




Speech By
Mark Boothman

MEMBER FOR ALBERT

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CRIMINAL LAW AMENDMENT BILL

 **Mr BOOTHMAN** (Albert—LNP) (4.04 pm): I, too, rise to make a short contribution to the debate on the Criminal Law Amendment Bill 2016. Firstly, I would like to thank the committee members for their deliberations on the bill and compiling this report. As the shadow Attorney-General has stated, the LNP will not be opposing the bill. Many of the merits of the bill arise from the lapsed Justice and Other Legislation Amendment Bill 2014, which set out to improve the operation and delivery of Queensland's criminal law.

I have listened to many of the contributions to this debate, so I will make my contribution very short. This bill makes amendments to 11 acts. I thank those nine individuals and entities who made submissions to the committee on the bill. As I said, this bill stems from the bill that was introduced by the previous LNP government in 2014. It removes any reliance on unwanted sexual advance as a defence of provocation. If that defence were successfully raised, the charge of murder would be reduced to a charge of manslaughter. This defence is commonly referred to as the gay panic defence.

As we all know, the crime of murder carries a mandatory sentence of life imprisonment while the crime of manslaughter carries a maximum penalty of life imprisonment. Certainly, on a regular basis I hear from people in my community that the penalties imposed on those individuals who take other people's lives or infringe on another person's rights are too soft. In that regard, the community's expectation is not being upheld.

I again want to highlight the concerns of the Queensland Law Society in regard to clause 10 of the bill, which the shadow Attorney-General also raised, in that it may have unintended consequences that may diminish the legal defence of a woman who is defending herself from unwanted sexual advances that may lead to the accidental killing of the alleged attacker. In its submission to the committee the Queensland Law Society stated—

If this amendment is made, it may have unintended consequences in some circumstances. Take for example where a person is propositioned for sexual intercourse, including a touching, against their will and this person has a background of having been sexually abused as a child or previously raped. Under the amendment this person would not be permitted to demonstrate to a Court, or more importantly a jury, that they had lost their self-control and responded lethally to the provocative act.

The amendments that the shadow Attorney-General will move are very well thought out and I hope that the Attorney-General accepts them.

The member for Currumbin in her contribution referred to the lack of data that has been collected. I find it incredible that we do not keep information about the 110 murder cases in which provocation was claimed as a defence.