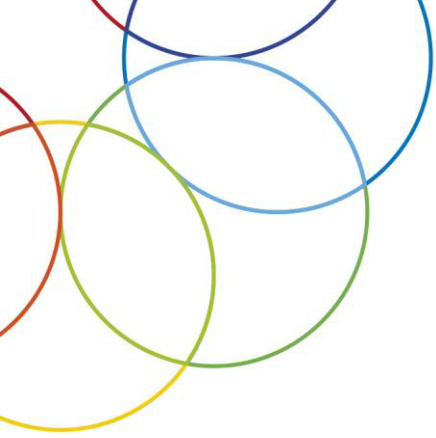


**CRIMINAL LAW (COERCIVE CONTROL AND AFFIRMATIVE CONSENT) AND OTHER LEGISLATION  
AMENDMENT BILL 2023**

**Submission No:** 31  
**Submitted by:** Queensland Mental Health Commission  
**Publication:** Making the submission and your name public  
**Attachments:** See attachment  
**Submitter Comments:**



Committee Secretary  
Legal Affairs and Safety Committee  
Queensland Parliamentary Service  
LASC@parliament.qld.gov.au

Dear Committee Secretary

Thank you for your email of 13 October 2023 regarding the Criminal Law (Coercive Control and Affirmative Consent) and Other Legislation Amendment Bill 2023.

The Queensland Mental Health Commission's (the Commission) role is to drive ongoing reform towards a more integrated, evidence-based, recovery-oriented mental health, alcohol and other drugs service system in Queensland.

The Commission appreciates the opportunity to provide comments on the Bill.

Many research studies have pointed to negative and often long-term mental health consequences of domestic violence for victims. These impacts extend to depression, phobias, anxiety and sleeping disorders, post-traumatic stress and other disorders, problematic alcohol and other drugs use, self-medication, and suicide.

Health systems, including mental health and alcohol and other drugs systems, and practitioners need to be attuned to negative mental health impacts of domestic violence for victims in order to assist them; that is, to address their psychological needs, as well as refer to specialised services to address their safety and other needs.

It is equally important that our legislative frameworks protect victims of domestic violence in the most effective way. In this context, the Commission welcomes and supports the Bill.

We especially welcome that the Bill amends the existing consent and mistake of fact framework to provide for an affirmative model of consent, to provide that consent means free and voluntary agreement.

We agree with the findings of the Taskforce that the existing definition, which requires consent to be given rather than agreed, 'was outdated and framed women and girls as sexual gatekeepers' and that 'agreed' better reflects community standards regarding equality and mutual respect in sexual relationships.

We would also like to bring to the Committee's attention that Mental Health and Alcohol and Other Drug (AOD) services often have contact with perpetrators where their domestic and family violence (DFV) perpetration is an underlying issue (e.g., suicidal threats in the context of coercive control. This is also a significant risk factor for DFV homicide). We believe these services should be equipped to understand and respond to perpetrators of DFV as well. This

includes holding perpetrators accountable for their choice to use violence, including not colluding with perpetrators and excusing/minimising their behaviour, and making referrals to specialised services to support men to stop using violence. There is emerging research and focus on the need for all areas of the system to be equipped to respond appropriately to perpetrators.

Should you require further information, please feel free to contact Stefan Preissler, Program Manager, telephone on [REDACTED], or email at [REDACTED]. I wish the Committee well with this important work.

Yours sincerely

[REDACTED]

Ivan Frkovic  
**Mental Health Commissioner**  
**Queensland Mental Health Commission**