



Submission to the

Health, Communities, Disability Services and Family Violence Prevention Committee

*Domestic and Family Violence Protection and
Other Legislation Amendment Bill 2016*

7 September 2016

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Part One: INTRODUCTION

On 16 August 2016, the Honourable Shannon Fentiman MP, Minister for Communities, Women and Youth, Minister for Child Safety and Minister for the Prevention of Domestic and Family Violence, introduced the *Domestic and Family Violence Protection and Other Legislation Amendment Bill 2016* into the Queensland Parliament. The Bill furthers the legislative, policy and practice reforms already implemented or planned largely in response to the *Not Now, Not Ever* report. The Bill supports the Government's strategies for integrated, cross-agency and cross-sector responses to better protect and support those who have had domestic and family violence perpetrated upon them – victims - and to hold those who use domestic and family violence - perpetrators – more accountable. To realise these objectives, the Explanatory Notes and Minister's explanatory speech explain that further legislative change is required in respect to police and courts, particularly in the area of information sharing.

The Bill was referred to the Health, Communities, Disability Services and Family Violence Prevention Committee for detailed consideration.

PeakCare welcomes the opportunity to make a submission in response to the Committee's invitation for submissions on the Bill.

Part Two: ABOUT PEAKCARE AND THIS SUBMISSION

PeakCare is a peak body for child and family services in Queensland. Across Queensland, PeakCare has around 60 members, which are a mix of small, medium and large, local and statewide, mainstream and Aboriginal and Torres Strait Islander non-government organisations that provide family support, domestic and family violence programs, child protection and out-of-home care services (e.g. foster and kinship care, residential care) to children and young people who are at risk of entry to or in the statutory child protection system, their families and communities. In addition, PeakCare's membership includes a network of around 25 individual members and other entities supportive of PeakCare's policy platform about the safety and wellbeing of children and young people, and the support of their families.

As the community is now well aware, domestic and family violence is often in the mix of issues for children, young people, parents and families who are at the edge of, or in, the statutory child protection system. This includes children and young people who, inter alia, have witnessed or experienced the impacts of living in a household where there is violence; parent/s who voluntarily seek or are mandated to participate in specialist programs; particular cohorts who are at higher risk of involvement in violent domestic relationships; professionals and community and family members who are wanting to intervene or connect victims or perpetrators to 'help'; and children, young

people and families accessing specialist and related services to address and redress the impact of domestic and family violence.

PeakCare members and supporters work with children, young people, family members and communities in prevention, early intervention and intensive, specialist interventions across Queensland in a range of sectors. PeakCare strongly supports legislative change that seeks to protect and promote the interests of victims of domestic and family violence, hold users of domestic and family violence accountable for their actions and inactions, and provide an enabling legislative framework that supports early and tailored interventions across sectors.

Part Three:

FEEDBACK IN RESPONSE TO THE DOMESTIC AND FAMILY VIOLENCE PROTECTION AND OTHER LEGISLATION AMENDMENT BILL 2016

There are multiple objectives to the *Domestic and Family Violence Protection and Other Legislation Amendment Bill 2016*, which together support a multi-faceted approach that builds on a strong legislative and policy foundation and extensive recent investment by the Queensland Government in programs and services across a number of sectors. The proposed changes will implement recommendations from the *Not Now, Not Ever* report and enable Queensland's participation in the COAG-agreed National Domestic Violence Order Scheme.

This submission now turns to comments about particular aspects in the Bill.

1. Information sharing

PeakCare supports the proposed changes to facilitate the sharing of domestic and family violence information between government and non-government entities, and agrees that information sharing is critical to assessing and managing potentially fatal risks. As in other areas of practice with people experiencing vulnerabilities, informed client consent about why, when and with whom personal information can be shared is always the preferred position. The Bill conceptualises the limits to confidentiality as only sharing information to the extent necessary to assess the threat or take action to lessen or prevent the threat. PeakCare agrees that enabling information sharing to occur without consent prioritises the safety of victims and their families. As coronial and child death inquiries and reviews have repeatedly shown, government *and* non-government agencies are prone to confusion about the requirements around and circumstances under which they can and should share personal information. The Bill's inclusion of a range of safeguards to prevent the inappropriate sharing of information and protect people's privacy is commended.

The Bill proposes that where police assess risk as high, police would be able to share a limited range of information without prior consent to make a referral to a 'specialist domestic and family violence service provider'. The conditions under which the information could be shared are limited and are intended to take account of threats to a victim's life, health or safety, or the perpetration of



violence. PeakCare supports the proposed provisions and recognises that strong partnerships and cooperative relationships will be vital at the local level between service providers and police.

2. Police protection notices

PeakCare supports the proposed changes to provisions around police protection notices as these have the potential to more effectively and quickly afford protection to victims of domestic and family violence, their children and other family members. PeakCare also supports the proposal that police be allowed to include additional conditions to remove perpetrators from the family home until a court hearing and non-contact conditions that prevent respondents contacting the victim or their children.

3. Orders and the making of orders

PeakCare supports clarifying the legislative definition of 'domestic violence' such that courts can issue Domestic Violence Orders (DVOs) on the basis that victims have been threatened or have a fear that the respondent will commit domestic violence.

PeakCare supports the proposed provisions for additional tailored conditions when the court is making a DVO and the court's discretion to determine the appropriate length of a protection order, including the proposed safeguard when considering a variation application to reduce the length of an order.

PeakCare supports strengthening the court's obligation to always consider any family law order of which they are aware and to consider their powers in resolving any inconsistencies between the proposed DVO and family law order.

PeakCare supports Queensland's participation in the National Domestic Violence Order Scheme (NDVOS) as this represents the rightful shifting of responsibilities on victims of domestic and family violence to system level responses by Queensland's police and courts and interstate counterparts. It is unfortunate however that victims whose orders are made in New Zealand will still be required to manually register the order in Queensland.

Part Four: CONCLUSION

In conclusion, PeakCare supports the proposed legislative and policy shifts contained in the *Domestic and Family Violence Protection and Other Legislation Amendment Bill 2016*, and appreciates the opportunity to make this submission.

