




Speech By
Samuel O'Connor

MEMBER FOR BONNEY

Record of Proceedings, 6 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**

 **Mr O'CONNOR** (Bonney—LNP) (11.39 am): Like every member in this House, I represent a community that has been rocked by horrific acts of domestic violence. I have attended many vigils at our domestic violence memorial in Labrador, across the road from my office. The memorial depicts a woman with her head bowed. It is where we hold a red rose rally every time our community loses a woman to this scourge.

I want to make a contribution in this debate as I have long committed to doing all I can to ensure that victim-survivors get the right support and that our legislative framework is fit for purpose. Reforms like this are essential, none more so than creating a criminal offence of coercive control. The offence will apply to those who commit domestic violence more than once against someone with whom they are in a domestic relationship, and that is a past or present intimate partner relationship. The definition of 'relevant relationship' is taken from the Domestic and Family Violence Prevention Act along with the definitions of 'domestic violence', 'economic abuse' and 'emotional or psychological abuse'. Importantly, 'harm' to a person in the relationship is defined as any detrimental effect on the person's physical, emotional, financial, psychological or mental wellbeing, whether temporary or permanent. The offence was meant to be modelled on the offence that was legislated in Scotland but the government chose to take a different path, which the Queensland Law Society highlighted well to the committee.

The bill finalises a model of affirmative consent by amending the meaning of 'consent' in the Criminal Code and expanding the legislated situations where consent is withdrawn or not agreed to. It will enshrine in law that a person may withdraw consent to an act at any time. The bill defines situations where no consent is accepted, including if a person does not say or do anything to communicate that consent or if the person is affected enough by alcohol or drugs to be incapable of giving or withdrawing consent. It is a simple but powerful change that will mean consent must be agreed rather than given freely and voluntarily. This change must be properly monitored. We must make sure that it is working as it is intended to. The bill also makes it clear that stealthing—that is, removing a condom during sex—is rape.

We want these measures to work. These tragedies and horrific violence cannot continue. The intent in the bill is right but we have issues with how the state government has gone about it. Reviewing the outcomes of the changes as they become active will be essential to determining if they are working or if further tweaks are needed. The concerns about the drafting of the coercive control aspects of the bill are genuine. The rush that the government was in to get the bill to this stage is unacceptable. The recommended three-month minimum consultation period was replaced by a completely inadequate

14-day period. A longer time for consultation could have better addressed the issues raised by a number of stakeholders. These changes overhaul long established principles, but we cannot allow those principles to be weakened or abandoned and replaced with a more convoluted process for victims.

The greatest concern I have with these changes relates to police resourcing. The Southport station services most of my community, which is the northern part of Southport and Labrador, Parkwood and Arundel. Our local police have never been under more pressure. They are struggling to keep up with demand. Domestic and family violence cases make up more and more of their workload; in fact, they are clearly the majority. I worry about how the police will cope with implementing these new offences, which are complex and will take up a great deal of police time. The police need to be properly resourced to get this right. Police recruitment is important but clearly there are issues with the culture of the Queensland Police Service and the pressure that the hardworking officers are facing, which are impacting retention. We have also seen a lack of commitment from the state government to implementing the recommendations in the *A call for change* report.

I cannot understate the importance of education, training and resourcing in general. I commend Di Macleod and the Gold Coast Centre Against Sexual Violence for their excellent submission to the committee, which highlighted a lot of the resourcing issues that must be addressed before this legislation becomes active.

The shadow Attorney-General has foreshadowed amendments to clauses 83 and 100 of the bill to remove the government's proposed additions to the sentencing principles in the Penalties and Sentences Act and the Youth Justice Act. Those amendments have great merit. We should not be including the effect of systemic disadvantage and intergenerational trauma on the offender and we should absolutely not be seeking to differentiate penalties based on race.

Overall, these changes are another step in the right direction. They are important to women and they are important to young Queenslanders. We need to make sure that they are implemented correctly and will do what they are intended to do.