

'Gay panic' defence to be removed after Maryborough priest's nine-year campaign



Geoff Egan | 30th Nov 2016 1:23 PM



Wayne Ruks was violently killed in a Maryborough churchyard in 2008.

Contributed

NINE years after Jason Andrew Pearce used the "gay panic" defence after he bashed another man to death in a Maryborough churchyard, the law is being changed.

An unwanted sexual advance is currently a partial defence for murder under Queensland laws.

In 2010 Pearce was charged with the 2008 murder of Wayne Robert Ruks. But he used the gay panic defence and was found guilty of Ruks's manslaughter. He was sentenced to nine years jail but released on parole in July 2012.

His co-offender Richard John Meerdink was jailed for 10 years and was not eligible for parole until this year.

Queensland Attorney-General Yvette D'Ath on Wednesday announced she would introduce legislation to remove the defence.

But the legislation will not be debated or voted on until next year.

"This is another important step to send an important message - that the criminal code does not condone or support violence against the LGBTI community," she said.

When Mr Ruks was killed in a churchyard, priest Father Paul Kelly was one of the first people on the scene. He has campaigned for the laws to be changed since Pearce's conviction was reduced to manslaughter.

He started a petition that has been signed by nearly 290,000.

Fr Kelly welcomed the changes as the end of a long campaign.

"It's been a long struggle but it's been worth it," he said.

Ms D'Ath said the changes would remove the partial defence the laws currently provided for unwanted sexual advances - except for "a personal of exceptional character".

"Now what does that circumstance mean? That is for the courts to decide," she said.

Shadow Attorney-General Ian Walker said the LNP would wait to see the legislation before deciding how to vote but supported the move.

"In principal we don't think it has a place in our laws today," he said.

"The Opposition came out quite some time ago in support of the gay panic defence being changed. It's been quite some time coming."

The legislation will also increase the penalty from two years jail to five years jail for people who interfere with a corpse.



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