




Speech By
Laura Gerber

MEMBER FOR CURRUMBIN

Record of Proceedings, 21 February 2023

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

 **Mrs GERBER** (Currumbin—LNP) (12.56 pm): ‘The volume of my voice turned down almost to mute.’ This is how one survivor described their experience with coercive control. ‘Coercive control is silent for the most part. You are dismantled piece by piece. One day you look in the mirror and you don’t know who you are,’ another said. Domestic and family violence and coercive control are confronting. It is sickening, and we have a responsibility as parliamentarians to do everything in our power to protect victims from their abusers.

The experiences and stories that we heard as part of the committee process examining this bill really were confronting. The experiences of women and their children with coercive control simply should not happen in our society. Sharing these experiences can be incredibly difficult and traumatic to relive, and I want to begin by thanking every single person who made a submission with the intention of helping us put an end to domestic and family violence and coercive control in Queensland, to make our homes safer for everyone. Your willingness to share your experiences with the committee and the Women’s Safety and Justice Taskforce is extremely appreciated. It has helped the task force to produce two *Hear her voice* reports spanning 1,759 pages and 277 recommendations. Your contributions and your voices have been invaluable.

No community, it seems, is immune from the atrocities of domestic and family violence. Last month our Currumbin community experienced an incredible loss: the tragic and horrific death of Wendy Sleeman. I want to put on the record that our community will not forget Wendy Sleeman. On 29 January our community came together to honour Wendy’s life and her memory. Wendy was a strong and generous woman. She was kind and had an enormous heart. She was funny. It was said that she was also stubborn and sacrificed so much. Wendy was a community hero. She was an integral part of the Autism Gold Coast foundation group and Gold Coast ASD Support Group. I want to read into the record what one of Wendy’s friends said at the vigil because it is relevant to this bill and it is relevant to the state government’s response to domestic and family violence. Monica said—

Until the government takes violence against women seriously—very seriously—we are always going to be in danger. People will not be safe. Wendy should not just be another statistic. Wendy, at last, my friend, you are safe. These tears are for me and for the sadness of a life taken so brutally and so soon. So Wendy, may you rest in peace.

The rate at which we see men, women and children die or suffer at the hands of domestic and family violence is far too high. We are not seeing the progress we need from this state government to keep them safe. We cannot fail any more women. We must not back down in our fight against domestic and family violence. The Women’s Safety and Justice Taskforce handed down their first report 446 days ago. It took 316 days for the Attorney-General to refer this bill to the Legal Affairs and Safety Committee.

Debate, on motion of Mrs Gerber, adjourned.



Mrs GERBER (Currumbin—LNP) (3.13 pm), continuing: The Women's Safety and Justice Taskforce handed down its first report 446 days ago, it took 316 days for the Attorney-General to refer this bill to the Legal Affairs and Safety Committee, and it has now been 88 days since the committee handed down its report recommending that the bill be passed. This government has been far too slow to act. There is a dire need for the Labor government to get its act together and make genuine progress towards making our state safer for everyone. In fact, since 2015 we have seen close to 400 recommendations put to this government to prevent domestic and family violence and improve responses to it in the community.

This government is good at making announcements, but its track record on action is abysmal. Take for example the duplication of recommendations. The government makes an announcement and fails to follow through, so the same recommendation has to be made again. Look at recommendations 88 and 89 of *Hear her voice: report one*. These recommend an independent implementation supervisor who could ensure the effective rollout of the recommendations from the *Hear her voice* report, but almost a year later the government's lack of action in implementing this recommendation was called out, including in the commission of inquiry into the Queensland Police Service's response to domestic and family violence, *A call for change*. Even then, instead of actually taking action, establishing the role and announcing an independent implementation supervisor to ensure the effective rollout of the *Hear her voice* recommendations, the government chose to cut corners and introduce an acting role, all to cover up its complete inaction in the first place.

There are hundreds of recommendations, various duplications and little to no evaluation measures. What can we expect after eight years of ineffective leadership from this state government? It is not just the opposition saying this. The Queensland Audit Office report *Keeping people safe from domestic and family violence*, released on 10 November 2022, found that the government does very little assessment and evaluation of its measures—meaning it does not know what is working and what is not, meaning it does not know what resources it needs and meaning it does not know what is helping Queenslanders and what is not.

Without meaningful evaluations to ensure potential issues are identified and addressed early, how can we expect real progress to be made? This is especially relevant with the bill before us, given the concerns raised about the unintended consequences of a number of reforms raised by stakeholders throughout the committee process. The LNP will always support legislation to protect Queenslanders—and that is the intent of this bill—but it is necessary to share some of the concerns raised by stakeholders.

One of the most debated issues during the committee process was the modernisation of the sexual offence terminology. Currently, section 6 of the Criminal Code uses the terminology 'carnal knowledge'. This bill proposes to amend this to 'penile intercourse'. The government has suggested that this change brings Queensland into closer alignment with all other states and territories as none of them utilises the term 'carnal knowledge'. During the committee process we heard that no other Australian jurisdiction uses the term 'penile intercourse' either. In fact, across other jurisdictions we see terminology that ranges from 'sexual abuse' to 'sexual penetration' and 'sexual intercourse'.

The Queensland Law Society also raised a concern during the committee hearing around the discriminatory potential of the term 'penile intercourse'. The Queensland Law Society stated that the necessity for penile penetration in these offences is out of step with every other Australian jurisdiction, all of which have 'replaced the suite of offences using the term "carnal knowledge" with ... language that captures a broader scope of conduct'. This broader scope of conduct includes penetration by a penis, the body part of a person other than a penis or an object. The Queensland Sexual Assault Network also holds similar views. Its submission states—

QSAN agrees with the need to modernise and update sexual offence terminology but unfortunately, we do not agree with the amendments in the bill.

We note the Women's Safety and Justice Taskforce recommended the modernising of the language concerning the offences of maintaining and carnal knowledge ... but we note there was no consultation on the specific wording of these amendments.

This submission was also supported by the Queensland Domestic Violence Services Network and Full Stop Australia. My colleagues on this side of the House agree that we need to modernise sexual offence language, but we need to get that language right. Many submitters are concerned that calling sexual abuse 'sexual conduct' in the bill and section 229B of the Criminal Code continuing to be worded as 'maintaining a sexual relationship with a child' sanitises what the behaviour actually is. It is not conduct; it is abuse. Sexually abusing a child is not having a relationship with a child; it is abuse of a child. Submitters were concerned that the language used inadvertently suppresses the damaging effects that sexual abuse has on the survivor, especially when that survivor is a child. Legislation must prioritise the wellbeing of survivors while ensuring we do not undermine the chance of a successful prosecution.

The LNP supports the modernisation of sexual offence language and we must get that language right. We cannot continue to sanitise offences to be more palatable or less offensive. As a former prosecutor I understand that we cannot undermine the chance of a successful prosecution, but there is a middle ground there and I do not know whether the state government has found that yet.

Adding to this are the Caxton Legal Centre's concerns with the wording of the provision determining who is most in need of protection in a relevant relationship. All of these concerns around terminology and language need greater consideration from the state government. Domestic and family violence is intolerable and we must do everything in our power to protect Queenslanders from it. In my view, this state government has been too slow to follow through with recommendations to ensure that we have the most effective response possible. These changes in this bill will only be as good as the ability of this government to carry them out and monitor them. To date we have seen a failure in relation to the government to monitor its own effectiveness and to carry out recommendations. We need action.