




Speech By
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MEMBER FOR JORDAN

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

 **Mrs MULLEN** (Jordan—ALP) (12.35 pm): I am very proud to add my voice in support of the Domestic and Family Violence Protection (Combating Coercive Control) and Other Legislation Amendment Bill 2022. I commend the Attorney-General and Minister for Justice and her department on this significant body of work which is seeking to modernise and make clear how we will legislate against coercive control to ensure that our laws will be most effective.

At the launch of the Criminalise Coercive Control Campaign, journalist Jess Hill said—

... criminalising coercive control will not magically fix our deeply flawed justice system ...—police, courts, family law—... But criminalising coercive control will replace the broken lens we have on domestic abuse: instead of seeing a collection of incidents, it will make visible the system of abuse that endangers—and even kills—so many women and children.

As a government, we have recognised that our systems do not always consistently protect victims of domestic and family violence and sexual violence. We took the important step of establishing the Women's Safety and Justice Taskforce to independently examine coercive control and review the need for a specific offence of domestic violence and examine the experience of women across the criminal justice system.

The response to the task force's request for submissions was overwhelming. Over 700 submissions were made, 500 of those from brave individuals sharing their lived experiences. As the task force report outlined, they are from all socio-economic backgrounds. Many are from First Nations women, as well as women from culturally and linguistically diverse backgrounds, those with disability, sex workers and people who identify as LGBTIQ+. Some are from men, a reminder that, exceptionally, women can also be perpetrators. Many victim-survivors described their experience of coercive control as the most harmful aspect of their abusive relationship.

The task force received articulate submissions opposing the criminalisation of coercive control. The commonly cited reason was unintended consequences, particularly the likely detrimental impact on First Nations peoples in the criminal justice system. However, most submissions from legal stakeholders and victims supported criminalisation, and ultimately so did the task force. Their report sets out a framework for the proposed legislation as part of 89 important recommendations to reform domestic and family violence services and justice systems.

As the first report by the task force made clear, simply making coercive control a criminal offence is not enough. The bill before us begins this vital step of reform prior to the introduction of a standalone offence. Amendments to existing legislation requiring immediate implementation were identified. This will ensure that the coercive control offence will be effective in reducing domestic and family violence and mitigate any unintended consequences.

The bill implements recommendations 52 to 60 and 63 to 66 of the task force's first report. The bill includes a significant number of amendments to be made to the Criminal Code, the Domestic and Family Violence Protection Act, the Evidence Act, the Penalties and Sentences Act and the Youth Justice Act, and this will work towards combating coercive control by strengthening Queensland's current response and laying the groundwork to criminalise coercive control. Our government has committed to introducing a second stage of legislative reform that will include a coercive control offence by the end of 2023.

I now turn to some of the specific amendments which are included in the bill. The bill proposes to amend the Criminal Code to introduce a new circumstance of aggravation with a maximum penalty of seven years imprisonment for the offence of unlawful stalking, intimidation, harassment or abuse if a domestic relationship exists between the offender and the stalked person, incorporating both former and current relationships. The amendment supports the work of the task force, which found that the offence of stalking uses outdated concepts and language and needs to be modernised to better reflect these contemporary tactics used by offenders. Importantly, the amendments also better reflect the way technology can be used to facilitate intimidation, harassment or abuse in cases of cyberbullying.

The bill also increases the maximum penalty for the offence of contravening a restraining order to 120 penalty units, or three years imprisonment. There are also changes to sexual offence terminology including the terms 'carnal knowledge' and 'maintaining a sexual relationship with a child', which have been generally welcomed by stakeholders in the community. The parliamentary committee noted some concerns regarding the renaming of sexual offence technology which the Department of Justice and Attorney-General has sought to address.

The other key amendments I wish to mention are changes to the Domestic and Family Violence Protection Act 2012. As the task force found, the current definition of 'domestic violence' in the act is not clear about the nature of coercive control and may contribute to misidentification of domestic and family violence. As a result, the bill amends the definitions of 'domestic violence', section 8; 'emotional or psychological abuse', section 11; and 'economic abuse', section 12 in the act to include a reference to a pattern of behaviour.

Other amendments aim to clarify that domestic violence includes behaviour that may occur over a period of time, includes individual acts that when considered cumulatively are abusive, threatening, coercive or cause fear, and must be considered in the context of the relationship as a whole. This is a significant part of what we are trying to achieve in recognising coercive control, and there is understandable concern from some stakeholders around the capacity of policing and justice systems to appropriately respond to these matters.

I am pleased that the Department of Justice and Attorney-General have indicated to the parliamentary committee that an evidence-based and trauma informed framework will be introduced across the domestic and family violence and justice systems; that training and education for frontline staff is being recognised to ensure they are skilled in identifying a pattern of behaviour and specifically elements of coercive control; and naturally that the increased demand from these changes—for Legal Aid, court and policing resources—must be monitored and included in future budget considerations. I am pleased to see that the committee made a recommendation on ensuring these commitments are monitored and reported back on within 12 months.

We know that coercive control is at the core of domestic and family violence. As individuals, we may see it through the lived experience of family or friends. As members of parliament, we see evidence of it from the many brave constituents we represent and who seek our help. I have to say that without the support of some incredible organisations, services and individuals, I am not sure my staff and I could offer the support we are able to. I wish to particularly acknowledge Amie Carrington and the incredible team from the Domestic Violence Action Centre who service the Ipswich part of my electorate. I also wish to recognise the team from The Centre for Women & Co based in Logan who provide outreach services to Flagstone and Greenbank, growing parts of my electorate.

I want to acknowledge our police in my electorate, the officers working in the Goodna, Springfield and Jimboomba stations. I do not ever underestimate the incredible workloads and challenges that our police face. I also recognise that the recent commission of inquiry process has been challenging, difficult and painful, but it has also shone a light on improving the ways we can address the front line of domestic and family violence policing support. I am proud that our government is making a significant investment—\$100 million—to deliver new initiatives including more victim liaison officers, more domestic and family violence support workers in police stations, more specialist domestic and family violence officers, and more specialist police prosecutors.

I also cannot let this opportunity go without expressing my support for our government's commitment to expand the specialist domestic and family violence courts, and I put in my plea to the Attorney-General for a specialist domestic and family violence court in Ipswich to be considered in the future. That is something I know my fellow Ipswich MPs also support and is very much needed in our community. More funding for Legal Aid was also another important recommendation of the Women's Safety and Justice Taskforce, and our government has responded with an additional \$18.6 million in funding. At a local level I wish to thank some of our terrific law firms who support domestic and family violence victims through the legal process. I am particularly grateful to firms like VM Family Law, Brookwater Legal and McNamara Law in my electorate.

In my electorate we recently installed our first red bench at the Orion shopping centre in Springfield Central, a wonderful initiative of the Red Rose Foundation. I wish to acknowledge and thank Betty Taylor from the foundation as well as Kath Manby and Mirvac for their strong support. At the unveiling ceremony we held I was heartened by the number of stakeholders and community members who took the time to attend. We all recognise how important it is to prevent domestic and family violence in our community.

At the same time I shared with the audience that as the local member I sometimes feel overwhelmed by how challenging the issue is and how much work we have ahead of us. I said that I feel despondent when I read some of the media reports of what some men feel they have a right to do to women: to control them, to hurt them, to kill them. I also shared that in those moments of overwhelm I am reminded that every small step matters because every step will bring us closer to the end of domestic and family violence in our community. Today's bill is actually a big step, a significant step, as we work towards making coercive control a criminal offence and ensure that all victims have full control of their lives, as it should be. I commend the bill to the House.