

Peter Black



22 July 2016

The Research Director
Legal Affairs and Community Safety Committee
Parliament House
Brisbane Qld 4000

Email: lacsc@parliament.qld.gov.au

Dear Director,

Submission on the *Health and Other Legislation Amendment Bill 2016 (Qld)*

Thank you for the opportunity to provide a submission on the *Health and Other Legislation Amendment Bill 2016 (Qld)*.

I am writing in my capacity as a Senior Lecturer in the Law School at the Queensland University of Technology and also as an active member of the LGBTIQA community in Queensland. I am currently the Queensland Co-Convenor of Australian Marriage Equality, the LGBTI representative on the Inclusive Brisbane Board (an advisory board to the Lord Mayor of Brisbane), and a board member of the Queensland AIDS Council. I am also the Immediate Past President of the Brisbane Pride Festival.

I have had the benefit of reading the submissions of the LGBTI Legal Service and the Queensland AIDS Council and I agree with their submissions. I was also a member of the Expert Panel on Standardising the Age of Consent for Sexual Intercourse, chaired by the Chief Medical Officer, Dr Jeannette Young, and as such I also agree with those recommendations.

I fully support the Bill's amendment of *The Criminal Code Act 1899 (Qld)* to standardise the age of consent for sexual intercourse, and to remove references to "sodomy", for three reasons.

First, the current law, which sets a minimum age of 16 years for consent to all sexual activity, except anal intercourse which is 18 years, is, in practice, discriminatory. The inconsistency in the Criminal Code between the age of consent for anal sex and age of consent for all other lawful sexual activity discriminates against young men who identify as same sex attracted. This discriminatory operation of the current law has significant negative impacts on young men who

identify as same sex attracted. In particular, they may be reluctant to access sexual health services including HIV and other STI testing and preventative health education for fear of being prosecuted, and it may adversely impact on their mental health and wellbeing by stigmatising their sexual relationships.

Second, retention of the current law achieves no positive practical policy outcomes. Moreover, as the current law is not being prosecuted, the retention of the law, in the absence of any real need, leaves it open to arbitrary and unexpected use.

Third, the term “sodomy” is anachronistic and creates a further stigma and removing such language from the Criminal Code is overdue. The term “sodomy” has connotations of outdated laws and moral standards that Queenslanders have moved on from many years ago.

Indeed, the current law is a relic from a bygone era, whereas the Bill reflects the views of a modern Queensland that is committed to equality. I strongly support the Bill and believe it will make our State a more inclusive place for all Queenslanders.

Yours faithfully,

Peter Black

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