




Speech By
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MEMBER FOR IPSWICH

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

 **Ms HOWARD** (Ipswich—ALP) (12.17 pm): I rise to speak in support of the Domestic and Family Violence Protection (Combating Coercive Control) and Other Legislation Amendment Bill 2022. In March 2021 the Women's Safety and Justice Taskforce was set up to examine and report on coercive control and consider the need for it to be a specific offence. The task force gave women victims of domestic and family violence an important outlet to talk about their experiences of living with domestic violence and their attempts to access justice and protection through the police and court system. From those stories the task force's first report *Hear her voice* made 89 recommendations for reforming domestic and family violence and justice systems in Queensland.

Listening to women's stories, it became clear to the task force that coercive control is at the core of domestic and family violence and that our police and justice system are letting many victims down because coercive control is not well understood or given priority. Three days ago marked the three-year anniversary of the harrowing murder of Hannah Clarke and her three children Aaliyah, Laianah and Tre by her ex-partner. The attack shocked the nation and highlighted the urgent need for us to do a lot more to protect victims of domestic and family violence. Importantly though, Hannah's story brought to light the patterns of coercive and controlling behaviours that lie at the heart of domestic and family violence. These behaviours can be nonviolent, psychological or economic, but their cumulative effect over time can be traumatic and lead to violence. For a long time many victims have not even recognised these behaviours as falling under the category of domestic violence, especially if there is no physical violence. When it was put to Hannah Clarke by police that she had enough to take out a domestic violence order against her ex-partner she told her mother, 'He never hit me, Mum.'

Such is the entrenched view in our society that only physical abuse can be considered as domestic violence that many coercive control victims believe that they are not victims of domestic violence at all. After losing their daughter and grandchildren, Hannah's parents, Sue and Lloyd Clarke, courageously advocated to make coercive control a crime. The task force heard from many victim-survivors who said that coercive control can be even more damaging due to perpetrators using it to control women and rob them of their identity and self-agency. Perpetrators use dominating and oppressive behaviours to create a sense of fear, isolation, intimidation and humiliation in their victims. These behaviours over time can cause victims to question themselves and lose a sense of their own identity. As one victim-survivor stated in the first report of *Hear her voice*—

... coercive control is silent for the most parts. You are dismantled, piece by piece. One day you look in the mirror and you don't know who you are.

At the 2020 election, the Queensland Labor government made a promise to strengthen our state's response to domestic violence and to provide an improved justice system that would better listen to the voices of women when seeking justice and protection from domestic and family violence. We

made a commitment to making coercive control a crime and to deliver this promise within four years. This bill lays the important foundations we need to implement before we can legislate coercive control as a crime later in the year.

System-wide reform is critical to ensure we have sufficient services and supports in place before introducing a standalone offence of coercive control. The first report of *Hear her voice* outlined 89 recommendations for reforming domestic and family violence service and justice systems, and work is underway to implement these recommendations. This bill implements recommendations 52 to 60 and 63 to 66 of the task force's first report. One of the important reforms being made will be to include a reference to a 'pattern of behaviour' in the definition of 'domestic violence' as stated in the Domestic and Family Violence Protection Act 2012. This is a significant reform that will take into account the range of coercive and controlling behaviours that lie at the heart of domestic and family violence.

Our criminal justice system is based on the misconception that domestic violence is only just physical violence; it preferences single incidents of physical violence without focusing enough on coercive and controlling behaviours, such as emotional abuse, isolation, sexual abuse and reproduction control, digital surveillance as well as financial abuse. All of these behaviours are crucial for understanding the context of domestic violence in relationships.

Victim-survivors of coercive control clearly identified in the *Hear her voice* report that they felt the justice system was letting them down and that their reports to police were not being taken seriously. This bill ensures that our domestic and family violence justice system will shift its focus to incorporate coercive control as a key component of domestic and family violence laws. It will also look at how perpetrators can use the court system to intimidate victims by amending the Evidence Act in line with a number of recommendations made by the task force—one of them being to include victims of domestic violence offences as protected witnesses. That means that victims will be protected from direct cross-examination by the defendant. Being cross-examined by your abuser is an extremely frightening and traumatic experience and can be used by the perpetrator to prevent victims from giving their best evidence or being able to give evidence altogether. Courts will also allow for expert evidence to be admitted in domestic and family violence cases and will allow judges to give directions to juries that address misconceptions and stereotypes about domestic violence. This will allow juries to better understand coercive control and its impact on victims.

Some of these misconceptions that judges can address to the jury include: that domestic violence is not limited to physical abuse; that domestic violence can consist of patterns of ongoing controlling behaviour that might appear to be trivial, minor or isolated incidents; and that there is no typical or correct response by victims to domestic violence. For instance, not all abused women can easily leave their abusive partner and sometimes abused women leave their partner and come back. In other words, we cannot think less of a woman's domestic violence complaint just because their response to domestic violence does not match our idealistic expectations of what a woman should do in these situations.

Another frightening element of coercive control has been the rise of perpetrators using modern technology to survey and stalk their victims. A victim-survivor who gave an account to the task force said that her abuser would hack into her social media and recite things to her that he had seen in private text conversations that she had had with her friends. Perpetrators use electronic surveillance to monitor and track their victim's movements, leading to a heightened state of fear and loss of freedom and self-agency. Unfortunately, unlawful stalking offences have been underused by police and prosecutors in the context of domestic violence. To provide improved protection to victims of unlawful stalking, this bill will rename 'unlawful stalking' to 'unlawful stalking, intimidation, harassment or abuse'. This updates the outdated belief that stalking only happens at the end of a relationship and reflects contemporary tactics used by offenders to stalk their victims.

The bill extends the stalking offence to types of conduct where the offender might use various technology for unlawful conduct, and it will include a new circumstance of aggravation which will apply where there exists or has existed a domestic relationship between the offender and the stalked person. This could see offenders imprisoned for up to seven years. To further protect victims, the bill will increase the maximum penalty for contravening a restraining order to 120 penalty units or three years imprisonment. If in the five years before contravening a restraining order it has been found that the offender has been convicted of a domestic violence offence, then the maximum penalty will further increase to 240 penalty units or five years imprisonment. The bill also updates the Domestic and Family Violence Protection Act to make clear that the person who is most in need of protection in the relationship must be identified and that only one domestic violence order should be in force unless there are exceptional circumstances and clear evidence that each person in the relationship is in need of protection from the other.

The reforms introduced in this bill will build on the suite of reforms that this government has already brought in since we were elected in 2015 and since the tabling of the *Not now, not ever* report. We will continue to make changes that are necessary. I want to acknowledge the important work of the Women's Safety and Justice Taskforce. I also want to acknowledge the incredible work that our local domestic violence services provide in our community. We have the Domestic Violence Action Centre, ably led by CEO Amie Carrington, as well as several other local organisations that work closely with victims of domestic violence.

On this auspicious day when we have introduced a Path to Treaty, we need to acknowledge the rate of overrepresentation of First Nations people in this space. I think it is an auspicious day for that reason. This bill will go a long way towards improving the outcomes for vulnerable women. I want to thank Minister Shannon Fentiman and the Legal Affairs and Safety Committee for their incredible work in putting this together. I commend the bill to the House.