




Speech By
Hon. Shannon Fentiman

MEMBER FOR WATERFORD

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**

 **Hon. SM FENTIMAN** (Waterford—ALP) (Minister for Health, Mental Health and Ambulance Services and Minister for Women) (12.22 pm), in reply: I thank all honourable members for their contribution to the cognate debate. I particularly want to acknowledge the members who spoke of their own experiences of domestic and family violence within their families and communities. This bill would not have been possible without the resilience and courage of victim-survivors and their families who have shared their stories with the taskforce—many of whom are in the gallery today. Victim-survivors have been generous, brave, articulate and so powerful in telling their stories to the taskforce and to the committee, and I once again want to thank them.

I would also like to thank the taskforce led by the Hon. Margaret McMurdo AC and acknowledge the taskforce secretariat, its executive director Megan Giles and all of the taskforce members. I also want to take this opportunity to acknowledge the ongoing work of the Women's Safety and Justice Team in Strategic Policy and Legislation at the Department of Justice and Attorney-General.

The Miles government has heard the voices of victim-survivors, and it is a privilege to progress this bill through parliament as the next stage towards criminalising coercive control. Women's voices and their experiences have been heard and are always at the centre of everything we do in this space. I now will address some of the matters raised by honourable members during the course of this debate.

Several members raised issues with the consultation process for the Criminal Law (Coercive Control and Affirmative Consent) and Other Legislation Amendment Bill. Prior to the development of this legislation, the Women's Safety and Justice Taskforce, which was established in March 2021, did its very own extensive and public consultation on the recommendations that are the foundation of this bill. Between the two reports, the taskforce received over 950 submissions, including over 500 people sharing their lived experience with domestic and family violence and 250 submissions from victim-survivors of sexual assault. The taskforce also held over 125 individual meetings with stakeholders including the police, the legal profession, academics and service providers. The government then undertook two rounds of targeted consultation with a broad range of stakeholders on a consultation discussion paper.

Taken together, the departmental consultation process adds up to roughly 12 weeks, or three months. I want to be clear that the taskforce also told us how important it was to take our time to get this right, and that is what we have done. It is disappointing that those opposite do not appear to understand this and continued to criticise the time it has taken us to bring this bill to the parliament. Throughout the debate of these bills, it has been apparent that those opposite cannot make up their minds quite what to complain about, because on the one hand a number of members have said that

the government's consultation process had not been adequate and the legislation had been rushed and on the other hand we heard from the members for Mudgeeraba, Whitsunday and Nanango that we have not acted fast enough and that in fact we should have legislated proposals put up by the LNP back in 2020.

The member for Mudgeeraba mentioned in her speech that the government failed to legislate a suite of reforms proposed by her which would have included a standalone summary offence for domestic violence, including coercive control. As all members probably appreciate, a summary offence, also known as a simple offence, has offences which include public nuisance or trespass. The offence that we are creating in this bill today is a serious indictable offence which carries a maximum penalty of 14 years imprisonment. This is what was recommended by the taskforce—an indictable offence, not a simple offence.

The offence established in this bill acknowledges the severity of coercive control and those behaviours, which may include both physical and non-physical violence, over extended periods of time. As the taskforce recognised, this offence will cover a wide spectrum of serious offending. Some accounts from victim-survivors described behaviour that could amount to a form of torture. Our government understands how serious and harmful the offence of coercive control can be, and this bill is the embodiment of a shift of our understanding of domestic and family violence.

The member for Clayfield has asked the government to identify the investment that the government has made into training and education in order to support this bill. I am proud to stand in this chamber and talk about the government's record in addressing all forms of violence against women and the huge investment we are making towards implementing the taskforce recommendations. This includes: \$9.382 million over four years to develop and release a co-designed whole-of-government community strategy to address over-representation of Aboriginal and Torres Strait Islander peoples in our justice system; \$1.9 million over four years to raise community awareness and education, including the development of a communication strategy to give trauma and culturally informed communication activities to increase community awareness and understanding of coercive control; \$20.6 million over four years to develop co-designed, tailored and accessible resources about coercive control; \$4 million over four years to establish a domestic and family violence peak body; \$26.8 million over four years to enhance and expand integrated service responses, including through high-risk teams; \$22.8 million over four years to establish a co-response model involving both police and specialist domestic and family violence services; \$16.3 million over four years to enhance funding to men's behavioural change programs to meet increased demand and trialling innovative perpetrator intervention programs; \$2 million over three years to develop and release the domestic, family and sexual violence system monitoring and evaluation framework to facilitate outcomes and impact monitoring and evaluation; \$5 million over four years to ensure the domestic, family and sexual violence system monitoring and evaluation framework is underpinned by quality and consistent data; and \$3.2 million to establish the independent implementation supervisor to independently review progress. We have also committed additional funding of \$18 million to support the establishment of the Victims' Commissioner's office. That is all as well as the government providing considerable funding to the Queensland Police Service to improve its domestic and family violence response.

Following the Commission of Inquiry into Queensland Police Service Responses to Domestic and Family Violence, the government announced \$100 million in funding to implement priority reforms, including for domestic and family violence support workers to be based in police stations across the state. The Police Service will also be rolling out statewide face-to-face domestic and family violence coercive control training from 1 July this year. It will be compulsory for police officers and frontline staff members and will improve police responses to coercive control and domestic and family violence.

The member for Clayfield also raised concerns regarding the amendments relating to affirmative consent and mistake of fact—specifically, that this bill is a departure from the recommendations made by the Queensland Law Reform Commission in their 2020 report on consent. During the debate in 2021 of the Criminal Code (Consent and Mistake of Fact) and Other Legislation Amendment Bill, indeed both the member for Clayfield and I acknowledged that so many advocates and victim-survivors were disappointed in those recommendations and amendments and there was strong feedback that those amendments did not go far enough. These sentiments were acknowledged by the taskforce, who heard from so many victim-survivors that further reform was needed.

These new amendments to affirmative consent and mistake of fact demonstrate the Miles government's commitment to recentring women's voices in the criminal justice system. We are listening and we will continue to listen to the feedback of stakeholders, victim-survivors and members of the community.

Once again, I want to thank all honourable members for their contribution during the debate. I said when I introduced this bill that its legacy belongs to the victim-survivors and their families who have used the power of their stories to push for a safer Queensland. As I look up to the gallery, I want to thank each and every one of them for their advocacy. I want to pay my respects to those who are not here today because of domestic and family violence.

For too long, victims have been let down by a system that does not understand or acknowledge the pain inflicted upon them by perpetrators. This bill is about recentring victims' voices, so I want to give the final words to one brave survivor who told the taskforce—

Looking back, I can see the coercive control started the day I met my ex. It is a death by a thousand paper cuts. After a few years, you look around and you realise that you are bleeding to death and there is no way out.

I want to say to this House and to the community that these cuts are now criminal, and we reaffirm our commitment to providing a safe way out. I commend the bill to the House.