

Queensland Community Safety Bill 2024

Submission No: 119
Submitted by: Domestic Violence Prevention Centre Gold Coast
Publication: Making the submission and your name public
Attachments: See attachment
Submitter Comments:



16th May 2024

Community Safety and Legal Affairs Committee

CSLAC@parliament.qld.gov.au

Submission: Queensland Community Safety Bill

Dear Committee Members,

Thank you for the opportunity to provide feedback on the proposed changes as outlined in the *Queensland Community Safety Bill 2024*.

The Domestic Violence Prevention Centre Gold Coast Inc. (DVPC) welcomes the Queensland Government's commitment to increasing the safety of the community and the opportunity to contribute to the proposed changes that we hope will create meaningful change for the victims of domestic violence we serve.

The Domestic Violence Prevention Centre Gold Coast Inc. (DVPC) was established in 1992 as a notfor-profit community-based specialist domestic violence service. We provide services and supports including crisis intervention and support, counselling for women, children and young people, groups for women, children and young people, court support and assistance, court information and case management for men, men's education and behaviour change programs, community education and training, community awareness activities, as well as being the driver for the Gold Coast Domestic Violence Integrated Response.

Over the past thirty-one years our service has grown and developed and is recognised as a leader in Queensland in providing high quality services and supports and individual and systems' advocacy on behalf of victims of domestic violence.

It is from our experience of working with women, children and young people and men who have experienced domestic violence that we share our concerns and feedback, noting that any proposed changes will only be successful if they are created and implemented with genuine, timely consultation, particularly with those with a lived experience of domestic and family violence.

DVPC submits the following feedback on a selection of the bill's proposals.

Children and Young People

It is DVPC's position to oppose any changes that negatively impact children and young people, that criminalise and isolate young people from support systems essential for their

PO Box 3258, Australia Fair Qld 4215

Counselling: 07 5532 9000

Administration: 07 5591 4222

Email: info@domesticviolence.com.au

Website: www.domesticviolence.com.au

rehabilitation, that increases their risk of re-offending and disrupts them reaching their developmental milestones.

DVPC has serious concerns that some sections of the bill may have unintended consequences for the most vulnerable people in our community.

We do not want children to be at increased risk of being removed from their families or criminalised when therapeutic approaches would increase their chances of making healthy choices as an adult.

A proposal to allow certain persons and the media to be present at some Childrens Court criminal proceedings is alarming and is in direct opposition of the values of the community to protect and provide opportunities for children.

The Childrens Court legislation already permits the court to allow the mass media entry to court under section 20 (3) however there are protective measures to ensure the principles of a closed court are embedded as a default. DVPC strongly opposes an amendment which would allow any and all media entities access to children's court as the presence of media in Children's Court conflicts with the principles of closed courts. These principles are based on the rehabilitation and protection of children, not solely punishment. The Queensland Child Protection Act (1999) outlines in section 193-195 penalties for publishing identifying information with some exceptions. The rationale for having these limitations can be understood by the Australian values expressed in our Australia's commitment since 1990 to the Convention of the Rights of the Child (1989).

The Convention holds all states and territories to a standard of providing the utmost protection and opportunity for our children. The risk that a child's identity could be exposed by the media puts that child's hopes of rehabilitation and healthy development in jeopardy, this will also decrease their safety. A young person is at risk of being judged in the court of public opinion and prematurely criminalised. The precarious hope that young people vacillate upon when caught in the judicial system can be irreversibly dashed by the involvement of the insensitive beast that is the media.

DVPC urges the government to demonstrate restraint before increasing punitive measures for offenses that may be committed by children or young people.

DVPC's position on changes that affect children and young people is distinctly against all proposals that will criminalise young people, isolate them from support systems essential for their rehabilitation, increase their risk of reoffending and disrupt their developmental milestones. Almost all young people on Youth Justice orders have had contact with Child Safety which is an indication that they have experienced and lived with domestic violence. As adverse childhood experiences are the root of many Youth Justice issues, it is an indication that specialist DFV services are essential in supporting young people who use violence.

Removal of the parent child relationship from the definition of family violence

DVPC strongly opposes the removal of the parent child relationship from the definition of family violence in the Domestic Violence Protection Act 2012.

Police may be called to attend incidents where domestic violence is suspected to occur and are finding upon arrival that the matter is to varying degrees a parenting or disciplinary matter between a child and the parent which has escalated to a point where acts of violence have begun to occur.

Most of the children/young people using violence are also victims of domestic violence. Many parents are women who are survivors of domestic violence or continuing to experience violence from an ex-partner or father of the child. Both children and parents require specialised domestic violence support.

Violence committed by a child towards a parent continues to be a growing concern in the domestic and family violence sector. While there is limited funding and significant gaps in service delivery for this issue, it must be responded to and approached with a domestic and family violence lens.

If this amendment progresses, matters will be referred to Child Safety and very few will reach the threshold of being eligible for their services. They are then likely to be referred to a service that does not hold specialisation in domestic and family violence and is not adequately supported, risking the cycle of violence continuing. Those children and young people that are accepted will be at risk of being criminalised and/or removed from their family home.

We oppose the amendment and seek government support to increase research and funding in this area for domestic and family violence specialist response to children and young people who use violence against their family members.

Systems Accountability

DVPC acknowledges the demand on police to provide service of documentation to the community and their wish to ensure community safety and hold offenders to account. The increased use of electronic communications in the community does provide an avenue to be considered in this matter of service. DVPC believes that electronic service to the aggrieved would support them by providing timely assurance and evidence of their protection. Electronic service may also be of use in the service of respondents who are interstate or overseas after reasonable attempts of personal service have failed.

DVPC have concerns that without personal service 'from police', there can be no confirmation that the paperwork has been explained to either the respondent or aggrieved, there would be no assurance that it has been understood and that they are aware of consequences. The risk is that accountability will be replaced by paperwork filled with bureaucratic jargon inaccessible for many Australians. Operating out of the Specialist Domestic and Family Violence Court, every day DVPC staff is required to explain the meaning of orders to parties, as they are often misunderstood after being personally served by police.

DVPC also have concerns that without personal service there is the risk that the vulnerability of First Nations and culturally and linguistically diverse communities will be disadvantaged in the process.

The Bill explains that police education (one day training) on cultural awareness and informed consent will address concerns about vulnerable groups and that police will have internal policies and procedures that will provide police with a framework to identify whether the option of electronic service is suitable in the circumstances of each case or whether personal service would provide a police officer with an opportunity to engage with an offender. DVPC is not convinced that these efforts will alleviate our concerns.

In the interest of community safety and accountability DVPC recommends:

- Police to continue personal service
- In person accountability within the community is not replaced by electronic communication in the first instance
- That increased powers to utilize electronic communications are used in conjunction with a framework that will identify if that option is suitable in the circumstances of each case
- Service that is completed within correctional centres continue to be in person.

DVPC would like to affirm our support of the amendment to Section 105 of the Domestic Violence Protection Act (2012). This amendment removes the requirement for a Police Protection Notice (PPN) to be scheduled for mention at court within 5 days after it's been issued or the next available date. The amendment will allow police to nominate a date within 14 days of the PPN being issued.

Currently the restrictive time frame provides minimal flexibility and prevents the police officer from producing well informed material to the court.

Furthermore, the material can be rushed, paperwork not filled out correctly, parties version of events not obtained.

Advocates have observed trends such as magistrates declining temporary protection orders at the first mention due to incomplete documentation. Such as the following:

- The officer has not explained the PPN to the respondent upon service
- Police have not obtained the respondent's version of events
- Police have sought conditions without including grounds
- Additionally, aggrieved has been advised she will receive conditions on her order that were not sought in the police application.

Ill prepared or rushed paperwork is resulting in increased risk to the aggrieved, as a result advocates are having to advise women to attend court to ensure the police are in fact seeking the protection that they are hoping for. Police are telling women they do not need to appear before the court and risk being exposed to further trauma by seeing the respondent however this is not advisable in view of the current trends with the restrictive timeframe.

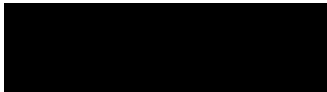
Amending Section 105 of the DFVP Act may improve quality of police material at first mention, may reduce the number of adjournments, allow time for the aggrieved to access support.

We acknowledge the ongoing efforts in Queensland to provide to increase systems accountability for perpetrators and support for victim survivors through informed legislative change and increased funding for a service system that can provide this support and accountability.

DVPC urges you to resist putting measures in place that criminalise child victim survivors of domestic violence and that reduce their opportunities for support to heal from trauma and abuse. We believe the Queensland should continue to focus on accountability for the adult perpetrators of domestic and family violence and not create 'efficiencies' that will reduce this accountability. Ultimately, if those who perpetrate domestic and family violence are held to account for their use of violence, their use of violence will reduce, and efficiencies will result.

Please do not hesitate to contact me for further clarification or to discuss any aspect of the feedback,

Sincerely

A solid black rectangular box used to redact the signature of Jean Mahoney.

Jean Mahoney

On behalf of
Lucy Gregory
Chief Executive Officer
Domestic Violence Prevention Centre Gold Coast