




Speech By  
**Hon. Dr Steven Miles**  
**MEMBER FOR MOUNT COOT-THA**

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### HEALTH AND OTHER LEGISLATION AMENDMENT BILL

 **Hon. SJ MILES** (Mount Coot-tha—ALP) (Minister for Environment and Heritage Protection and Minister for National Parks and the Great Barrier Reef) (4.25 pm): Queensland is the only state in the country that has a different age of consent for different sexual acts. The age of consent is currently 16 for all sex acts except what we archaically call sodomy. That is what it is called in Queensland law. These laws will start calling it what it is. Even now I hesitate to call it what it is, especially here in the parliament. I felt a bit uncomfortable as I wrote this speech, but I realise that it is that discomfort, that kind of stigma, that leads people to feel shame about their relationships and their sexuality and the kind of stigma that leads to outdated, moralising laws sitting on the books for far too long, just because we are too afraid or too embarrassed to talk about it. Today we are talking about anal sex.

Existing law, which sets down the higher age of 18 for consent for anal sex, has stigmatised particular sexual relationships, mostly those of gay men. It is the kind of stigma that contributes to the isolation and loneliness of young LGBTIQ Queenslanders, especially if they live in rural areas or in families that lack understanding or if they are subject to religious misinformation. We all know that this archaic law does not prevent anyone from having anal sex. What it does is prevent young people from accessing important healthcare and safety information. Young people who go seeking vital health advice get told that what they are doing is illegal. It is a law that prevents discussions between young people and their medical practitioners about sexual health for fear of prosecution. That some Queenslanders cannot discuss safe, consensual sexual activity with health professionals is not just discriminatory; it is also dangerous. All sexually active people over the age of 16 should be able to talk freely about their sexual practices with their doctors without fearing they are breaking the law. Right now in Queensland, the maximum penalty for sodomy with a person aged under 18 is 14 years imprisonment.

The Health and Other Legislation Amendment Bill will amend Queensland's Criminal Code to standardise the age of consent for all lawful sexual intercourse. It will also change the term 'sodomy' to 'anal intercourse', removing a term long associated with gay male sex and biblical overtones of sin. This is just one more form of gay discrimination that will be removed from the statutes in Queensland, following a long tradition from Labor at a state and federal level of delivering equality for LGBTIQ people. This contrasts with the cruel campaign of the Newman government to roll back the rights of LGBTIQ people in this state. In his budget delivered four years ago this week, the member for Clayfield stripped funding from the state's only dedicated health organisation for gay people, then called the Queensland Association for Healthy Communities. Those opposite also cruelly reversed Labor's civil union reforms in favour of the demeaning 'registered relationships'. They also attacked same-sex couples' access to altruistic surrogacy. All of this occurred in less than 100 days in government—urgency they did not give the economy, infrastructure or any other priority.

It was not just the Newman government that enshrined discrimination in our laws. Successive Queensland governments over many decades have written prejudice into our statutes and successive governments have not acted to remove them. The Palaszczuk government will not be one of those governments. We have already acted to restore civil partnerships, but there is much more to do. This government will continue to work to bring about long overdue reforms such as giving same-sex couples the right to adopt, expunging historic homosexual convictions and eradicating the gay panic defence. With this bill today we address one more longstanding case of legislative discrimination against our LGBTIQ community. Sadly, our federal parliament could act just as swiftly to deliver marriage equality—something so important to so many Australians. It could vote on that today. Instead, Malcolm Turnbull is persisting with Tony Abbott's bizarre, hateful plan for a referendum. Marriage equality is about love. It is about saying that gay Queenslanders—gay constituents in each of our seats—have the same right to celebrate their love for their partner in the same way that Kim and I were able to celebrate our relationship and to have it recognised at law in the same way. Love does not need a referendum. Love certainly does not need a publicly funded no campaign.

I hope that a young person hearing about these laws that we are debating today and the other efforts the Palaszczuk government is going to to eliminate homophobia from our laws and our community feels that attitudes in Queensland are changing for the better. I hope they will speak to their doctors and councillors about their sexual health, their sexuality and their relationships and I hope the gay and lesbian, bisexual, transgender, intersex and queer community know that the Palaszczuk government is and will continue to be a champion for their rights.

I want to congratulate the health minister for pursuing this reform. It might have been easy for him to ignore it, as his predecessors have, but instead he has made a very principled stand—one that he can rightly be very proud of. I also want to honour the decades of campaigning by Queensland's gay community for this reform. I am always inspired when passionate people come together, campaign, protest and advocate to right a wrong in our society. I know my friend Phil Carswell was in the gallery earlier, together with other activists. I also want to acknowledge the members of Rainbow Labor who have pursued these issues within our party. None of you ever deserved to be treated differently under Queensland law, but you certainly do deserve to win these new laws today. Finally, I want to wish everyone in the House today a very happy Pride Month.