




Speech By  
**Corrine McMillan**

**MEMBER FOR MANSFIELD**

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Record of Proceedings, 5 March 2024

**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**

 **Ms McMILLAN** (Mansfield—ALP) (6.57 pm): I rise to make a contribution to the Criminal Law (Coercive Control and Affirmative Consent) and Other Legislation Amendment Bill 2023. Firstly, I would like to acknowledge the female MPs in this chamber in honour of Queensland Women's Week. This year's theme is 'Count Her In', which aims to highlight the critical importance of women's economic empowerment as central to realising women's rights and gender equality. It is a call to action for women and girls to exercise our fundamental right to equally participate in all areas of our society, including in education, the economy, politics and at home.

This year's Women's Week theme has allowed me to reflect on how proud I am to be part of a government that has sat down and listened to victims of sexual or domestic and family violence to change the course of this social issue. Our government has listened to the Women's Safety and Justice Taskforce recommendations from the *Hear her voice* reports and implemented some of these directly into this bill. The bill will strengthen the government's response to domestic, family and sexual violence by establishing coercive control as a standalone offence. The offence will carry a maximum penalty of 14 years imprisonment and criminalise the conduct of an adult where the course of behaviour in a relationship would, in all circumstances, be reasonably likely to cause another person harm. To ensure this encompasses coercive control, 'harm' is defined in the bill as any detrimental effect on the person's physical, emotional, financial, psychological or mental wellbeing, whether temporary or permanent.

Coercive control is dangerous. It has serious impacts on the victim and their families. As a former educator and school leader, I have witnessed firsthand how domestic and family violence can affect a student's wellbeing. This includes not only their educational outcomes but also a range of behavioural influences including poor mental health, low self-esteem and internalised behaviours. As Assistant Minister for Education, I strongly endorse the criminalisation of coercive control to better protect our students and their parents and bring justice to victim-survivors.

Further to tackling coercive control, the bill refines the meaning of 'consent' by amending the existing framework outlined in the Criminal Code. The new affirmative model of consent has been implemented into the bill following recommendations 43 and 44 of the *Hear her voice* report. The bill amends section 348 of the Criminal Code to define consent as a free and voluntary agreement rather than given. To further clarify this meaning, the bill also provides new subsections to aid in the understanding of affirmative consent. This includes that a person may withdraw consent at any time and a person who does not offer physical or verbal resistance is not to be taken to consent to the act. This new and refined definition of 'consent' will ensure that the judiciary carefully considers every sexual

or domestic and family violence case that comes before them, with the victims' rights in their best interest. The Queensland Mental Health Commissioner agreed that the existing definition was outdated and framed women and girls in a negative light.

Debate, on motion of Ms McMillan, adjourned.