




Speech By
Hon. Leanne Linard

MEMBER FOR NUDGEES

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

 **Hon. LM LINARD** (Nudgee—ALP) (Minister for Children and Youth Justice and Minister for Multicultural Affairs) (3.44 pm): I rise to speak in support of the Domestic and Family Violence Protection (Combating Coercive Control) and Other Legislation Amendment Bill. I want to acknowledge and thank the members of the Legal Affairs and Safety Committee for their examination of the bill and its recommendations. The bill and the reforms contained within it represent a significant step in combating non-physical forms of domestic violence. It makes a number of amendments to further shift our approach to domestic and family violence to focus on the dangerous patterns of abusive behaviour over time. It also directly addresses several key recommendations of the Women's Safety and Justice Taskforce's first report, *Hear her voice*. The task force stated very clearly that system-wide reform was needed before any new coercive control offence came into effect.

Listening to victims, you discover just how much of an issue coercive control is. I want to acknowledge the work of Sharon Gingell and her team at Northside Connect in Nundah in my own electorate for the amazing work that they do through their domestic and family violence support service, which of course includes victims of coercive control. Northside Connect produced a podcast series called the *Injustice of Intimacy*. It did a whole series—six episodes—on coercive control. I was honoured to be able to officially launch the services last year and to honour the contribution of those who were a part of that process in bringing these victims' voices out publicly. One victim of coercive control who contributed to the podcast said—

I know first-hand how confusing and deeply demoralizing this sort of abuse can be. I was nervous in case someone who happened to identify me as a contributor to a podcast might think I was fraudulent and 'out' me to my ex, because my situation had been really well hidden from most people around me, who would not have dreamed that he was ever anything but sweet, funny, and nice.

But having experienced how destructive coercive control is to a target's general health and wellbeing, and knowing how deadly it can ultimately become, put my anxieties into perspective and made participation—

in the podcast—

an easy decision.

Coercive control in intimate relationships has been very widespread, and successfully hiding in plain sight, for much too long. We urgently need to bring it to light and seriously address it community-wide.

This bill shines a bright light on a dark issue.

Turning now to my ministerial responsibilities, the bill amends the Youth Justice Act 1992 to address implications arising from these recommendations for children and child offenders. Specifically, the bill provides a mitigating factor for child offenders who are victims of domestic violence in addition to those who have been exposed to domestic violence. There is a clear and adverse link between

exposure to domestic and family violence and future engagement with the youth justice system. Our youth justice workers often note that young people under supervision are both victims and perpetrators of domestic violence and coercive control or have been exposed to domestic and family violence.

According to the 2020 youth justice census, approximately 60 per cent of young people under youth justice supervision have experienced or been impacted by domestic and family violence. This equates to 948 young people, and over half of them are Aboriginal or Torres Strait Islander young people. Young people exposed to domestic and family violence are at greater risk of adverse life outcomes, including increased psychological and physical disorders; diminished educational attainment; and increased rates of homelessness, substance abuse and behavioural difficulties. There is also a substantial body of evidence indicating adverse childhood experience is linked to increased risk of engagement in offending.

The bill amends section 150 of the Youth Justice Act to provide that when sentencing a child offender who is also a victim of, or has been exposed to, domestic violence a court must treat the impact of the domestic violence and how it may have attributed to the offence as a mitigating factor. Importantly, the bill recognises that children may have been exposed to the harmful impacts of domestic violence without necessarily being the direct victim. The term 'exposed to domestic violence' includes overhearing threats of physical abuse; overhearing repeated derogatory taunts, including racial taunts; experiencing financial stress arising from economic abuse; and seeing or hearing an assault or comforting or providing assistance to a person who has been physically abused.

Whilst not excusing the actions of a child offender, this amendment recognises the intrinsic and harmful link between historical exposure to domestic violence and potential future offending. These provisions will require the court to consider these relevant factors when deciding an appropriate sentence. They do not fetter the discretion of the courts to consider all factors, including the seriousness of the offence and impact on a victim, when determining an appropriate sentence. The amendments to the Youth Justice Act will also enhance alignment with other Australian jurisdictions, as each criminal court in Australia has broad statutory power to consider all relevant circumstances at sentence for both adult and child offenders.

In closing I would like to finish as I started and that is by acknowledging the voices of victims, those with current or past lived experience, to acknowledge their courage and their bravery in telling their stories. I acknowledge the voices of victims who have come to my electorate office, those who have spoken to me about their lived experience and the incredible resilience that they show to continue to call for these important reforms. I acknowledge those voices closer to home, the voices of those in this House who have experiences and stories in their own families, including my own. The community is calling for this reform—it is time and many might say it is past time. It is our government that is continuing to listen and act. Finally, I thank the committee for its work and the secretariat for their work in allowing people's voices and contributions to such an important conversation to be heard. I commend the bill to the House.