

HIV Clinical Update Meeting Auckland 8 May 2015

Kia ora tatou

Many thanks for inviting me to participate today. I have made many speeches in my life but talking at a “clinical update” meeting is a new experience.

So: three decades of HIV in New Zealand. And next year three decades since consensual male sex was decriminalised in New Zealand. For me the timing was actually coincidental, but the latter event most certainly helped the fight against HIV.

Today I'd like to be able to quote compelling material from the time when the gay law reform bill was going through parliament. But alas last year all my written records –including diaries, letters, meeting notes and other records - were destroyed in an arson attack on a storage facility in Wellington.

In this digital age when everything is locatable some way, it's hard to accept the loss of unique historical material of this nature but it happened - so today this is very much a recollection.

The first question might be – why would anyone in their right mind want to champion gay law reform?

Basically because it wasn't there. The criminalisation of consenting sex between adult males was a huge black hole in our human rights record and it needed to be addressed. New Zealand was far behind a number of other countries in this respect, even though we had led the way on a number of other social and human rights issues.

This legislative gap had resulted in thousands of New Zealand men over many generations leading only half lives, living in the shadows, having to hide or deny their sexuality. There are many highly publicised cases of men who were physically assaulted, entrapped by the police, driven out of jobs or in very sad cases committed suicide. But the highly publicised examples were only the tip of the iceberg. Many good New Zealanders were leading productive, law-abiding lives but presumably totally unfulfilled and unable to let the world see who they really were.

As a young parliamentary candidate in 1981 – the height of the Muldoon era for those old enough to remember – I was lobbied (as I imagine were all candidates) to find out if I would support such legislation if elected. Of course I said. The next question was: Would you sponsor a bill? With no reason to decline, I said yes – but thought nothing of it till after the election when the same group came back to me.

This time I took it more seriously and after some discussion agreed. I guess the due diligence was mutual – they also agreed to have me. There had been a few failed earlier attempts at law reform. Clearly the time hadn't been right - but that wasn't the only reason. Specific provisions of previous bills, particularly around the age of consent, meant that the whole gay community wasn't able to unite around them and also – importantly - the MP sponsors had not been willing to run the sort of campaign required to get the bill through.

I was a young, female heterosexual – mother of three – in the most liberal electorate in the country. Politically about as useful a background as possible for this legislation.

Of course I had no idea what it would mean to my life, how immensely difficult it would be and how it would test my political skills and personal emotional resources. And even though I knew it was important, when I first embarked on this I hadn't grasped just how important for the gay population of New Zealand or, indeed, as it turned out for many other progressive causes which I also supported.

The first bill drafted was called the Equality Bill. This died before I could introduce it – for various reasons which I don't need to go into today. The Homosexual Law Reform bill was then drafted, and I want to acknowledge Don McMorland and Alan Ivory who drove this and with whom I worked on the content of the bill.

After my party (Labour) won the 1984 snap election, it was time to launch the issue. Some of my parliamentary colleagues were not very keen on this “distraction” from what they saw as mainstream issues. New Zealand was a basket case economy at the time. Our foreign exchange markets had pretty much closed. Treasury and RB advice was being sent back unopened and unread by Muldoon – we were in danger of becoming a banana republic and tough measures were needed.

The Labour government clearly needed to be a reforming one – which it was on many fronts. So despite some objections, I went ahead with the bill. It was one of the trinity of issues – sex, religion and alcohol - that MPs traditionally refused to deal with as party policy, so it was a private members bill – a conscience vote in parliament.

In those days there was a sort of gentleman's agreement that every private members bill got a positive vote on its first reading, then later on most were thrown out and never got any further. Upon introduction I knew that there were 19 MPs on whom I could have relied to vote for the bill if it had been the third reading that day. A number of those became the core team that helped in the campaign.

Basically we looked at how many votes we needed and decided who were the MPs to target.

We knew that lobbying them directly wouldn't have been much use. We had to get their local electorate communities to give them permission to vote for the bill. We knew what the public thought because we polled. There was a large gap. Because homosexuality had been outlawed for so long, it was the subject of endless stereotypes and myths, and people held what they believed were well-founded fears about decriminalisation.

As the campaign began to unfold we had to develop multiple strategies aimed at different parts of the community.

But before outlining some of them, it's important to say who “we” were.

The gay community were fundamental to the success of the campaign. My parliamentary office became campaign HQ and the gay groups around the country were in the front line in the electorates. There was also a core group of MPs and parliamentary staff who were involved.

We had an army of people helping. Massive amounts of information were generated by librarians, doctors, lawyers and religious ministers. The idea was to build a library of information to answer any question or piece of false information that was made public.

We looked closely at the electorates of each of that middle group of MPs whose votes we needed. Who were the influential groups, the opinion leaders? who would help us? who would oppose us?

A major lobbying campaign was organised, with people volunteering or being invited to participate, some quietly and privately, others more publicly. On the more public side, meetings and rallies were organised, and those organised by the opposition were attended (very noisily in some cases).

In the face of a well-resourced and zealous opposition, we actually generated an amazing volume of useful media coverage, using print and popular media such as talkback radio.

We answered every single opposing argument we saw in the print media or heard on radio – either by a statement or a letter to the editor, as often as possible from someone credible in whatever was the appropriate field.

Wednesdays were set aside in Parliament for Private Members Bills so every time the bill was on the order paper we arranged for MPs opposing the bill to be invited to address meetings of a wide variety of interest groups in faraway parts of the country - far enough away so they couldn't get back to Parliament that night to vote. This ensured we kept the legislation alive while we continued lobbying the electorate to create that final "yes" vote.

Every one of the thousands of letters sent to me was answered with the points raised addressed in detail - even those from religious zealots who told me that they knew just what a sinful lesbian like me really needed to straighten me out or who made anything that may have been a death threat. My poor young office assistant was taught how to detect letter bombs.

There were many terrible times and many good times.

The gay and lesbian communities were phenomenal. They were the backbone of the campaign, supported by a legion of liberal and open minded kiwis who knew that this was an issue about fundamental human rights.

It was a couple of years of intense activity for me. Not just the parliamentary side - including the select committee - but throughout the country public rallies, talking to small groups, media interviews and talkback radio. And of course, discussing tactics with people who were at the heart of the campaign – key members of the gay community, particularly in Auckland and Wellington, and my parliamentary colleagues.

In terms of tactics, there were some big decisions to make. For example, age of consent was a huge issue, as it had been in previous attempts to change the law. A number of MPs told us that if it was just 18 (or in some cases 20) they would certainly vote in favour. In fact there were arguably sufficient of them for us to know that we could get the bill through with a change to the age.

So I felt obliged to back to the core team in the gay community and test it out. No way, they said. We must maintain the integrity of the bill – this is about equality before the law and it cannot be any different from the law pertaining to heterosexual activity.

They were absolutely correct. It had to be the same.

The issue was significant enough that those opposing the bill (who were also totting up their numbers in parliament) believed it would fail with an age of consent of 16, so when we were voting clause by clause in the committee stages they supported 16 as an age of consent.

When that vote was passed it was a great night for us but we also knew we were down to the wire. If I may mix my metaphors, in a sense it was a line in the sand for the MPs who were wobbling.

The campaign had brought out onto the streets many of the uglier parts of New Zealand. Rallies against the bill turned into outpourings of hate against gays and lesbians. Talkback radio in particular but also letters and statements in newspapers were also inundated with similar invective. In Parliament it was the same. We sat for hours listening to opponents describing the certainty of a rise in paedophilia if the legislation were to go through – and then going on at length and in detail describing what they thought were the mechanics of gay sex. We did wonder why some of the speakers found it so fascinating!

This gross behaviour reached its height – or maybe that should be depth - around the infamous petition – at that time the biggest ever to be presented to parliament. After badgering and cajoling many thousands of people to sign up, the organisers held a rally on the steps of parliament, presenting the petition forms for each electorate in a cardboard carton. There were Girls and Boys Brigade members in uniform. There were bands. There were hymns. There were flags. They sang the national anthem.

A Jewish woman in the watching crowd articulated what many of us felt – this was reminiscent of scenes many recalled (some from real life and others from historic newsreels) from pre-war Germany.

My view in retrospect is that the petition rally was a major turning point in public opinion. For all the proven facts and rational arguments we presented, it took a Nazi-style rally for ordinary New Zealanders to begin to think about the ramifications of the rhetoric they were hearing from opponents of the bill.

We even had members of the press gallery slipping into my office to ask for HUG badges. HUG was an organisation that had been set up to support the bill – its initials stood for Heterosexuals Unafraid of Gays.

The fundamentalist churches in particular worked hard and publicly to defeat the bill. They spent large amounts of money and they were supported (at least in terms of information and supply of speakers) from the USA.

Their rhetoric was not just homophobic, it was also overtly negative about many other issues relating to human rights – women's issues in particular. We knew that defeat of this bill would be a major setback for New Zealand in a number of areas.

At the same time, the HIV epidemic had begun. Of course our opponents used this as another argument against decriminalisation – if homosexual acts were legal gay men would be rampaging through the community spreading AIDS to all and sundry.

We knew the converse was true. Until men were able to get advice and information and discuss their sexuality openly without fear of prosecution, HIV programmes would not work and the fear was that the epidemic could become uncontrollable.

So our drivers to get the bill through were pretty strong – primarily the need to correct a long-standing injustice that had blighted the lives of thousands of gay men, but also fear of homophobia being the thin edge of the wedge that would drive into other hard-won human rights, and concern at being unable to manage AIDS.

It was a time when our nation had a choice between two radically opposing world views - and where each option might eventually lead us.

Remember that our campaign had been about informing the public and getting communities to give their MPs permission to vote the right way. When that middle group of undecided MPs were faced with the unmasked reality of these opposing world views, sufficient numbers of them realised they had no choice but to vote for the bill, even with an age of consent of 16.

There was one more factor that was hugely significant in getting the change through - visibility. Because of the criminal status imposed on them, many – most – gay men were very much in the closet at the time. That gave opponents licence to portray them as perverted child molesters. This was the stereotype that was promoted. During the campaign to change the law, increasing number of gay men and lesbians came out.

I watched the deep impact this had on the rest of the population. Right around the country people discovered that their workmates, friends, brothers or sisters, sons or daughters or, in some cases, husbands – were gay.

And they were not perverted child molesters. They were just ordinary kiwis going about their lives and contributing to society. In many cases this coming out was greeted with astonishment. How could so-and-so be gay? He's so normal!

The result of the final vote on the bill is well known – the human rights amendment part of the bill was defeated. I always felt this was a sort of insurance policy by MPs who absolutely knew the bill had to pass but wanted to be able to say to their voters who opposed it that they didn't think it was right that people should be forced to employ or provide services to homosexuals.

We got the main decriminalisation through in the end by 5 votes, though sadly some MPs hung round the back of the ayes lobby for the third reading and when they saw that we had sufficient to pass it they scurried off and voted against it.

Since then, decriminalisation has allowed Human Rights Act amendments, civil unions and more recently gay marriage. It has also been followed on by changes to organisational policies in a number of areas. Decriminalisation was essential for the other aspects to build on, but in my view there are still a number of challenges.

Sex remains a difficult issue for society.

I've had a look at the research by Martin Woodbridge and his colleagues Dowell and Gray on GPs approach to men's sexual health in which they identified challenges to discussing sexual health

topics within the consultation. They talked about time, finding the right language, interactional delicacy and disclosure of risk.

Men who are also gay are presumably doubly disadvantaged.

You all know much more about this than I do but in some ways I wasn't surprised. I think this just reflects that in society generally we are still not frank enough about these issues.

There is another group in our society who arguably have even greater problems and that is young lesbians and gays, particularly those still in the school system.

It's interesting that parents in their 40s, who have lived most of their lives in a country where gay sex is legal, in many cases would be devastated to find that their daughter or son was queer. In addition, we now have the cruel, uncompromising and very public world of social media.

How hard must it be for LGBT kids to know what to do or who to turn to on issues of sexuality.

I imagine it's a difficult area – probably a minefield – for clinicians, but I urge you to think about how best to engage and help young people understand that different sexual preferences are okay.

If, as in the case of the Woodbridge report that I referred to earlier, it's a problem of interactional delicacy, then talk to your colleagues about how to get ensure that people in the medical field get more training as part of continuing medical education. There have to be useful and common sense ways of approaching issues such as this and ensuring that the next generation of young New Zealanders are confident and supported in their sexuality, whatever it is. Please help them.

I can never resist giving advice but that's it from me today.

I want to finish by acknowledging any of you here today who were part of that campaign back in the eighties. It was a remarkable pivot point in our social history - and we turned New Zealand in the right direction. Thank you all.