




Speech By
Stephen Bennett

MEMBER FOR BURNETT

Record of Proceedings, 10 September 2024

RESPECT AT WORK AND OTHER MATTERS AMENDMENT BILL; CRIMINAL JUSTICE LEGISLATION (SEXUAL VIOLENCE AND OTHER MATTERS) AMENDMENT BILL

 **Mr BENNETT** (Burnett—LNP) (7.05 pm): I will direct my comments to the Criminal Justice Legislation (Sexual Violence and Other Matters) Amendment Bill as it was part of our committee's deliberation, but I put on the record that we will not be supporting the Respect at Work and Other Matters Amendment Bill.

The Criminal Justice Legislation (Sexual Violence and Other Matters) Amendment Bill addresses the critical issue of sexual and other forms of violence. Sexual violence and other forms of violence like domestic abuse are not only a justice and equality issue but also a public health crisis. Many of the factors leading to and emerging from sexual violence relate to the mental health of offenders and victim-survivors. The committee heard from many advocating that addressing this important public health issue is critical to lessening sexual violence and helping victim-survivors.

We understand the bill seeks to implement legislative reforms arising from the recommendations of the Women's Safety and Justice Taskforce to examine coercive control, review the need for a specific offence of commit domestic violence and the experiences of women and girls across the criminal justice system. The bill also includes a statutory review of amendments from the taskforce report *Hear her voice—report 1: Addressing coercive control and domestic and family violence in Queensland* and *Hear her voice—report 2: Women and girls' experiences across the criminal justice system*, which focuses on women and girls' experiences in the criminal justice system as victim-survivors of sexual violence and accused persons and offenders.

The bill's objectives are to introduce an expert evidence pilot for the purpose of giving expert evidence on the nature of sexual offences and matters that may impact the behaviour of victim-survivors; amendments to the Evidence Act 1977 around the admissibility of tendency evidence and coincidence evidence in Queensland to ensure that relevant evidence is admitted to criminal trials and reduce the likelihood of unjust acquittals of perpetrators; directions hearings that would assist victim-survivors to give their best evidence and minimise retraumatisation by the court process; amendment to video recorded evidence to minimise the number of times victim-survivors have to give evidence, reducing the likelihood of that trauma, which was spoken about and investigated in our committee inquiry; amendments to the Corrective Services Act 2006 that are intended to remove any doubt that the participation in a program while on remand in custody cannot be used in evidence in proceedings related to the offence for which the person has been charged; extending the maximum duration of non-contact orders from two to five years for greater consistency with the approach to domestic violence orders and restraining orders for unlawful stalking, intimidation, harassment and abuse; and the introduction of a specific offence capturing people exercising positions of authority and control over 16- and 17-year-olds to give victims greater protections.

I want to spend a little time discussing the position-of-authority offence. I found interesting the amount of work put into it during the committee inquiry and the number of examples that were produced to try to put this issue in context. Recommendations of the Royal Commission into Institutional Responses to Child Sexual Abuse included that states should review any position-of-authority offences in circumstances where the victim is 16 or 17 years of age and if the offences require more than the existence of the relationship of authority. All other Australian jurisdictions have criminalised this type of conduct. This state should also. It is insidious.

Submitters had mixed views on this offence. Some wanted it to go further with naming and stating that penalties were not severe enough, while some submitters opposed the introduction of the new offence, arguing two consenting individuals over the age of consent could be prosecuted. There was much discussion over that issue. The issue of position of authority and age of consent was raised many times, and it is clear that the prosecution of people using their position of authority over someone else may prove complicated. We must have hope that those junior in these relationships will have protection. There are examples where a teacher forms a relationship with their student. There should be recourse for the manipulation of that child. This is predatory behaviour. Regardless of the age of consent, those involved should be held to account.