

**CRIMINAL LAW (COERCIVE CONTROL AND AFFIRMATIVE CONSENT) AND OTHER LEGISLATION  
AMENDMENT BILL 2023**

**Submission No:** 21  
**Submitted by:** Queensland Network of Alcohol and Other Drug Agencies  
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**Submitter Comments:**

27 October 2023

Committee Secretary  
Legal Affairs and Safety Committee  
Parliament House  
George Street  
Brisbane Qld 4000  
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Dear Committee

Thank you for the opportunity to provide feedback on the *Criminal Law (Coercive Control and Affirmative Consent) and Other Legislation Amendment Bill 2023*.

The Queensland Network of Alcohol and Other Drug Agencies (QNADA) represents a dynamic and broad-reaching specialist network within the non-government alcohol and other drug (NGO AOD) sector across Queensland. We have more than 55 member organisations, representing the majority of specialist NGO AOD providers. This submission is made following consultation with QNADA members.

After significant advocacy over the last two years, we are pleased to see the progression of amendments to Section 229BC of the Criminal Code (the 'Failure to Report' offence) to better protect the diversity of professionals who support children and young people impacted by sexual assault/abuse. These amendments will help to ensure that children and young people who have experienced sexual assault/abuse are able to safely access the services they need irrespective of where they present.

It is similarly pleasing to see the inclusion of Section 229BC(6)(g) (persons prescribed by regulation) to provide greater flexibility with this provision moving forward. It is critical that any regulation broad enough to cover all workers who provide case management and outreach in AOD treatment services, as well as social and emotional wellbeing roles in the Community Controlled Organisations.

While reducing the age from 18 to 16 years is also supported, the Gillick competence test should be used instead as it is commonly used in the AOD sector. The existing and amended provision undermines the legal premise of the Gillick competent child and their capacity to make their own decisions and appears to prioritise operational convenience for agencies over well established practice services that work with young people.

Importantly, the introduction of these amendments must be accompanied by robust communication and awareness campaigns designed in partnership with the non-government sector and community-controlled organisations. Updates to organisational policies, practices and confidentiality agreements will also be required to ensure they reflect the new amendments.

With respect to other aspects of the Bill, while the amendments around improper questions are also supported, 'alcohol and other drug use' should be explicitly included under 21(3)(d) to provide protections from the negative stereotypes that people who use drugs experience and ensure that a person's substance use is not brought into proceedings.

As outlined in more detail in our [Stigma and Discrimination Position Paper](#) illicit drug dependence is one of the most stigmatised health concerns in the world<sup>1</sup> and experiences of stigma and discrimination are a common occurrence in the lives of people who use drugs, including in the criminal justice system. A victim's substance use is often used to routinely discredit them where they make a report of sexual assault, by playing into harmful stereotypes. This is only further exacerbated by a lack of understanding about substance use among legal practitioners and judicial officers.

It is pleasing to see this recognised under 103ZW *Direction on behaviour and appearance of complainant* as it helps to counter some of the common misconceptions about sexual violence in the context of a victim's substance use.

QNADA is pleased to provide further information or discuss any aspect of this submission. Please don't hesitate to contact me at [REDACTED] or by calling [REDACTED].

Yours sincerely

[REDACTED]

Rebecca Lang

**CEO**

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<sup>1</sup> Kari Lancaster, Kate Seear, and Alison Ritter, "Reducing Stigma and Discrimination for People Experiencing Problematic Alcohol and Other Drug Use," (Queensland Mental Health Commission, 2017).