

Criminal Justice Legislation (Sexual Violence and Other Matters) Amendment Bill 2024

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DVCONNECT

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SUBMISSION

Criminal Justice Legislation (Sexual Violence and Other Matters)

Amendment Bill 2024

Community Support and Services Committee

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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

DVConnect supports this Amendment Bill. We find the legislation to further the rights of victim/survivors of sexual violence enabling them better protections and a louder voice in the criminal justice process.

While there are other elements to this Bill which is outside of DVConnect's expertise, from the extent of our practice knowledge and what the people we work with tell us, we find these to be appropriate. However, we do defer to parties with aligned feminist values, who are more learned than us at the intersection of the accused and prisoners who identify as female and their experience of the criminal justice system.

Inadmissibility of admissions made during programs in remand

While DVConnect has no specific insight into this provision from a female perspective, we have advocated for a similar provision in the DFV space for men who are on remand. Our experience in working with men who perpetrate DFV and enter the criminal justice system that effective, timely intervention is critical and that this can be blocked by concern over the admissibility of information shared in targeted programs. Therefore we are supportive of this provision.

Position of Authority Offence

DVConnect supports this intent of these provisions. From our understanding of how it has been framed in this Amendment Bill we feel that this will give appropriate parameters to see this be applied effectively and as intended.

Special victims

A victim/survivor's experience of judicial proceedings and the process of giving evidence in court can bear significant impacts to their immediate wellbeing and ongoing healing. DVConnect supports the amendment to special victims; whereby survivors of sexual violence are afforded options in how they provide evidence including virtual mediums where the victim/survivor has choice over being in the presence of the person who has harmed them or not. DVConnect places the upmost importance on a victim/survivor's right to autonomy and choice over how they provide evidence-noting that this choice is integral to their safety and dignity.

DVConnect also supports the role of the Directions Hearings in bolstering these protections and dignity of the victim/survivor.

DVConnect supports the many components of special victim's provisions outlined in the Bill while noting our limitation of the legal understanding of these in criminal justice proceedings.



Expert Panels

Victim/survivors of sexual assault respond to and resist violence in a myriad of distinct ways. Often these responses are weaponised and used to further discredit and humiliate the victim/survivor which causes further harm and distress.

Expert panels that collectively possess an understanding of gendered violence, a contextual analysis of violence and victim/survivors' responses to violence is integral to ensuring victim/survivor wellbeing in judicial proceedings.

DVConnect reads the framework to support the implementation of expert panels as being appropriate and safeguarding the intent from a victim/survivor's lens.

PSA increased timeframes

DVConnect supports the ability for protective measures to be responsive to victim/survivor needs. Specifically, taking into consideration the right to safety through increased PSA times. We also support the alignment of this to DFV matters. For both the importance of the length of protection it offers, but also signalling community standards that DFV and sexual violence are both significant crimes with enduring safety and wellbeing impacts.

Conclusion

This Amendment Bill addresses a number of complex legalistic frameworks that are required to sit around critical pieces of reform so they can be effectively implemented. DVConnect has supported these reform agendas and are pleased to see them progressing through Parliament. We acknowledge our shortcomings with both case law and experience in how the specifics of this legislation will be enacted in the justice system, but from our reading we see this as being effective and ultimately centring the victim/survivors in sexual violence matters and the experience of women and girls across the criminal justice system. We support this Amendment Bill as meeting the intent of the Women's Safety Justice Taskforce.