




Speech By  
**Jason Hunt**

**MEMBER FOR CALOUNDRA**

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

 **Mr HUNT** (Caloundra—ALP) (3.20 pm): I rise today to speak in support of the Domestic and Family Violence Protection (Combating Coercive Control) and Other Legislation Amendment Bill 2022 introduced on 14 October 2022 by the Attorney-General and Minister for Justice, Minister for Women and Minister for the Prevention of Domestic and Family Violence and referred to the Legal Affairs and Safety Committee. The bill seeks to give effect to legislative reform in recommendations 52 to 60 and 63 to 66 of the Women's Safety and Justice Taskforce in Chapter 3.8 of its first report, *Hear her voice: report one—Addressing coercive control and domestic and family violence in Queensland*.

The secretariat, as always, worked extraordinarily hard to support, administer and collate the work of the committee, and for that I thank them. Similarly, I would also thank my fellow committee members: committee chair, Peter Russo, the member for Toohey; Jonty Bush, the member for Cooper; Jon Krause, the member for Scenic Rim; Laura Gerber, the member for Currumbin; and the effervescent Sandy Bolton, the member for Noosa. This was an extremely important body of work and the attitude and approach of the entire committee reflected this.

Consequently, the committee made two recommendations. Recommendation 1 was that the bill be passed. Recommendation 2 was that the Queensland government develops a consistent evidence-based and trauma-informed framework to support training and education and change management across all parts of the domestic and family violence and justice system as soon as possible and reports back on its progress within 12 months of the tabling of this report.

Coercive control constitutes a pattern of behaviour perpetrated against a person to create a climate of fear, isolation, intimidation and humiliation. It is an intrinsic part of domestic and family violence. While it is almost always a precursor to the horrors that follow, it also demonstrates that a woman can be the victim of domestic and family violence for a hideously long time before the behaviour spills over into physicality. I use the term 'woman' quite deliberately as the great balance of this violence, particularly if it escalates to serious assault or death, is usually perpetrated by men against women. Those who bristle at this fact or are uncomfortable with emphasis are, in my view, an impediment to improvement.

In 2021 the Women's Safety and Justice Taskforce was established to examine coercive control and review the need for a specific offence of domestic violence and the experience of women across the criminal justice system. The task force recommended the creation of a new standalone offence of coercive control. However, it also made it clear that, prior to the introduction of a standalone offence, system-wide reform was needed to ensure sufficient services and supports are in place across the domestic and family violence service and justice systems, along with critical amendments to existing legislation which should be implemented immediately.

This includes that the system needs to respond better to coercive control through a shift from focusing on responding to single incidents of violence to focusing on the pattern of abusive behaviour that occurs over time. To that end, the bill proposes to rename the offence of unlawful stalking throughout chapter 33A of the Criminal Code and in other legislation to 'unlawful stalking, intimidation, harassment or abuse' and modernise the offence by broadening the type of offending captured by the offence. It is to this crucial improvement that I would like to devote most of my time.

While most submitters supported the proposed amendments to rename and modernise the offence of unlawful stalking to include unlawful harassment, intimidation and abuse, particularly in relation to capturing the use of technology to facilitate this behaviour, the Women's Legal Service suggested either leaving the term 'unlawful stalking' as it is in the heading and title of the section and including the words 'intimidation, harassment or abuse' in section 359B(c) or explicitly including a subsection which clarifies that the heading is not intended to limit the operation of the section.

Similarly, the QPU, the Queensland Police Union of Employees, contended that the amendments to restraining orders would increase policing hours with greater breach and/or contraventions of the orders, requiring police to investigate and substantiate matters. Clause 23 would increase the complexity of restraining order proceedings, particularly in cases where there was no existing order, which would fall on police to enforce and explain, requiring additional training and expertise within the police service to manage. Despite these very reasonable concerns, I believe that the central intention of the bill remains excellent and will help to deliver a large measure of safety for Queensland women by ensuring these perpetrators are held to account and captured by a much broader and more modern application of intent.

The additional conduct that will be captured by the offence of unlawful stalking, intimidation, harassment or abuse will include: contacting a person in any way using any technology and over any distance, including but not limited to contact by telephone, mail, fax, SMS message, email, an app on a computer or smartphone or other electronic device, or on social media; monitoring, tracking or surveilling a person's movements, activities or interpersonal associations without the person's consent, including through the use of technology; publishing offensive material on a website, social media platform or online social network in a way that will be found by, or brought to the attention of, a person; giving offensive material either directly or indirectly to a person, including by using a website, social media platform or online social network; and a threatening, humiliating or abusive act against a person whether or not involving violence or the threat of violence, with an example of that conduct being the publishing a person's personal information.

Other changes include an update of the language used for particular offences. The bill replaces the term 'carnal knowledge', which is utilised in sexual offences across the Criminal Code, with 'penile intercourse'. The term 'penile intercourse' is ascribed the same definition as 'carnal knowledge' and is therefore not intended to alter the concept of carnal knowledge as it has been applied to date in Queensland. I believe this change more accurately captures the nature of offending of this type.

Additionally, the bill changes the title of section 229B of the Criminal Code from 'Maintaining a sexual relationship with a child' to 'Repeated sexual conduct with a child'. Let us be very clear, offending of this nature does not involve a relationship, with all that the word implies; it is abuse, plain and simple, so let us label it as such.

I close by making some broader observations about the nature of the challenges facing women upon which these amendments will rest. Domestic and family violence should not ever be characterised as a women's issue. Be under no misapprehension, it is a men's issue and it always has been. It is a men's issue because it is overwhelmingly perpetrated by men against women, and it is for that reason that the primary share of work and resources must be directed to that area.

It is a men's issue because, appallingly, there are still members of society who seem obsessed with victim blaming or with gender roles that are at best outdated and at worst down right fatal for women in that they reinforce inequity and the toxic behaviour that it fosters. It is vital that every man in this chamber and every man outside this chamber in a position of power or influence embraces the fact that this is a men's issue.

The victim's behaviour is not the issue here, the perpetrator's behaviour is what must change. We, the men in this chamber, have to confront this head on and force that change. Not only do we need to challenge the incidents of bad behaviour; we also need to call out the patriarchal gender-entrenched attitudes that actually cultivate coercive control because they are legion and they are still all pervasive in our society.

If you are one of those who throw your head back and sigh 'not all men' then you are not seeing the whole picture, because all men—yes, all men—have to be on board with the shift in thinking that is needed. Men have the fundamental tenets of humanity within them and should not need to have a daughter to know that this pattern of behaviour is wrong. We men must stop making excuses. We must stop looking for societal loopholes to excuse coercive control.

On a personal note, gentlemen, could I just note: please stop using the term 'woke' as a pejorative and learn what it actually means. Because until you do you are contributing to a bigger problem, thus slowing down mechanisms for urgently needed change. I commend this bill to the House in the hope that it will trigger a wider discussion that every man in Queensland needs to be part of.