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## Legislating homosexuality

Compiled by Alison J. Laurie and Linda Evans

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**1858.** English Laws Act 1858 applies all English laws in force as at 14 January 1840 to New Zealand, including the law that acts of sodomy are "unnatural". Life imprisonment.

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**1867.** Offences Against the Person Act 1867 criminalises buggery, with a penalty of imprisonment from ten years to life. Consent is no defence.

**1885.** English Criminal Law Amendment Act 1885, which included the Labouchere Amendment criminalising all sexual relations between men including consensual sex in private.

m LR 503, 543.

**1893.** Criminal Code Act 1893 repeals 1867 Act but retains buggery as a crime punishable by life imprisonment, hard labour and flogging, and criminalises sodomy.

**1908.** Crimes Act 1908 defines penalties for sodomy, retaining flogging.

**1921.** Macquisten Amendment attempts to add "acts of gross indecency by females" to 1885 Act. Defeated in the House of Lords.

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**1941.** Crimes Amendment Act 1941 removes the punishment of flogging from New Zealand law, retaining life imprisonment.

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**1954.** Criminal Justice Act 1954 removes the punishment of hard labour from New Zealand law, retaining life imprisonment.

**1957.** A report by the Wolfenden Committee to the British Parliament recommends decriminalising private, consenting homosexual behaviour.

Need to Recognise

**1961.** Crimes Act 1961 reduces penalties for homosexual acts and introduces lesbianism into the law, by criminalising sexual relations between women over twenty-one and girls under sixteen.

**1962.** New Zealand's first social club for homosexual men, the Dorian Society, forms in Wellington.

**1963.** A legal subcommittee of the Dorian Society forms to work on law reform.

**1964.** Six youths are acquitted of the murder of Charles Aberhart in Hagley Park.

**1967.** Sexual Offences Act 1967 abolishes total prohibition of homosexual acts in England. The age of consent is set at twenty years, as opposed to sixteen years for heterosexual acts.

**1967.** New Zealand Wolfenden Association is founded, soon changing its name to the New Zealand Homosexual Law Reform Society (NZHLRS), dedicated to urging a change in the law regarding homosexual acts.

**1968.** The NZHLRS presents a petition to Parliament urging homosexual law reform, signed by seventy-five prominent people.

**1969.** Homosexual men and women at the Stonewall Inn in New York resist police arrest, leading to the Stonewall Riots. This is regarded as the start of Gay Liberation.

**1972.** Auckland Gay Liberation is formed following the refusal of a US visa to Ngahuaia Volkerling (later te Awekotuku) due to the fact that she was openly lesbian. Other Gay Liberation groups soon form.

**1973.** The first national lesbian organisation, Sisters for Homophile Equality (SHE), forms.

**1973.** First Gay Pride Week and march in New Zealand.

**1975.** Robin Duff stands in the general election for the Values Party as the first openly gay candidate. Not successful.

**1976.** Carmen stands in the Wellington mayoral election as the first openly transgendered candidate in the world. Not successful.

**1974.** National MP for Egmont Venn Young puts forward a Private Member's Bill amending the Crimes Act 1961, proposing the decriminalisation of private homosexual acts between consenting males over the age of twenty-one years. Following the proposed Wall Amendment by Labour MP for Porirua Gerald Wall, which sought to criminalise all public comment made to persons under twenty implying that homosexuality is normal; the Bill was defeated at its second reading in 1975.

**1977.** Human Rights Commission Act 1977 establishing the Human Rights Commission is passed. The Act comes into force on 1 September 1978 prohibiting discrimination on several grounds, but not including sexual orientation.

**1977.** The National Gay Rights Coalition of New Zealand (NGRC), an umbrella organisation for lesbian and gay groups, forms.

**1978.** Dr Ian Scott stands in the Eden electorate, Auckland as the Labour Party's first openly gay candidate. Not successful.

**1979.** Labour MP Warren Freer proposes amendments to the Crimes Act 1961 decriminalising male homosexual acts with an age of consent of twenty years. Opposed by the NGRC due to unequal age of consent with heterosexual acts. Freer proposes a new amendment in 1980, with an age of

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consent of eighteen years. Opposed again by the NGRC, and then dropped.

**1983.** Fran Wilde Labour MP for Wellington considers introducing a gender-neutral Private Member's Bill decriminalising male homosexual acts (the Equality Bill), but does not proceed.

**1985.** Fran Wilde MP introduces a Private Member's Bill: the Homosexual Law Reform Bill.

**1986.** Homosexual Law Reform Act 1986 passes, decriminalising male homosexuality. An attempt to also amend the Human Rights Commission Act 1977 to prevent discrimination based on sexual orientation is unsuccessful.

**1991.** Immigration policy changes, making it possible for same-sex partners to gain residence in New Zealand.

**1993.** Human Rights Act 1993, consolidating and amending the Human Rights Commission Act 1977, is passed. The new Act includes five new grounds of discrimination including sexual orientation, and is introduced by Katherine O'Regan National MP for Waipa. The Act comes into force 1st February 1994. The Act applies to the private sector – government has various exemptions to give time to bring laws and policies into line with the intention of the Act.

**2002.** Human Rights Amendment Act 2001 comes into force on 1 January 2002. The Government is no longer exempt from fully complying with human rights provisions.

**2004.** Civil Union Act 2004 creates legal partnerships for different and same-sex couples, with many of the provisions of marriage.

**2005.** Relationships (Statutory References) Act 2005 provides consistency for same-sex arld de facto couples across a large number of existing laws affecting married couples, including superannuation, benefits and inheritance.

**2008.** Births, Deaths, Marriages and Relationships Registration Amendment Act 2004 takes account of technological and social developments and allows lesbian mothers and partners to both be reflected on birth certificates.

(This chronology was compiled with the assistance of the Parliamentary Library)

**TWENTY YEARS ON**  
**Histories of Homosexual Law Reform**  
**in New Zealand**

Editors  
Alison J. Laurie and Linda Evans



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