




Speech By  
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**MEMBER FOR SOUTH BRISBANE**

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Record of Proceedings, 22 February 2023

**DOMESTIC AND FAMILY VIOLENCE PROTECTION (COMBATING COERCIVE CONTROL) AND OTHER LEGISLATION AMENDMENT BILL**

 **Dr MacMAHON** (South Brisbane—Grn) (2.29 pm): The scourge of domestic violence causes immense harm across Australia. We see this almost every week. In December last year at least 10 Australian women were killed because of family and domestic violence. That was three times the average rate of one woman per week. One woman a week is one too many. Three women a week is three too many. These deaths are just horrific—the unacceptable tip of an iceberg that pervades our society. Family and domestic violence is disturbingly common and notoriously under-reported.

One in six women and one in 16 men in Australia have experienced violence by an intimate partner. Family and domestic violence is one of the leading causes of homelessness. It exposes generations of Australian children to violence and trauma in their childhoods. It affects First Nations communities and people with disability disproportionately. There is much that we in this parliament could do to fix this.

This bill gives effect to some of the recommendations of the Women's Safety and Justice Taskforce, many of which will go some way to ensuring that our criminal justice system is up to the task of ending domestic violence. In many ways, this is by incorporating our growing understanding of coercive control into the justice system. I want to be clear: these reforms will not finish the job. I do not think anyone in this place thinks that. Similarly, neither will making coercive control a standalone criminal offence. To end domestic violence, we need to ensure that our laws are fair. This bill goes a small way towards that.

To end domestic violence we also need to fully fund our services. We are a long way off that in this state. To genuinely end domestic violence, we need to deal with the root causes of patriarchal violence and attitudes. Looking at the disgusting revelations emerging from the Queensland police force followed by this government's leaning into more policing, it is clear that we are nowhere near addressing the deep roots of patriarchal violence in this state. There is much more that we in this parliament could be doing beyond this bill.

The bill implements some of the reforms recommended in the Women's Safety and Justice Taskforce report *Hear her voice: report one—Addressing coercive control and domestic and family violence in Queensland*. That task force was launched, as we all know, after the devastating murder of Hannah Clarke and her three children in early 2020 and a subsequent commitment by the Premier that this government would move to criminalise coercive control.

In recent years, studies have increasingly showed that coercive control is a major risk factor for death by domestic violence. Studies by Hohl and Myhill in 2016 said that coercive control is a thread running through the patterns of behaviour that precede domestic violence and domestic deaths. In experts' views, this essential thread running through the risk identification and assessment for domestic

violence can help the legal system move beyond an incident-by-incident response and begin to identify these dangerous patterns, but I do want to be clear: I am very sceptical that a standalone offence for coercive control will fix the situation.

The Women's Safety and Justice Taskforce has done a good job at giving the widest possible interpretation to the Premier's commitment to criminalising coercive control, looking at broad-ranging ways to bring awareness of coercive control into our legal system. The Queensland Greens will be supporting this bill on the basis that it strengthens the offence of stalking to include electronic surveillance and coercive control; replaces archaic sexual offence terminology like 'carnal knowledge' and 'maintaining a sexual relationship with a child'; updates definitions of 'domestic violence' and 'abuse' to include a reference to a 'pattern of behaviour'; and clarifies that individual acts can be domestic violence when, cumulatively, they are abuse, threatening, coercive and cause fear, and must be considered within the context of a relationship as a whole.

As one frontline domestic violence support worker said to me when I was consulting with people on the first paper from the task force, 'How do you criminalise the everyday harm of threat and violence in a relationship?' This bill will not entirely do that, but these steps are worth taking.

Clause 30 of the bill prevents cross-applications being used by perpetrators to continue their control and intimidation of victims. This reflects important feedback that I have heard from the DFV sector that the legal system can become a proxy for a perpetrator. Again, it will not end the tendency of the state and the legal system to do this but it is an important step to take.

Many submitters on this bill, including Australia's National Research Organisation for Women's Safety, pointed out that victim-survivors can be misidentified as perpetrators and that this particularly applies to First Nations people, people from migrant and refugee backgrounds and queer people—anyone who does not present as a stereotypical 'ideal victim' who is powerless and submissive. These factors are very important in the context of the government proposing to make a standalone offence of coercive control.

Since early 2021, Sisters Inside and the Institute for Collaborative Race Research have been making clear, in the context of coercive control, the violence experienced by First Nations women when they come into contact with the criminal legal system and the hands of the police and the impact that criminalising coercive control will have on them. The Queensland Youth Policy Collective pointed out that to work the bill needs significant reform of the criminal justice system to combat this misidentification.

The bill makes various other changes to ensure our current understanding of coercive control and domestic violence is incorporated into our legal system, including sentencing. The Queensland Greens welcome many of these changes. None of these will end the scourge of domestic violence. They take some steps along the path to ensuring our laws are fair, but to end domestic violence we need much more from the government. We need to ensure our laws are fair, we need to make sure our services are fully funded—housing, health care, education—and we need to deal with the root causes of patriarchal violence in society.

The conclusion I have come to regarding a standalone offence of coercive control is coloured by my own personal experiences. I experienced financial abuse by a partner. It was not until the relationship ended that I grasped the gravity of what had happened. Listening closely to stakeholders on the ground like Sisters Inside, our concerns remain. Legal Aid Queensland submitted to this bill that expanding definitions and adding aggravating circumstances risks an increase in matters, determinants for grant aid and cost to Legal Aid. They need more support. At the most basic level, the government needs to fund legal assistance services properly if these new laws are to work. This is only the beginning—in a state where the government refuses to properly tax big corporations, when we have a \$5 billion surplus that we could be putting into frontline services right now and our Public Service is begging to be fairly funded.

Queensland's housing crisis is a perfect example of this. As I have mentioned, domestic violence is one of the leading causes of homelessness. We have seen positive steps taken by the government to introduce laws allowing survivors of domestic violence to change the locks if a perpetrator leaves and to leave a lease, but if they need to leave themselves where do they go? They cannot afford the rent. They cannot get into public housing because of the massive shortage. How many victims and their families end up staying with perpetrators because there is simply nowhere for them to go?

At a minimum, legislation of this kind needs a huge investment in primary prevention and frontline services. There is a whole sector of people working to end domestic violence, and they need meaningful support. More than another piecemeal announcement from the government, we need investment in these services on the ground. Our patriarchal culture is failing victims of domestic and family violence.

We need look no further than the Queensland Police Service to see the most extreme examples of this. Evidence keeps mounting that goes beyond what training could offer in terms of reforming the police force. In November last year we heard leaked audio from the Brisbane city watch house that showed police using racist slurs. Last year's commission of audit heard harrowing evidence of racist, sexist and homophobic behaviour. The response from the government since has been leaning into more police and a tougher stance on youth justice.

When Senior Constable Neil Punchard hacked into a confidential database to leak the address of a domestic violence victim to her violent former partner, the ultimate outcome was a suspended prison sentence and community service. This was after his suspension on full pay. This does not fill me with hope that the government intends to address these issues within the police force. We need a renewed police culture, but I remain sceptical that the Queensland police force can be reformed. I feel strongly that diverting money from the police force into housing, education and frontline services would go much further to keeping Queenslanders safe and strengthening Queensland communities. The Queensland Greens, as I have said, support the measures that this bill puts in place.