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Change of current State legislation on Domestic Violence so that:

- domestic violence be a regina offence, to replace the existing procedure for Domestic Violence application and Court imposed Orders
 - that mandatory conditions then become law
 - that the existing temporary Domestic Violence Order be replaced with police watch-house or court imposed bail conditions

- That this is inclusive of:

- a) physical assault,
- b) harassment including verbal and psychological abuse
- c) threats and intimidation
- d) property damage

*If this policy was implemented, police would have the legal right to charge an offender immediately.

The existing state legislation treats violence in the domestic sphere differently to violence outside of the domestic sphere.

Currently there are 2 types of Domestic Violence Protection Orders (DVs):

- 1) a temporary order is made by police to enforce certain conditions on a respondent prior to the actual DV order being approved by court
- 2) a DV order has 4 mandatory conditions which are enforced on the respondent:
 - Must be of good behaviour
 - Must not threaten, harass, or intimidate the aggrieved
 - Must not damage property of the aggrieved
 - Must not use violence against the aggrieved

*Extra conditions can be imposed, such as: the respondent must not make contact directly or indirectly with the aggrieved or the respondent must not come within 50m of the residence of the aggrieved and so forth

Currently if police are called to a DV incident, even if there is clear evidence that a DV offence has been committed and despite the respondent's actions, unless there is a DV Order in place,

the individual has not committed any offence other than Assault and Wilful Damage, both of which require a complaint from the partner for the police to be able to take action.

The issue with this is that in approximately 90% of cases, the aggrieved will not make a criminal complaint of assault or wilful damage when Police respond to the call. The respondent will be detained and taken away by police for them to complete an application for a DV Protection Order, which is time consuming and very in-depth. The respondent will not actually be charged with anything as a breach of DVO requires an order to be in place before a breach can occur – so the respondent gets a ‘free hit’ on the aggrieved and nothing can be done about it.

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Once the order is taken out, a respondent must have the order and the conditions explained to him/her. Where this is flawed is that unless a respondent is present in court when the order is made or has the DV order served on them they get further ‘free hits’ on the aggrieved – they cannot be charged with any breach of DVO until the DVO is served on them. Police can get repeated calls for service when the respondent runs from the scene prior to the police attending the incident; therefore, they are not served with the order and can’t be charged with any additional breaches of DVO.

Currently, in an extremely violent situation, the police can only issue a temporary DV Order and then release the respondent. This is when the situation is often so inflamed that the respondent returns with a more violent response.

A further problem is that the DV Order is usually for 2 years – after which the respondent can offend again – as there is now no DV Order in place, the whole process must begin again. A breach of DVO is only a simple offence.

This process is extremely time consuming, costly, and frustrating for police and it is evident that it is ineffectual in reducing domestic violence in this state.

Supporting information

- In a speech organised by Zonta in Beaudesert on International Women’s day, award winning journalist Trent Dalton stated that 1000 women in Australia are violently assaulted every day and 9 out of 10 incidents go unreported.

- In Queensland alone 17 people (15 women and 2 men) were killed last year in Domestic Violence incidents.
- 1/3 of DVOs are breached and fines of \$200-1000 are imposed, usually without convictions.
- According to News reports, there has been an increase of 61% in breaches of DVOs in Central Queensland alone.
- This motion was brought about because of the frustration of police in dealing with these incidents, whereby, when a person is assaulted, before the police can proceed, the victim withdraws the complaint and the police cannot proceed further. Often this is because of the victim's fear of the abuser. However, the abuser then is in a position to continue and even escalate the abuse.
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- A further problem is that the DV Order is usually for 2 years – after which the respondent can offend again – as there is now no DV Order in place, the whole process has to begin again. A breach of DVO is only a simple offence.
- This process is extremely time consuming, costly, and frustrating for police and it is evident that it is ineffectual in reducing domestic violence in this state.
- If the abuse, whether physical, mental or both, was made a regina offence, the police would have the ability to arrest without having to rely on the victim making a formal complaint.
- In several states in the USA, this is already in effect
- The intention of the resolution is to support the police and the legal system by giving them more effective tools to combat the rising incidence of Domestic Violence.
- Under the proposed system, defendants who are assessed as posing limited concern could be released subject to police bail. In all cases assessed as more serious, the perpetrator would be held under custody and released only at the court’s discretion and under court imposed conditions.
- Domestic Violence is a crime. We need to make it clear to the public that if a person abuses another individual, physically mentally or both, no amount of intimidation of the victim will prevent arrest for that crime.
- Police are frustrated by the current system where hours may be spent filling out DV order applications only to have the victim withdraw the complaint, often resulting in there being called repeatedly to the same location.
- During Domestic Violence Awareness Week, the public was urged to report Domestic Violence incidents of which they are aware. This is a pointless exercise if the police are unable to take effective action under the present legislation.