

**State Office**117 Gipps Street Fortitude Valley Q 4006  
P.O. Box 491 Fortitude Valley Q 4006**Phone** 3250 1900**Fax** 3250 4700**ABN** 28 728 322 186**[www.uccommunity.org.au](http://www.uccommunity.org.au)**

23 September 2015

The Research Director  
Communities, Disability Services and Domestic and Family  
Violence Prevention Committee  
Parliament House  
George Street  
Brisbane, QLD, 4000

E-mail: [cdsdfvpc@parliament.qld.gov.au](mailto:cdsdfvpc@parliament.qld.gov.au)

Dear Sir/Madam

UnitingCare Community welcomes the opportunity to make a submission on the Coroners (Domestic and Family Violence Death Review and Advisory Board) Amendment Bill 2015 and the Criminal Law (Domestic Violence) Amendment Bill 2015. We welcome the Queensland Government's response to *Not Now, Not Ever: Putting an End to Domestic Violence in Queensland* and support the fast tracking of vital legislation to address domestic and family violence in Queensland. The recent deaths in Queensland from domestic and family violence highlight the urgent need for action. It has been heartening to see the groundswell of community support for change and swift response by the Queensland Government.

UnitingCare Community has a long history of providing support for families and individuals in need. We provide services across the full life course and continuum of care. We work with children, young people, adults and elders across Queensland to prevent domestic and family violence and support victims. The range of services we deliver includes secure accommodation for victims of domestic and family violence and their children; perpetrator programs; intensive family support programs; support for young people and people with a disability and support and advice for seniors to deal with family violence.

We are pleased to see a range of legislative measures recommended in the *Not Now, Not Ever* report being taken up in the two Bills. Stronger penalties for perpetrators, protecting and supporting victims, recording domestic violence-related offences on a person's criminal history and establishing a Domestic and Family Violence Death Review and Advisory Board are critical parts of a comprehensive response to domestic and family violence in Queensland. We particularly support the capacity for the Domestic and Family Violence Review and Advisory Board to undertake systemic reviews and the potential for service improvement and prevention.

We fully support a Queensland based response and reinforce the need to continue to work towards a national response. In regard to the Domestic and Family Violence Death Review and Advisory Board this means linkable databases to account for interstate movements. In regard to criminal offences there is an urgent need to prioritise the development and implementation of a National Domestic Violence Order Scheme to achieve automatic mutual recognition and enforcement of domestic and family violence related orders. These actions require designated financial support from all levels of government and could be an important outcome of a national summit on domestic and family violence.

I submit the following comments for your consideration in regard to specific aspects of the proposed legislative changes for your consideration.

**The Coroners (Domestic and Family Violence Death Review and Advisory Board) Amendment Bill 2015**

UnitingCare Queensland fully supports legislation to establish a Domestic and Family Violence Death Review Board in Queensland. A legislative basis for the Board will provide it with authority to perform its functions and strengthen the potential for timely and responsive policy and program development. The explicit links to research are also supported. We also support transparent processes provided for in the legislation including tabling in the Legislative Assembly annual reports which detail progress in implementing recommendations and systemic reviews.

We wish to raise the following issues in regard to Section 91 (ZC) relating to systemic reviews.

**Review process**

Section 91 (ZC) provides for the Board to make reports to the Ministers about systemic matters. The process of systemic review requires specialised knowledge of the complex array of services and interactions that characterise the domestic and family violence system and the different cultural and social understandings and experiences of domestic and family violence. Whilst we understand the legislation should not codify specific structures and processes, we wish to offer our support to the development of any protocols in relation to the review process.

These protocols should include a structured multidisciplinary input to allow the Board to call on relevant expertise and shape its recommendations. A structure, such as a reference group that provides advice and guidance to the review team with no decision making capacity, as well as capacity to consult individual experts would be appropriate.

In regard to the scope of the systemic reviews, consideration of the impact of community action on domestic and family violence matters would be beneficial. This could include action or lack of action taken members of the public. It may be appropriate for the Board to make recommendations about community action and some practical suggestions about what might have made a difference. This would need to be handled sensitively to ensure people close to the victim do not feel blamed.

**Response to systemic reviews**

91 (ZC) is silent on the process for public accountability for response to, and implementation of recommendations arising from the systemic reviews. It provides for named "persons" (individuals and organisations) to submit information to the review. However this will not provide for a response to the review and ongoing monitoring of how and whether the recommendations are implemented. The Board or a relevant department with responsibility for domestic and family violence matters could be a mechanism for reporting to the Legislative Assembly on progress. Whilst government and non-government organisations may not be compelled to take action as a result of a review, public accountability and monitoring can be a powerful force for change.

**The Criminal Law (Domestic Violence) Amendment Bill 2015**

UnitingCare Community fully supports stronger penalties for perpetrators including the proposed legislative changes to increase the maximum penalty for breaches of domestic violence orders under the *Domestic and Family Violence Protection Act 2012* and providing for convictions for domestic violence offences to be noted on a person's criminal history. However, we need to ensure that these provisions do not have unintended consequences.

In recommending increased penalties for perpetrators the *Not Now Not Ever* report expressed a range of concerns reported to the Taskforce. This included that victims who use retaliatory defensive violence could be at risk of increased sanctions; victims would be at risk of escalating violence as retribution; and a risk of a reduction in reporting due to fears that the primary financial provider may be incarcerated or required to pay a monetary penalty. In this respect the impact of the legislation should be evaluated with these issues in mind.

Yours sincerely



Craig Hodges

**Acting Executive Director  
UnitingCare Community**

