



**QUEENSLAND COUNCIL  
FOR  
CIVIL LIBERTIES**

*Protecting Queenslanders' individual rights and liberties since 1967*

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

lasc@parliament.qld.gov.au

Dear Madam

**Domestic and Family Violence Protection (Combating Coercive Control) and Other Legislation Amendment Bill 2022**

Kindly accept this submission in relation to the above Bill

The QCCL is an organisation made up of volunteers. Consequently, we have limited resources available to make submissions. We therefore only make submissions on a few key points; this should not be taken as an endorsement of any provision in the Bill upon which we do not comment.

**BALANCE NEEDED**

The Council is concerned that there does not appear to be sufficient balance in the considerations relating to coercive control in the proposed new legislation and asks that the Committee ensure that this balance is maintained in its deliberations. Coercive control is a difficult concept because things that occur in a relationship while the relationship is on foot can easily be misinterpreted post-separation as coercive control.

**#METOO**

The Council maintains its position that the advancement of women's equality and protecting them from violence cannot come at the expense of fundamental legal principles and arrangements designed to protect the liberty of everyone.

The Council generally recommends to the Committee the submission provided by the Law Society of NSW to the Joint Parliamentary Select Committee on Coercive Control dated 27 January 2021.

**OFFENCE**

Whilst this legislation does not create an offence of coercive control, in our view such an offence<sup>1</sup> would contain the following elements:

1. a person intentionally engages in a pattern of persistent coercive and controlling behaviour (the behaviour) and
2. the person intends by the behaviour to cause fear of serious harm to an intimate partner or former partner and
3. that behaviour causes the victim to fear serious harm and

<sup>1</sup> See the submission by the New South Wales Law Society referred to above



4. the behaviour is not reasonable in the circumstances.

It is our submission, that in order to avoid the overbroad application of this legislation, one way to limit it would be to require that the behaviour, especially a pattern of behaviour, occurs with the second intention referred to above at least at some point in the process. The first intention of course does not need to be specified in Queensland because of the criminal responsibility provisions of the Criminal Code.

#### ADEQUATE FUNDING

Also, the Council maintains that there needs to be adequate funding to ensure that access to justice of all parties in these sorts of domestic violence disputes be achieved. Simply a change in the law will not achieve that in our submission. It requires consistent and mandated training for all police and criminal justice practitioners. It also requires greater funding to be provided to Legal Aid Queensland for the provision of all Legal Aid Duty Solicitor schemes at all places where domestic violence cases are mentioned or heard.

We are happy to make oral submissions at the public hearings

This submission was prepared for the Council by executive member Eugene O'Sullivan

We trust this is of assistance to you in your deliberations

Yours Faithfully



Michael Cope  
President  
For and on behalf of the  
Queensland Council for Civil Liberties  
4 November 2022