




Speech By
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MEMBER FOR COOK

Record of Proceedings, 6 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 LUI** (Cook—ALP) (11.44 am): I rise to make my contribution to the cognate debate on the Criminal Law (Coercive Control and Affirmative Consent) and Other Legislation Amendment Bill 2023 and the Criminal Code and Other Legislation (Double Jeopardy Exception and Subsequent Appeals) Amendment Bill 2023. I am proud to speak on this cognate debate during Queensland Women's Week. While there are so many things to celebrate, it is also a reminder of the gaps that still exist for women and girls. While we recognise and celebrate the incredible achievements of women in our society and the important role that women play in our communities, at work and in our homes, I want us to remember those who are doing it tough dealing with the very serious issue of domestic and family violence.

I acknowledge that today someone somewhere is trying to make the ultimate decision to escape violence. I acknowledge that this would be a very hard decision to make. I acknowledge that the decision to leave would be life-changing and that not many will be willing to take the next step. Where there are children involved, I acknowledge that the decision to leave will rest predominantly on what is best for the children. I acknowledge that the decision to leave is never easy. My experience of supporting women escaping domestic and family violence is that it will usually take several attempts before they are truly ready to escape violence for good.

I want to highlight the issue of escaping domestic and family violence from a regional and remote perspective as I believe locality adds another layer of challenge for those looking to escape violence. When you leave you do not just leave the violence; you leave behind your home, work, family and social network. The options to escape violence from a community setting are very different and, often times, it feels like the only option available is to relocate. Over the years I have heard many stories of women who chose to stay in toxic and violent relationships because the thought of being disconnected from family and social networks overrode the thought of physical assault, psychological abuse, social abuse, financial abuse or sexual assault.

I have engaged many stakeholders in different conversations about ways to approach domestic and family violence from a regional and remote perspective. The issue that keeps coming up is around perpetrator support to make perpetrators more accountable for their actions. Communities such as Cooktown, Hope Vale and Kowanyama recognise that, as a society, the expectation is placed on women and children to physically escape violence and very little expectation is placed on the perpetrators of the violence. The idea is to remove the perpetrator from the family home and provide wraparound support not only to help deter them from violence but also to help them make better decisions for themselves and their families.

I acknowledge and pay tribute to the many organisations in Cook that do incredible work to support women and children escaping violence. However, the responsibility of addressing domestic and family violence does not sit only with lead organisations or agencies funded to deliver a service. It takes you and I, standing up every day to educate and raise awareness of this ugly societal issue that does not belong in community. The frequency of the violence can be on and off. The cases of Hannah Clarke and her three children and the many others who have lost their lives at the hands of a violent partner are absolutely devastating. No-one should ever have to go through that.

I will always speak up against domestic and family violence. I am proud to represent a government that is committed to strengthening laws to enforce stronger measures to protect those experiencing domestic and family violence. This bill is another measure that the Miles government is implementing to ensure the safety of individuals, especially women and children, across Queensland. There is so much more to be done to improve the system that is meant to protect women and girls around issues relating to domestic and family violence that are still left unspoken.

The new laws will introduce a new offence of coercive control that will carry a maximum penalty of 14 years imprisonment. The bill also amends chapter 3 of the Criminal Code to implement an affirmative model of consent and provides that 'consent' means free and voluntary agreement. The bill will make it explicit that stealthing is a crime.

Amendments have also been made to the Evidence Act to introduce jury directions for sexual offence trials and strengthen provisions pertaining to improper questions. The bill contains other amendments to the Domestic and Family Violence Protection Act: to require a court to consider making a temporary protection order on the first mention of an application for a protection order; to allow a court to extend a police protection notice in exceptional circumstances; to require a court making a protection order to consider the appropriate period for which the order will continue in force; and to allow a court to make an order to extend a PPN in exceptional circumstances. Again, coming from a regional and remote perspective, I think these laws will certainly help those women who are struggling to make that very hard decision to escape violence from their partners in community—oftentimes, like I said, with the many factors involved in making the decision around leaving as opposed to staying. This will certainly help those who are still undecided.

I now turn my attention to the Criminal Code and Other Legislation (Double Jeopardy Exception and Subsequent Appeals) Amendment Bill. The objectives of the bill are to enhance criminal justice system responses to possible wrongful convictions and unjust acquittals by: establishing a statutory framework to allow a person convicted on indictment or of a summary offence under section 651 of the Criminal Code to make, with the leave of the Court of Appeal, a subsequent appeal against the conviction; and expanding the fresh and compelling evidence double jeopardy exception to 10 prescribed offences in addition to murder.

The rule against double jeopardy is central to our justice system and prevents the state from bringing repeated and oppressive prosecutions against individuals who have been acquitted. However, it is acknowledged that on rare occasions fresh and compelling inculpatory evidence will arise that was not put in front of a jury during trial. Currently, an exception to the double jeopardy rule exists only in relation to murder, in recognition of the seriousness of the offence. In such circumstances, the court may order a retrial on application of the DPP. The act will expand the exception to 10 additional serious offences, being: engaging in penile intercourse with a child under 16 in certain aggravated circumstances; abuse of persons with an impairment of the mind in circumstances where the person is not the lineal descendant of the offender but the offender is the guardian or has the person under their care; incest; repeated sexual conduct with a child; manslaughter; attempted murder; killing an unborn child; unlawful striking causing death; rape; and sexual assault in certain aggravated circumstances.

I am fully supportive of the bills before the House. These new laws will certainly provide stronger measures to protect those who are most vulnerable. I commend the bills to the House.