



24th September 2015

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**Communities, Disability Services and Domestic and Family
Violence Prevention Committee**

Parliament House
George Street
BRISBANE QLD 4000

Dear Chairperson,

The Australian Association of Social Workers (AASW) is the key professional body representing more than 9000 social workers throughout Australia. Social work is the profession committed to the pursuit of social justice, to the enhancement of the quality of life and to the development of the full potential of each individual, group and community in society. Social Workers support, assist and advocate on behalf of women, children and men affected by domestic and family violence. Social work plays a key role in direct practice intervention, policy and research into this crucial area. As a result, Social Workers are recognised throughout the world as the core professional group in domestic and family violence policy, management and practice.

The AASW (QLD) commends the Queensland Government for the swift response to the increased incidence of Domestic and Family Violence in Queensland by the introduction of the Criminal Law (Domestic Violence) Amendment Bill 2015 and the Coroners (Domestic and Family Violence Death Review and Advisory Board) Amendment Bill 2015.

Criminal Law (Domestic Violence) Amendment Bill 2015

We applaud the measures suggested within this bill addressing Recommendation 121 of the 2015 Bryce Report, *Not Now, Not Ever: Putting an End to Domestic and Family Violence in Queensland* (The Report) – considering the sufficiency of penalties to hold perpetrators to account for repeat contraventions of Domestic Violence Orders.

- We ask the Parliamentary Committee to consider that when increasing the penalties for breaches of domestic violence orders that due consideration is given to the fact that “technical breaches” of Orders are used consistently by offenders to escape penalties for breaching DVO’s. There are numerous examples of women reporting breaches to Police and Police, and in some cases the court responds to these as “wasting the courts time and money”. A technical breach is a breach, and needs to be treated as a breach. We request that there be some clarity around the definition of a technical breach.

The AASW (QLD) 2014 Submission to the Taskforce, Case study 5 of *Sharon* demonstrates that there are some serious concerns about the notion of a technical breach. Case study is

available at - <https://www.aasw.asn.au/document/item/7044>. A no contact order should mean a **no contact** order. Contact via text messaging, social media or letters should constitute a breach whether they are seen as abusive or not.

- Additionally we recommend that the QLD Government sees as a priority the adequate funding of a linked computer system between the court and the police and that can interact so that there are minimal delays between the Court issuing Orders and Breaches and Police response.

Our members state they have had clients who have applied and been successful in obtaining Urgent Ouster Orders but the delay between the Court system and the Police System meant that the Order was not on the Police system for 5 days placing the woman and her children at an increased risk.

The AASW (QLD) commends the QLD Government on addressing Recommendation 19 of The Report, making provision in legislation for domestic and family violence related convictions to be recorded, with the amendment to the Notations of domestic violence offences in the Bill. In addition, to this this the AASW (QLD) strongly recommends that the Attorney considers following the UK's *Clare's Law Protocol* where women can access intimate partner's or prospective intimate partner's criminal history in order to make informed decisions about pursuing an intimate relationship. We note that NSW has created a register of those offenders with domestic violence convictions and Apprehended Violence Orders, modelled on Clare's Law Protocol 'A right to Ask' and 'A Right to Know'.

The AASW (QLD) commend the QLD Government for addressing recommendation 133 of The Report, implementing alternative evidence procedures for victims of domestic and family violence providing evidence in related criminal matters to reduce the trauma of this experience. In particular, the AASW supports the extending the Evidence Act 1977 to include victims of domestic violence with automatic recognition of 'special witness' status. The AASW further acknowledges the additional measures to be introduced to support the giving of evidence, including the use of video-taped records, the use of a support person and rest breaks for testimony.

- We ask the Parliamentary Committee to make recommendations to Queensland Government to ensure that a full audit of all Queensland court houses is conducted to ensure that the facilities are updated to accommodate measures introduced to protect special witnesses. The AASW notes particular importance on rural and regional facilities.

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

The Key recommendation of the AASW (QLD) to the Taskforce was that serious consideration be given for the development of a "whole of system" Trauma Informed Model of Service Delivery that includes Family Violence Specialist Court Program among many other recommendations.

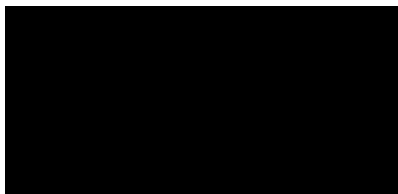
The AASW (QLD) welcomes the introduction of the Southport Domestic and Family violence specialist court trial, and training for court and registry staff. Additionally, we commend the

introduction of an independence body of review, at a systematic level for domestic and family violence related deaths, The Domestic and Family Violence Death Review Board.

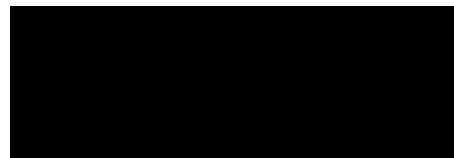
- Prior to implementation of the Board, we ask that the Parliamentary Committee consider the boards powers to ensure that recommendations made are enacted and that an inclusion of a remedy for not responding to these recommendations both Government and non-government is considered. If we are to make this amendment to the Act meaningful, it has to prescribe the full range of accountability measures, in the pursuit of a united response to stopping domestic and family violence in Queensland.

Violence against women and children has to stop, as the key professional Association representing Social Workers across Queensland; we can state unequivocally that we are committed to eliminating violence in our community. The AASW (QLD) welcomes further opportunities to engage in processes of reform with the government in this crucial area.

Yours Sincerely,



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