

Response to the Legal Affairs and Community Safety Committee
of the Queensland Parliament
Bail (Domestic Violence) and Another Act Amendment Bill 2017



24th February 2017

Committee Secretary
Legal Affairs and Community Safety Committee

Email: lacsc@parliament.qld.gov.au

Dear Committee Secretary

Submission to the Legal Affairs and Community Safety Committee of the Queensland Parliament

Bail (Domestic Violence) and Another Act Amendment Bill 2017

yourtown operates a refuge which provides short-term accommodation and support for women with children escaping domestic and family violence. Our refuge aims to provide a place of safety, physically and emotionally, so that women can regain a sense of control and set a renewed direction for themselves with their children. During their stay women face multiple and complex challenges: their children's trauma, their own physical and psychological trauma, as well as dealing with criminal, child protection and family law matters that often intersect and conflict. This response draws on the experience of **yourtown** refuge staff members who routinely assist women to access appropriate legal services and navigate Queensland's court system.

yourtown fully supports all five (5) policy objectives of the *Bail (Domestic Violence) and Another Act Amendment Bill 2017* articulated in the Explanatory Notes. The proposed amendments to the *Bail Act 1980* and *Corrective Services Act 2006* will enhance the safety of women and children affected by domestic and family violence, and will bring Queensland law into closer alignment with other States.

Breach of bail conditions

The provision for urgent review of a bail decision by a higher court is especially welcome. In a recent case known to **yourtown**, an offender breached a Domestic Violence Order on four (4) separate occasions. Each time the man appeared in court the matter was adjourned with an undertaking of bail, even though the offender had made death threats against the woman. The offender was fined \$1500 but no other penalty was applied, despite the repeated breach of bail conditions. When he was released, the conditions of bail were not immediately available to police or to the offender's former partner. The woman's support worker was finally able to establish the conditions of bail through Probation and Parole. Recently the same man was charged with a fifth breach and was given a fine and a good behaviour bond with a conviction.

Response to the Legal Affairs and Community Safety Committee
of the Queensland Parliament
Bail (Domestic Violence) and Another Act Amendment Bill 2017



Perpetrator risk assessment

There is significant evidence that a perpetrator with a history of intimate partner strangulation, threats of violence to self and others, and chronic non-compliance with Domestic Violence Orders is at high risk of killing his partner. Too often the information available to the Magistrate does not include a robust risk assessment based on the perpetrator's patterns of abusive and violent behaviour. If Police Prosecutors were required to provide this level of information, Magistrates would be better equipped to protect the safety of those affected by domestic and family violence.

Coordination

Police, Court Registrars, Magistrates, and Probation and Parole will need to adopt a highly coordinated approach to implementation of the proposed changes. Timely and effective communication of critical information and court decisions will be essential.

We appreciate the opportunity to contribute to this critically important reform agenda. **yourtown** is happy to engage further with the Committee regarding our experience in supporting and advocating for victims of Domestic and Family Violence.

Yours sincerely

Tracy Adams
Chief Executive Officer
yourtown