>
<td>6.3.74</td>
<td>Pieter Dykstra, 59 Vancouver Street, Albany.</td>
</tr>
<tr>
<td>11.3.74</td>
<td>Gerald M. Glaskin, 1 Warnham Heights, 14 Warnham Road, Cottesloe.</td>
</tr>
<tr>
<td>13.3.74</td>
<td>Sue E. Reeve, C/o Post Office, Denham.</td>
</tr>
<tr>
<td>13.3.74</td>
<td>Martine Van De Gejuchte, C/o Post Office, Denham.</td>
</tr>
<tr>
<td>15.3.74</td>
<td>Rev. Chad Varah, O.B.E., M.A., C/o The Samaritans, P.O. Box 12044, Wellington, New Zealand.</td>
</tr>
</tbody>
</table>
18.3.74  Mrs. M. O'Hara,
47 Star Street,
Carlisle.

18.3.74  Graham A. Douglas,
Department of Education,
University of Chicago,
Chicago, Illinois.

19.3.74  G.E. Maxfield,
20 Division Street,
Welshpool.

20.3.74  David Oxley,
Union of Congregational Churches,
563 William Street,
Mt. Lawley.

Australian Psychological Society (W.A. Branch),
57 Viewway,
Nedlands.

22.3.74  R.J. Lawrence,
55 Walcott Street,
Mount Lawley.

22.3.74  P. Bonsall-Boone, P. de Waal, M. Clohessey,
16 Terry Street,
Balmain.

25.3.74  L. Seerink,
Hon. Secretary,
Humanist Society of W.A.,
Box T1799,
G.P.O., Perth.

25.3.74  Ronald J. Garraty, B.D.Sc.
2 Camborne Way,
Thornlie.

25.3.74  M.Y. McCllelland,
29 Warren Road,
Maida Vale.

5.3.74  Jane Beresford,
C/o Post Office,
Claremont.

27.3.74  Department of Community Welfare,
823 Wellington Street,
Perth.

27.3.74  B.A.J. Henry,
23 Solomon Street,
East Fremantle. (C/o Box B67, G.P.O., Perth).

28.3.74  R.L. Moffet,
C/o Freeport Indonesia Inc.,
Box 4246, P.O.,
Darwin. N.T.

28.3.74  Fellowship of Associated Christian Evangelicasts,
4 Sleight Street,
St. James.
29.3.74 Dr. Hugh Owen,
1 Kings Way,
Nedlands.

28.3.74 Jonathan Ewer, Father.
University of Western Australia,
Nedlands.

28.3.74 Pastor C.S. Adams,
Seventh Day Adventists,
48 Havelock Street,
West Perth.

29.3.74 Brian Lindberg,
55 Panorama,
10 Hampton Street,
Victoria Park.

29.3.74 V. Cass,
29 Winmarley Street,
Floreat.

29.3.74 J.R. Lee,
9 Salisbury Street,
St. James.

29.3.74 Mrs. Ilse Howard,
Flat 4,
33 Kanimbla Street,
Floreat.

29.3.74 R.H. Atkinson,
294 Middleton Road,
Albany.

29.3.74 R.H. Weeks,
55 Walcott Street,
Mt. Lawley.

29.3.74 Rev. G.A. Jenkins,
Methodist Church of Aust.

29.3.74 Young Labor Association,
25 North Road,
Bassendean.

1.4.74 Kevin Pearse,
872 Canning Highway,
Applecross.

1.4.74 Mrs. A. Kelland,
62 Buckingham Road,
Kelmscott.

1.4.74 Mrs. C.M.L. Taylor,
39 Musgrove St.,
Boya.

1.4.74 Miss V.C. Rogers,
48a Phillip Road,
Dalkeith.

1.4.74 M.A. Blake,
19 Nelson Street,
Albany.

1.4.74 J.C. Mills,
Progressive Education Association.
1.4.74 Dr. A.J. Stubley,
   8 Kings Park Road,
   West Perth.

1.4.74 Anonymous.

1.4.74 Miss R.T. Anderson,
   Box 3072, G.P.O.,
   Perth.
EXHIBITS

Apart from the evidence listed previously, the Commission admitted as exhibits the following documents.

<table>
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<th>Exhibit</th>
<th>Name</th>
<th>Nature of Exhibit</th>
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<tbody>
<tr>
<td>C</td>
<td>I</td>
<td>Detailed papers in support of oral evidence.</td>
</tr>
<tr>
<td>F</td>
<td>L</td>
<td>&quot;Homosexuality in Western Australia: Prison Convictions and Facilities Available to the Homosexual in Prison.&quot;</td>
</tr>
<tr>
<td>Exhibit</td>
<td>Name</td>
<td>Nature of Exhibit</td>
</tr>
<tr>
<td>---------</td>
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<tr>
<td>I</td>
<td>Mr. D. Myer</td>
<td>Petition to the Honourable Speaker and the Members of the Legislative Assembly of the Parliament of Western Australia, to repeal laws relating to private homosexual acts between consenting adults proscribed by Sections 181, 182, 184 Criminal Code. 1,000+ signatures.</td>
</tr>
<tr>
<td>J</td>
<td>Mr. R. Watson</td>
<td>Personal Description Form and Offence Report Form C.A.M.P.</td>
</tr>
<tr>
<td>K</td>
<td>Mr. R. Watson</td>
<td>Recent letter submitted to C.A.M.P. Assault Case.</td>
</tr>
<tr>
<td>L</td>
<td>Mr. R. Watson</td>
<td>Recent letter submitted to C.A.M.P. Assault Case.</td>
</tr>
<tr>
<td>M</td>
<td>Mr. R. Watson</td>
<td>Recent letter submitted to C.A.M.P. Assault Case and Social Victimisation.</td>
</tr>
<tr>
<td>N</td>
<td>Mr. R. Watson</td>
<td>Newspaper Report &quot;West Australian&quot;. Friday, February 22nd, 1974, P14.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>(2) &quot;Consideration Against Following the Change in Law Regarding Homosexuals Adopted in Britain.&quot; (The Sexual Offences Act, 1967).</td>
</tr>
<tr>
<td>P</td>
<td>Baptist Union of Western Australia.</td>
<td>Documentary Evidence of all Considerations of the Subject of Homosexuality - 1970-1974 from Council Meetings.</td>
</tr>
<tr>
<td>Exhibit</td>
<td>Name</td>
<td>Nature of Exhibit</td>
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<tr>
<td>Q</td>
<td>Police Department</td>
<td>Photographs - After examination returned to Police.</td>
</tr>
<tr>
<td>R</td>
<td>Q.</td>
<td>Solicitor's letter regarding homosexual blackmail case.</td>
</tr>
</tbody>
</table>
BIBLIOGRAPHY.

During the term of inquiry, members of the Commission were referred to many readings on the subject of homosexuality. Furthermore, during the course of evidence, witnesses made reference to many other books and journals in support of their arguments. Unfortunately, all works, notably various foreign journals, were not well documented and the Commission has included in the Bibliography only those works which are readily available to researchers and to the public.

1. West, Donald J. "Homosexuality" (rev. ed. 1968 Aldine).
7. Jackson, Neville (pseud.) "No End to the Way."


<table>
<thead>
<tr>
<th></th>
<th>Author</th>
<th>Title</th>
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<tbody>
<tr>
<td>30</td>
<td>Ellis, Havelock</td>
<td>&quot;Psychology of Sex.&quot;</td>
<td>(Emerson)</td>
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<tr>
<td>31</td>
<td>Ellis, Havelock</td>
<td>&quot;Studies in the Psychology of Sex.&quot;</td>
<td>(Random)</td>
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<tr>
<td>32</td>
<td>Gebhard, Paul H.</td>
<td>&quot;Sex Offenders: an analysis of types.&quot;</td>
<td>(Har-Row 1965)</td>
</tr>
<tr>
<td>33</td>
<td>Schofield, Michael</td>
<td>&quot;Sexual Behaviour of Young People.&quot;</td>
<td>(Little 1965)</td>
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<tr>
<td>34</td>
<td>Howard, Peter</td>
<td>&quot;Britain &amp; the Beast.&quot;</td>
<td>(Heinemann 1963)</td>
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<tr>
<td>35</td>
<td>Weinberg, George (Dr.)</td>
<td>&quot;Society &amp; the Healthy Homosexual.&quot;</td>
<td>(Anchor 1973)</td>
</tr>
</tbody>
</table>
ARTICLES

1. Court, J.H.

"Homosexuality: A Scientific and Christian Perspective."

2. De-La-Noy, Michael

"Homosexuality: The Church's Record."
("Dignity": Vol. III, No. 6, August 5th, 1972, P.O. Box 6161, L.A. California, 90055).

3. Wilkinson, Fr. P.R.

"A Christian Attitude to Homosexuality."
("Southern Cross", South Australian Diocesan Newspaper, July 14th, 1972).

4. Holmes, William

"America's Saddest Minority."
("Sign": National American Catholic Magazine, April, 1971).

5. Anonymous.

"The Churches and the Homosexual."

6. Tehren, Fr. Henry

"A Christian Response to Homosexuals."

7. Chappell, Duncan and Wilson, Paul R.

(1) "Public Attitudes to the Reform of the Law Relating to Abortion and Homosexuality."

(2) "Changing Attitudes Towards Homosexual Law Reform."
PREAMBLE TO THE REPORT.

The Commission was not intended to be a Wolfenden Committee. The Wolfenden Committee went very deeply into matters concerning homosexuality and that report has been accepted in its general context. The acceptance is based on the fact that there were many experts employed on the Committee and their interpretation of evidence of a general nature was universally recognised. However, the Commission was concerned with discovering to the best of our ability, homosexuality and its extent in Western Australia, its affect on the community of Western Australia and the laws promulgated in the State generally associated with homosexual offences.

STATISTICS.

Many statistics were quoted to the Commission and invariably based on research in other countries, but to be accurately meaningful, any statistics must be based on research done in Western Australia. The Commission can only accept that homosexuality does exist in Western Australia, but would find it impossible to say just how many homosexuals there were as no local reliable research seems to have been done and indeed none was brought to our notice.

EVIDENCE.

The general standard of evidence of the witnesses was very high and nearly all cases were well documented. However, there were a few who gave evidence of an emotive nature which somewhat weighted their submission. The Commission took this into account in their considerations because to some this was an emotive experience which they were expressing.
Contrary to widely held views, homosexuality does not involve males only who practice anal intercourse. The Commission found evidence of confusion in the term "homosexuality" as some people took it to mean male from the Latin root homo. This, however, is not the case, it is taken from the Greek root homos, which means "of the same kind". Defining homosexuality is difficult, but perhaps the best definition available has been taken from a text on sex education entitled "Towards a Healthy Sexuality". It has been written from the viewpoint of secular humanism and therefore any suggestion that Christian values might be implicit does not arise. We quote from the text -

"In homosexual behaviour the individual has sexual relations with, or emotional attachments to, a partner of the same sex. Overt homosexual behaviour includes -

(1) Mutual masturbation by two individuals of the same sex.
(2) Sodomy, which is used to describe anal intercourse between two males. Pederasty is another term for anal intercourse, with minors.
(3) Cunnilingus, which is oral stimulation of the female genitals by another female.
(4) Fellatio, which is oral stimulation of the penis by another male.

At present heterosexuals seem to hold four rather well defined opinions regarding homosexuality.

(1) The homosexual is a dirty pervert who belongs in gaol. This seems to be supported by the fact that homosexual acts are against the law in all States of Australia, ranging from life imprisonment to 14 years.

(2) The second opinion is one of tolerance by heterosexuals. It holds that homosexuals will be tolerated if they do not touch or try to indoctrinate minors. Many persons concerned with law enforcement favour this position.
They suggest that private acts between consenting adults should go unpunished. Pederasty and its fears for the community will be discussed at greater length in the Report.

(3) A third opinion holds that homosexuality is an illness that requires treatment. This view as once held and often supported by psychiatrists, and conflicting evidence has been presented to the Commission.

(4) A fourth and final opinion holds that -

(1) Homosexual relationships have as much power as antidotes for human aloneness as do heterosexual ones.

(2) Homosexuals are healthy and as capable of happiness as heterosexuals.

(3) It is arrogant to view persons as perverted or ill simply because their sexual orientation differs from the norm.

(4) One should be sensitive and loving towards homosexuals, treating any sexual advances as compliments rather than a cause for rejection.

(5) Interpersonal relationships should not be influenced by a knowledge of another person's sexual orientation, i.e., homosexuals and heterosexuals should be viewed and treated as human beings rather than products of different sexual orientations."

It is within the framework of these four opinions that a lot of the evidence was given to the Commission.
The arguments developed for and against these principles will be self-evident from -
(a) the Commission's findings; and
(b) the text of evidence.

TERMS OF REFERENCE.

1. To examine the provisions of Sections 181 and 184 of the Criminal Code in relation to -
   (i) offences; and
   (ii) punishments, and to make representations as to the wording in more precise terms of the offences outlined in those Sections.

SUMMARY OF EVIDENCE.

Section 181 states -
"Any person who -
(1) has carnal knowledge of any person against the order of nature or
(2) has carnal knowledge of an animal or
(3) permits a male person to have carnal knowledge of him or her against the order of nature, is guilty of a crime and is liable to imprisonment with hard labour for 14 years with or without whipping."

The first objection the Commission has to this Section is that the words "against the order of nature" are archaic and euphemistic. The majority of laws in regard to these offences are quite clearly defined by the use of more accurate terms.
"Against the order of nature" presupposes that nature has ordained and commended the whole of our sexual lives, and whilst in a narrow sense this may have been true, the sexual liberation in the past two decades has implied a more precise definition as to various sexual practices without the use of jargon of Victoriana.

The second point is that the Commission feels that imprisonment for 14 years with or without whipping is an extremely savage sentence.

If an offence is committed against a person, then that person has the full right of protection of law.

Whipping has not been carried out in this State for over 30 years and therefore the sentence would be unlikely to be passed if precedent were to be the case.

It is a fallacious argument, however, to say that because a law is not presently enforced that it should be struck from the statutes.

Recommendations:
Section 181 in the opinion of the Commission should be re-written as follows:-

Subsection (1) Any person who has carnal knowledge per anum without consent.
Subsection (2) Has carnal knowledge of an animal.
Subsection (3) The whole of this subsection should be struck out as it is possible, and indeed advocated, in certain sexual manuals, that intercourse between male and female could well be conducted per anum. This has been known to happen between married couples and therefore this Section discriminates between male and female sexual offences.
The punishment described by this Section appears to be very harsh and severe and was obviously framed in a time when not many people full understood the implications of homosexuality.

Sodomy and/or buggery, is still a reprehensible crime to many people. However, it is the recommendation of the Commission that this Section should be concluded by writing - "is guilty of a crime and liable to imprisonment for a maximum of 10 years."

The Commission would like to see the practice followed as outlined by the British Sexual Offences Act, 1967, that no homosexual offence can be proceeded with unless consent is given by the Minister for Justice or Attorney General of the day. For obvious reasons, although Section 182 was not included in the terms of reference of the Commission, it is felt that this Section as well could be revised in view of the recommendations outlined for Section 181.

The opinion of the Commission is that acts of homosexuality between two consenting adults in private should not constitute an offence. An adult being of the legal age of majority, which in this State is 18.

As a consequence of this recommendation, Section 184 will have to be re-written and it is recommended that it be written as follows:-
"Any person who, in public, commits any act of gross indecency with another person, or procures another person to commit any act of gross indecency with them, or attempts to procure the commission of any such act by any person with themselves or with another person, in public, is guilty of a misdemeanour and is liable to imprisonment for a maximum of three years."

POLICE:

Having suggested these reforms, it is as well to realise how many of these offences occur in Western Australia. Statistics were prepared for the years 1964 to 1973 and they were produced by the West Australian Police Force. It is at this juncture that we commend the West Australian Police Force for the way in which they have handled homosexual offences during the past decade.

To quote the Acting Chief Superintendent of Police, John Parker, the summary shows that the Police Force receives about seven complaints each year for investigation. These complaints are made to members of the Police Force with a request for investigation and they are not in any way the result of any alleged harassment by police, as is often suggested to the Press and elsewhere.

The statistics are reproduced hereunder.
### Statistics on Homosexuality for the Ten Year Period Ended December 31, 1973

<table>
<thead>
<tr>
<th>Year</th>
<th>Offences Reported</th>
<th>Offences Cleared by Charge Otherwise</th>
<th>Total Offences and Under 16 yrs.</th>
<th>Males 17 yrs. and Under</th>
<th>Males 18 yrs. and Over</th>
<th>Total Males Involved</th>
<th>19 yrs. and Over</th>
<th>Total Offences Involved</th>
</tr>
</thead>
<tbody>
<tr>
<td>1973</td>
<td>6</td>
<td>6</td>
<td>1</td>
<td>-</td>
<td>-</td>
<td>6</td>
<td>-</td>
<td>6</td>
</tr>
<tr>
<td>1972</td>
<td>2</td>
<td>2</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>1971</td>
<td>8</td>
<td>8</td>
<td>2</td>
<td>1</td>
<td>1</td>
<td>6</td>
<td>-</td>
<td>6</td>
</tr>
<tr>
<td>1970</td>
<td>10</td>
<td>9</td>
<td>1</td>
<td>-</td>
<td>2</td>
<td>6</td>
<td>-</td>
<td>8</td>
</tr>
<tr>
<td>1969</td>
<td>8</td>
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<td>6</td>
</tr>
<tr>
<td>1968</td>
<td>16</td>
<td>15</td>
<td>1</td>
<td>3</td>
<td>6</td>
<td>15</td>
<td>-</td>
<td>15</td>
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<tr>
<td>1967</td>
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<td>5</td>
<td>1</td>
<td>-</td>
<td>-</td>
<td>4</td>
<td>-</td>
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<td>1966</td>
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<td>-</td>
<td>-</td>
</tr>
<tr>
<td>1964</td>
<td>9</td>
<td>8</td>
<td>2</td>
<td>1</td>
<td>-</td>
<td>6</td>
<td>-</td>
<td>6</td>
</tr>
</tbody>
</table>

**N.B.:** For the year 1971, there were 8 offences resulting in 11 offenders and 17 charges.

This came about by three persons being charged with three offences each.

Of more recent time, perhaps it is significant to observe that in 1972 only two offences were reported and one person was charged. In 1973 six offences were reported and seven charges preferred.

The table clearly shows that offences against minors are less than half of the total offences involved. It is also significant that not one homosexual charge has been brought against any female.
- 29 -

It is interesting in a review of the offences in 1971, 1972 and 1973, that the punishment dealt out to proved offenders was in no way as severe as prescribed by any of the relevant Sections in the Criminal Code. The most severe penalty was on a 25 year-old man who committed sodomy on a 14 year-old boy. He was sentenced to 5 years imprisonment and to be detained at the Governor's pleasure, as he had an extensive record for similar offences.

No evidence was given to the Commission that the West Australian Police Force has ever acted as agents provocateurs to secure a conviction. Some witnesses referred to this practice and alleged that this, in point of fact, did happen in other States and other parts of the world.

TERMS OF REFERENCE.
2. To take evidence as to the public attitude towards homosexuals within this State.

SUMMARY OF EVIDENCE.
53 witnesses presented evidence and 63 written submissions were received. Of these only two condemned the practice of homosexuality outright. In a brief summation one could not honestly say that the remainder were in favour of homosexual practices, but it appeared apparent that a number did not regard it as a crime.

The majority of Christian religions made either a written or oral submission and their conclusions were quite definite that homosexuality, as such, is not a crime but that it is a sin. The churches reflected the attitude that the law and morality are separate issues, laws being formulated for the protection of individual rights and the churches legislating on moral matters.
This attitude was also supported by the Law Society submission. The following extract, which was extremely helpful to the Commission, is part of the submission made by the Law Society of Western Australia.

"At a general meeting of the Law Society on the 18th of October, 1972, the following motion was debated -

That this Society recommends that the criminal law be amended to remove therefrom as an offence homosexuality between consenting male adults in private -

and the motion was carried by a substantial majority.

The members of the Society who put the motion forward were at pains to point out that in approving such a motion the Society was not by implication approving of homosexuality itself.".

So that this should not be taken out of context, points made by him and by others who spoke for the motion must be included, and they were -

"(a) That lawyers should not be regarded as functionaries to see that the law is enforced, but as a small but unofficial body with a prerogative to express their views as to what the law should be as much in areas of offences against morality as in any other areas of the law.

(b) the harsh provisions of the existing law whereby a maximum penalty of 14 years is placed on carnal knowledge between male persons and a maximum of 3 years imprisonment is enforced for the offence of gross indecency between males, results in cases of blackmail, and have forced homosexuals to hide away in corners.".
Sufficient evidence was given to the Commission to support the views put forward by the Law Society.

"(c) The law has no proper place in the enforcement of morals in this area and individuals of adult age should be free to decide for themselves their mode of sexual behaviour.

(d) Not only was the Law Society entitled to speak on what the criminal law should be, but was a body with special skills in areas of criminal law well able to express its views to the public and the parliamentary representatives on this particular subject."

With these facts in mind, and to prevent any distortion, it is as well to realise that there were a number who spoke against the motion and again we quote -

"They were of the opinion that the motion involved the expression of view by the Society on what is essentially a moral issue."

Those speakers considered that the Society should not express a view on a moral issue, particularly as such an expression of opinion might be regarded by the media and others as a general support by the Law Society of Western Australia for homosexuality.

It was with these provisos in mind that members of the Commission found that recommendations 10 and 11 on page 3 of the Law Society's submission, and supported by other evidence, should be recommended and this has been done in the section of this Report headed Terms of Reference 1.
The Commission does not intend to accurately draft these Sections, but we do refer again to the provisions of Sections 1 and 2 of the Sexual Offences Act 1967 (U.K.) which are set out in detail in Archbold's Criminal Pleading Evidence and Practice, 37th edition, pages 7, 8, 9, etc.

PSYCHOLOGY:

The psychological field of evidence was well represented and many learned papers were given to the Commission. However, it is felt that for simplicity's sake, the main points outlined by the Australian Psychological Society Branch Working Party on Homosexuality is one which sums up the current attitude by this learned body and its practitioners. They are as follows:-

1. The present state of scientific knowledge with respect to homosexuality is that only a proportion are capable of responding to present day treatment techniques.

2. Those homosexuals who cannot be treated, live under constant threat of not only being singled out as criminals, but possible victims of violence, blackmail and other forms of social discrimination.

3. We believe that it is unfair that the law should single out and discriminate against persons, who through no fault of their own, are not in a position to change their adjustment.

4. We find no reason to suppose that homosexuals as a group, are any more antisocial than any other group that might be randomly selected from the community except in so far as they may be singled out by the present laws.

5. We believe however, that homosexuality offers no threat to community standards so long as it is practiced in private between consenting adults.

6. We hold that it is possible to remove the laws applying to homosexual behaviour from the Criminal Code and revise the laws applying to sexual behaviour generally, so that one set of laws apply to all members of society without singling out homosexuals for special disadvantage as it at present the case.
The Commission was particularly impressed with evidence tendered on the psychiatric aspects of homosexuality written by one of the foremost psychiatrists in Western Australia. We feel it is essential that these notes be reproduced as a whole in this Section of the Report as there is no doubt that Dr. Csillag has researched into the subject of homosexuality at a greater depth than any other practitioner who appeared before us. Accordingly we quote his notes as a whole.

"The Nature of Homosexuality"

To define homosexuality it is essential to differentiate between behavioural acts (facultative homosexuality) and permanent states of erotic predisposition and preference (obligative homosexuality).

Facultative homosexual behaviour is wide-spread in both mammals and human beings. Between human beings it occurs as part of the sexual play of childhood and pre-puberty or part of sexual exploration of puberty and adolescence. Such homosexual behaviour may be, in part, the by product of sexual segregation and cultural attitudes against boy-girl relationships. During later years such behaviour can occur following enforced segregation as in prison or military service.

Obligative homosexuality is less common (approximately 10% of adult male population) and shows variation throughout different cultures and societies. There is no acceptable scientific evidence that obligative homosexuality is caused by exclusively innate or exclusively acquired disease processes. Furthermore, there is no evidence that homosexuality is associated with impairment of personality. Therefore, in the light of present medical knowledge, obligative homosexuality cannot be regarded as a disease entity.
The Role of Psychiatric Agencies with Regard to Homosexuality

1. Treatment of psychological disturbances occurring in homosexuals due to their stigmatized minority group status. (i.e. anxiety states, depressions, supportive counselling for identity development, etc.).

2. Sexual behaviour modification for self-selected facultative homosexuals. (i.e. systematic desensitization for heterosexual anxiety, aversion techniques to suppress homosexual behaviour, etc.).

3. To carry out scientific research into both the biological and psycho-social components of human sexual behaviour.

4. Advocation of the protection of individual human rights by the removal of legal sanctions concerning homosexuality among consenting adults and protecting the young and the mentally and emotionally underprivileged.

5. Education and modification of public attitudes towards a less repressive sexual attitude generally and an increasing acceptance of homosexuality as a variant of human sexual behaviour rather than a medical disease."

A written submission from the Reverend Chad Varah, O.B.E., M.A., which was made to the Commission, is of immense value as he himself and his Samaritan organisation around the world, have had considerable dealings with homosexual people.

We quote from his submission -
"I hope the Commission will recommend the removal of the sexual behaviour of consenting adults in private from within the reach of the criminal law, and let homosexuals be free to love one another in the ways that come naturally to them. In my country we have already (balatedly) made this civilised change, and I am happy to be able to draw the attention of the Commission to the good results that have ensued. We in England do not need to guess what happens when homosexuality is de-criminalised, for we now know from experience. The Samaritans have observed fewer suicidal homosexuals since the law was changed, although a considerable number still appeal for their help because of distress occasioned by their own or society's non-acceptance of their condition. A big difference since the change in the law has been the diminution in cases of blackmail. It is no longer possible to threaten homosexuals with the police, though it is still of course possible to threaten to expose them to their families or colleagues. The change in the law has led to a gradual improvement in the public attitude towards the homosexuals who, like the vast majority, do not behave in a way that deliberately provokes or offends.

The majority of Samaritans would entirely support the line I have taken, but the responsibility for the actual wording of this submission is mine alone."

CONCLUSIONS.

In concluding this section of the Report, there is no doubt in the minds of the Commission that even with the possibility of reformation of the law, public attitudes towards homosexuals will not change over-night. Indeed, it will be many generations before homosexuality is tolerated as a mode of behaviour in society or conversely, totally rejected by the same society.
Whilst these opinions are based only on the evidence presented to the Commission, there can be no doubt that attempting to evaluate any type of public attitude is fraught with danger, but the general feeling which the Commission had was that there was a great deal more tolerance towards homosexuals than there had been in the past. This is probably due entirely to the fact that the matter has been debated in some depth in the media and certainly from the bibliography contained in this Report, which is by no means exhaustive, a far more precise and scientific investigation of homosexuality has taken place throughout the world since the ending of the Second World War.

TERMS OF REFERENCE.

3. To enquire into and make recommendations in respect of the prevention of the victimisation of homosexuals.

SUMMARY OF EVIDENCE.

Under this heading the Commission received evidence of discrimination, physical assault and blackmail.

Evidence was given to the Commission that all the categories listed above were in fact suffered by some, if not all, homosexuals. However, it became abundantly clear with some that their natural fears of being discovered led in some cases to irrational comments, of which no tangible proof was given.

When we referred to homosexuals complaining to the West Australian Police Force, it became abundantly clear that Section 11 of the Evidence Act had not been generally recognised by them. At the same time they did point out that under this Section it was at the discretion of the magistrate as to whether or not the Section could be invoked in their particular case.
Certainly not one case of blackmail had been brought to the notice of the police. One witness took private action through solicitors and this was one of the prime examples of a satisfactory conclusion being reached by the courage of one man. If there is blackmail, the West Australian Police assured us that any case would be examined on its merits and the full force of legal processes would be used, as the population at large view with abhorance the practice of blackmail.

The fear that the victims have of reprisals is well known, no matter what the offence, and with the thought of 14 years imprisonment and/or a whipping as a possibility, one cannot but agree that persons would be reluctant to come forward.

There is no doubt that without an offence being committed, i.e., if it were legal practice for homosexuality between consenting adults in private, there could only be blackmail of a sort, which would be stamped out. Although it would be removed as an offence from the statute book, there would always be the person who would threaten to expose the homosexual, either to their families or their employers. This, in itself, has caused acute mental distress to many of the homosexual population.

Because homosexuality is repugnant to some members of the population, and because of their lack of understanding of homosexual practices as such, many employers have reacted when one of their employees was readily identified as a homosexual. Evidence was given of one dismissal by a Public Service Department of a convicted homosexual, although he was only put on a good behaviour bond and the offence itself did not occur in the pursuit of his profession.
This victimisation is pernicious because it is well documented that the sexuality of any person does not of necessity impair or lessen their ability to work in their selected professions at any level with complete efficiency.

One would not consider placing persons convicted of offences against children in a profession where the only people they dealt with were children, any more than one would place an alcoholic in a position where he had access to unlimited quantities of free alcoholic beverages. It is our tendency to over-protect without full understanding of the implications of the matter that causes the over-reaction by some employers.

One or two witnesses complained that this victimisation extended also in the promotional field due to regulations of a particular employer. Here again, this evidence was examined thoroughly but no tangible proof of any one particular case was given. Implication by nebulous letters cannot be regarded as tangible proof. The Commission, however, cannot out of hand reject the evidence, as they have no proof that the situation does not exist.

On the question of physical assault against homosexuals, there was abundant and sickening proof that this did occur. The assaults can only be described as vicious and brutal and as one witness put it, it was regarded as the sport of "poofah-bashing". In nearly every case teenage groups were identified as being the persons who committed these offences.
It is a remarkable situation that female prostitutes soliciting males are never set upon by groups of seemingly outraged females. Soliciting male homosexuals have no doubt that they run a grave risk of being viciously attacked rather than being refused.

A most noticeable example of this vicious type of assault was given by one witness who had solicited a person after a domestic quarrel with the partner he was living with. He himself could not remember what happened, but the extent of his injuries were quite alarming. His eye had been kicked out, he suffered a fracture of the skull and was unconscious in hospital for 10 days. On recovering consciousness, as one would expect with such severe injuries, he was unable to assist the police in their inquiries because he had no knowledge of his attacker or of the circumstances of the attack.

Several like incidents, but with injuries of not so severe a nature, were also reported to the Commission. Again, on questioning the Police Department of West Australia, the Commission was told that every effort would be made to bring the assailants to book, but again, because of the natural fear of the homosexuals of themselves being charged with an offence, very few of them reported these incidents to the police.

One witness quoted as an example a person of his acquaintance who refused - despite a savage beating - to go to the police, because his assailants could well report to the police that they had been importuned for immoral purposes and that the police would be forced to act upon receipt of the complaint and in turn prosecute him.
RECOMMENDATION.

Many homosexuals now take the precaution of enlisting in courses of popular methods of self-defence. Whilst one can understand their need for this protection, it would be far better were they able, with impunity, to report the offences to the proper authority and let the law, which is quite distinct on the matter, take its course against their assailants. It is only desperation that has driven many of them to adopt an aggressive attitude for their own protection as, in the main, they are not the most aggressive members of society.

TERMS OF REFERENCE.

4. To inquire into and make recommendations in respect of the prevention of the proliferation of homosexuality by the soliciting activities of some homosexuals.

SUMMARY OF EVIDENCE.

On the evidence presented to the Commission it is unlikely that there would be a proliferation of homosexuality. The only proliferation which would occur would fall into two natural categories -

(a) an increase governed by natural ratios of population;
(b) in an emancipated State more homosexuals would be likely to declare themselves.

As to soliciting activities, to promulgate a law governing this would be extremely difficult. Many advances and soliciting now goes on between heterosexuals in public places, and this is regarded as a normal way of life. The Commission feels that one has the right to accept or reject any form of solicitation, as is generally done with prostitutes at the present time. If embarrassment does occur, does this make it a criminal offence? If the solicitation is for monetary gain, then this is already covered in the Police Act. It is the opinion of the Commission that no action needs to be taken in this respect.
The general fears of the community that proliferation may occur is usually due to two definitions - that homosexuals are either (a) a mincing transvestite or (b) a dirty old man.

The mincing transvestite is only an overt type of homosexual who, from reliable sources, number less than 2% of any homosexual population. Being easily recognised, they can be easily dealt with.

The dirty old man theory has been disproved because this does not categorise all homosexuals. Indeed, evidence presented to the Commission suggests that more heterosexuals commit these offences against minors. Here again, the laws on assault on minors in this State are, in the opinion of the Commission, sufficiently strong to discourage any who feel inclined to move into this field.

There is no doubt in the minds of the Commission that because of the reasons stated above, if the laws were liberalised, per the Commission's recommendations, an increase in homosexuality would be noticed. There does not appear to be a solution to this aspect and the Commission does not offer one.

TERMS OF REFERENCE.

5. To examine whether suitable medical and mental facilities are available within the State to help those homosexuals who have a genuine desire to discontinue their present methods of sexual gratification.
SUMMARY OF EVIDENCE.

In the main psychiatric and counselling facilities seem to be adequate at the moment to cope with the situation within Western Australia. Despite conflicting evidence, it is the Commission's considered opinion that services and counsellors do exist but that their services are not generally well known. The main reasons for this could well be that homosexuals are reluctant to discuss the matter with the relevant person or service, because of the stigma which society attaches to their particular propensity.

It is felt that not enough general practitioners are themselves enough informed about homosexuality and certainly not enough general practitioners know where to refer their patients accurately. It is not so much a matter of treating a homosexual, although sufficient evidence was presented to suggest that there was a distinct possibility of treatment being beneficial. In the majority of cases, where no reversion is possible, then the homosexual in an obvious state of mental anguish, can seek counselling service which will help towards an adjustment of the problem. The majority of homosexual problems arise from the fact that social pressures are forced on them by a predominantly heterosexual community. Greater tolerance by the heterosexual community at large could well see an alleviation of the homosexual's main adjustment problems.

Perhaps at a lower level, non professional but skilled social workers could well be recruited to assist in counselling where necessary.
At this moment, however, it would appear that services and personnel available in Western Australia are coping with the problem adequately.

The success — and this cannot be stressed too heavily — of any treatment, is entirely dependent on the individual's motivations. Where a person does not wish to be "cured" then no amount of counselling and no amount of any advanced treatment will help them. Under the present circumstances it would be a waste of public moneys to recommend any escalation of services in this particular field.

We would stress, however, that two fields mentioned by reliable and authoritative witnesses must be emphasised:-

(a) Education:

The community could well benefit in its formal education programmes at Schools, Tertiary Institutions, and University Medical Schools, by including in their programmes "Total Sexuality Courses". There is no need in our opinion to sweep homoerality under the mat. It is a pattern of sexual behaviour which has to be explained to remove doubts and dispel fears held in the community over the centuries. Ignorance of these matters only proliferates these fears to the ultimate disadvantage of the community as a whole.

(b) Health:

Some homosexuals contract V.D. and they run as much risk as any other promiscuous heterosexual. Many do not seek treatment for fear of prosecution. Information on V.D. treatment and its confidential nature should be included in any Health programme dealing with the subject of V.D. It is a facet of Health which is escalating in the community and all persons who indulge in sexual practices need to be informed of the risks involved.
OBSERVATIONS

Many interesting problems were brought to the Commission's notice during the course of their inquiry. For example-

(1) Where a bi-sexual partner of a marriage consorts with and has sexual intercourse with a partner of the same gender, is this then sufficient grounds for divorce in a Court of Law on the plea of adultery?

(2) Should couples living together in a homosexual partnership, be entitled to the same privileges as regards tax allowances, home loans, etc., as the married heterosexual couple?

(3) Should homosexuals be allowed to adopt children?

(4) In emergency situations, as in consent for anaesthetic for operations, the rights to visit restricted to next of kin, can those living as homosexual partners be entitled to the same privileges?

(5) Can homosexual partners make Wills in favour of each other and can they be assured on the demise of one or the other, that the Will be as valid as a Will between married heterosexual couples, without interference by disapproving relatives who maintain that the "partnership" was not legal or natural?

(6) Does the removal of homosexuality as an offence guarantee on a de-facto basis, the above points?

The Commission's terms of reference precludes them from adjudicating on these particular issues and a great deal more research and inquiry would be necessary to examine these relevant points. It could well be that the Commission could be held as acting ultra vires the terms of reference as laid out in their warrant.
It is stressed that this is not a question of the Commission dodging what would appear to be issues of the same kind. Apart from the specific terms of reference governing the conduct of the inquiry, the Commission can offer the honest conclusion that they have not been sufficiently informed on the additional points to make recommendations in these areas.

ACKNOWLEDGEMENTS:

The Commission wishes to place on record its appreciation to all those witnesses who voluntarily contributed either oral evidence or written submissions during the course of the inquiry. The knowledge gained from this source was of great assistance to the Commission in the preparation of this report.

The Secretary of the Commission, Mr. L.A. Hoft, carried out his duties with courtesy and diligence, and spared no effort in the completion of the task, also Miss K. Gintowt whose assistance in preparing a digest of evidence received was of great assistance to the Commission in its final deliberations.

The Chief Hansard Reporter, Mr. J. Cox, and his staff, are to be thanked also for their speed and efficiency which contributed greatly towards the successful conclusion of the Commission's inquiry.
CONCLUSION:

The Commission is more than aware that its inquiries were not exhaustive because of the limitations of time imposed upon its members by other Parliamentary duties, and by the inability of the Commission to travel to other States for discussion with interested persons, organisations, and government authorities. However, the Commission has closely examined all the evidence at its disposal, and the recommendations contained in this report have been put forward in a genuine attempt to resolve some of the many social problems and misconceptions which exist in relation to the question of homosexuality.

Our grateful thanks go to all those who have assisted in the inquiry.

(R.J.L. Williams)
CHAIRMAN.

(C.J. Jamieson)
DEPUTY CHAIRMAN.

(V.J. Ferry)
MEMBER.

(I.D. Thompson)
MEMBER.

(M.J. Bryce)
MEMBER.

18th, September, 1974.