

Queensland Community Safety Bill 2024

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DVCONNECT

Be heard. Be safe.



SUBMISSION

QUEENSLAND COMMUNITY SAFETY BILL 2024

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DVConnect receives funding from the Queensland Government

DVConnect respectfully acknowledges and celebrates the Traditional Owners/Custodians throughout Australia and pays its respects to Elders, children and young people of past, current and future generations. We are committed to helping anyone experiencing domestic, family and/or sexual violence. This includes the LGBTIQ+ community, people of all ethnicities, religions, ages, abilities and pets.

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About DVConnect

DVConnect provides several national and state responses to people who have experienced violence and offer support and pathways to safety and healing.

Queensland wide:

Domestic, family and sexual violence response services:

- DVConnect Womensline
- DVConnect Mensline
- Sexual Assault Helpline
- Forensic Support Line
- Pets in Crisis
- Bella's Sanctuary

Victims of crime service:

- Victim Connect
- Victims of Crime Community Response Pilot

Nationally:

- National Sexual Assault, Domestic & Family Violence Counselling Service, 1800RESPECT.

DVConnect's driving ethos is respect and safety, the right of people to live without violence, in the home or in the community. We are a not-for-profit organisation, with primary funding streams from Department of Justice and Attorney General, Office for Women and Violence Prevention (Queensland); Department of Justice and Attorney General, Victim Assist Queensland (Queensland) and Department of Social Services (Australia).

DVConnect was established in 1980 and is Queensland's state-wide crisis response service for domestic, family and sexual violence. DVConnect helps Queenslanders find pathways to safety 24 hours a day, 7 days per week. Annually, DVConnect takes in excess of 100,000 calls across all lines and provides crisis intervention across a number of key services. Womensline receives one call for help every five minutes (across a 24 hour period). Crisis support is provided in the form of emergency telephone support, emergency crisis accommodation placement and transport for families affected by abusive relationship, counselling for men, women and victims of sexual assault, education and support for men, community education, and care for pets of families experiencing domestic and family violence. DVConnect also operates Bella's Sanctuary a 5-unit medium-term accommodation residence that exists to provide women and children with a safe housing option after leaving a shelter/refuge.

DVConnect provides Australia's national sexual assault, domestic and family violence support service, 1800RESPECT. This service provides information, referral and counselling 24 hours a day, 7 days per week. DVConnect are subcontracted by Telstra Health to provide specialist counselling across the country.



Victim Connect is the state-wide response for victims of crime that fall under the *Victim Of Crime Assistance Act 2019* (Queensland). VictimConnect provides a state-wide 24/7 helpline and multi-session counselling and case management support service. Delivering this service expands DVConnect's experience with those who experience domestic, family and sexual violence to now include those who experience violent and personal crime across Queensland.

DVConnect operates from an intersectional feminist framework, acknowledging that domestic, family and sexual violence is gender-based violence. This gendered analysis is supported by research, evidence and data, and indicates that domestic, family and sexual violence is most often perpetrated by men against women, and that perpetrators of this violence are fully responsible for their actions. This framework acknowledges and responds to the intersectional experience of domestic, family and sexual violence.

While the experience of those impacted by violent and personal crime is more broad reaching than domestic, family and sexual violence, we build upon our intersectional, trauma-informed expertise to offer recovery-based counselling and case management.

The clinical services provided by DVConnect are inclusive and trauma-informed. We are guided by the diverse voices of survivors and recognise our clients as the expert in their own lives. The abilities, strengths, goals and needs of people living with disability are respected, as are individuals from culturally and linguistically diverse backgrounds. DVConnect acknowledge that Aboriginal and Torres Strait Islander people know best what their communities need and want. Importantly, the intersectional approach of DVConnect considers and responds to how overlapping forms of discrimination may impact a client's experience of domestic, family and sexual violence and other violent and personal crime.

Through operating multiple state-wide services DVConnect has unique insight into the experience of both violence and relevant services systems across Queensland. This combines with our national program which furthers our appreciation and practice-based evidence about geographic diversity and its impact on how domestic, family and sexual violence and ability to access safer and supports.



Opening Statement

The short time period to respond to the Community Safety and Legal Affairs Committee call for Submission and the breadth of the Bill limits DVConnect's ability to give thoughtful consideration to the potential wide-reaching impacts, positive and negative from these proposed legislated changes. Less than nine business days to consult and comprehensively consider and respond to 31 items of the proposed Bill is not a period commensurate with the gravity of the risks and implications. This is frustrating as we know from our work with victims of violent crime through VictimConnect and victims of interpersonal crime through Womensline, Mensline, Sexual Assault Line and 1800RESPECT that legislation has enduring and sometimes unexpected or unintended impacts on the community.

We also know very poignantly from our Forensic Support Line, how government policy and failure to listen to victim/survivors can result in catastrophic outcomes that impose further trauma on victim/survivors, additional costs to government, backlog to courts and possible expose more people to being victimised when perpetrators of crime, such as sexual assault and murder are not brought to justice because forensic DNA was ineffectively management.

We start our response with these statements to remind the Government and this Committee of the importance of true consultation and consideration and the very real, wide-reaching impacts of change that is not appropriately considered.

We also note our recent significant increase in demand for service. Our already minimal resources available to consider such submissions is now even further stretched as we struggle to meet demand without adequate funding.

Due to the time pressures of this submission timeframe, and the surge in demand for service, and the areas of expertise of DVConnect we, in response to many parts of the Bill, defer to learned legal colleagues and sister services to make more informed comment. We know we have value to add with our lens to these sections, but these pressures inhibit us from this. Therefore sections of the Bill where we have no comment have not been included in this Submission.

Expansion of Jack's Law

DVConnect provided a submission to the parliamentary committee at the time of the introduction of Jack's Law questioning its effectiveness and raising concerns about the over criminalisation of vulnerable populations and the impact of being able to be stopped without warrant or reasonable suspicion. While we acknowledge that weapons have been confiscated, available data suggests that crime has not been impacted as the Law intended. That is, this law has the false economy of making the community feel safer but have no net effect.



DVConnect also outlined in a recent submission to Police Powers and Responsibilities and Other Legislation Amendment Bill 2024 (April 2024) that we also have concerns about this proposed legislative change that would result in wanding losing current safeguards as it will be considered a non-intimate procedure. This, in effect, make already at-risk cohorts more vulnerable to intimidation and discomfort by this police procedure. This is also problematic in that wanding may result in a search being required by police increasing the community's exposure to police intervention without cause. For victim/survivors of sexual assault in particular, we this as unconscionable.

Finally, and of most concern to our area of work and expertise, we know that this will have negative repercussions for victim/survivors of domestic, family and sexual violence. Criminalisation can have an exacerbating or interfering effect the perpetration of domestic and family violence and sexual violence especially in some populations where this increases family stress and disruption. Women who are on pathways to recovery or men who are in stage of behaviour change about their use of violence are tangibly negatively impacted by over policing responses. This is supported by findings in both the WSJT and Call for Change reports.

Over-policing and negative interactions also reduces trust in policing, which is supposed to be a key element in safety. Feeling like police cannot keep you safe exposes many victim/survivors of DFSV to further perpetration and escalation of risk.

Finally domestic and family violence and sexual violence occur predominately in residential settings where this law offers no protection.

Therefore, from the DFSV lens **we do not support the expansion of this law to more locations**. We also argue, as we did in our previous submission, for further review of crime data to assess the impact of Jack's Law in reducing knife crimes and rates of diverse populations that are charged with drug or carrying offences in these locations.

Firearms amendments

Firearm control and oversight is of critical importance to women's safety. Of particular concern is uncontrolled firearms. Even if firearms are not directly used in the harm of a person in an incident of DFSV it is often used as an element of threat, which extensively extends the person's coercive power over another.

DVConnect is in support of the proposed amendments regarding firearms prohibition order, verification processes for small arms and the "fit and proper" person reforms.

Framework for addressing online content.



Victims of crime express distress at their crime or similar events being accessible online or used in media reporting on events. We are also told by victims that they have concerns that their crimes were done out of social pressure or want to “show off”. They talk about feeling hopeless and frustrated that very real consequences are experienced by them, while offenders are chasing “views” and “likes”. Therefore, DVConnect is in support of this framework.

However, DVConnect does caution how these actions and penalties are enacted. Technology facilitated abuse is a growing concern for victim/survivors of DFSV. One mechanism of this abuse is the use of a victim/survivors identify online. This must be a consideration of any police actions.

Further, we encourage any legislative reform that responds to evolving technology and how this is used to perpetrate DFSV. We ask that the government continue to look for opportunity to do this.

Increased penalty for dangerous driving and damaging emergency vehicles of property.

DVConnect is in support of these proposed changes. However, similar to above, we caution that the policing and prosecution process is cognisant of the presence of DFV and how this may interact with how this crime occurred. That is, victim/survivors may at times drive erratically and dangerously to avoid or escape harm. The inclusion of this example in our Submission is not about diminishing individual accountability, but rather to articulate the reality for some victim/survivors in the context of them experiencing DFV. For example, a person that uses violence may be exerting control or threatening serious harm to a victim/survivor who is in control of the vehicle. Likewise, a victim/survivor may be fleeing a violent situation or being pursued by a perpetrator resulting in dangerous driving.

Arrangement to serve prescribed DFV document to prisoners.

DVConnect supports any process that expedites the justice process as long as it does not limit the oversight of people that use violence. That is, DVConnect is cautious about electronic service of documents as it does reduce an opportunity for QPS engagement with people that use DFV. However, in this context, there is already significant oversight due to detention.

Further, DVConnect does question the effectiveness of this face to face interaction of service documentation in improving the safety of victim/survivors versus the



administrative burden. Which, may be better spent responding to DFV incidents. To this point, DVConnect defers mostly to our learned colleagues to comment here.

Youth Justice Responses

DVConnect defers to other agencies and advocates, about the proposed changes. However we do want to strongly note the importance of investing in appropriate DFV intervention and recovery responses. Drawing from our submission to Youth Justice Responses in April 2024 we note:

Children and Young People are victim/survivors of Domestic and Family Violence (DFV) in their own right and will resist violence in ways that preserve their dignity, Richardson & Bonnah (2015). The ways in which young people resist and respond to violence will vary, however, the social responses that met young people’s disclosures of abuse and violence must not. All intersecting service systems coming into contact and working with young people, inclusive of youth justice, policing, courts, health, child protection and the DFV sector, are urged to respond consistently with violence informed, culturally appropriate, anti-oppressive and dignity driven approaches, if we are to prevent incursions on young people’s wellbeing.

DFV is a prevalent social issue that has the potential to result in devastating consequences to the immediate and long term social, relational, emotional, and physical health and wellbeing of children and young people, AIHW (2024). Distinguishing DFV as the intentional and ongoing use of power and control over another, reinforced through the perpetration of various forms of violence, the consequences go beyond individuals- reverberating into local communities, and the broader society at large.

Acknowledging that violence and abuse regularly precede youth offending, it is crucial that professional responses to young people (in any setting) must not replicate the environment which made abuse possible in the first place. It is essential that all who form part of the collective service system; including the youth justice system, are resourced with the necessary skills, training, and support to uphold violence informed, anti-oppressive and dignity driven responses.

Participation in a program to address behaviour while remanded in custody cannot be used as evidence

Ending violence against women and children will not occur through criminal justice responses alone. Therefore, accessing supports to change behaviour is critical in the fight against DFV. Being able to readily access programs and engage fully is an important system response. While this may create missed opportunities to fully hold people that use violence criminally accountable for their behaviours when they have



made admissions in a support program while in remand, it is hoped that this approach will generate more opportunities for change as we are repeatedly seeing the justice system failing to keep people safe from DFSV as it is currently structured. However we do ask that this is closely watched to ensure that unintended consequences do not result from this legislative approach.

Conclusion

DVConnect has not been able to provide this Bill full consideration, which presents a missed opportunity for the government and the community to ensure proposed changes are effective in improving community safety. Many elements of this Bill we are unable to make comment on. Others we are in agreement with, as long as there is a DFSV lens over the implementation and operationalisation of these changes. However we do note two things:

We do not support the extension of Jack's Law.

We ask that investment in Youth justice considers the impact of DFSF.