

Submission to Parliament – Criminal Law (Domestic Violence) Amendment Bill  
2015

The Criminal Law (Domestic Violence) Amendment Bill 2015 (the Bill) implements recommendations made in the Special Taskforce on Domestic and Family Violence's report, *Not Now, Not Ever: Putting an End to Domestic Violence in Queensland* by:

1. increasing the maximum penalty for breaches of domestic violence orders under the Recommendation 121),
2. enabling charges from criminal offences to indicate whether they occurred in a domestic violence context and providing for convictions for domestic violence offences to be noted on a person's criminal history (Taskforce Recommendation 119), and
3. amending the Evidence Act 1977 to provide that protections for special witnesses may apply to victims of domestic violence (Taskforce Recommendation 133).

I strongly support the proposed changes under points 2. and 3. It is important to align criminal offences that occurred in a domestic setting with those occurring in public as this is something that has been highlighted by researchers and practitioners for years. It is important to demonstrate to victims, perpetrators and society that violence within the family home is no longer being tolerated and that it is therefore being taken as seriously as any other form of violence occurring outside domestic settings.

The importance of point 3. has also repeatedly been raised by researchers and practitioners. It is important to empower victims by offering additional protection in court proceedings. Victims having to face their perpetrator (and in some cases having to comply with being cross examined by the perpetrator where the perpetrator chooses to self-represent ) in court is counterproductive in court proceedings that are aimed at victim protection and empowerment. In addition, it continues to fuel the frustration of law enforcement professionals who initiate and oversee court proceedings where victims no longer have the strength or courage to provide accurate evidence in court because of the physical presence of the perpetrator. Research shows that perpetrators use non-verbal intimidation tactics prior to and during court hearings that silence victims and lead to dissatisfying court outcomes for both victims and the court system.

I am hesitant to support the first recommendation of increasing the maximum penalty for DVO breaches without a sufficient evidence base. As a first step it would be important to review the current use and exhaustion of available maximum penalties. Key questions to be answered prior to calling for increased penalties should include:

- Are maximum penalties currently being exhausted?
- Is there any evidence that higher fines, longer prison sentences, longer or more involved community sentences are effective in reducing reoffending? If a deterrent mechanism of the more severe end of punitive

responses to DVO breaches cannot be identified, financial resources required to implement harsher forms of punishment may be better invested in rehabilitative and strength-based perpetrator intervention programs.

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