

The Research Director
Communities, Disability Services and Domestic
and Family Violence Prevention Committee
Parliament House
George Street
BRISBANE QLD 4000
By email: [cdfsdfvpc@parliament.qld.gov.au](mailto:cdsdfvpc@parliament.qld.gov.au)

24 September 2015

Dear Colleague,

Re: Criminal Law (Domestic Violence) Amendment Bill 2015

We appreciate the opportunity to make a submission in relation to the *Criminal Law (Domestic Violence) Amendment Bill 2015* ("the Bill").

We welcome the implementation of the vast bulk of the 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*, being:-

1. amend the *Evidence Act 1977* to provide that protections for special witnesses may apply to victims of domestic violence; and
2. 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.

Whilst we fully support all initiatives which will have a positive effect upon reducing the alarming rate of the commission of domestic violence, we do however have reservations in regards to increasing the maximum penalty for breaches of domestic violence orders. Not because of any aversion to increased penalties per se, but simply because based upon our

own experiences we do not believe that such is an effective manner of reducing domestic violence.

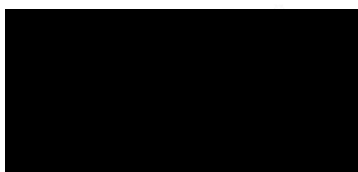
Being seen to be ‘tough on crime’ is often inconsistent with being ‘smart on crime’. We urge all governments to pursue Justice Reinvestment initiatives – and adopt approaches which address the underlying causes of domestic and family violence (including the underlying causes of excessive alcohol consumption – so often a trigger to domestic violence), such as housing, education and health. Lengthier prison sentences do not act as a deterrent and more to the point, run the risk of distracting the focus away from the need to address the underlying causes of domestic and family violence.

Safer communities must be a key priority, and in that regard, prevention rather than cure should be the aim. If we believed that increased penalty provisions would achieve this aim, we would fully support same. Indeed, we have lost count of the number of times victims of domestic violence attend court and plead with us to reason with prosecutions on their behalf to have the alleged perpetrator released (something we are not placed to do due to a conflict of interest). Such tends to be especially prevalent where the victim either relies upon the financial support of the perpetrator and/or feels that they played a part in matters escalating (unfortunately, it is not uncommon for both parties to have been intoxicated at the material time).

Furthermore, in circumstances of extreme domestic violence (and presumably, it is to such a category of conduct that any increased maximum penalties would sheet home to) invariably, alternative charges (with far higher penalties than 5 years’ imprisonment) will in any event be open to prosecuting authorities.

We thank the Committee for this opportunity and wish it well with its deliberations.

Yours sincerely,

A solid black rectangular box used to redact the signature of Shane Duffy.

Shane Duffy
Chief Executive Officer