




Speech By  
**Jessica Pugh**

**MEMBER FOR MOUNT OMMANEY**

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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**

 **Ms PUGH** (Mount Ommaney—ALP) (5.49 pm): I am so proud to rise to speak in this cognate debate during Queensland Women's Week. I want to touch on specifically the issues of stealthing and affirmative consent before I move on to coercive control. At the outset I want to reassure the House that none of the examples I will give are before the courts. I will start with stealthing.

For those unfamiliar, stealthing occurs when a condom is removed during sexual intercourse. A constituent came to meet with me about this issue a few years ago, as this had happened to her when she was out on a date. She felt very strongly that she was a victim of sexual assault. She had never agreed to have sex without a condom and she would never have given her consent if that question had been put to her before the condom was removed without her consent. All members of this House would know that no-one gives unconditional consent. Consent is not given in a blanket ruling by anyone. That is just not possible.

Modern community expectations are that consent needs to be explicitly sought for each new act. Just as with all relationships, these things are not static and new activities require new consent. Stealthing exposes women in particular to pregnancy and exposes anybody who is a victim of stealthing, no matter their gender, to sexually transmitted disease. Both of these are life-changing events. Thankfully, most people I have spoken to in my community very much understand why stealthing should be an offence, and it is a part of the bill that I am incredibly proud to support today. I know that there will be many members of my community relieved to see it as part of this legislation.

Something else I have spoken about and am passionate about is affirmative consent. This is just so important. I have spoken in this House before about how consent should both be requested and be freely given. I also suggested in one of my previous contributions—I say it again today—that if anybody who is engaging in intimate relations has any doubt as to whether the person they are with is consenting, they have two options: they can ask if they are consenting; and if they are not willing to ask, they should just feel free to assume that they are not consenting. Indeed, under Queensland law that is exactly what they will now need to do.

I think we need to dispel this myth that consent and any discussion around it is thought of as a roadblock. It should never be thought of as a roadblock. It is an important expression between two people of respect and mutual engagement. Quite frankly, if people are unwilling to have a grown-up discussion about consent and what that looks like, they are probably not mature enough for the activities that would follow.

Under the bill, consent needs to be freely and voluntarily given. People really need to ask and they must freely give that consent. Anything short of that is not on. Previous speakers have spoken about somebody being intoxicated, asleep or afraid. I have heard stories from friends who consented

to one sexual activity under extreme duress because they feared that otherwise they would have to engage in a non-consensual activity. Under these laws it is explicit—it is clear—that that is not consent. That is not what consent looks like. If someone is trying to negotiate their way to safety and partaking in activities they just do not want to against their will, that is not consent. Our young people certainly—all Queenslanders—deserve better.

The bill also makes provision for age-appropriate education to ensure that our young people understand what this means and why it is important that they ask for consent. This is key because, sadly, there are sections in our community that believe it is okay to coerce somebody into sexual activity. This bill, as I said, clearly outlines what consent looks like.

When it comes to consent, I have the best role model in the world. I have a three-year-old who is incredibly good at saying no. She is really clear. She puts her whole body into it. She puts her hands into it. She uses her voice and she says 'no' so loudly that you could be in no doubt. I give credit to her early childhood educators, because that is what age-appropriate education looks like when talking to our young people about consent. I think that is fantastic and I hope that assertiveness and that clarity continues throughout her entire life. I certainly was not so good at that age.

**Mr Perrett** interjected.

**Ms PUGH:** It took me many years to be as assertive as that, I regret to inform the member for Gympie.

I want to touch on coercive control. I have spoken before about my experiences in supporting close friends through their coercive control experiences. We know that each type of a coercive control victim's experience looks a little bit different. Each coercive control abuser and survivor has their own unique clusters of behaviour. According to some of the research that I was reading online, some perpetrators are actually clever enough to target and tailor their coercive control behaviours towards the victim in such a way that it will be more effective with that particular victim.


I also had a look at the Victorian branch of Relationships Australia website. They outline the coercive control behaviours. They include: isolating someone from their support system—from family and friends—so they cannot get the support they need; monitoring their activity throughout the day; denying them freedom and autonomy so they know where the victim is when they are at work or school by perhaps restricting their access to transportation; taking their phone; and changing their passwords or knowing their passwords so they can check what they are doing.

Then there is gaslighting, where the abuser makes them doubt their own experience by insisting they are always right and instilling their narrative of a situation, even if the evidence is to the contrary. In essence, gaslighting is based on lies and manipulation of the truth. Other behaviours include name-calling, severe criticism and put-downs—these are all extreme forms of bullying—limiting a victim's access to money and controlling their finances. This also has the impact of restricting their freedom and curtailing their ability to leave the relationship. It includes coercing the partner to take care of all of the domestic duties, turning their children against them, controlling aspects of their health and body, making jealous accusations about the way they spend time with family or friends, regulating their sexual relationship or threatening their children or pets.

It is important to note that most coercive control victims will not experience all of those behaviours. They might experience a number of them, but there will be some that are missing. One of the few things that is consistent about coercive control is that slow, strangling feeling of dread that eventually comes to sit with those victims when they realise they are caught in this cycle that can be so incredibly difficult for them to get out of.

I want to finish by thanking the women in my community who shared their experiences with me on all of these different aspects of the legislation along the journey to making this legislation a reality. I want them all to know that their voices have been important in bringing this issue before parliament in the form that it takes today in this incredibly important piece of legislation.

Debate, on motion of Ms Pugh, adjourned.

 **Ms PUGH** (Mount Ommaney—ALP) (6.01 pm), continuing: I also want to thank the victim-survivors and their families such as Hannah Clarke’s family for their ongoing advocacy. It is the hardest thing in the world to experience a loss—an event as world changing as they have—and continue to advocate as they have. I know every single member of this House joins me in expressing their appreciation to them and the many other families who have done exactly the same thing. I also thank Brisbane local Bri Lee, whose conversations with me around the importance of affirmative consent helped me better understand why it should never be negotiable and why this legislation today is so important. I am in awe of every single person who contributed their voice to this bill over a number of years and I commend it to the House.