




Speech By
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MEMBER FOR MACALISTER

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

 **Mrs McMAHON** (Macalister—ALP) (2.19 pm): I rise to speak in support of the Domestic and Family Violence Protection (Combating Coercive Control) and Other Legislation Amendment Bill. Domestic and family violence is the epitome of a wicked problem. It is a problem that no one measure can address and that no one department can be responsible for but one in which we all must play a role. From the outset I thank those who work tirelessly in the domestic and family violence space, from those in our emergency services working on the frontline response to those assisting in crisis response and housing, those working in intervention and counselling programs and those working in the preventive space in community and education settings.

The amending legislation before us gives effect to the recommendations from the Women's Safety and Justice Taskforce report, *Hear her voice*. That work follows on from the landmark *Not now, not ever* report. The work done by the task force and the associated reports represent a herculean effort. I would like to especially acknowledge those Queenslanders who have experienced domestic and family violence and have come out the other side to inform this report. Of the 731 submissions received as part of the task force inquiry, 646 were from individual members of the public. I would also like to acknowledge in this House those who tried and failed to get the help that they sought, those who did not get the response their situation needed and those who are no longer here, because their experiences are also captured in these reports.

If there is one thing each of the reports—the *Not now, not ever* report and the *Hear her voice* report—reiterate over and over again it is that this problem, this wicked problem, is a gendered one. This is not my opinion; it is backed by the evidence. Notwithstanding the member for Hinchinbrook's deep-dive research into the field of anecdotal evidence, every statistic provided shows that in instances of domestic and family violence women are over-represented as victims generally, victims of violence overwhelmingly and homicide victims specifically. That is not to say that violence does not occur to men but that overwhelmingly the perpetrators of domestic and family violence are men. The sooner everyone, including the member for Hinchinbrook, gets around that fact the sooner we can take serious steps to address this gendered effect and save lives. I am not sure whether it is that he cannot see it or that he will not see it, but everyone needs to see it.

This issue starts with disrespect and it starts early. It starts with the belief that women are lesser beings and, sadly, in this regard our national community attitudes surveys still show an alarming trend amongst younger Australians. It starts as jokes and poor attitudes. It manifests itself into a power and control dynamic in relationships. It ends in truly awful statistics of domestic and family violence death in this country. On average in this country, one woman a week dies at the hands of a partner or a former partner.

I am happy to address with the member for Hinchinbrook the facts and figures as well as the statistics that he quoted. He outlined the percentage of victims by gender, which, by the way, reflects more females than males as victims but does not reflect the percentages in relation to the gender of the perpetrators. I know that the member lives in a heteronormative world, but just because a victim is male it does not follow that the perpetrator must be female. Some of those victims were male children killed by their fathers. Some of those victims were men killed by their new partner's previous partner. Let us look at the perpetrator because it is their behaviour that needs to change and it is their behaviour that must stop.

Before I get to the coercive control aspects of this bill, I will briefly comment on some of the other legislative changes to the Criminal Code proposed in the bill that not only reflect the expectations of a modern Queensland but also keep up to date with the modes of offending that come with progressing technology. On that last point, amendments to chapter 33A of the Criminal Code will enhance the way the current chapter offence captures stalking behaviours.

Currently, stalking may involve physically following, loitering near or watching a person and the places they go. The new provisions to be contained in chapter 33A include updating the short title to 'Unlawful stalking, intimidation, harassment or abuse', as well as inserting additional behaviours that may constitute stalking such as contacting or using any technology or platform as well as not just following or loitering but also monitoring, tracking or surveilling a person's movements, activities or interpersonal associations, including through the use of technology. It also includes and outlines the worrying phenomenon of doxxing, that is, publishing a person's personal information, including home address and phone numbers, on a website. Additionally, a circumstance of aggravation has been included so that a person convicted of stalking behaviour in the context of a domestic relationship is liable for up to seven years imprisonment.

When I investigated stalking cases, often the relationship did not constitute a domestic relationship under the DFVP Act as it was predominantly a one-sided relationship, that is, one date that did not end well and a would-be partner who continued to harass, intimidate or stalk. Generally, that would not trigger protections under the Domestic and Family Violence Protection Act.

I would like to address quickly the amendment to the short title of section 229B of the Criminal Code, 'Maintaining a sexual relationship with a child'. The use of the word 'relationship' in that offence title has attracted criticism from stakeholders for some time. With previous amendment bills that I have been involved in, stakeholders have sought to have that short title changed and the department had committed to a review. Here we are today with this amendment. The word 'relationship' is obviously extremely problematic. It implies a normalisation of heinous conduct and it seems to legitimise what is inherently criminal behaviour. It is not a relationship; it is a crime. I resist the assertion that the word 'abuse' is required here because I think we can all understand that it is a pejorative term. Unfortunately, in the eyes of the courts, we need to be talking about facts and conduct and the use of emotive terms does not assist in proving criminal offences.

For those who have worked in the sector, the concept of coercive control is a familiar one but there is a big difference between a concept and a tangible act or acts with a sufficient evidence base that is robust enough to reach the standard of proof required by the criminal justice system. The bill amends the definition of 'domestic violence' in section 8 of the act to include the words 'pattern of behaviour' and further elaborates on what may constitute a pattern of behaviour. Coercive control, much like other concerning conduct such as strangulation, is a known precursor to lethal acts within a domestic setting and, much like strangulation, is not always visible. Often it is overlooked. When investigating domestic and family violence, police look for time, date and place. They look for a specific act or conduct. 'Pattern of behaviour' allows for the cumulative effect of emotional, psychological and financial abuse, that is, not just one event and not just one incident.

Reports have outlined that it is not always easy to identify the perpetrator and, in many instances, the victim can be misidentified as the perpetrator in protection applications. How does this happen? It is actually quite easy because people have a mindset about what a victim looks like. However, a person's reaction to trauma cannot be encapsulated in a single stereotype of a victim. At the scene of a domestic and family violence incident, a woman who is hysterical and difficult to talk to is often disregarded, particularly when there is a more passive and apparently reasonable person in the room, who might be the actual perpetrator. Police tend to listen more to the calm and quiet one than the hysterical one, because a statement has to be taken.

That is how easy it is for a victim to find themselves cast as the perpetrator, because they are the one who is not being agreeable. No victim has to be agreeable; that is not the role of a victim. It is the role of police to investigate, find the facts and protect the person who is most in need of protection. I will talk later this week about the commission of inquiry into the QPS, but now I commend this bill and these amendments to the House.