




Speech By
Hon. Yvette D'Ath

MEMBER FOR REDCLIFFE

Record of Proceedings, 15 September 2016

HEALTH AND OTHER LEGISLATION AMENDMENT BILL

 **Hon. YM D'ATH** (Redcliffe—ALP) (Attorney-General and Minister for Justice and Minister for Training and Skills) (4.02 pm): I rise to add my contribution to the Health and Other Legislation Amendment Bill 2016. I want to concur with the other speakers on the bill about the broader issues in relation to the bill, but I want to limit my contribution today to the area that overlaps with my portfolio responsibilities.

I want to thank the Minister for Health for his leadership in this important policy area. It has been a privilege to work with the Minister for Health and other members of our government to progress this historic and much needed reform. I want to acknowledge and congratulate the Minister for Health on initiating the Queensland Sexual Health Strategy 2016-2021 and his consultation with the community in developing this strategy to make sure that we get it right into the future.

While this bill deals, in part, with legislation in my portfolio, I think it is fitting that the parliament recognises the important public health outcomes that are intrinsically involved and the importance of these initiatives being dealt with under a health bill as opposed to under other legislation that I may have brought before this House. Fundamentally, this is a health issue, not a criminal law issue.

This bill removes a longstanding source of discrimination from Queensland's legislation by standardising the age of consent for sexual intercourse, bringing the age of consent for anal intercourse into line with other forms of intercourse. Under current laws, Queensland's Criminal Code sets the minimum age of consent for anal intercourse at 18 years. This is inconsistent with the age of consent for all other forms of sexual activity, which is 16 years. Queensland remains the only jurisdiction that provides disparate ages of consent for different forms of sexual activity. Let's not pretend that these people between the ages of 16 and 18 are not engaging in this type of sexual activity. The bigger concern is that they do not come forward and seek advice from their GPs or sexual health experts because currently it is a criminal offence.

Our government committed to establishing an expert committee comprising health experts to consider issues surrounding standardising the age of consent for all lawful sexual activity in Queensland. Our government has acted on this expert advice. This is comprehensive, evidence based, values driven policy. I am proud that the Palaszczuk government is driving reforms to improve the circumstances of all Queenslanders including those in the LGBTIQ communities. I believe it is important to recognise and celebrate these changes including today's bill.

On 22 March this year the House passed the Relationships (Civil Partnerships) and Other Acts Amendment Bill 2015. This legislation delivers on the government's commitment to reinstating civil partnership ceremonies by enabling a couple, regardless of their gender, to hold a ceremony prior to registering their relationship as a civil partnership. The amendment act also made important terminology changes to reflect a couple's commitment to each other by renaming registered relationships civil

partnerships. This week our government introduced changes to the Adoption Act including broadening the eligibility criteria for persons adopting a child to include same-sex couples, persons undergoing fertility treatment and single persons.

Our government has also taken steps to address issues that have proven difficult for governments over many years. One of these important steps is to remove the stigma and shame that has—and wrongly—attached to same-sex relationships. In many ways the election of the Goss government in December 1989 heralded the start of what we now know as modern Queensland. It ended three decades of a very conservative regime. Perhaps one of the more obvious signs of the new world order was that consensual sex between adult men was decriminalised in Queensland in 1991 in recognition that this type of private consensual activity is not a matter of concern for our criminal justice system. That change, important as it was, left previous victims of an unfair regime with the wounds and stigma of past wrongs. Fast forward 25 years and this government is proud to honour the government's election commitment regarding expunging criminal convictions for historical gay sex offences. We are initiating the process to see this finally come to pass.

In January this year I was pleased to stand with members of the LGBTIQ community to announce the referral to the Queensland Law Reform Commission to seek the best process to deliver this important reform. Let me stress this was to develop the most effective means of how to expunge those convictions, not if it should be done. On 16 February this year the QLRC released a consultation paper seeking the community's input on the issues raised in the review. The QLRC's extensive public consultation process has also included roundtable meetings with legal stakeholders, the LGBTIQ community groups, human rights organisations and relevant state and interstate government departments and agencies. A 227-page report has recently been received and I look forward to considering the recommendations contained within the QLRC report with a view to introducing Queensland's own legislative scheme to expunge criminal convictions for historical gay sex offences. The government has also committed to amending section 304 of Queensland's Criminal Code to exclude an unwanted sexual advance from being able to establish a partial defence of provocation in the case of murder—the so-called gay panic defence.

I want to thank the activists, public health experts and community campaigners who have pushed for these reforms for so long. I make special mention of those who are in the gallery today listening to this debate and looking forward to seeing this legislation pass before this parliament today. I am very proud to stand alongside all of them as this government delivers its commitment to a more inclusive community for Queensland and Australia. I again thank the health minister for his leadership on this reform. I commend the bill to the House.