

Stephanie Cash

**DV 2011 BILL INQUIRY
SUBMISSION 001**

From: Ken Hendrie [mailto:ken.hendrie@communityaffairs.com.au]
Sent: Thursday, 6 October 2011 7:15 PM
To: Community Affairs Committee
Subject: Website submission for Domestic Violence Bill 2011

For your consideration.

Part 3, Division 6, Section 73 – Contravention of Intervention Orders.

This new section of the Bill introduces the provision for a Respondent to consent to attending behavioural change counselling or approved programs. The Intervention Orders, as they are referred to, stand alongside a Protection Order. The current draft Bill does not impose any penalty on a Respondent for failing to comply with an Intervention Order other than to have the failure recorded by the Courts and the QPS.

I submit that failure to impose a penalty for contravention, contradicts (1)(c) of the main objects of the Bill in that it fails to hold the perpetrators accountable for their actions.

Under the provisions of Division 6 an Intervention Order can only be put in place with the consent of the Respondent. Thus when a respondent makes an undertaking to the Courts that they will take part in behavioural change counselling/programs they should be some consequence for a person who fails to fulfil this commitment. The ability for a penalty to be imposed may also provide added incentive to complete counselling/programs.

Part 4, Division 2, Section 101 is a new section that provides for a Police Officer to issue a 'Police Issued Protection Notice' under certain conditions. Subsection (f) of this section maintains that 'approval' must be obtained under S.102.

Section 102 (2) stipulates who may be a 'Supervising Officer' for this purpose and in (a) provides for the Commissioner (police) to delegate this authority. Part 7, Section 178 provides the offence provisions for a person who contravenes a Police Issued Protection Notice. S178(3) stipulates that "A Court ... must consider whether the police protection notice was issued in substantial compliance with part 4, division 2.

Police Issue Protection Notices, as outlined in S105(2), will normally be heard within 5 business days and cannot last for longer than 28 days (S106). They can only consist of Mandatory conditions plus a cooling off period that does not exceed 24 hours.

With these restrictions and limitations placed on Police Issued Protection Notices I submit that the need for approval of a 'Supervising Officer' who is not involved in the investigation and then having to prove the delegation of authority by the Commissioner (police) prior to an offence under S178 being proven is unduly onerous of the Investigating Officer and does not adhere to the provisions of (1) (a) of the 'Main Objects' of the Bill (..to maximise the safety, protection, etc)

Should it be considered necessary for Police to obtain approval prior to issuing a Police Issued Protection Notice I submit that S102(2) should be amended to state "The supervising police officer must be of the rank of Sergeant or above." This small amendment would remove the need to prove delegation of authority under 4.10 of the PSA Act.

Part 4, Section 119 – Detention Period limited.

7/10/2011

Please give consideration to adding the following proviso to (3)(b) otherwise—4 hours from when the person is first taken into custody under section 116 (excluding time spent travelling to Watch house) This would then allow sufficient time for Officers, from isolated Stations, to prepare the relevant application after transporting a Respondent, who has been taken into custody under S116 to a Watch house.

Thank you for the opportunity to provide feedback on this import subject.

Ken Hendrie