

Criminal Law (Historical Homosexual Convictions Expungement) Bill 2017

Amendments during consideration in detail to be moved by
The Honourable the Attorney-General and Minister for Justice and Minister
for Training and Skills

1 **Clause 18 (Criteria for Criminal Code male homosexual offence)**

Page 14, lines 21 to 24—

omit, insert—

- (b) the act or omission constituting the offence—
 - (i) would not constitute an offence under the law of Queensland if it were done by the eligible person at the time the application was made; or
 - (ii) meets the criteria in subsection (2A).

(2A) For subsection (2)(b)(ii), the criteria are—

- (a) the act or omission—
 - (i) was done, or allegedly done, in a public place; and
 - (ii) would not constitute an offence under the law of Queensland if it were done at the time the application was made, other than in a public place; and
- (b) a person, other than a person engaging in the act or omission, would not have been able to observe the act or omission without taking abnormal or unusual action.

Example of taking abnormal or unusual action—

looking under the door of a cubicle in a public toilet

2 Clause 18 (Criteria for Criminal Code male homosexual offence)

Page 14, line 25, after ‘subsection (2)’—

insert—

or (2A)

3 Clause 19 (Criteria for public morality offence)

Page 15, lines 9 to 12—

omit, insert—

(b) the act or omission constituting the offence—

(i) would not constitute an offence under the law of Queensland if it were done by the eligible person at the time the application was made; or

(ii) meets the criteria in subsection (2A).

(2A) For subsection (2)(b)(ii), the criteria are—

(a) the act or omission—

(i) was done, or allegedly done, in a public place; and

(ii) would not constitute an offence under the law of Queensland if it were done at the time the application was made, other than in a public place; and

(b) a person, other than a person engaging in the act or omission, would not have been able to observe the act or omission without taking abnormal or unusual action.

Example of taking abnormal or unusual action—

looking under the door of a cubicle in a public toilet

4 Clause 19 (Criteria for public morality offence)

Page 15, line 13, after ‘subsection (2)’—

insert—

or (2A)

5 Schedule 1 (Dictionary)

Page 32, after line 30—

insert—

public place means a place to which the public are permitted to have access, whether on payment of a charge for admission or not.

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