Abstract
The southern island of Tasmania is renowned for being the last Australian state to decriminalise homosexuality in 1997. Twenty years after the repeal of these laws, the state parliament of Tasmania passed legislation introducing an expungement scheme for historical homosexual convictions and delivered an apology for their harms. In this article, we draw upon theories of sexual citizenship to develop a critical place-based analysis of the Tasmanian apology that is attentive to the specificities of the region’s political, social, and cultural context. We argue that the parliament’s attempts to redefine the boundaries of sexual belonging through apology and expungement entail new forms of erasure, exclusion and policing. The limits of the apology’s liberal discourse of progress are foretold by several tendencies within its narration, including: the persistent impulse to erase both past records of the law’s violence and future LGBTQIA+ identities; assumptions of sexual essentialism and biological determinism; and the uneasy demarcation of il/legal sexual practices, which reasserts the state’s authority to govern sexuality through recourse to the criminal law. Our analysis highlights the need for more place-based analysis of emergent modes of sexual governance within queer criminology and for further research into the material benefits, if any, that apologies and expungement schemes provide to those affected.

Introduction
Twenty years after the repeal of laws that criminalised “consensual homosexual activity and cross-dressing” in the Australian island state of Tasmania, the Tasmanian Parliament delivered a “long overdue” apology on 13 April 2017 (Tasmania, Legislative Assembly 2017, pp. 54, 59). The apology was offered by the Liberal Premier Will Hodgman and other elected members of Parliament to the Tasmanian LGBTI (lesbian, gay, bisexual, transgender, intersex) community alongside the second reading of the Expungement of Historical Offences Bill (2017). The expungement legislation sought to remedy the persisting convictions for those who were prosecuted by the abolished sections of the Tasmanian Criminal
Code. Tasmania’s anti-sodomy laws—carrying a maximum penalty of twenty-one years imprisonment—were repealed in May 1997, years after similar laws had been repealed across the mainland Australian states. Fierce political opposition to the decriminalisation of homosexual acts in Tasmania saw activists’ efforts to dismantle the laws elevated to federal and international stages (Henderson 2000). While Tasmania was not the first, nor the last, Australian parliament to apologise to the LGBTQIA+ community for the historical injustices of the law, Tasmania’s specific history of sexual citizenship makes the terms of its apology worthy of close attention.

In this article, we analyse the parliamentary apology as an inherently political act that seeks to detach Tasmania from its homophobic history, particularly the label of “the last state” that was earned through its reluctant and belated decriminalisation of homosexuality. Drawing upon theories of sexual citizenship, we explore how the parliament attempts to reinvent the state’s image through re-establishing and prescribing the proper moral boundaries of sexual citizenship in Tasmania. We build upon and extend prior queer criminological analyses of institutional apologies (Redd and Russell 2020; Russell 2020) by examining the Tasmanian apology as a performative discourse of place-making and sexual reform that is complicated by the lack of successful expungement applications in its wake. As we show, the potential for the apology and its accompanying legislation to bring material benefits for LGBTQIA+ Tasmanians, such as removing the possibility of criminal record discrimination, is limited. In so doing, we do not minimise the emotional impacts of the apology as it was received by individuals who suffered from the criminalisation of homosexual acts. Rather, we attune to the construction and conditional inclusions of sexual belonging as it is newly articulated by the remorseful Tasmanian parliament. Through a close reading and thematic analysis of the transcripts of apology speeches delivered in the Tasmanian parliament, we identify several persistent tendencies and assumptions, including: the impulse to erase both past records of the law’s violence and future LGBTQIA+ identities; assumptions of sexual essentialism and biological determinism; and the uneasy demarcation of il/legal sexual practices, which reasserts the state’s right to govern sexuality through criminal laws. Much like the Victorian apology, the “spectre” of public sex haunts the Tasmanian apology (Boucher & Reynolds 2018). While state agents are keen to “delete” past records of over-regulation, they are also anxious about maintaining the state’s authority to define and police the boundaries of sexual acceptability. Even as the discriminatory and exclusionary actions and attitudes of parliaments past are condemned by their contemporaries, the latter prescribes a constricting vision for the regions’ current and future sexual identity.

Through this analysis, we highlight the value of case and place-specific analysis of sexual regulation and law reform for the field of queer criminology (Fileborn 2019; Valverde and Cirak 2003). We also contribute to knowledge about the politics of state apologies within queer and critical criminology, which have had limited engagement with the topic. This is a notable absence, given the animating concern within queer criminology for the ways in which discourses of “crime” and processes of law-making are shaped by sexual and gendered anxieties (Mitchell and Rogers 2021; Novak 2021). Public apologies are also novel because they allow for critical analysis of alternative ways of reckoning with social harm (Copson and Boukli 2020; Yar 2012).
apology is specifically examined in critical criminology, it tends to be in research on restorative justice, where apology is typically accepted to bring positive benefits such as empathy, reflection and accountability when enacted with sincerity (Dhami 2011; Saulnier et al. 2012). In contrast, our reading of apology shows how it can reproduce the apologiser’s authority and allow them to evade a responsibility for repairing the harms caused. While a philosophical approach to critical criminology might view forgiveness as allowing “for the creation of new beginnings and potentialities for individuals and society” (Pycroft and Bartollas, 2018: p. 246), our analysis instead provides a cautionary tale about the erasures and foreclosures that apologies enact, and the temporariness of the “suspension of prejudice” (Tomsen and Markwell 2009) that they appear to involve.

**Sexual Citizenship**

Parliamentary debates are important forms of social education where competing “truth claims” about subjects and their shifting and complex relations to the state are constructed and disseminated (Henderson 1996; Dalton 2016). In other words, parliamentary discourses disseminate crucial information about belonging and citizenship. Where for some citizenship is demarcated through formal modalities such as legal status within a nation state, elsewhere it is broadened to incorporate multiple aspects of “belonging, recognition, and participation” (Cossman 2007: p. 3; Yuval-Davis 2006). This latter conception of citizenship has enabled feminist and queer scholars to question the many exclusive and regulatory functions of citizenship beyond those enshrined in law, and to develop the notion of “sexual citizenship” to “highlight the sexualised norms through which citizenship is constituted” (Richardson 2017: p. 212; Bell and Binnie 2000; Evans 2013; Weeks 1998). Theories of sexual citizenship have advanced analysis of the underlying assumptions embedded in citizenship frameworks, including the idealisation of the monogomous, heterosexual couple form and the moral restriction of sex to the private realm (Evans 2013). Those that challenge or defy these prescriptions have not only been excluded from the full rights and protections afforded to respectable and responsible citizenry, but also subjected to heightened surveillance and additional punishments (Russell 2020; Sanders 2009; Stanley 2021), including in the Tasmanian context.

Alongside the scholarly engagement with sexual citizenship, feminist and LGBT-QIA+ activism has for many decades attempted to challenge the implicit (hetero)sexing of citizenship. Lesbian and gay campaigns have, in many instances, advanced claims to inclusion and rights on the basis of “sameness” or their proximity to heteronormativity (Duggan 2004; Richardson 2004). The possibilities for transforming the norms of citizenship are thus limited and contested, as Baird (2003: p. 3) rightly asks: “How far can definitions of the liberal citizen subject expand to incorporate queer subjectivities?” While some reforms and moves towards sexual recognition might be permissible, the notion of citizenship nevertheless remains, as Cossman (2007: p. 3) succinctly declares, “also always about exclusion”. Any shifts or changes to the parameters of sexual citizenship will thus involve a “process of not only becoming but also of unbecoming citizens” and the production of not only newly good or included citizens but also “newly bad or failed sexual citizens” (Cossman 2007: p. 3; see also Richardson 2000).
Viewing the Tasmanian apology through the lens of sexual citizenship allows us to consider who or what is included in the state’s rearticulation of acceptable sexualities and, more importantly, who or what is excluded, silenced or erased. In other words, we approach the apology as a move to power by those in state politics, extending a much longer colonial history of attempting to define and control the sexual identity of the southern island state.

**Sexual Citizenship in Tasmania**

Located off the south-east coast of mainland Australia, the island state of Tasmania has a particularly fraught history of sexual politics and regulation (Grant 2020: p. 4). While anti-sodomy laws were inherited from British legal tradition and adopted across all Australian states during colonisation, their impacts were magnified in Tasmania, due to their more frequent enforcement and the island state’s unique law against “cross-dressing” (Croome 2013: p. 4). Tasmania’s role as a penal colony for the penal colonies, where convicts were sent for transgressions within the emerging colonies, saw the state take “unprecedented steps…to eliminate same-sex relationships amongst convicts” (Croome 2013: p. 4). Capital punishment for charges of sodomy were continued in Tasmania long after the practice had been abandoned across the rest of the British Empire and were replaced by a maximum sentence of twenty-one years imprisonment—the “harshest penalties in the western world” (Croome 2013: p. 3). Henderson (2000) notes the role that geographical separation played in the formation of a Tasmanian political and social identity, one in which—prior to the efforts to repeal the anti-gay laws—homosexuality was framed as incongruous with the Tasmanian identity. Thus, the regulation and censure of LGBTQIA+ lives extended beyond repressive legislation and into public political speech acts shaped by the rhetoric of Tasmania as distinct from the mainland, with Liberal Premier Robin Gray declaring at the Sydney launch of his tourism campaign in 1987 that “homosexuals were not welcome in Tasmania” and calls from local politicians to “deport” LGBTQIA+ Tasmanians (Croome 2013; Morris 1995; Grant 2021). These sentiments were echoed to a significant extent within the broader Tasmanian community, with opinion polls in the late 1980s showing public opposition to the decriminalisation of homosexual acts to be 15 per cent higher than the national average (Croome 2013: p. 4). Mainland efforts to decriminalise homosex saw South Australia’s laws abolished in 1975, and activist lobbying and organising resulted in the repeal of anti-sodomy laws across all jurisdictions by 1990 (Bull et al. 1991; Willett 2000; 2013). However, sexual citizenship was unevenly recalibrated through decriminalisation outcomes in various states, evident in the recriminalisation of homosex through unequal age of consent laws (Willett 2013: p. 223), the introduction of new and targeted offences to police homosex (Boucher & Reynolds 2018: p. 464), and the criminalisation of “promoting” homosexual behaviours (Sharpe 2001: p. 9).

In 1988 the Tasmanian Gay and Lesbian Rights Group (TGLRG) formed to campaign for the wholesale repeal of the Tasmanian laws criminalising homosexual acts and was launched into the public eye by the “largest act of gay rights civil disobedience in Australia’s history” (Croome 2013: p. 4). The TGLRG assembled a weekly local market stall at the tourist attraction of Salamanca Market in the state’s capital city of Hobart which was run, at the time, by the Hobart City Council (Grant 2020). The stall, staffed by members of the TGLRG to collect signatures on a petition for law reform, was deemed too “political” in the “family-friendly market” and was banned by the Council (Morris 1995: p. 25).
Over seven successive weekends, the police were brought in and 130 people were arrested in defiance of the ban before the Hobart City Council relented (Grant 2021). Following the highly public protests of the ban, the TGLRG campaigned through widespread community engagement and education, political lobbying and organising. In December 1991, amidst ongoing political resistance to law reform in Tasmanian parliament, the TGLRG reached beyond the scope of local politics. A member of the TGLRG lodged a Communication with the United Nations Human Rights Committee (UNHRC) contending that the anti-gay laws in Tasmania’s Criminal Code infringed his right to privacy and equality before the law as guaranteed by the International Covenant of Civil and Political Rights (ICCPR) (Henderson 2000: p. 43). The complaint was unanimously upheld by the UNHCR in 1994, finding Tasmania to be in contravention of the ICCPR on the grounds of Article 17—Individual Right to Privacy (Joseph 1994: p. 388). This ruling became the catalyst for the federal government passing the Human Rights (Sexual Conduct) Bill (Cth) 1994, also known as the “sexual privacy law” (Henderson 2000: p. 43). The conflict between the Tasmanian and federal law enabled the TGLRG to appeal to the High Court of Australia to invalidate the criminalisation of homosexuality in the Tasmanian Criminal Code in the case of Croome vs. Tasmania. Before the case could begin, however, the Tasmanian Government allowed a free vote on the matter and the Criminal Code Amendment Act 1997 passed through state Parliament, repealing the relevant sections of the Code and implementing an age of consent consistent with heterosexual acts.

In the years immediately following the decriminalisation of homosexuality in Tasmania, state actors seeking to drive up tourism economies attempted to rebrand the island as “the New Tasmania” (Baird 2006; Croome 2013). As Baird (2006: p. 965) outlines, a distinctive feature of the New Tasmania image was the “privileged role” that “gayness” was afforded, reinforced through further legislative efforts. During the following decades, Tasmanian Parliament saw a wave of legislation formed and re-formed, including the Anti-Discrimination Bill (1998), state recognition of same-sex relationships and overseas marriages and, more recently, the option to remove gender from birth certificates was passed in 2019. The breadth of legislative change since the repeal of the anti-gay laws has heralded the claim that Tasmania is now “[leading] the way in Australian LGBTQ law reform” (Grant 2021: p. 1134). Moreover, the Hobart City Council delivered an “historic” apology in 1988 to the Tasmanian LGBTQIA+ community for the 1988 Salamanca arrests and funded a public installation to commemorate the events, the “first of their kind in Australia” (Croome 2013: p. 4). Almost one decade later, the urge to apologise for the historical laws criminalising homosexual acts reached the utmost political decision-making body in the state: the Tasmanian parliament.

**Apologies**

In the past decade, official apologies have become increasingly important sites for renegotiating the terms of sexual citizenship. This comes on the back of what has been dubbed, more generally, “the Age of Apology” (Brooks 1999; Gibney et al. 2008). Toth (2015: p. 565) suggests that the growth in popularity of political apologies is the result of a distinct shift towards reckoning with, and expressing regret for, the state’s injustices rather than investing exclusively in stories of national glory to legitimise the nation. To apologise, Goffman suggests, requires a “splitting of the self” (2010: p. 113). The split allows for
those who committed the injustice to be separated into constituent parts: one who is worthy of the blame, and one who dissociates itself from the other and sympathises with the blame giving, thereby becoming “worthy of being brought back into the fold” (Goffman 2010: p. 113; Ahmed 2014). On a collective level, then, the regret exhibited through the act of public apology works to reinvigorate national identity and cohesion. Indeed, apology functions to alter the fabric of the community by attempting to alleviate animosities and foster feelings of unity (Nobles 2008: p. 135). A vital role of the political apology is thus the renegotiation of the relationship between the victimised community and the state (Nobles 2008).

Critical analyses of the “world first” apology for past laws criminalising homosexuality in Victoria, Australia, highlight the unequal relationship between those apologising, who are vested with decision-making power, and the injured “others” that are called upon to offer forgiveness. Close attention to the discourses within which this apology unfolded reveals the “self-serving” nature of state-centric politics of regret, including their ability to re-write the past to centre the heroism of state actors in whiggish narratives of liberal progress (Boucher and Reynolds 2018; Redd and Russell 2020). As Toth (2015) argues, “instances of political regret aspire to completely dominate the discursive space about past events to which they refer” (p. 554). Official apologies unfold in the public domain and thus are drafted and delivered for the public record (Tavuchis 1991). The specific stories that apologies craft in a given time and place, and their political effects, are thus crucial to investigate further.

Method

Our analysis is based on a close reading and thematic coding of the 23-page transcript of the official apology given by the Tasmanian Parliament in the Legislative Assembly on 13 April 2017 for the historical criminalisation of homosexual acts. Parliamentary discourse is important to examine, in part, because of its historical role in pathologising homosexuality as “a disease, an addiction, and a habit” (Dalton 2016: p.2). The Tasmanian parliamentary apology proceeds with speeches delivered by the Acting Attorney-General, the Liberal Premier, and the Leaders of Labor and Green parties. A further nine members of Parliament stood to offer apologies, all of which have been included in the analysis. The apology was broadcast live, and in a “rare” moment for Tasmanian politics, there was a notable audience present for the debate, including “many people from the LGBTI community” (Tasmania, Legislative Assembly 2017: p. 62). The transcript of the state apology was published in the Hansard, which we analysed using a method of line-by-line coding in NVivo to identify key discursive themes. Informed by critical discourse analysis methods, which emphasises interrogating the “discursive reproduction of dominance” (Van Dijk 1993: p. 259), we examined how the public discourse of apology—as represented through the parliamentary transcripts—attempts to renegotiate and reconstruct the relationship between the state and its sexual citizens through its narrative influence. This process revealed that temporal constructs are integral to the state’s projection of sexual citizenship, which led us to organise the results of the analysis thematically by past, present and future. In each temporal demarcation, we explored the questions: how are queer sexualities imagined? And how is the relationship between the state and sexuality envisaged? In attending to these questions, we consider how the apology both performs public feelings and prescribes “proper” emotional orientations to Tasmania’s history and future (Ahmed 2014). In so doing, the apology reworks the terms and conditional inclusions of sexual citizenship in the island state.
Tasmanian State Apology

Erasing and Rewriting the Past

Official apologies perform crucial political and ideological functions through claiming and validating a version of history (Nobles 2008). The legibility of the Tasmanian apology—and the version of history it advanced—relied upon a re-vision of the historical LGBTQIA+ person as they are viewed by the state: making it clear that they are no longer seen as a criminal, but as a victim of the discriminatory state. Decriminalisation and expungement debates tend to be characterised by the discursive inversion of the roles of perpetrator and victim (George 2019), and the Tasmanian apology was no exception. The laws that criminalised homosexual acts and particular modes of gender expression were condemned for the “suffering and harm” they had caused (Tasmania, Legislative Assembly 2017: p. 60), effectively repositioning the historical state as the perpetrator of harm against LGBTQIA+ citizens. Meanwhile, the formally criminal and transgressive Tasmanian LGBTQIA+ person is rhetorically invoked within the apology as the victim of state violence. While addressing the parliament, Labor Member of Parliament (MP) Rebecca White declares:

It is shocking to reflect on a time not that long ago when society systematically and unjustly marginalised and discriminated against LGBTQI people. People were forced to move away from Tasmania out of fear of being arrested, charged and imprisoned simply because of their sexuality. (Tasmania, Legislative Assembly 2017: p. 59).

By carving out these revised roles for the LGBTQIA+ Tasmanian and the state, and prescribing shock as the appropriate response to this state regulation, the apology constructs and records a “new” legitimate account of the past and a new identity for the Tasmanian parliament. In this version, the parliaments of the past are positioned in opposition to those giving the apology, establishing the latter as a progressive and tolerant system of governance which deems the legal regulation of sexualities to be relegated firmly in the past. As Greens MP O’Conner assures:

To every LGBTI Tasmanian who is watching this debate I hope you are reassured that the Tasmanian Parliament of today is a very different place from the Tasmanian Parliament of decades ago, the Tasmanian Parliament that enacted the 1924 laws. (Tasmania, Legislative Assembly 2017: p. 62).

Here, O’Conner draws a metaphorical “line in the sand” between political communities of the past and present (Muldoon 2017: p. 134). Yet while those delivering the apology condemn the discriminatory actions and beliefs of parliaments in Tasmania’s (recent) past, they simultaneously confirm the role of legislators as retaining responsibility for constructing and calibrating Tasmanian citizenship. As Labor MP Lara Giddings argues:

By working together across political boundaries we can make Tasmania a better place, a place where everyone, regardless of who they are, what their religion is, what race or ethnicity they have, what their sexuality is or any other attribute they may have, is respected and wanted in our community (Tasmania, Legislative Assembly 2017: p. 62).
The tension between the dual desires to denounce past parliaments’ over-reach and preserve the legitimacy of the present parliament’s moral and legal authority over its citizens coalesced in the uneasy responsibility of confronting, and making sense of, Tasmania’s reluctance to decriminalise homosexual conduct. The persisting shame of Tasmania being the last Australian state to decriminalise homosexuality resonated throughout the apology, with the Acting Attorney-General, the Premier, and other key members of parliament noting the belated law reform in their address. However, unlike the tidy shame-to-pride transformation which occurred in the Victorian apology (Redd & Russell 2020; Boucher & Reynolds 2018), the legacy of being the “last state” heralds an ongoing point of shame for Tasmania that is yet to be resolved. As Liberal MP Nic Street laments:

Sadly, when you hear that it was decriminalised in 1990 in Queensland, when you consider some of the politicians that they produce to this day, it really is shameful that it took us seven years longer than that state to decriminalise homosexuality (Tasmania, Legislative Assembly 2017: p. 68).

Despite this lingering shame, the spectre of “last state” mantel in the apology ultimately serves to illustrate linear progress, or “how far we have come” (Tasmania, Legislative Assembly 2017: p. 67). This reminds us that the practice of recalling even negative aspects of institutional history can perform important image work in the present (Russell 2017a). For Ahmed (2014: p. 107), shame indicates a failure to embody an “ideal”, while the “uncovering” of shame provides a moment of restoration for the state: by illustrating the temporal “end” of the inability to embody the ideals of a progressive state, shame can thus produce a progressive Tasmania in the present. Throughout the apology, legislative landmarks and progressive positionality are sutured together to reproduce Tasmania’s image anew. MPs are quick to name laws extending or enhancing further citizenship rights to (some) LGBTQIA + citizens which have been enacted since the decriminalisation of homosex:

The Anti-Discrimination Act (1998), the Relationship Bill (2004), with the tabled Expunge-ment Act marking the latest legal threshold of Tasmanian sexual citizenship. The “re-covering” (Ahmed 2014: p. 104) of shameful histories by directing attention towards legislation signifying the shifting politico-legal landscape for sexual citizens forecloses further possibilities of critical self-reflection. Instead, it serves to consign the “shameful” and discriminatory regulation of gender expression and sexualities to the past and invites uncritical celebration of the state’s newfound configurations of sexual citizenship.

The “re-covering” of historical state violence is materially produced within the expungement legislation: beyond its capacity to erase criminal convictions, expungement serves as the “physical annihilation” of history (Kogon & Loughery 1970: p. 62). As MP Giddings declares:

Today is a historic day for our LGBTI community and a day when we can right the wrongs of the past for our gay, bisexual and transgender Tasmanians. Today we expunge, we remove, we delete any record of criminal convictions for crimes based purely on a person’s sexuality (Tasmania, Legislative Assembly 2017: p. 62). As MP Giddings declares:

In this moment where the state is seeking to right its past wrongs, the erasure of the law’s historical violence offers the chance of a “clean slate” for both citizens and the state. This can be achieved, literally, by removing evidence of state persecution through deletion of legal records. However, Giddings’ interpretation of the government’s role in the expungement process is misleading. The onus of responsibility for identifying and applying for the expungement of a historical conviction within the Tasmanian expungement scheme is put upon the affected citizens, not the state. As a result, the Independent Review of
Expungement of Historic Offences Act 2017 (Bartlett & Ketelaar-Jones 2020) found that of the 10 applications received since the inception of the expungement scheme, nine were determined ineligible as they did not constitute historical crimes of homosexual, public morality, or cross-dressing offences as covered by the Act. The singular eligible application received in this time period was refused expungement by the Secretary, as they were “not satisfied on reasonable grounds that the conduct...would not constitute an offence” under current laws (Bartlett & Ketelaar-Jones 2020: pp. 19–20). The report further noted that the application process itself may be too onerous on the applicant, with recommendations for clarifying the constitution of a valid application (2020: p. 34–6). By claiming “[t]oday we expunge, we remove, we delete any record…” MP Giddings conjures an image of a benevolent and responsible government intent on righting past wrongs, while glossing over the reality of the responsibility for expungement being transferred back onto the LGBT-QIA+ citizen, only for the state to then re-police and reject the transgressive citizen once again. While the motivations of individuals applying to delete their criminal records might be obvious, such as to avoid ongoing discrimination, the state’s desire to delete is more perplexing. The duality of exposing shameful histories only to promise their removal from the official record enables the parliament to embody its modern, progressive, and tolerant ideal without being encumbered by the stains of the past.

Stabilising Sexual Identities and Regulatory Boundaries

The Tasmanian parliamentary apology reproduced the idea that sexuality and gender identity are fixed and stable categories, rather than fluid, contingent and historically specific (Valcore et al. 2021). Politicians, such as Liberal (conservative) MP Nicholas Street, clearly delineated between “choices”—which can be regulated and punished within a rational actor model of (criminal) behaviour—and essential, private, and unchanging characteristics of individuals, which in Street’s view, should not fall within the regulative purview of the criminal law. To establish a rational basis for expunging past records of homosexual criminalisation, Street argues:

There are any number of behaviours that are banned by the law. What we are talking about expunging is not a behaviour, it is not a choice; it is the way people were born and the way they choose to identify themselves and live their life. At no stage in history should it ever have been acceptable to convict people on that basis (Tasmania, Legislative Assembly 2017: p. 69—70).

A similar, essentialised view of sexual and gender identities was articulated by progressive MPs. For example, Leader of the Greens Party, Cassy O’Connor, espoused the “naturalness” of homosexuality to advance the performative project of righting-the-wrongs of the past:

The people for whom this legislation will provide an opportunity to have their names cleared were charged with crimes against the order of nature. I refer every member of this House to the science of what the order of nature is. Homosexuality, transgenderism [sic] is part of the order of nature. It is part of our beautiful human diversity. There was a fantastic exhibition on at the Oslo Natural History Museum 10 or so years ago, where wildlife photographers had captured the most marvellous images of homosexuality, lesbianism in the natural world. Female swans that had worked it all out and decided after one of them lay the eggs that they would ditch the male and
shack up together; some amazing images of homosexuality in nature. It is absolutely part of the natural order of things. The legislation we are debating today affirms that (Tasmania, Legislative Assembly 2017: p. 62).

By projecting a fixed and essentialised vision of (homo)sexuality through recourse to a singular example from the practices of non-human animal species, politicians rationalise carving out sexual identities from the criminal legal realm and condemn the injustice of punishing people for unchangeable characteristics. Rather than question the fundamentally political nature of law-making or acknowledge that the category of crime is always socially constructed (Russell 2017b), MPs were instead concerned to confirm that homosexuality and gender diversity are “natural” and therefore not the criminal laws’ appropriate targets. This leaves the door open to re-assert the proper arenas for criminal legal intervention into sexual practices. In other words, those apologising do not question the legitimacy of the state’s role in authoritatively determining the boundaries of punishable sexual behaviour, but simply the limits and extent of the boundaries themselves. For instance, in the first apology speech, Premier Hodgman makes clear that:

...the processes and tests contained within the legislation explicitly ensure that any conduct that is illegal does not and cannot apply. For example, where sexual activity was not consensual or where it constituted a crime because of the ages of the parties involved then it would still constitute an offence under today’s laws and will not be expunged.

Conduct that is currently regarded as criminal behaviour, for example rape or sex with a young person, cannot be expunged. These convictions should and will stand (Tasmania, Legislative Assembly 2017: p. 58).

The Premier attempts to give the impression that there is a clear line between legal and illegal sexual behaviours (despite consent being a notoriously complex and mutable concept in laws dealing with sexual violence (Gruyer 2021) and that the expungement legislation will not blur this line. This is likely intended to assuage any critics that might accuse him of being “soft on crime” by introducing expungement legislation. However, the very utterance of the possibility for slippage in the state’s control over sexual criminality reproduces the longstanding association of queerness with perversion, dangerousness, and threat. It also indicates an anxiety that underpins this confident series of apology speeches—the fear that the legislation might spark more wholesale calls for sexual deregulation and decriminalisation.

Shedding light on the blurriness of the boundaries of il/legality in question, Acting Liberal Attorney-General, Matthew Groom outlines the complexity of dealing with applications for expungement for an offence that “was committed in a public place” (p. 75). He explains that:

In some instances it will be clear that such activity occurred in a public place in circumstances that would constitute an offence today and therefore would not be expunged, for example, where two people, regardless of their sexuality, have engaged in sexual intercourse in a park in full public view… However, in other instances, for example, in a car late at night or in a closed toilet cubicle, it may be less clear (Tasmania, Legislative Assembly 2017: p. 75).

Echoing the public debates surrounding the apology and expungement scheme in Victoria, the Tasmanian apology’s attempts at recognition and inclusion are unsettled by the lingering “spectre” of public sex (Boucher and Reynolds 2018). This shows how “claims for
sexual citizenship retain an unruly and unpredictable edge”, even despite the parliament’s attempt at a “neat liberal solution” through apology and expungement legislation (Boucher and Reynolds 2018: p. 457). In Tasmania, the Acting Attorney-General’s description of hypothetical expungement applications reinforces the moral questionability and potential exclusion of “unruly” public sex practices. Alongside the emphasis upon the abhorrence of a state interfering in the private lives and homes of men, the Tasmanian apology makes clear that the private realm remains the “proper” place of sexual expression. In effect, and despite its impression of inclusivity, the apology restrains many “sexual dissidents” and queer sexual practices to “outlaw” status by virtue of their failure to conform to the norms of monogamous and privatised (hetero)sexual comportment (Hubbard 2001). Historical accounts of some of the most violent excesses of homophobic laws point to their exclusionary effects. Many of those affected by these laws historically were not having sex strictly in private, but in public spaces—where they were more likely to come to the attention of the police and others—and entrapment by police was commonly practiced (Dalton 2007; Russell 2020). By stigmatising and excluding homosexuality from the realm of “proper” citizenship, as well as agent provocateur tactics, the law in many cases produced the very crimes it sought to repress (Berlant and Warner 1998).

**Imagining a Post-Gay Future**

Members of parliament utilised the platform of apology to project a vision for sexual citizens in the Tasmania of tomorrow. Where shame was attached to the past, the future of LGBTQIA+ Tasmanians was tied to, and deployed through, expressions of hope. Labor MP Michelle O’Byrne echoed the sentiments of the Deputy Premier’s apology to articulate a post-gay utopian future within generational reach:

> I do not want my kids to come home and tell me their sexuality and to tell me they are gay. I would like them to come home and say, this is the person I love and that should be only thing my children need to tell me. That will be when we get to a point as a community that we genuinely accept and love every member of our community (Tasmania, Legislative Assembly 2017: p. 67).

Where children had once figured the “limits of sexual citizenship” (Baird 2003: p. 15), here they are symbolic of the post-gay utopia which awaits Tasmania as it nears the end of its progressive political journey. Teleologies of progress have long since characterised the composition of LGBTQ+ world maps, confirming the “Western” positionality of states adhering to logics of progress configured through legislative efforts towards a “gay utopia” (Oswin 2012; Kondakov 2021). In O’Byrne’s rendering, the post-gay future holds the promise of invisibilising non-heteronormative sexualities, with acceptance and love being bestowed not upon the self-identifying LGBTQIA+ person, but onto the unmarked—but nonetheless sexual—citizen. LGBTQIA+ inclusion is thus imagined as being “folded into” (Puar 2007) Tasmanian society, with those who were once systematically excluded from respectable citizenship becoming newly worthy of receiving state and societal benevolence (on the proviso that one’s queerness is not asserted, or even uttered). However, Ahmed (2012: p. 164) warns of the limits of the “fantasy fold”: whereby notions of inclusion and diversity are employed as a “way of mending or fixing histories of being broken”, yet simultaneously require relating to the past as the past. The “fantasy fold” of unidentified-but-queer youth within the embrace of Tasmania’s post-gay utopia suggests a future
disconnected from LGBTQIA+ histories of collective struggle. But, as outlined earlier, these are precisely the histories from which the apology emerges and becomes legible.

The Tasmanian parliamentary apology was delivered to “LGBTI Tasmanians” for the harms caused by laws criminalising "consensual homosexual acts and cross-dressing". However, trans and intersex people are otherwise absent in the apology. The depictions of Tasmania’s LGBTQIA+ future were framed through—and ended with—the marriage rights of same-sex couples, obscuring the multiple ways in which many in the LGBTQIA+ community remain unprotected by both local and federal laws. Despite recommendations put forward in 2019 by the Tasmanian Law Reform Institute to criminalise “sex-assignment” surgeries on intersex children, the state government is yet to table any protections or compensations for intersex people in Tasmania. Further, Tasmanian law does not prevent practices of “conversion therapy” on the grounds of sexual or gender identity. At the federal level, the attributes of “gender identity” and “sex attributes”—while protected within the federal Sex Discrimination Act 1984—are notably absent from the Fair Work Act 2009 (Cth), excluding trans, gender diverse, and intersex people from the protections against adverse treatment and unlawful termination covered by the Fair Work Act. Indeed, as Kamlper and Connell (2018: p. 8) point out, post-gay discourse relies on and furthers the political and cultural disenfranchisement of gender non-conforming and trans people to create possibilities for assimilation of some LGBTQIA+ citizens. Labor MP Giddings illustrates the limits of such politics as she declares:

> It is time that the last point of discrimination against the LGBTI community was ended and same-sex marriage permitted in this country. After all, all it really is the state recognising the love between two people (Tasmania, Legislative Assembly 2017: p. 66).

Same-sex marriage was repeatedly deployed throughout the apology as the final frontier of LGBTQIA+ liberation, stitching neoliberal values of choice, love, and state recognition together as the inevitable—and only—goal for future LGBTI politics. The emphasis on same-sex marriage as the “last point of discrimination” limits and curtails queer justice projects through the homogenisation of the community and its goals (Conrad 2014). The focus on same-sex marriage as the final barrier to achieving sexual equality obscures the persistence of higher rates of poverty, poor health outcomes, un- and under-employment, assault and abuse, and housing insecurity amongst LGBTQIA+ Tasmanians that continue to co-exist alongside liberal equality gains (Grant & Pisanu 2021). Moreover, marriage arrangements in Australia have historically been based upon, and shaped by, “exclusionary and assimilationist logics” of race, class, and sexuality, with activists and scholars alike cautioning the reproduction of inequalities in the claim for same-sex marriage (Hegarty et al. p. 405). Within the apology, post-gay discourse not only informs and projects a homonormative Tasmanian future but promises the depoliticisation of LGBTQIA+ futures upon the arrival of same-sex marriage (Dreher 2017). Situating state recognition of same-sex relationships as the “end” of LGBTQIA+ discrimination fuses state and homonormative politics into a post-gay utopia denoting the end of justice claims against the state, while orienting the monogamous, same-sex couples towards the state as the purveyor of LGBTQIA+ rights and liberation.
Conclusion

Political apologies attempt to construct new hegemonic models of sexual citizenship that are place- and context-specific. Place-based analyses are important, especially in regions where sexual inclusion remains precarious and the sexual “identity” of the state is historically fraught and highly contested. By emphasising the significance of place, we draw attention to the ways in which the sexual citizen ideals that parliamentary apologies reproduce through apology are not identical, nor easily transferable, to those observed in other places or contexts. This is due to the variations in local histories, politics, and culture. While the Tasmanian parliament ritualistically performs the same “public emotions” of shame and humility that might now be expected in a bipartisan parliamentary apology for historic misdeeds, and similarly projects hope for the region’s future, the specific objects of shame and hope differ. In the Tasmanian apology, hope is not projected towards a “post-homophobic society” as it was in Victoria, but towards the fantasy of a post-gay society. Rather than calling for members of the LGBTQIA+ community to produce and embody the imagined “post-homophobic society” by displaying public affection with “pride and defiance…in the progressive capital of our nation” (Victorian Legislative Assembly 2016: p. 1938, cited in Redd & Russell 2020: p. 8), the liberal cosmopolitanism espoused in the Tasmanian apology instead imagines the erasure and depoliticisation of queer identities themselves, disconnecting them from histories of collective struggle. These differences reflect Tasmania’s place-specific anxiety about ridding the label of “the last state”, which likely contributed to the more forceful emphasis in apology on deleting past records of discriminatory applications of the law. While this same anxiety is not present in Victoria, which smugly claims the title of the “progressive capital”, it seems in practice that applications for expungement have been less successful in Tasmania than in Victoria (see Redd and Russell 2020, fn 4).

Apologies represent a state ritual of reputational cleansing that has grown in popularity over the past decade or more. While decidedly place-specific, there are of course similarities in public apologies for homophobic misdeeds. For example, like Redd and Russell’s (2020) analysis of the Victorian parliamentary apology for historic criminalisation, our reading of the Tasmanian apology highlights its performative nature, since the public display of regret does not necessarily translate into responsibility for repairing the harm caused. Instead, in both cases this responsibility is displaced onto the harmed citizen. This highlights the importance of queer and critical criminologists being equipped with the analytical tools to study and make sense of public apologies, especially their underlying logics and power effects. Critical theories on (sexual) citizenship provide one means to unpack the regulatory scripts and new exclusions that the official apology produces. Attention ought to be paid to their capacities to capture, contain, erase, and prescribe queer histories and futures. Constructions of time—especially the tools of periodisation—can be used by state actors to rationalise the harms of “past” criminalisation, while still maintaining and asserting the legitimacy and authority of the parliament to redraw the boundaries that police sexual acceptability in the present. Rather than carving off and sequestering historical practices of moral policing from present ones, queer and critical criminologists are better placed to point out the continuities between them. This can deepen and extend understandings of the vital role that law-making plays in the formation, maintenance, and reform of the sexual identity of states and regions.

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