
To: Communities, Disability Services and Domestic and Family Violence Prevention Committee.

From: EDON Place Women's Domestic Violence Service Inc (Bundaberg).

Subject: Criminal Law (Domestic Violence) Amendment Bill 2015.

Date: 22 September 2015

SUBMISSION:

EDON Place Women's Domestic Violence Service Inc welcomes the opportunity to make a written submission on the Criminal Law (Domestic Violence) Amendment Bill 2015 to the Communities, Disability Services and Domestic and Family Violence Prevention Committee of the Queensland Parliament. EDON Place supports the objectives of the Bill, that is, to increase accountability of perpetrators of domestic and family violence; and, to increase protection for victims of domestic and family violence. Although our submission does not address each and every clause of the Bill, it should be noted that we support the Bill in its entirety.

Clauses 2,3,4,5 – Amendments to the *Criminal Code*

We support the proposed amendments, in particular to make provision for an indictment to state that an offence is a domestic violence offence, and that a court can amend a charge to state that it is a domestic violence offence. We support the need to hold perpetrators of domestic and family violence to account and to reinforce the nature and seriousness of this type of offending.

Clause 7 – Increases to the maximum penalties for offences under the *Domestic and Family Violence Protection Act 2012*

We support the proposed increases to the maximum penalties for breaches of a domestic violence order from 3 years imprisonment to 5 years imprisonment in the case of a conviction within the previous five years, and from two years imprisonment to three years imprisonment for a first offence. We also support the corresponding increases to the penalty units. We further support the expansion of the circumstances in which the highest maximum penalty can be imposed to include convictions for any prior offences committed in a domestic violence context. We note that this increase to the maximum penalties brings Queensland closer into line with other Australian jurisdictions and is consistent with a number of recommendations in the Bryce Report which are aimed at strengthening the penalties for domestic violence

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conduct. The Bryce Report relevantly noted however that many victims fear the impacts to the family of monetary penalties and this should be given due consideration.

Clause 8 – Prosecution of offences

We support the proposed amendment that an offence under the Domestic and Family Violence Protection Act 2012 that has a penalty of more than three years, will be an indictable offence.

Clauses 10 and 11 – Improved evidence procedures

We support changes to the Evidence Act 1977 to provide that protections for “special witnesses” may also apply to victims of domestic violence. We support improvements to the evidence procedures for domestic and family violence victims, including increased access to orders and directions a court can make as is the case for “special witnesses”, which we note are in line with recommendation 133 of the Bryce Report. However, to give effect to these proposed amendments, courts must be able to adequately accommodate domestic and family violence victims. Most courts (particularly those in regional areas) are structurally poorly equipped to protect victims, with perpetrators often ending up in close proximity to their victim, potentially exposing them to intimidation and abuse. Just at a basic level, a dedicated waiting room, a DV court list and separate entrances to male/female bathrooms would assist our clients. The Bill should go further in this regard in our view.

Clauses 12, 13, 14 and 15 – Amendment of Justices Act 1886

We support a court being given the power to amend a charge to state that it is a domestic violence offence.

Clause 17 – Notations of domestic and family violence offences

We support a court being given the power to order that a notation of a “domestic violence offence” be made on a person’s criminal history. We note that the intention is to provide greater protection for victims against future violence through identification of this type of conduct by agencies; however this must also be coupled with those agencies having timely access to such information without which the notation has no impact. To enhance the safety of victims, a court needs to be informed where there is an ongoing pattern of domestic and family violence by the perpetrator.

Thank you for the opportunity to make a written submission to the Committee. While the Bill is supported by EDON Place, it cannot be emphasised enough that it is vitally important that agencies are resourced accordingly to give effect to the provisions of the Bill.

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