



QCEC comments on the Coroners (Domestic and Family Violence Death Review and Advisory Board) Amendment Bill 2015 and the Criminal Law (Domestic Violence) Amendment Bill 2015

24 September 2015

Introduction

The Queensland Catholic Education Commission (QCEC) thanks the Communities, Disability Services and Domestic and Family Violence Prevention Committee for the opportunity to present a response to the proposed *Criminal Law (Domestic Violence) Amendment Bill 2015* and the *Coroners (Domestic and Family Violence Death Review and Advisory Board) Amendment Bill 2015*. QCEC is the peak strategic body with state-wide responsibilities for Catholic schools in Queensland. These schools are administered by 22 schooling authorities that operate a total of 298 schools.

General Comment

It is noted with support that both Bills implement 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*, and although neither Bill appears to have a direct impact on Catholic schools, domestic and family violence (DFV), and its impact on children's lives and learning, has been identified as an important issue by the Commission.

With this in mind, QCEC offers the following response which consists of comments in relation to the explanatory notes of the Bill rather than a detailed analysis of the text of the Bill itself. The response has been informed by the deliberations of one QCEC Committee which explored the issue of domestic violence recently through a panel discussion session including representatives from across the Catholic community with contributions from Centacare, Catholic Education and the QCEC Student Protection Subcommittee.

Whilst QCEC supports the implementation of fair and reasonable laws to act as deterrents and safeguard the community, the education sector has particular interest in proactive strategies to encourage children and young people to develop healthy relationships and how to deal with unhealthy relationships when impacted by them.

Over the last few years, schools have been asked to respond to: violence, weapons in schools, alcohol induced violence, radicalisation, transgender and same sex issues, to name a few. There is simply not enough time in a curriculum that is already at risk of being overcrowded, to deal with each emerging issue independently. Nor is it in the best interests of student learning to do so. Catholic schools

advocate for a whole of school approach to student wellbeing using programs that promote and develop skills in building respectful relationships, conflict resolution, restorative practices and social and emotional learning. A number of good resources are available for schools to implement wellbeing programs including Program Achieve.

QCEC acknowledges that strengthened laws may be required in reaction to escalating domestic violence issues. Another area of importance to the education sector relates to dealing with parents or guardians where a domestic violence order is in place. Under education legislation, Principals have the power to ban individuals from school sites for certain periods of time. Given this, it would be useful for further information to be provided to schools concerning the interacting of different pieces of legislation in this area. For example, how are Principals notified if a DFV order has been applied to a family of a student enrolled at their school? What action are Principals required (expected) to take if a parent subject to a DFV attends a school activity or the school site in order to interact with or watch their child.

Objective of the Coroners Amendment Bill 2015

Establish a Domestic and Family Violence Death Review and Advisory Board (the Board) to review, at a systemic level, domestic and family violence related deaths.

The Bill provides that the Board:

- 1. will include members from government and non-government entities with specialist experience, qualifications and expertise*
- 2. may make recommendations for government and non-government entities*
- 3. may monitor implementation of such recommendations, and*
- 4. is required to report to the Minister annually and otherwise at the Board's discretion*

QCEC Response

QCEC is highly supportive of membership which includes representation from the non-government education sector. It is important for the education sector to be a voice in the process of review, recommendation, monitoring, implementation and reporting to ensure systemic considerations apply to all the education sectors including the non-state sector, especially with regards to the impact of DFV on children's lives and learning.

Indeed this process is imperative for current legislation which expects school staff to identify children in need of protection including harm arising from family and domestic violence. While a member of the community can make a report with indemnity, teachers detecting harm to a child in the course of their employment are obliged to report. The response can range from contacting Family and Child Connect on a concern about a family's situation to a report to the Department of Communities when a child has been significantly harmed, or is at risk of being significantly harmed. The importance of inter-systemic processes working harmoniously and well is paramount, and from the education sector, this involves quality training and clarity of role with respect to Student Protection Officers.

Objective of the Criminal Law (Domestic Violence) Amendment Bill 2015

The Criminal Law (Domestic Violence) Amendment Bill 2015 implements recommendations to:

- increase the maximum penalty for breaches of domestic violence orders under the Domestic and Family Violence Protection Act 2012 (Taskforce Recommendation 121)*

- *enable 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*
- *amend the Evidence Act 1977 to provide that protections for special witnesses may apply to victims of domestic violence (Taskforce Recommendation 133).*

QCEC Response

QCEC notes the deterrent aspect of these proposed changes but understands that these amendments require the support of proactive responses to the skilling of would be perpetrators in conflict resolution, developing healthy relationships and effective communication as well as providing the means for early intervention when required.

Conclusion

QCEC recommends that, as an adjunct to the proposed amendments to both Bills, complementary proactive strategies be undertaken to:

1. include representation from the non-government education sector on committees/boards assigned to implement government recommendations on DFV
2. support Catholic schooling authorities in their development/enhancing of student protection case management systems
3. provide specialist advice around identification, response pathways and support for those impacted by DFV, through in-servicing and training opportunities for the different requirements of teachers, school counsellors and student protection officers. This support might include advice on how schools contribute to efficient and effective child centred safety plans
4. encourage and support the enhancement of whole of school approaches to student wellbeing
5. clarify the impact of DFV legislation and related initiatives on school's interaction with parents and guardians of school students.