gun. The economic impact assessment done by the task force appointed by the Minister for State Development and Minister for Natural Resources and Mines emphasised the importance of the economic contribution of those people who are able to be engaged in workforces in this manner. I believe that it contributed significantly to the ultimate outcome of the report, and the inconvenient truth that every Labor member sitting on that side of the House needs to face up to every time is that in relation to the two case studies they regularly point to, Caval Ridge and Daunia, those approvals were put in place in 2008 while the Bligh Labor government was in power in this state. They are responsible for overseeing the approvals of those projects with those workforce arrangements. They have never been able to get over that, and it is to their ongoing embarrassment.

Question put—That the motion be agreed to.

Motion agreed to.

SPEAKER'S STATEMENT

Comments by the Member for Callide

Mr SPEAKER: Honourable members, I refer to the matter of privilege raised by the member for Callide this morning. The member for Callide complained that my rulings on Tuesday and yesterday were contradictory. I am more than happy to provide an explanation for the member and the House.

There are two separate issues: the first issue that I was emphasising was that serious allegations should not be made against another member without supporting information or evidence for those allegations and, according to previous speakers' rulings, that information or evidence should be provided at the time the charges or the allegations are made. On Tuesday morning the member stated—

Mr Speaker, I will be writing to you today to seek your agreement to refer the member for Sunnybank to the Ethics Committee.'

The fact is that the member had not written, and to date has still not written, to provide any information or evidence supporting the serious and specific allegation. The point being made was that if you have a serious allegation, ensure you are able to provide evidence at the time the charges are made.

The second issue is that the member for Callide was seeking the referral of a member for the unauthorised release of information from the committee. Whilst I had not received any material from the member for Callide, I had received information from another member that evidenced that an unauthorised release of information had occurred from the Parliamentary Crime and Corruption Committee which had been the focus of matters in the House. I merely noted that I required no further information from the member for Callide to refer the apparent unauthorised release of the committee's proceedings. The point is that I already had enough information, including from sources other than the member for Callide, to satisfy me that a prima facie unauthorised release had occurred from someone—not necessarily the member nominated by the member for Callide—against whom no evidence had been tendered.

In relation to other matters, my door is always open for discussions with any member. Members can in addition, or alternatively, raise matters in the House or write to me. Their rights are unaffected by my invitation to come and speak with me, and I find offensive any suggestion that my invitation to discuss matters is not appropriate.

DOMESTIC AND FAMILY VIOLENCE PROTECTION AND ANOTHER ACT AMENDMENT BILL 2015

Introduction

Hon. SM FENTIMAN (Waterford—ALP) (Minister for Communities, Women and Youth, Minister for Child Safety and Minister for Multicultural Affairs) (12.14 pm): I present a bill for an act to amend the Domestic and Family Violence Protection Act 2012 and the Police Powers and Responsibilities Act 2000 for particular purposes. I table the bill and explanatory notes. I nominate the Communities, Disability Services and Domestic and Family Violence Prevention Committee to consider the bill.

Tabled paper: Domestic and Family Violence Protection and Another Act Amendment Bill 2015.

Tabled paper: Domestic and Family Violence Protection and Another Act Amendment Bill 2015, explanatory notes.

I present a bill for an act to amend the Domestic and Family Violence Protection Act 2012 to implement three specific legislative changes recommended by the special task force on domestic and family violence in Queensland and to amend the Police Powers and Responsibilities Act 2000 to remove any doubt about the lawfulness of the use of body-worn cameras.

Domestic and family violence is one of the most complex issues facing our society, and combating this horrific issue is a priority for the Palaszczuk government. We are determined to reduce the devastating effects of domestic and family violence and improve outcomes for people affected by it. The Domestic and Family Violence Protection Act 2012 provides for the safety of people who fear, or have experienced, domestic and family violence.

The special task force on domestic and family violence recommended significant reforms to reduce the incidence of, and improve the response to, domestic and family violence in Queensland. This included a number of recommendations for specific legislative change. The Palaszczuk government has shown its commitment to the *Not now, not ever* report by accepting all 140 recommendations made by the task force. Work has begun on more than half the recommendations, and as soon as we are able to we are bringing each set of legislative reforms before the parliament. We do not want to wait; we want to act as swiftly as we can on this important issue. Two bills have already been passed by parliament as the first stage of an ongoing reform process to tackle the blight of domestic violence in our homes and in our communities. This included progressing amendments to increase the maximum penalties for breaching a domestic violence order to respond to recommendation 121 of the task force report. I will now turn my attention to the content of the bill before the House today.

The Domestic and Family Violence Protection and Another Act Amendment Bill 2015 implements three specific changes to the Domestic and Family Violence Protection Act 2012 which were recommended by the task force. The first change requires a court to hear proceedings on cross-applications together. A cross-application occurs when two people seek protection orders against each other. An application for a protection order can also be made where there is already an order in place. The Domestic and Family Violence Protection Act 2012 currently enables a court to hear cross-applications at the same time, but it does not require this to happen. There are two primary issues with cross-applications: firstly, where orders are made against both parties, the primary perpetrator of the violence is not identified. This results in cross-orders being made when they may not be necessary or desirable, causing difficulties enforcing the orders. Secondly, cross-applications can be used as a tool to frustrate and delay the process.

Recommendation 99 of the task force was that the act be amended to require the court to consider concurrent cross-applications at the same time and to consider a later application between the same parties in the context of the order that already exists between them.

018 Our government response accepted this recommendation and committed to strengthening the act to require courts to consider dealing with cross-applications at the same time. The bill implements this response by making three key changes to the act's treatment of cross-applications. The bill requires that where a court is aware that there are cross-applications it must hear the applications together and determine the person most in need of protection. The only exception to hearing proceedings on cross-applications together is if the court considers it necessary to deal with the applications separately in the interests of the safety, protection and wellbeing of an aggrieved. Where a court decides to hear cross-applications separately, it will be required to give reasons for the decision. The bill also provides that when the hearing of a cross-application is adjourned a court will be required to consider whether a temporary protection order should be made to protect any person named in an application.

The bill includes provisions to require a court to take into consideration existing protection orders and associated court records when dealing with subsequent applications involving the same parties. In accordance with the existing principle under the act, these changes will ensure that the court is required to consider the principle that, where there are conflicting allegations of domestic violence, the person most in need of protection should be identified and protected.

The second task force recommendation which this bill addresses is recommendation 117. This recommendation is about requiring a court to consider including a condition as part of a protection order to exclude a perpetrator of domestic violence from the family home, also known as an ouster condition. Under the current act, a court may consider imposing an ouster condition to exclude the perpetrator from the family home, either on its own initiative or where an application is made by one of the parties to the proceedings. However, a recurring theme in the submissions to the task force was that, because the court is not obligated to consider imposing this condition, such conditions are not applied for or

made often enough. Court data indicates that between 1 July 2012 and 30 June 2015 ouster conditions have been included in only approximately 28 per cent of cases. When conducting its consultations, the message the task force heard repeatedly was that ouster conditions are not made often enough. Magistrate Annette Hennessy stated at the Brisbane summit—

My own personal view is that they're not applied for enough ... if an aggrieved particularly says to the police, 'I want him gone', then they'll include it in the application. Some police officers will include it of their own volition after discussing it with the aggrieved, but a lot of times it's just not in the application.

So that makes it a lot more difficult for a court to make an order and we're fairly roundly criticised for not making enough ouster orders, but the reality is they're not applied for very often.

The task force considered that a court be required to consider whether a condition excluding the perpetrator from the home should be made, having regard to the wishes of the victim. The Palaszczuk government accepted this recommendation, and the bill amends the Domestic and Family Violence Protection Act 2012 to implement the task force recommendation. A court will be required to consider imposing an ouster condition in each domestic violence order made, whether temporary or final.

As recommended by the task force, a court will be required to take into consideration views or wishes expressed by the aggrieved person about whether an ouster condition should be included as part of a protection order. However, whether or not an ouster condition is made will remain the discretion of the court, and the safety, protection and wellbeing of the victim and any children will continue to be the most important consideration for the court. I want to be absolutely clear that it will not be mandatory for the aggrieved to express their views and wishes about the making of an ouster condition, and if they choose not to then no adverse inference can be drawn.

The implementation of other task force recommendations will support this legislative change. Recommendation 86 includes requiring flexibility for service providers to offer crisis accommodation for all parties including perpetrators. Recommendation 86 also includes that police operational procedures support women and children staying in the home when it is safe to do so and the expansion of safety upgrades which enable the physical security of the home to be improved.

The Department of Communities, Child Safety and Disability Services has allocated $1,380,646 in this financial year for 11 services across Queensland to undertake safety upgrades to improve the security of the home of victims of domestic and family violence. As part of the funding that has been allocated, a proportion of brokerage funds can be used by services to provide crisis accommodation for respondents who are subject to an ouster condition. This means that there is currently capacity for services to pay for short-term accommodation for respondents who are required to leave their home due to their violent behaviour.

The third key amendment in this bill relates to task force recommendation 129. In this recommendation the task force proposed that victim impact statements be introduced into the act for mandatory consideration in civil applications for protection orders. The task force heard that victims often feel their voices are not heard. In fact, the Bar Association's submission stated—

Currently, Magistrates who hear Protection Order applications will obviously weigh the evidence before them. Thus, the impact on the aggrieved will often be the subject of remarks in their reasons.

But these remarks are often the product of inference, and not informed by the actual experience of the aggrieved. Consequently, it is common for litigants to feel that the legal process is impersonal, with the aggrieved parties regularly feeling that they have not been heard by the court.

The obvious advantage of including victim impact statements in Protection Order proceedings is that the aggrieved has a direct voice to the Magistrate and can be felt heard in the court process.

The recommendation aims to ensure that courts hear directly from victims about the impact of the violence. In our response the government committed to ensuring victims' voices are heard in all domestic violence related legal proceedings. The bill implements this response by adding a principle to the act to provide that, to the extent it is appropriate and practicable, the views and wishes of people who fear or experience domestic violence should be sought before a decision affecting them is made under the act. Consideration will be given to further amendments to operationalise this for the court.

In addition, the bill also amends part 6 of the Police Powers and Responsibilities Act 2000 to insert a new section regarding the use of body worn cameras by police. This section supports the use of body worn cameras by police officers by providing that the use of body worn cameras in the performance of their duties is lawful. This amendment will ensure that the use of a body worn camera by police is lawful even if it is inadvertent, unexpected or incidental to the performance of the police officer's duty.

This section does not affect any laws in relation to the admissibility of any evidence gathered through the use of these body worn cameras. The admissibility of any recordings will remain a matter to be considered by the relevant court. The amendment does not affect the existing powers or responsibilities a police officer has about the covert recording of information under the Police Powers and Responsibilities Act 2000 or any other act. For example, police officers will still have to make an application to the relevant authority to obtain a surveillance device warrant. The amendment does not affect the common law position that applies to the use of these and other recording devices. The amendment will provide certainty to police officers that the use of body worn cameras in the performance of their duties will be lawful.

The bill addresses three specific amendments recommended by the task force. My department has also commenced a broader review of the Domestic and Family Violence Protection Act 2012, in line with recommendation 140. The review will provide an opportunity to ensure the act provides a coherent legislative framework to support broader systemic reforms being implemented as part of the government's response to the task force report. The review will consider what other amendments may be required to the act to support or enable the implementation of the task force recommendations as well as any other particular issues associated with the operation of the act.

Community feedback, including feedback from stakeholders and people who fear and experience domestic violence, will be critical to informing the review of the act. I will soon be seeking feedback from stakeholders and the community about issues identified for consideration as part of the review. I would encourage all interested parties to participate in this process and share their views and experiences to inform this vital work.

This bill lays a strong foundation for further reforms to help keep victims of domestic and family violence safe and hold perpetrators to account. I commend the bill to the House.

First Reading

Hon. SM FENTIMAN (Waterford—ALP) (Minister for Communities, Women and Youth, Minister for Child Safety and Minister for Multicultural Affairs) (12.29 pm): I move—

That the bill be now read a first time.

Question put—That the bill be now read a first time.

Motion agreed to.

Bill read a first time.

Referral to the Communities, Disability Services and Domestic and Family Violence Prevention Committee

Madam DEPUTY SPEAKER (Ms Grace): Order! In accordance with standing order 131, the bill is now referred to the Communities, Disability Services and Domestic and Family Violence Prevention Committee.

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Portfolio Committee, Reporting Date

Hon. SM FENTIMAN (Waterford—ALP) (Minister for Communities, Women and Youth, Minister for Child Safety and Minister for Multicultural Affairs) (12.29 pm), by leave, without notice: I move—

That, under the provisions of standing order 136, the Communities, Disability Services and Domestic and Family Violence Prevention Committee report to the House on the Domestic and Family Violence Protection and Another Act Amendment Bill 2015 by 26 November 2015.

Question put—That the motion be agreed to.

Motion agreed to.

~~JOBS QUEENSLAND BILL~~

~~Second Reading~~

~~Resumed from 28 October (see p. 2500), on motion of Ms D'ath—~~

~~That the bill be now read a second time.~~