




Speech By
Ros Bates

MEMBER FOR MUDGEERABA

Record of Proceedings, 5 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 BATES** (Mudgeeraba—LNP) (3.50 pm): Four years ago, our state and our country were shocked and horrified to see the deaths of Hannah Clarke and her three beautiful children. To see these four lives taken, seemingly so happy and content on the exterior, by a controlling and manipulative husband and father was deeply troubling. Their images are etched into the memories of Queenslanders, and I pay tribute to the work of Sue and Lloyd Clarke following this tragedy. I am constantly in awe of the victims in our state who harness their grief to speak up for what matters, always hoping to prevent another family going through the devastation they have. Sue and Lloyd, Hannah would be so proud of, and grateful for, what you have done. While your grandchildren have had their chance to grow up taken away, I am confident your legacy will help make the world that children are growing up in safer than your beloved grandchildren experienced.

I have been committed to standing in this chamber and speaking against the scourge of domestic violence for many years now. As a survivor of domestic and family violence, I have always been not only sympathetic on these issues but also empathetic. Whilst, like many survivors, I have learned coping mechanisms to deal with the memories of my own experiences, it is always brought sharply into focus when I continue to hear the stories of other women and children who, despite all the media attention and legislation, continue to suffer.

When I was a child I witnessed my own mother as a victim of coercive control but did not realise it at the time: seeing my mother begging for money to play bowls or getting out a dress that she had bought and hidden months earlier and telling my father that she bought it from the op shop; seeing my mother's friendships with ladies she had met whilst doing the one thing she was allowed to do, which was attending to the flowers at the local church, choose not to remain friends with my mum because they knew what was happening in her life and they could not understand why she did not just leave; and watching her schoolteacher friends not come back to our house for barbecues or birthdays because they witnessed the abuse and they did not want to be a part of it—and, of course, at the same time not one of them ever reported it to the police. Watching my mum have to lie, hide things and try and work her way around my father to have some sort of a life was sad.

This bill criminalises the offence of coercive control. As the former shadow minister for the prevention of domestic and family violence, I have long been a strong advocate against all forms of violence to women and children, including coercive control. In as far back as 2017, the LNP had a suite of reforms to combat these issues, including a standalone summary offence for domestic violence which included coercive control, elder abuse and financial abuse. Domestic and sexual violence champions

at the time thought that without it being included in a summary offence the onus of proof in coercive control would be left up to the victim and make it much harder to convict the perpetrator. Of course, domestic violence and coercive control do not end outside the bedroom door. I know that my mother often was the victim inside the bedroom and often used it as a method to calm my father down so that he did not hurt us or anyone else.

It has been a long time coming and there is still much work to be done to make sure we are ready as a state to make it effective. What concerns me is not criminalising coercive control; it is the ability of the government to use the offence appropriately to protect women. The Women's Safety and Justice Taskforce made it very clear that this legislation would need extensive training and education prior to its enactment, but when it comes to recommendations this government has proven itself unable to deliver. In just one example, the Domestic and Family Violence Death Review and Advisory Board has made multiple recommendations regarding Queensland Health and the need to train frontline workers in recognising the signs of domestic and family violence. However, the Auditor-General in his 2022 report *Keeping people safe from domestic and family violence* was still asking for years-old recommendations to be enacted as a priority. This was following a 2022 coronial inquest where at least 20 risk factors for homicide of an intimate partner had been present at the time of the victim's death. It cannot be the case that this government only acts on the headline and does not deliver the changes needed to make this work. This offence will only be as useful as this government makes it. Without the right training and education, it could likely lead to unjust outcomes and unintended consequences.

I understand there are concerns that have also been raised by the Queensland Law Society. The LNP want to back these laws because we do believe coercive control should be an offence; however, we must monitor the implementation and ensure we are getting the right and just outcomes.

The resourcing of domestic and family violence services as well as sexual assault services with the introduction of affirmative consent must be addressed. I know the women who operate these services. They put in their all day in and day out, stretching out every last bit of funding. They are already on their knees with the pressure of increased demand. It has often been quoted to me by those on the front line that they are sick of review after review and outcomes that do not change. In their words—

The government puts out huge glossy reports and brochures and when you open the front door, the funding cupboard is bare.

On many occasions when the services are so stretched they have in the past referred to me for help. My group of domestic and sexual violence warriors is a group I have where we wrap services around women at all hours of the day and night. I am blessed to be able to organise rapid responses for women who fall through the gaps, and I will continue to do so. However, my concern is that, as always, other members of parliament do not have access to a group like I have and that women are not receiving the services they need when they need them.

It is also concerning when the government's own funded groups like DVPC on the Gold Coast and DVConnect tell victims: 'Go see Ros Bates. She will get something happening for you.' So I was concerned to see in the explanatory notes this statement—

The Bill is likely to increase demand for courts, police, the legal profession and funded domestic, family, and sexual violence service providers due to the increase in the number of matters being reported or coming before the courts, as well as an increase in the complexity of matters being heard. This demand will be monitored, and any cost impacts will be assessed and included in future budget processes.

Instead of front-ending the money, it has been proposed that these services, already under pressure, wait until they are likely completely crippled before they can get an uplift.

The government needs to address the disparity of funding between domestic violence services and sexual violence services. I know that the Gold Coast Centre Against Sexual Violence, which has never turned anyone away, continues to find the funding to assist domestic violence victims on the Gold Coast and stretch its own shoestring budget to do it. It is simply not fair for this workforce, and they are our front line. I implore the government to offer as much support as possible to these services to ensure we can get the best outcomes for women and children suffering domestic and family violence and sexual violence.

The LNP will continue to stand up for victims of domestic and family violence. I will be attending yet another Red Rose Foundation rally for the five women who have allegedly been killed at the hands of domestic violence already this year. I have been to so many of these over the past nine years I have lost count, yet the number of women and children allegedly murdered by an intimate partner continues to rise.

The LNP wants justice for sexual assault victims, and we must ensure the law strengthens the chance of prosecution and leaves no room for error. On too many occasions I have worked with rape victims and the Gold Coast Centre Against Sexual Violence and have seen the alleged perpetrators let off. Even worse, when only six per cent of rape victims' cases ever go to court, it makes you wonder if this legislation will address that problem or confuse the problem and make it more difficult for women to come forward and more difficult to get to court for a conviction. There are simply too many, and we must do better. We owe it to our daughters, our sisters, our mothers, our aunts and our friends. All Queenslanders deserve to be safe in their own homes.