




Speech By
Hon. Shannon Fentiman

MEMBER FOR WATERFORD

Record of Proceedings, 10 October 2017

CRIMINAL LAW (HISTORICAL HOMOSEXUAL CONVICTIONS EXPUNGEMENT) BILL

 **Hon. SM FENTIMAN** (Waterford—ALP) (Minister for Communities, Women and Youth, Minister for Child Safety and Minister for the Prevention of Domestic and Family Violence) (4.53 pm): I am pleased to speak in support of the Criminal Law (Historical Homosexual Convictions Expungement) Bill, which seeks to right an historical wrong which has troubled our LGBTIQ community across Queensland for so many years. No-one is seeking or has ever sought special additional rights for our LGBTI community. They are simply seeking equal treatment by the law. Whether it is the right for loving same-sex couples to marry or adopt or receive the protection of domestic violence legislation or access to a deceased partner's superannuation, our LGBTI community has had to fight for what heterosexual couples have gained sometimes decades before them. Today we correct another historical anomaly whereby consensual sexual activity was treated differently under the Criminal Code based solely on the gender of the people participating.

This legislation will allow Queenslanders historically convicted or charged with offences relating to what was then described as homosexual activity to apply to have them expunged. It delivers on Labor's election commitment and it is informed by expert advice from the Queensland Law Reform Commission. We do not weaken protections against assault or any other illegal activity by righting this wrong. We give people back their dignity, their rights and, frankly, their histories—and we do it at no cost to the rights of others. We remove the stigma associated with historical charges that stays with Queenslanders to this day, causing shame and embarrassment in situations such as job applications. No longer will people who engaged in consensual relationships be able to be described according to the legislation in force at the time, which referred to them as acting against the force of nature or with gross indecency, or treated as vagrants.

This bill enjoys support from a wide range of community stakeholders including Protect All Children Today, the Queensland Law Society and the Anti-Discrimination Commission. I am so proud to add my support to it today. I am pleased also that amendments have been foreshadowed by the Attorney-General to allow for the expungement of convictions or charges relating to offences that occurred in a public place, because this goes to the heart of the matter for so many people affected by this bill. Stakeholders have told us that without this change the bill does not adequately address the historical context in which many so-called offences took place. People who lived under a cloud of discrimination and the threat of prosecution necessarily had to resort to secret activity, or what is commonly known as gay beats. These people have criminal records because they were driven to hiding their activity by a society that could not tolerate their sexuality—activity that could not have been observed by a person without taking abnormal or unusual action, consensual activity that harmed no-one.

This is the latest in a series of reforms that the Palaszczuk government has achieved this term towards true equality for Queenslanders regardless of their sexuality. It was a Labor government in 2010 that established the LGBTI advisory council but, like so many consultative mechanisms, it was

scrapped under the previous LNP government. We will soon be announcing membership of a new LGBTI Roundtable after nominations have opened and closed. Short listing is well underway. This body will be an opportunity to discuss issues impacting on Queensland's LGBTI community and provide feedback on government policies, strategies and programs. The Palaszczuk government is committed to working with LGBTI Queenslanders, and we are firmly committed to equality. This is another step towards it, and I commend the bill and the amendments foreshadowed by the Attorney-General to the House.