




Speech By
Brent Mickelberg

MEMBER FOR BUDERIM

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**CRIMINAL LAW (COERCIVE CONTROL AND AFFIRMATIVE CONSENT) AND
OTHER LEGISLATION AMENDMENT BILL; CRIMINAL CODE AND OTHER
LEGISLATION (DOUBLE JEOPARDY EXCEPTION AND SUBSEQUENT
APPEALS) AMENDMENT BILL**

 **Mr MICKELBERG** (Buderim—LNP) (5.40 pm): I rise to make a contribution to the cognate debate in relation to the Criminal Law (Coercive Control and Affirmative Consent) and Other Legislation Amendment Bill 2023 along with the Criminal Code and Other Legislation (Double Jeopardy Exception and Subsequent Appeals) Amendment Bill 2023. These are two very complex and significant changes to Queensland criminal law that need to be rigorously scrutinised. I do not pretend to be an expert on this subject matter, but given the importance of these changes I have followed the debate closely. I have spent a considerable amount of time trying to understand the best way to keep our community safe.

That being said, I support the intent to keep people safe from controlling and abusive partners. I support the intent to ensure those who commit abhorrent acts like rape, attempted murder and the sexual assault of a child are held to account for their actions, even when they may have been previously acquitted, when there is new and compelling evidence. Like other members on this side of the House, I have some concerns about some of the provisions that we are debating here today—concerns about drafting errors and about the workability of the provisions. These are concerns that were succinctly articulated by the shadow Attorney-General and well established in the statement of reservation submitted by the LNP members for Currumbin and Scenic Rim.

Domestic violence is a stain on our society. The abuse of those who should be loved and protected by their abuser cannot ever be accepted. The pain and suffering that is experienced by victims like Hannah Clarke and her children must stop. It is incumbent on all of us in this place to take every step possible to tackle this scourge. The question is how we achieve these objectives in a workable, consistent, timely and fair manner. I have been disappointed by some of the contributions so far today because ultimately I believe that all members of parliament, regardless of their political affiliation, want to address the scourge of domestic violence. The real question is how to go about that. I support measures to make coercive control a criminal offence because coercive control is abuse and it is abuse that far too frequently results in physical harm to the victims as well. No Queenslanders should have to live in a state of constant fear.

Pathetic political diatribes, such as we heard earlier from the member for Bundaberg, do nothing to advance the cause of protecting victims of domestic violence. I think we can have a mature debate that recognises there are legitimate concerns about the way in which the state government has implemented these reforms and the legitimate concerns of stakeholders like the Queensland Law Society without resorting to the pathetic political arguments that were articulated earlier by members like the member for Bundaberg. It has been reported that domestic and family violence related deaths

in Queensland alone rose by 50 per cent in the last year, with around a third of the alleged killers having had a domestic violence protection order against them or contact with police in the 12 months prior to the murders.

Queensland police data showed that in 2023 domestic violence rates saw a major increase from previous years, with QPS receiving more than 171,000 family and domestic violence reports. The Queensland Police Service has previously said that up to 40 per cent of total calls for service—and up to 60 per cent in some districts—relate to domestic and family violence. The number of recorded offences for breaches of domestic violence protection orders have increased dramatically, with police recording more than 61,000 breaches of those orders in 2023. All of the evidence is clear: Queensland has a problem with domestic and family violence. I am disappointed that it has taken so long for this legislation to come to the parliament for consideration. We have seen countless reviews and inquiries but the problem is getting worse.

Sue and Lloyd Clarke, the parents of Hannah, have dedicated themselves to advocating for the criminalisation of coercive control in Queensland. I think it is a testament to them and their firm belief that if coercive control had been criminalised earlier their daughter might still be alive today. Sue, mother of Hannah and the co-founder of Small Steps 4 Hannah, said that 'There are so many things that need to go right for a victim of coercive control to escape their situation.' 'Most of all, they need to know that when they do make a move the law will be there to back them up.' I agree with her sentiments completely.

Like so many others have, I pay tribute to Sue and Lloyd Clarke for their tireless advocacy on this issue—tireless advocacy that hopefully, through this legislation, will result in the lasting legacy of a safer Queensland; a Queensland where victims of domestic violence are protected and where perpetrators are held to account. While I am on that issue, I also want to raise the need for greater support for the families of victims and victim-survivors of domestic and family violence. I have raised this through written correspondence with the Attorney-General. Constituents in my electorate whose daughter was a victim of domestic and family violence felt that they were unable to access sufficient support to help them support their daughter through the process of dealing with an abusive partner. There was a criminal process that followed that incident. I would like to see the government do more to support not just victims but also the broader family unit that supports those victims here in Queensland as well.

There is one aspect of this bill that I have considerable concern about, and that is the provisions that amend the Penalties and Sentences Act and the corresponding sections of the Youth Justice Act which seek to differentiate penalties for those who break the law based on their race. Under Queensland law there is already sufficient regard for the personal history of an offender, including any disadvantage or trauma that they may have faced. I can see no reason why we need to further divide our community by establishing different criminal penalties for people dependent on their race. All Queenslanders should be considered equal in the eyes of the law. The relentless attempts to divide our community do not advance the cause of anyone and, in my view, it needs to stop.

On the issue of double jeopardy, let us be clear that this legislation is only required because of the failures of this state government and the forensic services lab. We have been raising this issue for many years and we must have justice for victims. The issues in the forensic services lab have endangered our legal system. The fact that we need to come in here with clauses around double jeopardy to resolve these issues is a disgrace; it should have been addressed earlier. We must ensure we try to keep the legal tenant of finality to the greatest extent possible; however, I do support the government's measures to address these failures because there must be justice for the victims of these crimes despite the failures in the forensic services lab. I note that the government has not provided any update as to the number of cases that will likely need to be retested so we do not know how many cases will use the provisions contained in this bill. We heard that there were up to 37,000 cases that may need to be retested, so it would be useful if the government would provide an update as to the quantum of cases that will likely need to go before the courts under these provisions.

From the beginning, the LNP has stood beside victims. We believed the victims. We believed the scientists and the whistleblowers and we called for the issues with the lab to be investigated and addressed. It was very disappointing that some members opposite—in particular, Minister D'Ath—fought against every review and inquiry. It was all about managing the media; it was all about the perception rather than the problem. The government's response to this issue has been less than genuine. The victims deserve better. The victims deserve a government that will have their back. It is good to see that the government is finally accepting there is a problem in the forensic services lab and has come into this House with legislation to try to address some of the shortfalls that have arisen, but

we need to see a government that puts victims first. I call on the government to be genuine about supporting all victims of crime across this state. Unfortunately, there are far too many and that number is only rising. I support the amendments to be moved by the shadow Attorney-General. I ask members opposite to genuinely put victims at the forefront of the criminal justice system.