




Speech By
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MEMBER FOR NOOSA

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

 **Ms BOLTON** (Noosa—Ind) (3.30 pm): The Domestic and Family Violence Protection (Combating Coercive Control) and Other Legislation Amendment Bill 2022 brings in changes to the Criminal Code to address coercive control, which is defined as a pattern of behaviour perpetrated against a person to create a climate of fear, isolation, intimidation and humiliation. This is an important reform that addresses a real and urgent need in the community. It comes after the tragic death of Hannah Clarke and her three children and the formation of the Small Steps 4 Hannah Foundation by her parents Sue and Lloyd, who have campaigned tirelessly for these laws around Australia.

Support for this legislative change has been extensive, from victims and their loved ones to organisations such as the Women’s Legal Service of Queensland and Ending Violence Against Women Queensland. No to Violence stated that the bill—

... has the potential to form improved responses to family and domestic violence, by better defining the extent of its totality, reflecting the lived experience of victim-survivors, and providing improved recognition of the behaviour, tools and tactics applied by men who use violence.

The bill will amend the Criminal Code and rename ‘unlawful stalking’ to ‘unlawful stalking, intimidation, harassment and abuse’. It will expand the definition to include contacting a person using technology such as SMS, monitoring or tracking a person’s movements, publishing offensive material and threatening, humiliating or abusive acts against a person, including publishing their personal information online. The bill also updates enforcement mechanisms for these offences and updates some language in domestic violence legislation. All of these changes represent a real and important shift in domestic violence laws and the government is to be commended; however, there were some submitter concerns and within the Legal Affairs and Safety Committee’s report I provided a statement of reservation on these.

Firstly, a key issue that arose during the committee’s inquiry was the issue of funding. While I recognise that the government has recently introduced funding for women in the criminal justice system and victims of domestic and family violence, that funding is not specifically for coercive control. Two main budget items were identified by a number of stakeholders, including the Queensland Police Union and Legal Aid Queensland.

There will be impacts on the criminal justice system as a result of the increased number of cases this bill may bring about as well as increasingly complex cases. This will result in police needing more resources for training and evidence gathering for these more complex cases. This will flow through to the Director of Public Prosecutions and Legal Aid Queensland as well as organisations supporting Queenslanders in the justice system. The Queensland Police Union estimated that 500 extra police would be required. Micah Projects, a not-for-profit organisation providing services and support to

individuals and families, submitted that leadership at all levels of the Queensland Police Service and courts must reinforce that DFV is a major crime. This requires strategic and effective policing and legal responses to reduce harm and prevent its occurrence, and police and criminal justice system personnel must be adequately and routinely trained in patterns of coercive control.

Secondly, given the lack of general understanding of what coercive control is and the pattern of behaviour the offence refers to, the community will require extensive age-appropriate and culturally relevant education campaigns. As put forward by Multicultural Australia, with the great diversity in cultural norms in relationships the types of education and capacity building required will need to be tailored to those communities. The bill also proposes new terminology for certain domestic and family violence offences. Knowmore, a not-for-profit organisation that provides legal advice for survivors, strongly supported the bill's objectives to modernise and update sexual offence terminology in the Criminal Code, as the language currently used does not reflect a contemporary understanding of the nature and impact of sexual violence, especially violence against children. However, the change from 'carnal knowledge' to 'penile intercourse' generated some opposition from stakeholders, who said it was not a suitable term and should be gender-neutral. The department's response was that it was the best available given the need to keep the meaning of the term the same. The Queensland Law Society stated they do not support amending the definition of 'carnal knowledge' without also reviewing its use throughout the Criminal Code, which would have been an appropriate approach.

As has been observed, the examination of this bill has had its complexities and has been made especially difficult again given the time frames, which were inadequate for legislation this important. It should be remembered that six weeks is the minimum and should not be the standard. With so many issues being raised by stakeholders that have not been sufficiently addressed by government responses, it is important not to dilute the powerful efforts of the Women's Safety and Justice Taskforce and the recommendations of its *Hear her voice* report. For this reason, the government must confer with stakeholders via the existing Women's Safety and Justice Taskforce to monitor the implementation of this legislation, quickly identify any shortfalls in resources or unintended consequences, provide feedback in the development of revised offences and terminology, and provide advice to the minister and the Legal Affairs and Safety Committee at the 12- and 24-month marks after the legislation comes into effect. As one submitter stated, a lack of resources could see the intent of this bill fail, and that is not an option.

In closing, I would like to express my deep gratitude to the minister and the department, our chair and my fellow members of the committee for their work on this bill throughout the year, sometimes in challenging environments. I would also like to thank our secretariat for doing an outstanding job in all ways. More specifically, I express my gratitude to all submitters and witnesses in the inquiry into this bill for sharing heart-rending realities and assisting us in so many ways, including our youngest submitter, Amelia, a brave 16-year-old student, who is truly inspirational. To the Clarke family and all those impacted by domestic and family violence: may this bill deliver greater safety for our loved ones and may your strength embolden others to come forward to see an end to what should never, ever be perpetrated by those we trust. I commend this bill to the House.