

16 January 2017

The Research Director
LACSC
Parliament House
George Street, BRISBANE QLD 4000

Email: lacsc@parliament.qld.gov.au

Dear Director,

Submission on the *Criminal Law Amendment Bill 2016*

Thank you for the opportunity to provide a submission on the Criminal Law Amendment Bill 2016 (**'Bill'**).

We fully support the Bill's amendment of the *Criminal Code 1899* (Qld) (**'Criminal Code'**) to remove the entrenched discrimination of the 'gay panic' factor of the defence of provocation. To that end, the LGBTI Legal Service will only comment on amendments relating to s 304 (Killing on Provocation) of the Criminal Code.

We have reviewed the proposed amendments to the legislation listed in Part 3 of the Bill. We agree that the proposed amendments appropriately restrain the use of this defence and, as such, are supportive of the drafting. We also consider that all necessary amendments to associated legislation have been appropriately identified and addressed in the Bill.

The LGBTI Legal Service continues to believe that the common law that gives rise to the 'gay panic' defence is completely discriminatory while perpetuating notion of '2nd class citizen' so often felt by the LGBTI community in Queensland. Further, we believe the values of Queenslanders reflect the fundamental human right to life and that no person should be able to be killed for who they are as evidence of the need for the removal of this archaic law.

Retention of the current law achieves no positive practical policy outcome, and will only continue to discriminate against LGBTI people. This has a material detrimental impact on the health and well-being of LGBTI Queenslanders and the Legal Service considers the proposed changes to be indisputable on moral grounds. The Queensland Parliament's proposed abolition of this unequal law represents significant progress towards equal legal treatment of members of this community.

We note that many laws continue to exist that marginalise or discriminate against same-sex couples, most notably the lack of Federal recognition of marriage between same-sex couples. It is important that law-makers continue to identify areas of the law which require amendment, in order to ensure that the law treats all Queenslanders equally. We continue to welcome this Government's support of the LGBTI community in





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Queensland, and sincerely hope that this legislation forms part of an ongoing commitment to the equality of LGBTI people in Queensland.

We commend the Queensland Parliament for taking this important step in recognising the necessity of equality before the law and correcting the discrimination faced by LGBTI people who have suffered under this law. We are proud to see that Queensland is addressing the injustices faced by the LGBTI community, and we believe that continuing to do so by passing this Bill will only serve to enhance the community spirit and make Queensland a better, more equal and inclusive place to live.

Yours faithfully,

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