




Speech By  
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**MEMBER FOR TRAEGER**

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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 KATTER** (Traeger—KAP) (6.02 pm): I rise to speak to the Criminal Law (Coercive Control and Affirmative Consent) and Other Legislation Amendment Bill. There are many aspects of the bill that are laudable and worthy. Sexual and domestic violence are a blight on our society. They must be stamped out. However, wandering into territory governing intimate partner relationships is fraught with trouble, subjectivity and takes us down some curious paths. I note, for instance, that the affirmative consent provisions would criminalise the non-payment of a sex worker. That is a logical extension of the principle of affirmative consent, but I find myself agreeing with some stakeholders who said that we should not be wasting the time of the QPS chasing down debts to sex workers.

I have other concerns with the sections relating to affirmative consent. While the intentions behind these sections seem noble—to combat sexual assault and promote a culture of respect and communication—the implementation and consequences of such legislation raise significant issues that cannot be ignored. Affirmative consent laws mandate that individuals must obtain ‘free and voluntary agreement’ before engaging in sexual activity. On the surface this may sound like a reasonable requirement—emphasising the importance of mutual understanding and respect between partners—however, in practice these laws create myriad problems. First and foremost, the law would place an unrealistic burden on individuals to constantly seek explicit affirmation during intimate moments and is a very invasive creep of government or legislation into those varied parts of managing relationships which is part of the human condition. This not only disrupts the spontaneity and natural flow of human interaction but also fosters an environment of anxiety and paranoia. It transforms what should be a moment of connection and intimacy into a bureaucratic process where individuals fear legal repercussions if they fail to follow a strict script.

Furthermore, the laws overlook the complexities of human behaviour and communication. Non-verbal cues, body language and contextual factors play crucial roles in how individuals express consent and desire. Affirmative consent laws disregard these nuances, leading to situations where individuals may genuinely desire sexual interaction but hesitate to verbalise it explicitly out of fear or discomfort. Moreover, affirmative consent laws undermine personal responsibility. They infantilise individuals, suggesting that they are incapable of navigating their own sexual encounters without explicit legal guidelines. Rather than fostering a culture of empowerment and accountability, these laws promote a culture of victimhood where individuals are encouraged to perceive themselves as potential victims of sexual misconduct at every turn. Additionally, affirmative consent laws reverse the presumption of innocence—a cornerstone of our legal system. It is now sidelined in favour of a ‘guilty until proven innocent’ approach where individuals must constantly prove their innocence against vague and subjective accusations.

I also have concerns regarding the sections in the legislation relating to coercive control. Again, while the aim of the laws may seem admirable—to protect individuals from psychological abuse and manipulation—the reality is that these laws present significant challenges and potential pitfalls that cannot be overlooked. Coercive control laws seek to criminalise behaviours that are deemed to exert undue influence and control over a partner. While on the surface this might appear to be a necessary step in addressing domestic abuse, in practice it raises a host of complex issues. First and foremost, the legislation risks criminalising behaviours that are not inherently abusive. Relationships are, by their nature, nuanced and multifaceted. What may appear as control to an outsider might be a consensual dynamic within the relationship. By criminalising a broad range of behaviours—from monitoring social media accounts to restricting access to finances—these laws risk criminalising ordinary disagreements and conflicts that occur within relationships.

My most significant example of that is in some of the Aboriginal communities. In Doomadgee the people that I am pretty close with have an interesting way of communicating with me sometimes which could be misinterpreted by outsiders. Perhaps they are just angry with me, but I know that that becomes a real quagmire for police and others trying to sort out domestic violence at that end which ties up a lot of resources. Yes, it is not good, but they are very complex issues to resolve and pull the rights and wrongs of that out.

Moreover, there is no clear and objective criteria for defining what constitutes coercive behaviour. Unlike physical abuse, which often leaves visible marks and evidence, psychological abuse is inherently subjective and open to interpretation. What one person perceives as controlling behaviour another may view as legitimate attempts to maintain boundaries or ensure safety. As a result, there is a significant risk of false accusations and wrongful convictions under these coercive control laws. Furthermore, the legislation may inadvertently discourage individuals from seeking help or reporting abuse. Victims of abuse often hesitate to come forward due to fear of retaliation, shame or financial dependence on their abuser. By criminalising behaviours that may be perceived as controlling, these laws may deter victims from seeking assistance out of concern that their partner or family member will face criminal charges, leading to further isolation and harm. Additionally, these laws will place an undue burden on the QPS and the courts. Detecting and proving psychological abuse is inherently challenging and requires a high degree of expertise and sensitivity. I wonder if the QPS and the courts have the necessary training and resources to accurately assess complex interpersonal dynamics, leading to inconsistent enforcement and potential miscarriages of justice.

At the end of the day, affirmative consent and coercive control sections of this legislation risk criminalising ordinary behaviour. While the goals may be laudable, their implementation and consequences fall short of their intended objectives. These laws create more problems than they solve, undermining personal autonomy, fostering a culture of fear and suspicion and eroding fundamental rights. Instead of relying on heavy-handed legislation, we should focus on comprehensive education, open dialogue and fostering a culture of mutual respect and communication. Only through genuine understanding and empathy can we truly address the complex issue of sexual assault in our society. I understand that anything opposing the nature of what this bill is trying to achieve is going to be interpreted as not caring about women and not caring about these horrific events that happen and may be seen as not acknowledging the pain and suffering of the families of those victims, but there is inadvertently a lot of damage occurring to males in Queensland caught in the crossfire with much of this.

Despite some of the good that this may do, there is a growing impact on males in this state who suffer inadvertent consequences when these sorts of laws can be weaponised through the ill will of a partner. We all have our stories, but I have had close personal contact with someone where it has been the reverse—the abuse applied to the male. The male does not report it. By and large, there will not be an army of males reporting coercive control by females. I cannot see that happening. This is about the females reporting the males. There will be more males inadvertently caught out by malicious behaviour—weaponising by people with malicious intent. When added to the subjectivity of this component, it raises a greater threat to males who are trying to do the right thing being caught in the crossfire of this legislation.