




Speech By
Hon. Grace Grace

MEMBER FOR MCCONNEL

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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**

 **Hon. G GRACE** (McConnel—ALP) (Minister for State Development and Infrastructure, Minister for Industrial Relations and Minister for Racing) (6.37 pm): I rise to speak in this cognate debate and to support the bills before the House. I know that we are dealing with very sensitive issues in the Criminal Law (Coercive Control and Affirmative Consent) and Other Legislation Amendment Bill. This bill was introduced into the House as a result of some truly incredible scenes in Brisbane with the Clarke family and some of the horrific details that come to us as members of parliament about some of the crimes that occur under the guise of domestic and family violence. The bill amends the Criminal Code to introduce a new offence of coercive control, which will carry a maximum penalty of 14 years imprisonment. It amends chapter 32 of the Criminal Code to implement an affirmative model of consent, to provide that consent means free and voluntary agreement, and to make it explicit that stealthing is a crime.

I commend the work of the Women's Safety and Justice Taskforce. The reason we are debating this in the House today—it has been incredible talking to the police officers in my electorate and others about what we as a government have done, with crossbench support in many cases—is to address the scourge of domestic and family violence. I know that the member for Gladstone's brother is a police officer in Gladstone. It is interesting that, since we as a community have sent a strong message that domestic and family violence is not accepted in any form, we have seen an incredible increase in the number of reports and police action in this area. In fact, an incredibly good police officer in my electorate—I will not call him out on the basis that I might embarrass him—said that when he first started in the force they were dealing with domestic violence 20 per cent of the time and other issues 80 per cent of the time. In the decades he has been in the force that has almost flipped on its head in that police are now being called to domestic and family violence incidents 80 per cent of the time, compared to the 20 per cent of some decades ago.

It is up to this parliament, this House, to send a strong message—that this kind of action that is going on in our community is not acceptable. That is why I welcome this bill and I wanted to talk to it. I was talking with a friend, an acquaintance—someone I know—who went through a very traumatic domestic violence situation recently. It will scar that person for a long time. We need to look at all forms of the coercive control offence—not only physical domestic violence but certain patterns of behaviour. Are we going to get this absolutely perfect? There would be so many manifestations of coercive control that we will have to work through, but we have to start somewhere. Hence I commend the work of the Women's Safety and Justice Taskforce.

The bill was developed following extensive consultation with stakeholders including the domestic and family violence sector and the legal profession. The reforms build on the work that we have been doing as a government to address this issue. We might say domestic violence is out of control. Coming from a cultural background in an Italian community, I think what was once swept under the carpet has now, through the laws we have introduced and the public education we have done, been brought to the fore. It is no longer acceptable. People no longer turn a blind eye. People who recognise that something is happening should not walk away. They should ask, 'Are you okay? Is there anything I can do to assist?' They should provide that support. I think that a lot more predominantly women—I am not saying it is only women—are coming forward because we now have the supports in place and the laws in place that give them the confidence that if they want to do something about their situation they can, knowing that there is assistance out there in the community.

I agree with others that there is a need to change the culture and that you change culture through education, but it takes many facets to change culture. You have to have the laws. You have to be able to apply the laws. You have to be able to educate people about the laws. Hence you can then change behaviour. If all of those things are not working together, it is very difficult to change the culture that is established. I do not understand why people engage in this behaviour. I am fortunate in my relationship. I do know of other relationships that are not as, can I say, wonderful as my own. A lot of people know my husband and I know many partners—husbands and wives—of members in this House. Many of us are very fortunate. Unfortunately, there are people in our community who are not so fortunate.

I think that it is imperative that we send a very strong message. Conduct to coerce or control the other person has to be called out, particularly if it is likely to result in death. We have read about some of these terrible incidents. My skin crawls every time I think about Hannah Clarke and her children. It is truly unbelievable that someone would even think about inflicting something like that, let alone going through with it. We have to define what that intended harm could be. It means any detrimental effect on a person's physical, emotional, financial, psychological or mental wellbeing, whether temporary or permanent. I thank all of those who have worked hard to assist us in pulling all of this together.

I also acknowledge the extensive and transformational work by all of those stakeholders who came before the committee—and the committee did a wonderful job—all those who made submissions, all those who were able to inform us how their lives have been affected. I take my hat off to them all for their bravery in coming forward. I equally thank those in my electorate who have said, 'Grace, it is terrific that the government is doing this. There are so many instances where this occurs and we do need to change it.' We need to continually engage with these reforms and of course with the victim-survivors of domestic violence as well. I know that Lloyd and Sue Clarke are very supportive of this. They are proud to have played a part in advocating for standalone coercive control laws in Queensland. They are grateful that the government has heard their calls and responded. It is imperative, as I said, that we support these cognate bills to send a strong message that this kind of action is not acceptable.

In regard to the double jeopardy exception and subsequent appeals bill, I think in today's modern world, if there is fresh or new evidence that we can use to ensure that people who have previously been acquitted are held to account, we should do so. Unfortunately, errors may have happened. I think the bill strikes a good balance in relation to this.

There are 10 additional offences that will be included. They include manslaughter, attempted murder, unlawful striking causing death, killing an unborn child, rape, incest and repeated sexual conduct with a child. I think it is important that, if there are exceptional circumstances where a retrial of an acquitted person is meant to happen because of evidence that has come forward, the legislation provides for that.

I am also proud to say that we started the very comprehensive Respectful Relationships education in our schools. We have to start early. It is age appropriate. We started this many months ago. It is now in our schools. I commend the bills to the House.