




Speech By
Hon. Mark Furner

MEMBER FOR FERNY GROVE

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CRIMINAL LAW AMENDMENT BILL

 **Hon. M FURNER** (Ferry Grove—ALP) (Minister for Local Government and Minister for Aboriginal and Torres Strait Islander Partnerships) (4.36 pm): I rise to support this bill before the chamber this afternoon. I do so on the basis that the committee recommended that the bill be passed. I firstly start by thanking the committee members of the Legal Affairs and Community Safety Committee—the committee I previously chaired. I certainly commend the actions and contributions of the current chair, the member for Stretton, and also the secretariat in compiling this excellent report. I think it demonstrates bipartisanship in delivering an outcome as shown through the debate on this bill this afternoon and the committee report.

The bill will provide that a person who commits murder cannot rely on an unwanted sexual advance, other than in circumstances of an exceptional character, as a basis for the partial defence of provocation which, if successfully raised, reduces murder to manslaughter. This amendment implements a commitment made during the 2015 state general election campaign to amend the law and address community criticism that section 304 of the Criminal Code could be relied upon by a man who killed in response to an unwanted homosexual advance from the deceased. The amendment to section 304 of the Criminal Code is framed in gender neutral terms to ensure it can be applied to unwanted sexual advances, whether homosexual or heterosexual. The committee heard examples of that, whether it be through submissions or from witnesses who appeared before it.

Section 304 of the Criminal Code is amended by the bill to exclude the partial defence of provocation if based on any unwanted sexual advance. Unwanted sexual advance may include touching but must be minor. The bill defines 'unwanted sexual advance' to mean a sexual advance that is unwanted by the person accused and if it involves touching it is only minor touching. The key point of the bill is that it is really an historical change to the state's criminal laws. The Palaszczuk government acknowledges just how important this reform is for not only the LGBTI community but also the community of Queensland more broadly.

This reform ends an unacceptable inequity enshrined in our law. It is a reform that recognises the importance that we as a society place on condemning violence, especially where it is motivated by intolerance and demonstrates a lack of self-control. I will go to the committee report for a couple of examples of the evidence that was provided to it when I was chair. I will go to the submission of Stephen Page, who indicated some alarming statistics. He stated—

Five hundred and ten respondents or 47% experienced harassment including spitting and offensive gestures. Four hundred and fifty two respondents or 41% experienced threats of physical violence in a life time. Two hundred and fifty four respondents or 23% were subjected to physical attack or assault without a weapon (including being punched, kicked or beaten).

That is surely not a good pass as an example of what happens to people in our society. There is no doubt the Palaszczuk government has moved concisely and effectively to make sure that those types of actions are put behind us and that in the future we will provide equal representation and respect

for people in our community, regardless of their nature. During the public hearing, Mr Phil Browne from the LGBTIQ Action Group noted the transgender community, saying—

... noting that in recent years around the world there has been a marked increase in the killing of individuals who are specifically targeted solely because they are transgender.

Furthermore, the LGBTIQ Action Group indicated to the committee—

Legislation that contains either actual or perceived discrimination can be seen to give permission for some in society to give lesser value to a particular subgroup involved. In this case, a perpetrator can think, 'It's only a gay person who I killed, so it doesn't matter as much ...

They are alarming statistics. They give us good reason why we as a government need to make these changes to this particular piece of legislation. I am so proud to be part of a government that is stepping up to make these changes to our society. I commend the bill to the House.