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Gay panic laws pass Queensland Parliament, removing partial defence

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People accused of murder in Queensland will no longer be able to use the controversial "gay panic" defence.

A bill to remove the partial defence from Queensland law was passed in Parliament on Tuesday night.

It had been used by people accused of murder to claim they were provoked due to an unwanted sexual advance.

Successfully using section 304 of the Criminal Code (killing on provocation) reduced the criminal responsibility to manslaughter, meaning the defendant avoided life in jail.

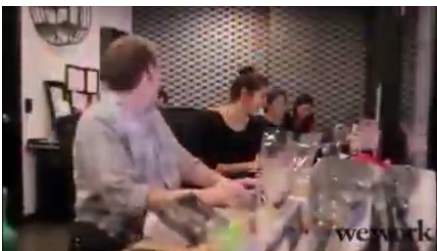
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Attorney-General Yvette D'Ath said the bill delivered on an important promise to the people of Queensland.

"And particularly to the LGBTI community," she said.



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be used as a partial defence.

"This is unacceptable, this does not reflect modern societal views about criminal responsibility and about the expectation to exercise self-control," she said.



The gay panic defence has been scrapped in Queensland. Photo: Supplied

"An unwanted sexual advance, even one that involves minor touching, cannot be enough, other than in circumstances in an exceptional character, to reduce criminal responsibility for killing a person with murderous intent."

Member for Mount Coot-tha Steven Miles said every day the law was still on the books, was another day people said to the LGTBI community their lives were not worth as much as heterosexual lives.

"It's absurd, it's disgusting and it's homophobic," Mr Miles said.

"Unwanted sexual attention does not warrant murder.

"There is no such thing as gay panic, it's just another term for hate."

Member for Yeerongpilly Mark Bailey described the gay panic defence as "discriminatory" and should be "put into the dustbin of history".

"It is an archaic law that is a licence for violence," Mr Bailey said.

"It is a matter for equal rights."

Member for Pine Rivers Nikki Boyd said the defence marginalised the LGTBI community.

"And makes members feel as though their lives don't carry the same value as others," she said.

Member for Brisbane Central Grace Grace called for equal marriage laws to be passed federally.

A petition calling for the "gay panic" reform has more than 290,000 signatures.

[Father Paul Kelly](#) created this Change.org petition after a man, Wayne Ruks, was bashed and killed in his church grounds at Maryborough in 2008.

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"Thank you for persistence in pushing today's outcome. It can't bring Wayne back but it's some small justice and it could save a lot of lives in future," Mrs Kujala said.

Member for Hervey Bay Ted Sorensen commended Father Kelly for his persisting with his campaign.

"I wonder if this legislation would be here if it wasn't for Father Paul Kelly," he said.

"He's worked his butt off to get here."

Queensland and South Australia were the only jurisdictions in Australia not to have repealed the gay panic defence.

The changes will still allow the partial defence to be used in "exceptional circumstances", which would be up to a judge to assess on a case-by-case basis.

Mr Walker said the LNP had foreshadowed in 2015 that it would support moves to remove the gay panic defence.

"We'll be supporting the amendments moved by the government to address this issue once and for all, and for the sake of everyone's being equal before the law we sincerely hope the issue is rectified," he said.

But Mr Walker said he was concerned the bill may have unintended consequences, for example on the safety young woman trying to protect herself from an unwanted sexual advance, with the Queensland Law Society proposing suggested wording of examples.

The LNP moved amendments that would explain what constituted circumstances of exceptional character and provide examples of unwanted sexual advances.

But the LNP's amendments were narrowly defeated, with member for Cook Billy Gordon and member for Cairns Rob Pyne siding with the government.

Ms D'Ath said the LGBTI Legal Service believed the judiciary was capable of interpreting the bill and it was not Labor's intention to define circumstances of an exceptional character, but insisted it would not include "unwanted homosexual advances".

"It is impossible for the legislature to identify the infinite circumstances that may arise in a homicide case," she said.

A string of celebrities last year [banded together to urge the government](#) to introduce the reforms before the end of 2016.

The bill also includes increased penalties for misconduct with a corpse and exclude the public from a court room while pre-recorded evidence from a child witness or special witness is played.

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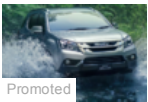
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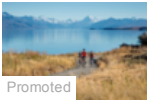
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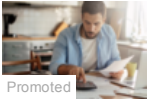
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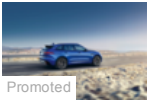
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