




Speech By  
**Hon. Grace Grace**

**MEMBER FOR MCCONNEL**

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Record of Proceedings, 24 March 2021

**CRIMINAL CODE (CONSENT AND MISTAKE OF FACT) AND OTHER  
LEGISLATION AMENDMENT BILL**

 **Hon. G GRACE** (McConnel—ALP) (Minister for Education, Minister for Industrial Relations and Minister for Racing) (6.31 pm): It gives me great pleasure to rise to support this bill. The Criminal Code (Consent and Mistake of Fact) and Other Legislation Amendment Bill 2020 includes amendments to the Wagering Act, the Interactive Gambling Act and the Racing Integrity Act to codify the national consumer protection framework, and I will say a few words about that.

We have had an extraordinary few weeks when it comes to highlighting the attitudes and actions—deplorable actions—occurring in our workplaces, in our parliaments and in areas of society that I think any normal person would categorise as completely unacceptable. It is good that here we are discussing mistake-of-fact and consent enhancements to our Criminal Code and that we are introducing a bill that was an election commitment. I congratulate the current Attorney-General and the former attorney-general who worked hard with the Queensland Law Reform Commission review to codify existing case law and to implement the recommendations made by the Queensland Law Reform Commission.

One of the primary reasons I wanted to speak is that I want to thank all of those constituents who have come to see me about these issues—and there have been many. I want to thank them in particular and I want to put on record that their contribution, the discussion they had with me and the frankness in which they opened up was very much appreciated. I very much respected their views and their position. As the local member, I thank them from the bottom of my heart that they came forward and felt comfortable to raise these issues with me.

It is because of these issues and all of the issues that we have heard about in the media—some deplorable actions—that we need to ensure that we deliver for the public and that we get this right. Whatever we do we have to get it right. I know that the current Attorney-General and the former attorney-general have an incredible ability to sift through the complicated issues that emerge in this area, streamline them and break them down to simple facts. I think the Queensland Law Reform Commission also does an excellent job in this space.

The four principles that the QLRC recommended will now be enshrined in our Criminal Code. That is a first step but it is a great first step. Let us not underestimate what we are doing here. Queensland is unique to other states such as Tasmania and Victoria in that we have a Criminal Code. The Criminal Code under which we operate in this state is different. We cannot just pick something up from another state and introduce it into Queensland. We have to be sure that we cross the t's and dot the i's and that we explore these issues fully to see how they are operating in the other states before deciding whether it is something we would incorporate here. I know that the current Attorney-General will definitely play a key role in that.

I will not go through the four main principles that we are enshrining, but we understand that this is obviously a first step. I commend the Premier and the Attorney-General in announcing the Women's Safety and Justice Taskforce, which will examine women's experiences and the criminal justice system in a holistic way, not applying bandaids but looking at it in a holistic way. I know that the task force will make recommendations in this area.

Hand in hand with that, we need to do what others in this House have spoken about—that is, we need to ensure that we get our house in order. That house is either a parliamentary house including federally, our homes, our workplaces, our sporting grounds, our schools—whatever the circumstances are. All of those areas—all of those houses—need to be put in order. I know that education, as I have spoken about many times in this House over recent days, has an important role to play but we cannot do it alone. We also need families and society to contribute to this momentum that has been occurring not only in Queensland but all around Australia. We need to say no to sexual violence, no to sexism and no to any form of violence against women. We need to be firm.

As I said in the debate on the motion, this is a warning shot to perpetrators in that when you ask what has changed and when you ask what is going to happen, the answer is: we will no longer be silent. I urge all women to be brave and to have the courage to call out current and even past offences that have occurred against them. I urge women to be brave and to come forward. They are not standing alone. We are standing with them, so we urge them to do so. To the perpetrators, this is a warning. Whether you are a past perpetrator or you intend to be a future perpetrator, beware because this movement will not remain silent. I commend the amendments in relation to everything we are doing today. I look forward to a report on future steps that we can take.

In November 2018, the Queensland government committed to the National Consumer Protection Framework for Online Wagering. The framework contains 10 consumer protection measures including a ban on inducements to open an online wagering account or to refer a friend to open an account. These amendments bring Queensland into line with every state in Australia. Incentives will be banned. They will not be able to be given. We want to make sure that if Queenslanders are wagering—we know that Queenslanders and Australians love wagering—they do it on the basis of a lack of inducements and incentives.

The bill specifically prohibits the offering of an inducement to a person or an inducement to a customer not to close an account or open an account. It prohibits direct marketing being sent to customers without their express consent. It basically brings us in line with the rest of Australia, and I certainly support that. Importantly, the prohibition on inducements to open an account or refer a friend to open an account apply whether the wagering provider is licensed in Queensland or in another jurisdiction. Basically, we are now coming to terms on a level playing field with the rest of Australia because we want to minimise gambling related harm. I commend the minister for bringing forward these Wagering Act amendments as well.

There are a number of bookkeepers and online gaming providers to whom this bill will specifically apply, but as I said this government is committed to reducing the risk of harm. I did want to ensure—and I thank the Attorney-General for bringing this back—that we are in line with other states and that we are not putting our gaming providers in this state at a disadvantage; for example, where other states cannot do this but they can do it here, so it makes the level playing field not level at all.

I certainly support the changes to the Wagering Act and I thank the minister for bringing them forward. As racing minister, I know the industry will be very happy. The Racing Integrity Act will be amended so we can regulate this in line with the new changes, and I know that the Racing Integrity Commission looks forward to making sure we implement this now. I think the important thing is that we will have a lot of happy level playing field providers in this area who will now be on the same path as the rest of Australia.

These are important amendments. Changes to the mistake-of-fact defence are an incredible step forward. We may not have addressed everything, but I think there is a real essence and we owe it to the public to get this right. We owe it to our daughters, we owe it to our children and we owe it to society as a whole. We have the ability to send the very clear message that, if we take further steps, we are doing it on an holistic basis. We have fully researched it all. I commend the bill to the House.