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Government outlines path to expunging historical gay convictions

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Premier Anastacia Palaszczuk and Attorney-General Yvette D'Ath speak at a press conference. The government will move to expunge historical gay convictions. Photo: Tertius Pickard

The Queensland government has outlined a path to expunging historical gay convictions, amid a new report into how the process will work.

Attorney-General Yvette D'Ath said consensual gay sex was decriminalised in 1991 in recognition that it was not a matter of concern for Queensland's justice system.

"It was unquestioningly a significant reform," Ms D'Ath said.

"There has since been a call in Queensland and elsewhere for complementary law reform to ensure members of our community are not burdened by the stigma caused by such criminal convictions and charges."

Ms D'Ath said the report recommended the creation of a legislative expungement framework to allow eligible people to apply under an administrative scheme for expungement on a case-by-case basis.

She said the government was committed to progressing legislation to create an expungement scheme.

Ms D'Ath said she hoped there would be support across the chamber to address the "historic wrong".

"This is a chance for some closure for Queenslanders who continue to be hurt by the legacy of decades-old discrimination, wrongs inflicted by a past regime, from a very different Queensland from the modern state we enjoy today," she said.

"As a parliament, we should apologise to those Queenslanders for these historic wrongs and for the hurt that followed them in the decades since."

The proposed scheme would allow eligible people to apply to the director-general of the Department of Justice and Attorney-General for expungement of certain offences from criminal records.

Applications would be decided by the director-general based on available records and certain criteria.

The Queensland Law Reform Commission's report, *Expunging criminal convictions for historical gay sex offences*, was tabled to parliament on Tuesday.

It recommends a new legislative framework for people to apply to have the convictions removed from their criminal history.

Convictions and charges would not be expunged if the conduct would be criminal under the current law.

Ms D'Ath said in addition to sexual acts once described as "gross indecency", the framework would also apply to certain public morality offences where the charge related to consensual homosexual activity.

The government's scheme will be limited to historical offences involving consenting adults.

Shadow Attorney-General Ian Walker said he welcomed the report and the gay panic reforms.

"These are issues which the opposition raised a year or so ago... and in principle we are certainly in favour of those things," Mr Walker said.

"We are understand there is detail to be looked at and we look forward to perusing what the Attorney-General has tabled."

Community Legal Centres Queensland director James Farrell said several Queenslanders lived with the ongoing stigma and practical difficulties presented by a criminal record for conduct that was now legal.

"Although decriminalisation removed the threat of prosecution for men who had sex with men, it did not address the impacts of criminal records relating to historical offences," he said.

Mr Farrell said he welcomed the government acting on the injustice.

Consultation with stakeholders on draft legislation will start on Tuesday.

The legislation is expected to be introduced to parliament in the first half of 2017.

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