




Speech By
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MEMBER FOR KEPPEL

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

 **Ms LAUGA** (Keppel—ALP) (12.54 pm): I rise to speak in support of the Domestic and Family Violence Protection (Combating Coercive Control) and Other Legislation Amendment Bill. I acknowledge two women in my community who have tragically lost their lives in recent years: Karen Gilliland, who was murdered by her ex-husband, lived in Allensbrook and is survived by her three children; and Sue Duffy, a 71-year-old woman who was allegedly murdered by her estranged son-in-law. I pay my respects to their families, their friends and our entire community following their tragic loss—a loss that did not need to happen and a loss that we are in this place today to try to prevent from happening again. Sue in particular reminds me—and should remind us all in the community—that domestic and family violence is not limited to people in an intimate relationship. Domestic and family violence can extend to other people within a domestic and family relationship; it is not necessarily two people in an intimate relationship.

Coercive control is an insidious form of domestic and family violence and it affects many people right across our state and the world. I acknowledge that this is potentially a very triggering bill to debate for many people in this place, myself included. I acknowledge that there has been some great discussion about the issues of coercive control and domestic and family violence, but I was particularly incensed by the member for Hinchinbrook's comments about this being a gendered debate. This is not a competition. I am sure that there are women who are affected; there are men who are affected. Many people are affected by domestic and family violence and coercive control, but it is not a competition as to who is more affected. I think all of us would agree that we want to see less violence in our community. It is not a case of who experiences it more or less but of reducing the numbers altogether.

I acknowledge the extensive work undertaken by the Women's Safety and Justice Taskforce, led by the Hon. Margaret McMurdo. I extend my thanks to its members. I acknowledge the over 500 individuals and all of the stakeholders who contributed to this important work. This reform and critical amendments are required to ensure the coercive control offence will be effective in reducing domestic and family violence and also in mitigating any unintended consequences, particularly as they relate to the misidentification of the primary aggressor and the experience of First Nations women and girls.

The bill implements recommendations 52 to 60 and 63 to 66 of the task force's first report. The amendments to all of the different acts will work towards combating coercive control by strengthening Queensland's current response and by laying the groundwork to criminalise coercive control. The Queensland government has committed to introducing a second stage of legislative reform that will include a coercive control offence by the end of 2023.


I am pleased that this bill will require the Queensland Police Service to provide a copy of the respondent's criminal history and domestic violence history to the court in all proceedings on private and police initiated applications for a domestic violence order. The courts absolutely need a full picture

of a respondent's criminal and domestic violence history in order to assess the risk posed to an aggrieved and to assist the court in best tailoring conditions that will keep the victims safe. This bill, in practice, will require that the respondent's criminal history outlines all convictions of, and charges made against, the respondent.

Clause 53 of the bill allows for substituted service for a document normally administered by a police officer. I take this opportunity to thank the police for taking on the role of serving respondents. It is a critical part of the process. Often it is the first time the respondent realises the seriousness of what they have done and the seriousness of the matter they are being served about. Receiving an email might mean that the opportunity for that realisation to occur is lost, but I understand that a respondent sometimes deliberately evades service to the frustrate court process, leaving victims without the protection of a DVO for a longer period of time. Whilst it is important that service by a police officer remains in place, we cannot let the control of offenders extend to the service of the court documents to that respondent.

Personal service provides procedural fairness to a respondent as a police officer will explain to the respondent the document as well as any consequences of not complying with the document. This personal service is also intended to give police an important opportunity to intervene, disrupt and de-escalate domestic and family violence. I know from constituents, friends and family who have spoken to me about their experiences that the moment in which a police officer serves documents to a respondent can cause a change their behaviour.

This bill also amends the Criminal Code to modernise and strengthen the offence of unlawful stalking. Stalking is a well-known risk factor for intimate partner homicide and a significant form of abuse within controlling relationships. The task force heard many stories of perpetrators using electronic surveillance to facilitate their abuse, including social media, spyware and tracking devices. It is a sign of the times that technology is now so much a part of our lives. Technology certainly has allowed coercive control to thrive. There are now so many ways that a perpetrator can follow and control another person using technology such as monitoring where a victim has been shopping and how much they have spent with apps that track people and which keep data that can be used by perpetrators, often with the victim unaware that they are even being monitored. I have had numerous people in my electorate office who need assistance in changing their Apple ID, logging out of multiple devices that they are signed into. There is also frustration from victims who struggle to block people on one app, only to be contacted by them again using another app.

 **Ms LAUGA** (Keppel—ALP) (2.10 pm), continuing: There are so many ways now that a perpetrator can follow and control another person using technology. I am pleased that amendments in this bill will also better reflect the way technology can be used to facilitate intimidation, harassment or abuse in cases of cyberbullying and doxxing. The bill amends the Evidence Act to create a new category of protected witness with respect to any domestic violence offence and extends the prohibition on direct cross-examination to this new category of protected witness. This means that where a defendant is unrepresented the complainant cannot be cross-examined directly by them. If cross-examination is to occur it will be undertaken by a lawyer.

The bill will also provide the court with a discretion to give jury directions that address misconceptions and stereotypes about domestic violence in line with the recommendation of the *Hear her voice* report. In this context, the task force found that community members did not always understand how domestic and family violence may impact the behaviour of domestic and family violence victims. For example, why a victim may continue to remain in a relationship which is abusive. I think that this is a really positive change because many people, especially if they have not experienced domestic and family violence before, may not fully appreciate how victims react or respond. Victims often end up spiralling into a world where unacceptable behaviour may be normalised. The cycle of violence spins around almost like routine in what a victim feels like is normal everyday life, but from the outside looking in it may appear as completely delusional that a victim would even stay in that circumstance. The amendments seek to enable juries and judicial officers to be better informed and able to consider evidence of domestic violence that has been raised during a trial. This is an historic day for Queenslanders, it is an historic day for victim-survivors and I commend the bill to the House.