




Speech By
Deb Frecklington

MEMBER FOR NANANGO

Record of Proceedings, 20 May 2020

**CRIMINAL CODE (CHOKING IN DOMESTIC SETTINGS) AND ANOTHER ACT
AMENDMENT BILL**

Introduction

 **Mrs FRECKLINGTON** (Nanango—LNP) (Leader of the Opposition) (12.30 pm): I present a bill for an act to amend the Criminal Code and the Penalties and Sentences Act 1992 for particular purposes. I table the bill, the explanatory notes and a statement of compatibility with human rights. I nominate the Legal Affairs and Community Safety Committee to consider the bill.

Tabled paper: Criminal Code (Choking in Domestic Settings) and Another Act Amendment Bill 2020 [\[786\]](#)

Tabled paper: Criminal Code (Choking in Domestic Settings) and Another Act Amendment Bill 2020, explanatory notes [\[787\]](#).

Tabled paper: Criminal Code (Choking in Domestic Settings) and Another Act Amendment Bill 2020, statement of compatibility with human rights [\[788\]](#).

In March I was one of the hundreds of people who attended the funeral of Hannah Clarke and her children, Aaliyah, Laianah and Trey. The Prime Minister also attended, as did the Premier, the Police Commissioner and several other dignitaries. None of us had known Hannah and her children while they were alive, but we all knew of their story and we all knew how their story ended. In front of us was a single white coffin. Inside was Hannah with her three babies by her side.

No-one can imagine the terror and the pain that they must have suffered in those final moments. Four beautiful lives were destroyed by an act of pure evil. The cold-blooded murder of Hannah and her children had no meaning at all, but there was a message and that message was for all of us. It was a clear message that we must act to save women and children like Hannah and her three beautiful children. We cannot just weep for the victims and then move on. We cannot just talk about the horror of domestic violence. It is time to take action. It is time to take decisive action against domestic violence. More talk will not save lives. It is down to us—each and every one of us in the people's house—to do everything that we can as soon as we can to fight domestic violence.

The LNP has always been at the forefront of Queensland's struggle against domestic violence. The last LNP government instigated the *Not now, not ever* report in 2014. We have given our complete support to the recommendations brought forward by the Palaszczuk government. However, the *Not now, not ever* report was not enough, so in February the LNP outlined a package of new measures to crack down on domestic violence. Our proposals will target offenders and support victims. We are seeking bipartisan support from the Palaszczuk government for those proposals. The proposals cover four areas of action.

Firstly, we propose the introduction of a new coercive control offence, a specific domestic violence summary offence and new laws to empower police to issue domestic violence orders on the spot. These new offences will protect individuals in abusive relationships and they will allow police to offer immediate legal protection for the victims of violence.

Secondly, the LNP proposes allocating half a million dollars to fund the rollout of 200 personal safety devices to those at risk of domestic violence. Smart technology and GPS tracking should be used to monitor offenders and warn victims when a violent former partner is close to them. We must try everything possible. Other countries have done it and so we should follow.

Thirdly, we propose extra support for domestic violence victims and their families. Specifically, the LNP would provide an extra \$1 million for the Women's Legal Service and an additional \$1 million for other frontline and not-for-profit agencies. We would also provide one-off emergency assistance grants of up to \$2,000 to help victims and their families flee from dangerous homes.

The fourth area of action is contained in the bill that I have tabled today. With this bill, we seek to introduce the toughest strangulation laws in the nation. Nonlethal strangulation was criminalised in Queensland in 2016 following the *Not now, not ever* report. The new law, section 315A of the Criminal Code, owed much to the campaigning work of Sonia Anderson, whose 22-year-old daughter, Bianca, was strangled to death by her boyfriend in 2010. Another woman, Professor Heather Douglas of the University of Queensland, was also instrumental in the passage of the legislation. Her research revealed the full extent of this horrific but often hidden form of violence. The professor established that a woman who is subjected to attempted strangulation by a partner is eight times more likely to be murdered by that partner.

As well as the psychological trauma, the consequences of nonlethal strangulation can include memory loss, miscarriage and permanent damage to vision, hearing and vocal cords. I wish to again publicly thank Sonia Anderson and Heather Douglas for their work. Their campaign not only changed the law in Queensland; it changed the law across Australia. However, a major flaw has emerged in that legislation. The terms 'choke', 'suffocate' and 'strangle' were not defined in the Criminal Code. Fixing this flaw should be a priority for every political party in Queensland. The LNP shadow cabinet discussed this issue on 3 February and resolved that a future LNP government would amend section 315A to include a much broader definition of 'nonlethal strangulation'.

This bill amends Queensland's nonlethal strangulation laws to include clear legislative definitions of the words 'choke', 'strangle' and 'suffocate'. Queensland will be following in the steps of the Australian Capital Territory in providing clear legislative definitions. By providing a broader definition of 'strangulation', we will ensure that the law protects the vulnerable and allows prosecution of violent and abusive offenders. The bill tabled today will not just redefine the offence of strangulation; it will also double the penalty for it. The current maximum sentence is only seven years imprisonment. It should be much more. The bill will increase the maximum sentence to 14 years imprisonment.

The bill will also classify nonlethal strangulation as a serious violent offence under the Penalties and Sentences Act. Courts could then order that strangulation offenders sentenced to five or more years imprisonment but less than 10 years must serve at least 80 per cent of that sentence. Those sentenced to 10 years or more would automatically serve up to 80 per cent of their sentence. Increased sentences would send a strong, clear message to domestic violence offenders that it is not okay—a message that says their behaviour is abhorrent and should never and will never be tolerated by our community.

As well as being supported by police officers, the campaign for a broader definition of strangulation is backed by campaigners and organisations in the front line of the war against domestic violence—people such as Betty Taylor of the Red Rose Foundation; Diane Mangan, the former CEO of DVConnect; and the Women's Legal Service. The case for reform in Queensland's strangulation laws is overwhelming. We cannot allow offenders to avoid justice. There must be consequences for crime.

Just consider for a moment what it must be like to be a victim of strangulation. Think what it must be like to be pinned down by a much stronger partner, to feel their hands on your neck gripping your throat. Imagine the terror that you would feel in those circumstances, the fear that you would have for your life, the fear that you would have for your children and their lives. No-one should ever suffer that. We must protect victims of domestic violence in any way we can. We must protect victims from domestic violence, from this terrible crime. It is the clear responsibility of the government of the day to work towards fixing any error they find.

The LNP opposition has given the Palaszczuk government enough time. The victims of domestic violence have given the Palaszczuk government enough time. We cannot stand idly by while more and more victims of domestic violence are suffering because of this legal loophole. It is up to us to fix it, and that is why the LNP opposition has acted and is calling on the Palaszczuk government to follow our lead. We must deal with it now before anyone else slips through the cracks.

This is not about playing politics. This is about helping the victims of crime. This is about the opportunities that we have as members of parliament to stand together and assist anyone who has been in this situation or who may be in this situation in the future. We cannot wait until after the next

election. We cannot wait until each and every case of COVID-19 has been cleared up in this state. We have a duty to protect the men and women of Queensland who have suffered and continue to suffer because of this legal loophole.

I plead with the Palaszczuk government. We do not need an inquiry. We do not need another summit. We do not need another review to deal with this. For the sake of the victims, this House must act and support this bill.

First Reading

Mrs FRECKLINGTON (Nanango—LNP) (Leader of the Opposition) (12.42 pm): I move—

That the bill be now read a first time.

Question put—That the bill be now read a first time.

Motion agreed to.

Bill read a first time.

Referral to Legal Affairs and Community Safety Committee

Mr DEPUTY SPEAKER (Mr Kelly): Order! In accordance with standing order 131, the bill is now referred to the Legal Affairs and Community Safety Committee.