




Speech By
Jim McDonald

MEMBER FOR LOCKYER

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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 McDONALD** (Lockyer—LNP) (12.05 pm): It is a privilege for me to be able to rise to speak in this cognate debate to speak on the criminal law and Criminal Code amendment bills. First, I would like to pay respect to some wonderful and beautiful women in my life with International Women's Day being this Friday: my wife, Deb; my mum, Joan; my sisters, Maree and Jennifer; my daughters-in-law, Cassie and Crystal; and, of course, my wonderful daughter, Millie, and my lovely grandchildren as well. I also give a shout-out to the other Murphy girls—Aunty Judy and Aunty Ann—who together with Mum are a very forceful group.

The criminal law amendment bill is a very important bill which goes to the heart of consent and some very serious offences of domestic violence and sexual assault, particularly when most often the victims of those offences are women and children. That is a devastating thing in our society. Many in this House will know that I was a police officer for many years, having to support victims in their most vulnerable state having been victims of terrible and heinous offences. Any laws that come to this House that assist police and victims in navigating the court process I will support every day of the week and likewise these bills today.

In terms of consent, this bill is codifying the practice that occurs in many courts now, but it does make it clear for the courts that affirmative consent is necessary and that of course consent can be withdrawn at any time. That is something I am sure many women and girls will particularly appreciate. All victims of sexual assault will benefit from those laws when it comes to the most heinous offences.

I want to pay tribute to Sue and Lloyd Clarke for their efforts with the Small Steps 4 Hannah Foundation. I pay tribute to their courage in harnessing their energies to be able to develop this foundation and leave a legacy for their daughter, Hannah, in such terrible and tragic circumstances. Congratulations to them. It is a very small victory after such a huge loss.

In terms of the legislation, I think that the government has missed the opportunity to put in place more recommendations from *A call for change*. There are only two recommendations from that report in this bill. Any opportunities for the law to be strengthened, in my view and in that of the opposition, will assist the prosecution process.

I want to move on to the failures in the DNA labs and the necessity for the legislation regarding double jeopardy. Before I move to aspects of this bill, I would also like to place on record my thanks and appreciation to Peter Dutton and the work that he did in regard to double jeopardy surrounding the Deidre Kennedy case. I was on hand in Ipswich last year when a small ceremony was held with the Kennedy family and their supporters. The Kennedy family have become friends of mine as they lived in the old Laidley police division. That was the start of the ball rolling in terms of the double jeopardy change. That was a great legislative change, and again I pay tribute to Peter Dutton for that effort. This

legislation is something that I very much welcome. It is certainly great that a broader range of offences will benefit from the opportunity to prosecute once the DNA has been retested. I understand there are about 37,000-odd cases which have been affected and over 100,000 tests that need to happen.

I want to thank the scientists who work in that space. They are some of the champions of our modern world. I have to say that I really feel for many of the experts who have been let down by the administrative processes that have got us into this situation. Others have described the situation as possibly one of the worst public administration failures in the nation, but we are here to see this legislation put in place and make sure we can prosecute where necessary.

I would also like to place on record my thanks to all of the hardworking police out there who spend a lot of time dealing with many serious offences, including domestic violence. I can share with the House—and many others will know—that police do face frustrations in terms of not being able to give assistance immediately to many victims of domestic violence and sexual offences, so they will also welcome these changes to the legislation. With that short contribution, I will allow others to continue. I commend the cognate bills to the House.