

**DR MARISA PATERSON MLA SPEECH**

**3 April 2022**

**JACS Committee Inquiry**

**Family Violence Legislation Amendment Bill 2022**

Thank you, Madame Speaker and Mr Cain.

I wish to talk just very briefly on this Bill and, specifically, about two key matters – the first being the change of the name of the offence of ‘sexual relationship which child or young person under special care’ to ‘persistent sexual abuse of child or young person under special care’. And, also, I want to make a few points about the aggravated offence scheme and introduction of higher maximum penalties for certain offences.

The Family Violence Legislation Amendment Bill 2022 will bring about significant reform for an important issue affecting too many Canberrans, and one which many victim-survivors find it incredibly difficult to report on.

Too often, the criminal justice system compounds the trauma of victim-survivors of domestic and family violence. We need to continually reduce the barriers for victim-survivors to come forward, enable victim-survivors to report violence, provide appropriate support mechanisms and hold perpetrators to account.

I wish to acknowledge and thank the 2021 Australian of the Year, Ms Grace Tame and the work of the Grace Tame Foundation. It is in large part due to Ms Tame’s continued advocacy, and that of her Foundation, that the amendment is being made through this Bill to change the name of the offence.

The term 'relationship' in this context is a misnomer, it's an oxymoron. Any child or young person under special care is never in a 'sexual relationship' with their carer. It's time we called this out for what it is - 'persistent sexual abuse'.

'Relationship' implies consent and diminishes the real nature of the offence – the sexual grooming of a young, often vulnerable and impressionable, person.

I wish to thank Attorney-General Rattenbury for listening and taking heed of Ms Tame's call in November last year for this reform. The speed with which it has occurred speaks volumes about the importance of this Bill.

Madame Speaker, the second point I want to touch upon that came through the Inquiry is that this Bill introduces an aggravated offence scheme to introduce higher maximum penalties for certain offences relating to family and domestic violence. The introduction of higher maximum penalties recognises the serious long-term impacts of family and domestic violence, and the trauma caused to victim-survivors.

It will be incredibly important that we monitor the impacts of these new offence provisions to ensure that the legislation is producing its intended outcomes – to deter family violence offences from occurring; to appropriately hold to account those who are found guilty of such crimes; but also to ensure that the penalties prevent reoffending, enable rehabilitation and offer pathways for restorative justice.

We must ensure that these new provisions are enforced consistently and appropriately. There is a risk that these penalties may have the unintended consequence of inappropriately leading to increased incarceration of Aboriginal and Torres Strait Islander people.

We need to remain vigilant to ensure these reforms bring about a cultural change that will help reduce incidents of family and domestic violence.

The Bill includes provision for the review of the *Family Violence Act 2016* every three years. This provides a clear opportunity to monitor its effects throughout this period. I also intend to use my opportunity during Estimates and Annual Report Hearings to monitor the impacts and outcomes of this legislation.

I wish to remind colleagues that tomorrow is Domestic and Family Violence Remembrance Day. There will be a vigil at 6pm tomorrow evening outside the Assembly, hosted by Domestic Violence Crisis Service.

I thank my colleagues on the Standing Committee on Justice and Community Safety, and all the people and organisations who provided submissions and/or appeared as witnesses during the Inquiry into the Bill.

I look forward to the ACT being a safer place for our whole community, with reduced family and domestic violence.

Thank you.