



The Queensland Domestic Violence Services Network

The Research Director
Health, Communities, Disability Services and Domestic and Family Violence Prevention Committee
Parliament House
Brisbane QLD 4000

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The Queensland Domestic Violence Services Network (QDVSN) is a network of regional and state-wide domestic violence services, funded by the Queensland Government's Department of Communities, Child Safety and Disability Services. The QDVSN works collaboratively and strategically to advance understanding of structural inequalities and other factors which result in violence against women, particularly domestic and family violence. Its primary role is to provide a mechanism for state-wide coordination of its members' activities, peer support, information sharing and debriefing within its membership; and to be a change agent by providing a reference point and a collective voice to Government, non-government and member services on state and national issues relating to domestic and family violence.

Submission to the Health, Communities, Disability Services and Domestic and Family Violence Prevention committee

Domestic and Family Violence Protection and Other Legislation Amendment Bill 2016

We, the members of QDVSN, representing specialist Domestic and Family Violence services throughout Queensland, and including QCDFVR and IWSS, applaud the consultation process and involvement of numerous public servants into the drafting of this bill. The progress of implementing recommendations from the Not Now, Not Ever report from the Taskforce is leading toward more safety and accountability for survivors and perpetrators of Domestic and Family Violence.

We endorse

1. The added emphasis on the provision of early access and more tailored protection for victims of Domestic and Family Violence.
2. That victim safety is at the forefront of the justice response to Domestic and Family Violence is appreciated.
3. The work toward a national protection order under the NDVOS. (Part 6). Many of us have been involved with women fleeing across borders, and being unaware that their protection order does not automatically retain its validity, with dangerous outcomes.
4. We are pleased that the chief executive will be publishing guidelines for sharing and dealing with information (Division 4; 169M). We hope that the guidelines will be developed in consultation with specialist domestic and family violence services.
5. The requirement for the courts to consider a family law order alongside the granting of a protection order. Our experience includes further trauma imposed on children and the adult

survivor, as a result of the presumption of equal shared parenting being in the best interests of the child.

6. The move toward police and judicial training in the implementation of changes to the Act.
7. The provision in 169D for sharing private information between prescribed entities and specialist services must be achieved with careful safeguards for survivors and their children. The intent for this must only be for the safety of the survivor and their children.
8. The suspension of a weapons licence when a PPN is issued, or the perpetrator is subject to a release order.
9. The change for a protection order from a standard two years to five years, in principle. However, we hold the opinion that magistrates will use 97 (2) (b) to reduce the time they are in force, in negotiation with the parties involved. We are concerned that there is no minimum period stated for the duration of a protection order. The absence of a minimum period for the protection order defeats the purpose and intent of the extension to the orders to five years.

We have the following concerns:

10. We regard the progress toward the removal of barriers to information sharing, particularly between police and specialist Domestic and Family Violence services, as an important factor in building trust between these services. However, we submit that the safety of survivors and their children must be of paramount consideration. We note that consent may not be required, but advise that an empowerment model would state that the survivor will be informed, at least.
11. The terminology used in the promotion of a 'cool down' period does not reflect the declared basis of Domestic and Family Violence being one around power and control. Conversely, it reflects that Domestic and Family Violence may be considered as conflict, and that the perpetrator needs time to manage their anger.
12. We are mindful of the lack of specific considerations for people with extra needs. These are
 - People from Culturally and Linguistically Diverse backgrounds, who may need extra support due to language difficulties and lack of knowledge of Australian and Queensland law.
 - People with impairments that impact on their ability to self advocate.
 - People from Aboriginal and Torres Strait Island backgrounds, who already are affected by multiple disadvantage.
13. The provision for police to make referrals to specialist services (169F) without consent if necessary. While we endorse the provision for police to refer clients to specialist services, we are concerned that such people become involuntary clients. A woman who continues to refuse a service once she has being referred without consent may be perceived by the justice system as difficult, or not doing enough. We know that there are many reasons why women don't access support or refuse a service, and their assessment of safety is an important consideration. We believe a better system is for police to take more responsibility and maintain a system of welfare checks in cases where they assess high risk, etc. than involve services with consent.
14. Children and young people whose distinct needs may be overlooked, allowing gaps in existing response measures for victim/survivors and their children.
15. We maintain our provisional support for extended police powers in relation to more scope for issuing Police Protection Notices, as long as there is increased police training, particularly in relation to determining the person most in need of protection.

In conclusion:

We are concerned that the growing evidence of the need for education and training in Domestic and Family Violence – not just in terms of professional procedural roles but in terms of the dynamics of Domestic and Family Violence needs to be provided across all frontline staff encountering Domestic and Family Violence (Blaney, 2010; Community Development and Justice Standing Committee, WA; Victorian Royal Commission into Family Violence, 2016). Such education and training needs to include integrated response models, risk assessment and risk management information as a priority. The situation of children in the context of Domestic and Family Violence needs to be specifically considered in terms of its impact and particularly related to integrated responses to Domestic and Family Violence across service systems.

Finally, it is important that the implementation of the Domestic and Family Violence legislative reforms is supported by an evaluation framework which reviews the impact of reforms in terms of their effect and any potential unintended consequences. As with all legislative measures it is difficult to presuppose the effect of changes to the law in practice and such evaluation is vital in order to inform ongoing progress in the legal response to Domestic and Family Violence in Queensland.

References:

A measure of trust. How WA Police evaluates the effectiveness of its response to family and domestic violence (2015). Western Australian Government: Community Development and Justice Standing Committee.

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Royal Commission into Family Violence, Summary and Recommendations (2016). Melbourne, Government of Victoria.

(signed)

secretary