

Queensland Community Safety Bill 2024

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Submissions on Queensland Community Safety Bill 2024

by

The North Queensland Women's Legal Service

We thank the government for the opportunity to share our feedback on the *Queensland Community Safety Bill 2024*.

Who we are:

We are the North Queensland Women's Legal Service - a community legal centre with offices in both Cairns and Townsville. We assist women in North Queensland from Mackay to the Cape and out to the NT border. We are a specialist domestic violence service and provide advice in the areas of family law, child protection, migration and domestic violence. Additionally, we are members of the Women's Legal Service Australia committee and are involved in law reform work. Our work in the community includes delivering community education programs and supervising legal students as volunteers and placement students. We also provide non-legal services to enable us offer a wholistic service to our most vulnerable clients.

We provide face to face and telephone services and duty lawyer services in the Domestic Violence Courts and Federal Circuit and Family Courts. In the 2022/23 year we assisted around 2525 women and girls with almost 16,200 services. One in five of our clients identify as being Aboriginal or Torres Strait Islander and one in five have a CALD background. Almost all of our clients identify as experiencing or having experienced domestic and family violence.

Whilst we do not practice in the criminal jurisdiction, we have significant experience in the civil domestic violence courts and have daily contact with women who have had varied experiences with the Queensland Police Service and the justice system.

Our feedback:

Our submissions focus on the experiences of our clients garnered largely through our assistance with their legal and non-legal issues and from their stories and comments about their lived experiences.

We do not intend to comment extensively on the *Queensland Community Safety Bill 2024*; however, we will provide feedback on proposed provisions that are likely to have an impact on the lives of women in our client base.

Amendment of Weapons Act 1990

We support the amendment of s 10B of the *Weapon's Act* to increase the amount of time to 10 years in which certain offenders (of class A or B serious offences) cannot be considered a fit and proper person in applications for the issue or renewal of a licence.

We support the inclusion in the schedule for class B offences of domestic violence offences and of offenders who have convicted of a contravention of a domestic violence order and have had a previous conviction for the same offence within the preceding five years.

We also support the amount of time a person subject to a final domestic violence order cannot be considered a fit and proper person remaining at five years. The experience we have in the domestic violence courts is that already this restriction provides an incentive to respondents with weapon licences to contest domestic violence applications. An extension of the restricted period to 10 years would exacerbate this issue and result in fewer protection orders being finalised by consent.

We support the inclusion of Part 5A – Firearm prohibition orders. We wish to query however, why it would be *discretionary* for the commissioner or the court to take into account an individual's criminal history, domestic violence history and the other information set out in s141E (2), when considering whether it is in the public interest to make a firearm prohibition order in relation to an adult.

Similarly, we query why it would be discretionary for the commissioner or the court to consider the information in s 141F(3) when considering a firearm prohibition order in relation to a child.

In our view, the information listed in these sections is of utmost importance in any consideration of public interest and safety, particularly of victims of domestic violence, and should be mandated considerations in each instance.

Amendment of Police Powers and Responsibilities Act 2000

We support the amendment of the *Police Powers and Responsibilities Act 2000* to include Part 1AA – electronic service of documents. These provisions modernise the method of service to facilitate quicker and more efficient service of domestic violence documentation and orders where consent for this method of service is provided, relevant explanations are given, and records of service made.

The longer domestic violence proceedings are before the court, the greater the emotional toll on victims and the higher the chance some will lose their resolve to seek protection.

The electronic service provisions will hasten service and speed up proceedings in many instances, especially where respondents do not live locally or work away for extended

periods. Our experience is that many respondents want to receive documentation as soon as possible but avoid the inconvenience of going into a police station to collect paperwork. Electronic service should also free up police resources from door knocking to perform personal service, and these resources can be deployed elsewhere.

Further, protection orders (be they temporary or final) do not take effect until they are served on a respondent, or the respondent is made aware of the order and conditions by a police officer. Using electronic means to serve orders will in some instances, mean protection for victims starts sooner.

Amendment of Domestic and Family Violence Protection Act 2021

We support the amendment to s100 of the *DFVPA* to include a new section 7 in the hope it will address the significant issue our clients face with violence being perpetrated against them by aggressive teenage children, particularly young males.

We have heard countless stories by mothers, especially those left to raise children on their own, who are routinely being physically abused, threatened, and having property damaged by teenaged sons. The QPS response is lacking in situations like these, with women in these scenarios being told there is nothing the police can do because the offender is a minor. Whilst the amendments fall short of providing a protective response under the *DFVPA*, putting the onus on the QPS to investigate and consider other responses may help victims of this type of domestic violence who are currently being left to manage these situations alone.

In our respectful submission, the amendment could go further to allow for young people over the age of 16 years to be listed as aggrieveds and respondents in applications where there is a family relationship or informal care arrangement.

Many legal and societal processes become applicable or available to young people from the age of 16 years. For instance, their sexual agency is recognised; they can obtain a licence to drive motor vehicles (albeit supervised); schooling becomes voluntary; and financial assistance can be obtained from Centrelink to live independently if certain criteria is met. These rights and responsibilities represent society's acknowledgement of the passage of young people to adulthood. We can see no reason why boundaries cannot be placed around young people's behaviour towards family members or informal carers if it is necessary or desirable. It is curious that protection orders can be made to protect the intimate partner of a young person, but there is no protection for other significant people, such as sisters, mothers, grandparents etc.

Finally, we support strengthening an appellate court's powers under s 169 of the *DFVPA* to include the power to make a temporary protection order if necessary or desirable. This

will ensure that if matters are adjourned by the appellate court or remitted back to Magistrates Court for rehearing, gaps in protection can be swiftly addressed.