




Speech By  
**Hon. Shannon Fentiman**

**MEMBER FOR WATERFORD**

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Record of Proceedings, 22 February 2023

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

 **Hon. SM FENTIMAN** (Waterford—ALP) (Attorney-General and Minister for Justice, Minister for Women and Minister for the Prevention of Domestic and Family Violence) (4.44 pm), in reply: I thank all honourable members for their contributions to the debate on the Domestic and Family Violence Protection (Combating Coercive Control) and Other Legislation Amendment Bill 2022. I want to particularly acknowledge the members who spoke of their own experiences of domestic and family violence within their families and communities. This bill would not have been possible without the resilience and courage of victim-survivors who have shared their stories with the task force and the committee. The Palaszczuk government has heard these victim-survivors and is privileged to progress this bill through the parliament as the first step towards criminalising coercive control. I will now address some of the matters raised by members during the course of the debate.

At the outset, I want to be clear that the task force told us how important it was to take our time to get this right. Micah Projects CEO, Karyn Walsh, has said—

These laws are an important step towards keeping women safe.

The package of reform from the women's safety and justice taskforce is an opportunity to shift our systems to better support victim-survivors and hold perpetrators to account.

However, it is imperative that the government take its time with the development and implementation of legislation to ensure that our systems are ready and avoid unintended consequences.

We must listen to the people who work each and every day to keep women and children safe to ensure that we get this right. Again, it is disappointing that so many of the members opposite continue to ignore the advice of experts and call for legislation to be expedited.

I would also like to note that, consistent with recommendation 84 of the first task force report, the operation of legislation will be reviewed as soon as practicable five years after the last legislative amendment has commenced. This will ensure the review can adequately evaluate the operation and impact of the amendments.

I am proud to stand in this chamber and defend the government's record in addressing all forms of violence against women. Since 2015 our government has invested over \$1.3 billion to tackle all forms of violence against women. We restored and then massively increased funding for domestic violence services that were cut under the previous government. We built the first new shelters in 20 years. Funding for sexual assault services has increased by 95 per cent. Funding for men's behavioural change programs has increased by 178 per cent. On top of this increase, additional funding of almost \$3 million has been provided to existing perpetrator intervention services to help meet demand. This was a recommendation from the Women's Safety and Justice Taskforce and the Clarke inquest that the government has delivered on.

We were the first state to introduce a standalone nonlethal strangulation offence and the first state to introduce paid domestic and family violence leave, which has now finally been rolled out nationally. We also reinstated a Queensland Women's Strategy to address gender inequality. We reinstated programs like Skilling Queenslanders for Work, which was cut by those opposite, which supports vulnerable women, including victims of violence, into employment and training.

During the contributions of several of those opposite, we heard the statement that apparently we do not evaluate our programs. I want to remind everyone in the House of the following: High Risk Teams have been evaluated and are now being expanded; specialist courts have been evaluated and are now being expanded; the family pathways model, which works with young boys who are using violence against their mums, was evaluated and is now being expanded; Respectful Relationships in our schools was evaluated and those materials have now been updated; and embedded specialist DFV workers in police stations were evaluated and are now being expanded. All of these evaluations have been either released publicly or examined by the task force, the commission of inquiry or a coronial inquest.

I also want to note that the member for Mudgeeraba mentioned that there was no funding for Community Legal Centres. I want to remind the member for Mudgeeraba that we were the first government to provide funding to My Community Legal in her electorate to support their work with domestic violence victims. Several members referenced the Queensland Audit Office's report. As I have said, since that Audit Office report started many years ago we have now completed the Women's Safety and Justice Taskforce and we are now implementing it. We are a government that is committed to ending violence against women and holding perpetrators to account.

I also note in her contribution, the member for Nanango called for police to be able to issue on-the-spot DVOs. They can. It is called a police protection notice. I would like to remind the member that we passed legislation to increase the penalty for breaching a police protection notice.

I also note the concerns of some members and stakeholders about the misidentification of victims. The intent of these amendments is to reduce the misidentification of victims as perpetrators. The task force heard about the over-representation of First Nations people in the domestic and family violence and criminal justice systems in Queensland and the high rates of misidentified First Nations women as perpetrators of domestic and family violence. The bill aims to reduce the misidentification of victims as respondents in civil proceedings by requiring the court to consider the person most in need of protection in a relationship and only making one order to protect that person unless there is clear evidence that each of the parties in the relationship are in need of protection from each other.

The bill also provides legislative guidance to magistrates in determining who is most in need of protection, which includes considering whether the person has characteristics that may make them particularly vulnerable; for example, women, children and Aboriginal and Torres Strait Islander people. This was informed through consultation with domestic and family violence stakeholders and recommendations of the Domestic and Family Violence Death Review and Advisory Board. In line with recommendation 23 of the task force, the Department of Justice and Attorney-General is developing a framework to support training, education and change management across all parts of the system. This framework will be informed by the voices of people with lived experience, including Aboriginal and Torres Strait Islander peoples, with a focus on culturally capable approaches.

The member for Whitsunday suggested that the amendments to the Criminal Code sexual offence terminology are piecemeal and rushed. The Women's Safety and Justice Taskforce made a number of recommendations directed at ensuring that terminology and concepts used in relation to sexual offences are in keeping with community standards. However, the task force cautioned that changing the name of the offence is not a matter of simply replacing one name with another.

The member for Currumbin claims that, as a former prosecutor, she understands the need to not jeopardise convictions, so let me reiterate: jurisprudence is built around the interpretation of language used in, and the elements of, an offence. The renaming of these offences has been carefully developed and considered by legal experts to ensure that they minimise the risk of unintended consequences.

In 1989, Queensland was the first jurisdiction to introduce the offence of maintaining a sexual relationship with a child and, since then, the offence has been considered not only by the Queensland Court of Appeal but also by the High Court of Australia.

I note that the members for Condamine and Buderim referred to concerns that the title change to the maintaining offence does not reflect the language of other jurisdictions that is persistent child sexual abuse. I would remind them that the 2017 Royal Commission into Institutional Responses to Child Sexual Abuse found that the Queensland offence provided the best opportunity to charge repeated or ongoing child sexual abuse in a manner that is more consistent with the sort of evidence a complainant is more likely to give. While the terminology used in an offence can influence how it is understood by the community, it is vital that well-intentioned changes to language do not have

detrimental impacts in securing convictions. It is imperative that the offence continues to operate in a way that does not jeopardise justice for victim survivors, especially when complainants in many of these matters are children.

I acknowledge the contributions of the members for Hinchinbrook and Traeger and their advocacy for male victims of domestic and family violence. These laws are not gender-specific and I acknowledge that there are male victims of violence who do face unique barriers to access support and justice. However, as the task force noted, and many members have noted, the overwhelming majority of victims are women.

I also want to thank the member for Noosa for her work on the Legal Affairs and Safety Committee. I agree with the member that it is crucial we monitor and evaluate the implementation of the Women's Safety and Justice Taskforce recommendations. Work is well underway to develop a whole-of-government domestic, family and sexual violence monitoring and evaluation framework to measure and monitor outcomes achieved across the system. This responds to recommendation 85 of the first task force report and recommendation 184 of the second.

In response to recommendation 88 of the first report, we have appointed Linda Apelt as the interim independent supervisor to oversee implementation. I want to thank Linda for her work, including on delivering her first report which was tabled late last year. The member for Whitsunday asked me when government would be announcing a permanent implementation supervisor. I can inform the member I look forward to making that announcement very soon.

In conclusion, I once again thank all members for their contributions during the debate. I commend the bill to the House.

Question put—That the bill be now read a second time.

Motion agreed to.

Bill read a second time.