



Paul Harriss MLC

Legislative Council

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Electorate: Huon

REFERENDUM (HOMOSEXUAL CONDUCT) BILL 1996

Second Reading

Mr HARRISS (Huon) - Mr President, firstly if I could crave your indulgence for a few moments to express my gratitude to honourable members for the welcome which I have received to the Chamber. Many of you phoned soon after the election and I appreciate that. The encouragement which I received was most welcome. In my address to the Chamber, Mr President, I would like to pay tribute to my predecessor, the Honourable Athol Meyer, and indeed his wife, Pat, for the contribution which they made to the community, not just the contribution that Athol made in this Chamber and I would certainly like to go on the record as wishing him a long and rewarding retirement. I think he deserves all that might come his way, profitably, in his future life.

I would also like to place on the record and remind members of some of the things which I have mentioned publicly, one in particular. Yes, I stood in the State election as a member of the Liberal Party, contested the seat of Franklin, and I am still a member of the Liberal Party but I have made it quite clear publicly and I want to be on the public record as making it clear in this Chamber, Mr President, that I am here as an independent, unendorsed, and therefore unshackled by what might otherwise be the constraints of party politics and I will be voting on issues which arise in this Chamber entirely on their merit and, as I said, unshackled by party politics. I think that of itself indicates the very importance of this House - that is, that this House is an independent House. We ought to protect that quite jealously and the independence of this House ought to be revered, and I certainly for one respect that position which leads me to make a comment about the matter of whether a referendum would be accepted by the Assembly.

It is certainly a matter of public record as to the position that the Assembly intends to take, but again the independence of this House ought not be compromised and if this House decides on any issue that we wish to send a message or a matter to the lower House then we ought to do so, just as I will be, unshackled by party politics, we ought to be unshackled by what might be seen maybe even as a threat to this House.

I have been encouraged by my personal result at the election, in fact quite humbled by the strong endorsement of the position which I took prior to the election. People knew what my position was in terms of the Liberal Party and in terms of the debate currently before this House. I stood fairly strongly on the principle of anti-gay law reform. People knew that and I believe I have received some fairly strong endorsement for that position. Indeed it was mentioned on a radio program something along the lines that the Huon electorate is quite divided on the matter of conservation

and it is likely to be divided on gay law reform. The person making the comment then went on to say that there are many progressive candidates standing for Huon and it is likely that someone who supports gay law reform will be elected. That has not been the case and as I said, I am encouraged and indeed humbled by the support which I have received.

Mr President, there is another bill on the Notice Paper that other members have alluded to. It may even be that this House may consider adjourning this debate prior to taking the vote so that the bill which will be debated at a later stage coming from the Assembly can then be considered and the whole issue of homosexual law reform can be thoroughly fleshed out, unaffected by any pre-emptive decision which we might take on this particular bill. People have made comments both in the media and I think, if I am not mistaken, here tonight that homosexuals or people who choose a homosexual lifestyle are born that way. That is a matter of considerable medical debate and medical opinion on that issue is quite conflicting, inconclusive. The challenge for us, the challenge for the community now and the honourable member for Buckingham in his quite passionate speech suggested that we as members ought to be communicating to our constituents out there the advice of the Solicitor-General. I, until tonight of course, had not been privy to that detailed information and the people with whom I spoke during my election campaign obviously were not privy to that kind of detailed information. That then of itself poses quite a dilemma for honourable members on reaching a decision here. I would even suggest to this House, Mr President, that maybe the terms 'homosexual' and 'lesbian' ought to be used not as nouns to describe people but more as adjectives to describe a lifestyle. People who choose that lifestyle are humans first of all. I know none of us would promote discrimination of any kind, and to use the words somewhat dangerously, I suppose, as nouns sometimes unfortunately promotes discrimination. That is unfortunate.

I, like many other members, am concerned about the other questions which have been posed during both the State election campaign and the recent Legislative Council campaign, and that is, do we support teaching - or balanced discussion, I think, was the sort of words used - of homosexual practices in our secondary colleges? Do we support access to sperm donation programs for lesbian couples? And, yes, they are questions of a larger agenda. That is a concern which I have. And maybe notwithstanding some of the other discussion we have had about costs and other things attached to a referendum, just maybe if we are going to proceed to a referendum then it ought not be conducted in the hype of a general election where we are confronted inevitably with the 'them and us' polarisation which would inevitably take place. If this is an important enough issue then maybe it ought to stand alone.

Mr President, we are told daily that we need to make tough decisions as parliamentarians and in life generally. The only reason people tell us that we need to make the tough decision, it is only tough because people want us to make the decision which they expect us to make. That is why it is tough.

Decriminalising, in my view, consenting homosexual acts in private will not of itself lessen necessarily some discrimination in the community. I would suggest that the community at large does not approve of the practice. The honourable member for Hobart has made his comments about that, that if we were to ask the community at large then they would not approve of homosexual activity and maybe that is why

discrimination occurs, not because of the laws but because the community at large, rightly or wrongly, disagrees with the act. But I have said before, and I will say it just once more, that discrimination of any kind cannot be condoned, and I am sure honourable members in this Chamber do not condone discrimination on this issue.

We have heard today, and I had intended to use the quote myself, that 'I might not agree with what you say but I will defend to the death your right to say it.' Mr President, I received numerous comments, numerous phone calls, during my election campaign about this very issue. People are very sensitive about the matter of homosexual law reform in our community, and many people might not agree with what I say; many might not, Sir, agree with what you say, but we ought to defend to the death, as Voltaire said, people's right to their view and their right to have their say.

I said earlier that there is a real dilemma for us, given the detailed information which we have received from the Solicitor-General. Honourable members have spoken to that and I understand in some measure the legal consequences of that advice but can I say in conclusion that a society which permits anything will ultimately lose everything. Mr President, that I think might bear some reflection because we do need to be careful of the messages we send, particularly to our youth and to the community at large.

I thank honourable members again for the welcome I have received and I look forward to contributions in this Chamber, Mr President, under your control as time goes by.

Members - Hear, hear.