

## RESPONSE TO PETITION

**TITLE OF PETITION:** Expungement of criminal records

**The petition of the undersigned Residents of Tasmania draws to the attention of the House that:**

- (a) The Tasmanian Parliament has yet to pass legislation allowing for the expunction of criminal records related to private, consenting, sex between adult males, and cross dressing;
- (b) People with these records are still disadvantaged when seeking employment or volunteer roles;
- (c) Such activity should never have been a crime and those convicted of its should no longer have to bear the stigma of their conviction;
- (d) Legislation allowing for the expunction of such crimes has been passed in several other states; and
- (e) Tasmania was stigmatised for being the last state to decriminalise homosexual sex and the only state to criminalise cross-dressing, and our continued failure to allow for the expunction of criminal records under these former laws will only add to this stigma.

Your petitioners therefore request that legislation allowing for the expunction of criminal records related to private, consenting, sex between adult males, and cross-dressing be introduced and passed as soon as possible.

### **GOVERNMENT'S POSITION**

In both Opposition and Government, the Tasmanian Liberals have supported expunging historic criminal records for homosexual activity which was previously illegal.

The Government acknowledges that the decriminalisation of homosexuality in 1997 did not address the implications for people with existing criminal records pertaining to consensual homosexual activity and is committed to take action to address the resulting ongoing distress and disadvantage.

We will be introducing legislation later this year to provide for the expunction of convictions relating to consensual homosexual sexual activity. The legislation will allow for the expunction of convictions under the now repealed sections of the Criminal Code that directly related to homosexual sexual conduct, that is:

- Section 122(a) – sexual intercourse against the order of nature;
- Section 122(c) – consensual sexual intercourse between males; and
- Section 123 – indecent practices between males.

The Government considers that it is appropriate to provide for the expunction of convictions for these offences as soon as possible as these were serious Criminal Code offences which could well continue to have an impact on matters such as employment, volunteering and travel. The legislation will allow other offences related to consensual homosexual activity to be added by regulation at a later date if, following further analysis and consultation, it is considered appropriate to do so.

Work has commenced on draft legislation which the Government anticipates will be released to the public for comment soon.



Hon Vanessa Goodwin MLC

**ATTORNEY-GENERAL, MINISTER FOR JUSTICE**

Date: 17.5.2016