




Speech By  
**Hon. Yvette D'Ath**

**MEMBER FOR REDCLIFFE**

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Record of Proceedings, 10 October 2017

## **CRIMINAL LAW (HISTORICAL HOMOSEXUAL CONVICTIONS EXPUNGEMENT) BILL**

 **Hon. YM D'ATH** (Redcliffe—ALP) (Attorney-General and Minister for Justice and Minister for Training and Skills) (7.54 pm), in reply: It is an absolute pleasure to follow those who have spoken on this bill, in particular the Premier, and I thank the Premier for her words. I thank honourable members for their contributions to the debate of the Criminal Law (Historical Homosexual Convictions Expungement) Bill 2017. The bill itself has one objective: to establish an administrative scheme for the expungement of convictions or charges for particular offences involving homosexual activity. Although consensual adult male homosexual activity was decriminalised in Queensland from 19 January 1991, individuals charged and/or convicted with such an offence prior to this day are still required to carry the stigma associated with any criminal record. On the date of this bill's introduction, 11 May 2017, this parliament apologised to those who were charged and convicted of breaching laws which criminalised homosexual activity between consenting adults.

The bill is a product of strong advocacy from a number of community organisations and individuals who have been personally impacted by those historic charges and convictions. In particular, I would like to acknowledge the joint submission made both to the QLRC and the Legal Affairs and Community Safety Committee on behalf of the Human Rights Law Centre, LGBTI Legal Services, Brisbane LGBTIQ Action Group, Caxton Legal Centre, Queensland AIDS Council and Community Legal Centres Queensland. I also acknowledge the submitters to the committee: Mr Stephen Page; Mr Mark Sznajder; Mr Alastair Lawrie; Queensland Law Society; Civil Liberties Australia; Mr John Frame; Protect All Children Today; Anti-Discrimination Commission Queensland; Queensland Council for Civil Liberties; Mr Alan Raabe; Dr James Roffee; and the Association of Labor Lawyers. I also acknowledge Rainbow Labor and Peter Black from QUT for his strong advocacy. I acknowledge everyone who attended for the historic apology made on 11 May 2017 by the Premier and those who are in attendance in the gallery this evening.

The bill fulfils an election commitment made by the Palaszczuk government to the people of Queensland at the 2015 general election and represents another reform which demonstrates this government's commitment to fairness and equality for LGBTI Queenslanders. I acknowledge that this bill alone will not necessarily bring immediate relief to some individuals as a consequence of some offences that are not identified in the act as the bill is prescribed. We will only truly know what those offences are as people come forward with their applications and we identify whether there are any particular gaps in the legislation. The QLRC report specifically recommended that the legislation provide for the possibility of further offences being prescribed by regulation. I give my commitment that I will continue to consult with the valuable stakeholders in the future to ensure that the scheme meets its full restorative potential.

I take this opportunity to once again thank the Queensland Law Reform Commission for its report *Expunging criminal convictions for historical gay sexual offences* upon which the bill is substantially based. I again thank key stakeholders for their consideration and cooperation during the development

of this bill and their contributions during the committee's consideration of the bill. I expressed in my second reading speech my hope that the debate in this chamber this evening would be more respectful and genuine than that conducted during the 1990 debate on legislation. I thank all members of the House because that indeed has happened this evening. I think this reflects the changes in our community and just how far we have come since those terrible times. I truly hope that the Premier's apology and this latest stage in law reform can go a long way to not only addressing the historic hurt but also setting a fairer and more just platform into the future.

I take a moment to acknowledge those who are no longer with us. I acknowledge those who passed before this bill, which the House will pass tonight, came to the parliament. I acknowledge those who took their own lives due to the shame of those charges and convictions. They never got to see justice. They never got to see those convictions expunged.

While I thank everyone for the very respectful debate this evening and I acknowledge that things in this state and this country have changed for the better, still we have a long way to go. With the same-sex survey, I have seen good friends in tears as they read some of the messages on Facebook and other social posts. Those messages are so offensive and I see how much it hurts them. We know that some teenagers who are really struggling with their sexuality still feel intimidated, harassed and hated by their colleagues and sometimes their families.

Tonight this is all for them. We stand with them on the same-sex marriage debate. We did not want to spend \$122 million on a survey or opinion poll. We could have saved ourselves a lot of time on that. However, I truly hope that in a matter of weeks we will see overwhelming support for a change to the Marriage Act. If that is the result, I hope that the federal parliament moves very quickly to introduce and pass a bill, so that people in the LGBTI community can be married under the Marriage Act before Christmas. That is what I would like to see. I think it would be a great Christmas present. Certainly, I ticked 'yes' and posted back the form. To anyone who has not done so, I say: time is running out, so fill out the survey and mail it back.

I do not want to prolong this debate any longer, because I really want to see the bill passed. To everyone here this evening I say that the actions of all of us are those of parliamentarians, not simply politicians. I thank all members for that. I commend the bill to the House.