



Committee Secretary
Legal Affairs and Safety Committee
Parliament House
George Street
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2nd November 2022

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To whom it may concern,

[Ending Violence Against Women Queensland \(EVAWQ\)](#) would like to thank you for this opportunity to provide feedback on the Domestic and Family Violence Protection (Combating Coercive Control) and other Legislation Amendment Bill 2022 (the Bill.) We appreciate the work that the Department of Justice and Attorney-General do for women and girls in Queensland.

About EVAWQ

Ending Violence Against Women Queensland (EVAWQ) is a peak body that provides a representative and united voice for Queensland women and children affected by gender-based violence, and the individuals and service agencies that provide specialist support. EVAWQ brings together the knowledge of the Domestic Violence, Sexual Assault, Women's Refuge and Women's Health Services in a collaborative way to focus on preventing men's violence. Successful activation of violence prevention is key to stopping the ever-increasing statistics of men's perpetration of violence against women and children. The EVAWQ peak creates opportunities to collaborate, share, advocate and activate violence prevention. www.evawq.org

Position Summary

EVAWQ supports the Bill and the stated policy objects. We anticipate that this is the first of many legislative changes which will be delivered as part of the Palaszczuk government's commitment to working with the sector to end violence against women and children in Queensland.

Dealing with domestic, sexual and family violence is a complex and nuanced issue. To ensure that the objects are achieved, the drafting, implementation, and review of legislation in this space must be considered with an appreciation of the gendered nature of domestic and sexual violence and the compounding impact of intersectional issues for victim/survivors.

We do not presume to represent the experience of First Nations women and girls, but rather, we support their representation and participation in the development and ownership of solutions for their communities. First Nations voices must be part of this process.

Investment in effective community designed, led and owned solutions, including substantial investment in prevention, is preferable for many communities over increased investment in criminal justice responses.

Sector Contributions

EVAWQ is part of a strong and diverse body of organisations dedicated to supporting women and children.

QSAN and QDVSN provided independent feedback in relation to this Bill. We are generally supportive of their views, and we specifically endorse and highlight the recommendations as summarised in the table below:

| Organisation | Recommendation | EVAQW comments |
|--------------|--|---|
| QDVSN | Include a mechanism for ensuring a consistent approach to directing Juries | We endorse this recommendation and note the inclusion of s103Z in the Bill |
| | There should be embedded processes to ensure the safety of Protected Witnesses (for example employees from DFV Services providing specialist analysis or evidence). An Expert Witness should be able to demonstrate their work and the evidence they are providing to the Court is aligned with the preamble of the DFV Act 2012 which embeds the gendered nature of domestic violence in this legislation. | We endorse this recommendation. The protection of workers and ensuring that they can accurately and respectfully speak for victim/survivors is critical to the efficacy of this provision. |
| QSAN | The proposed amendment “repeated sexual conduct with a child”, though an improvement on the current offence (maintaining a sexual relationship with a child) does not fully reflect the seriousness of the offence against children over a period, sometimes years. We prefer the offence to be named, persistent sexual abuse of a child, which is: <ul style="list-style-type: none"> • more reflective of the seriousness of the crime; • additionally, and importantly is consistent with the wording of other states and territories such as NSW, ACT, Victoria, and Tasmania; • is consistent with the advocacy of Grace Tame | <p>We endorse this recommendation and agree that the use of the word “abuse” better reflects the object of community denouncement of the criminal conduct.</p> <p>We note that the proposed new offence of “penile intercourse” with a child has been titled to reflect the specific elements of that offence, but note that there is an opportunity for the government to reconsider this offence in a more general review and encourage consideration of this approach.</p> |
| | In principle we also support the introduction and use of general DFV evidence in criminal proceedings. However, the changes to the Evidence Act should be supported by training and expert guidance, to ensure these provisions do not allow for the promotion of harmful myths and stereotypes to be used in cases, especially to inappropriately mitigate and/or excuse perpetrator behaviour. | We endorse this recommendation and share concerns that this provision may be misused by parties acting in conflict with the purposes of the Act |
| | To support decision making, the appropriate use of evidence and the exercise of discretion we would recommend that the entire system (Queensland judicial officers, defence, ODPP and police) be provided accredited, expert training on DFV and sexual violence and coercive control dynamics, including the importance of a gendered analysis, trauma informed approaches and cultural understanding and impacts on Aboriginal and Torres Strait Islander people, CALD, disability and LGBTIQ people. | We endorse this recommendation |

EVAWQ additional feedback

EVAWQ provides the following feedback in addition to information as reflected above.

Jury education

Given the identified difficulty in the understanding of juries in relation to domestic and family violence, and specifically coercive control, consideration should be given to including content similar to that proposed for the jury directions in the general jury induction process. We would expect that this would address the gendered based drives of domestic, family and sexual violence and provide clarity on the intent of the legislation.

First Nations Women

All Legislative changes need to consider and prevent the overrepresentation of First Nations women as criminalised women. This issue should be the subject of specific consultation and measurement post implementation.

Government performance measures

Given the significant role that many government departments will play in the success of this, and other, initiative (s) to support the end of violence against women, performance measures ought to be assigned to relevant departments. This will allow public transparency of the success of the measures in increasing the safety of women and children.

Thank you again for the opportunity to provide feedback and work alongside government to create safe and equal communities for all people.

Please reach out with any questions or if we can further assist in anyway,

Yours Sincerely,

Ending Violence Against Women Queensland

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