



Speech By
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MEMBER FOR COOPER

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

 **Ms BUSH** (Cooper—ALP) (3.37 pm): I also stand to support the coercive control bill. As a woman, I cannot help but reflect on this bill from a gendered perspective—from a woman’s perspective and my own lived experience of how even the threat of domestic violence has shaped my life. Many women I know and have known throughout my life would have experienced some sort of behaviour at the hands of their partner that would fit within the definition of ‘domestic violence’. In fact, if I had a dollar for every time I have heard the remark, ‘At least he doesn’t hit me,’ I would be a wealthy woman. ‘He calls me names, but at least he doesn’t hit me.’ ‘He puts me down, but at least he doesn’t hit me.’ ‘He tells the kids I’m useless, he gives me the silent treatment if we don’t have sex, he won’t let me go on birth control, he monitors what I eat, he doesn’t like my friends, he takes my salary and gives me an allowance instead, he threatens to harm himself if I leave, he tells me I’m unlovable—but hey, at least he doesn’t hit me.’

We know that domestic violence occurs on a much greater spectrum than physical violence and that it encompasses social, economic and psychological acts. As humans, community members and legislators, we have to do better than setting the standard of behaviour so low that a woman will continue to stay in a toxic, destructive and dangerous relationship simply because she has not yet been hit. We have to get better at recognising coercive control—the pattern of behaviours perpetrated against a person to create a climate of fear, isolation, intimidation and humiliation.

I am really proud to be part of a Labor government that has committed the focus and the resources towards better understanding a woman’s experience of violence and looking at ways to improve the victim’s experience of the criminal justice system. I have sat in this chamber today and listened to the debate that has been occurring, and I have been thoroughly confused by some of the comments made by members opposite around a lack of action. For me, in the two years that I have been here, I have seen nothing but action in this space. I acknowledge that there is always work to do—there will always be emerging issues and the work will never be done—but I have seen nothing but action. We convened an independent task force that travelled the length and breadth of this state speaking to hundreds of victims—not just victims from my community, but victims from Aboriginal and Torres Strait Islander communities and multicultural communities and from women with a disability. Over 700 submissions were received, nearly 200 recommendations were made and nearly \$500 million has been committed in two years.

We have had a commission of inquiry into police responses to domestic and family violence. That was not an easy task to undertake but we did it anyway. We have a women’s strategy that puts women’s economic participation at the centre of what it seeks to achieve because we know that is what is going to lift women out of these relationships. I am not sure what other action they would like to see beyond that. That is a lot of heavy lifting that has gone on. I really applaud the effort of this government and all

of the submitters and stakeholders who have given up their time to contribute. It is really quite woeful for opposition members to stand in here and suggest that no work has been done when I am sure those stakeholders would say that they have done a damn lot of work to get this to where it is.

In March 2021 we established the independent task force to examine coercive control and to review the need for a specific offence of domestic violence and the experience of women across the criminal justice system. The task force's first report, *Hear her voice: report one—Addressing coercive control and domestic and family violence in Queensland*, was released in late 2021. That report made 89 recommendations for broad systemic reform to Queensland's domestic and family violence service and justice systems, including a series of recommendations that led to this bill.

The task force recommended the creation of a new standalone offence of coercive control. Although the Domestic and Family Violence Protection Act defines domestic violence to include coercive and controlling behaviours, it does not define what these are and the task force found that the current definition of 'domestic violence' in section 8 of the act could be clarified. The bill will therefore amend the definitions of 'domestic violence', 'emotional or psychological abuse' and 'economic abuse' in the act to include a reference to a pattern of behaviour.

I would like to read a statement provided to the Legal Affairs and Safety Committee by Sue and Lloyd Clarke, the parents of Hannah Clarke and founders of Small Steps 4 Hannah. They shared with us—

We have to admit that we did not understand coercive control, even as our family was dealing with it on a daily basis. We knew that something was wrong with the behaviour, and we certainly knew that Hannah deserved so much better from her husband. We didn't understand that this bad behaviour had a name, could be codified and should be illegal. And, of course, we didn't know where it was leading.

Further amendments to section 8 of the DFVP Act make it clear that domestic violence includes behaviour that may occur over a period, 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. These amendments will strengthen systems' responses to coercive control through a shift from focusing on responding to single incidents of violence to focusing on the pattern of abuse that occurs over time.

The task force was also clear that, prior to the introduction of a standalone offence, system-wide reform was needed to ensure sufficient services and supports were in place across the service and justice systems, along with critical amendments to existing legislation that should be implemented immediately. This approach was supported by many of the submitters to the committee's parliamentary hearings, including Australia's National Research Organisation for Women's Safety. As the chief executive officer, Padma Raman, told the committee—

It is great to see that Queensland has taken a two-stage approach and that the idea of training is essentially vital. This is really complex behaviour that we are trying to regulate. One of the things that ANROWS's research has found is that the nature of coercive control in itself is such that it is tailored to the individual victim. It is such nuanced behaviour that we are going to have to spend a lot of time making sure that the people who address these issues, including frontline police and courts, are capable of identifying this behaviour appropriately and correctly.

I have chosen to focus my contribution today on the clarification of relevant acts in relation to coercive control, but I do want to emphasise that the bill contains a number of provisions designed to improve the safety of victims of domestic violence. The bill will rename the offence of 'unlawful stalking' to 'unlawful stalking, intimidation, harassment or abuse'. This will broaden the type of offending captured by the offence and better reflect the way that an offender might use technology to facilitate unlawful stalking, intimidation or harassment.

The bill will increase the maximum penalty for the offence of contravening a restraining order to 120 penalty units or three years imprisonment. It also provides for a circumstance of aggravation if the person has been convicted of a DV offence in the five years before the contravention of the restraining order. Clause 30 of the bill relates to cross-orders. It amends the principles for administering the DFVP Act, making it clear that the person who is most in need of protection in the relationship must be identified and 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 task force recommended amendments to the DFVP Act to ensure the court is provided a respondent's criminal and domestic violence histories to help determine the risk to the aggrieved and whether to make a protection order, and to assist in best tailoring the conditions of the order to keep the victim safe.

We are 52 days into 2023 and five women have already lost their lives in Australia allegedly through fatal acts of domestic and family violence. If members are interested, I got this statistic from the Facebook group called 'Counting Dead Women'. I will just let the fact that we need a page like that sink in for one moment.

I acknowledge the extensive work undertaken by the women's justice task force and thank the many hundreds of submitters to that reporting process, in addition to thanking the submitters and individuals who spoke at our Legal Affairs and Safety Committee hearings. I also thank our Parliamentary Service staff and the department. I acknowledge the work of my parliamentary colleagues, in particular the chair, the member for Toohy. I commend the bill to the House.