

Criminal Law (Historical Homosexual Convictions Expungement) Act 2017

Explanatory notes for SL 2018 No. 69

Made under the

Criminal Law (Historical Homosexual Convictions Expungement) Act 2017

General Outline

Short Title

Proclamation to commence the *Criminal Law (Historical Homosexual Convictions Expungement) Act 2017*.

Authorising law

Section 2 of the *Criminal Law (Historical Homosexual Convictions Expungement) Act 2017* (the Expungement Act).

Policy objectives and the reasons for them

The objective of the Expungement Act is to establish an administrative scheme for the expungement, upon application, of convictions or charges for particular historical offences involving homosexual activity. Section 2 of the Expungement Act provides for the commencement on a day to be fixed by proclamation.

Achievement of policy objectives

The policy objective is achieved by the Proclamation commencing the Expungement Act on 30 June 2018.

Consistency with policy objectives of authorising law

The proclamation is consistent with the policy objectives of the Expungement Act.

Inconsistency with policy objectives of other legislation

The proclamation is consistent with the policy objectives of other legislation.

Benefits and costs of implementation

Any costs arising from the commencement of the Expungement Act will be met by existing agency resources.

Consistency with fundamental legislative principles

The proclamation is consistent with fundamental legislative principles.

Consultation

The following key stakeholders were consulted regarding a proposed commencement date of the Expungement Act being prior to 1 July 2018:

- Human Rights Law Centre;
- LGBTI Legal Service Inc.;
- Caxton Legal Centre Inc.;
- Queensland AIDS Council;
- Community Legal Centres Queensland;
- Queensland Law Society;
- Civil Liberties Australia Inc.; and
- Brisbane LGBTIQ Action Group.

These organisations did not object to the proposed commencement date being prior to 1 July 2018.

The Department of Justice and Attorney-General has self-assessed the proclamation to be excluded from further analysis under exclusion category (j) of the *Queensland Government Guide to Better Regulation* as it is a regulatory proposal relating to police powers, general criminal laws, the administration of courts and tribunals and corrective services.