



Federation of the South West Pacific

Brisbane Inc

The Research Director  
Legal Affairs and Community Safety Committee  
Parliament House  
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Dear Colleague

**Submission on the *Bail (Domestic Violence)*  
*and Another Act Amendment Bill 2017***

**Background**

1. On 14 February 2017, Mr Tim Nicholls MP, Member for Clayfield, introduced the ***Bail (Domestic Violence) and Another Act Amendment Bill 2017 (the Bill)***.
2. The Region of Soroptimist International of South Queensland provides a submission in relation to the Bill.

**Recommendations**

3. We recommend and support the Bill as it achieves a reasonable balance between the rights of the victims of domestic violence, the majority of whom are woman, and the community expectations relating to (for and against) bail for an alleged offender charged with a relevant domestic violence offence:
  - 3.1. The presumption of bail for an alleged offender charged with a relevant domestic violence offence must be reversed;
  - 3.2. Where a person has been charged with a relevant domestic violence offence, a special bail condition for a tracking device (or GPS tracker) to be imposed by a court or a police officer authorised to grant bail must be made;
  - 3.3. A new effective system must be prioritised and introduced to alert the victim of a relevant domestic violence offence when the defendant applies for bail, is released on bail or received a variation of bail condition;
  - 3.4. A mandatory reporting provision to the parole system for when a prisoner applies for and receives parole so that a victim of domestic violence can receive information about a prisoner, even if the offence that the prisoner was convicted for is not a domestic violence offence must be applied; and
  - 3.5. A provision to allow for an urgent review of a bail decision in a higher court must be introduced. The original bail decision must be stayed for up to three business days ensuring that the alleged offender would not be released during that period.

**About Soroptimist International and this submission**



4. Soroptimist International works to ensure that the voices of women and girls around the world are included in international decision-making and the policy setting, as well as within Australia. Soroptimist International is active at all of the major United Nation centres around the world maintaining a network of permanent representatives. The organisation holds a General Consultative Status with the United Nations Economic and Social Council and maintains official relations with several agencies and technical bodies.
5. As an organisation, Soroptimist International promotes the improvement of the lives of women and girls with consistent human rights and empowerment and enabling opportunities.
6. The Brisbane Club of Soroptimist International of South Queensland<sup>1</sup> is providing this submission as an advocacy body for women. Our membership base consists of business and professional women who work to support other women impacted by the consequences of domestic violence legislation as the law presently stands in Queensland.
7. We also support the Queensland Government Domestic and Family Violence Prevention Strategy 2015-2025 which articulates a Key Outcome with a primary long-term outcome 'all Queenslanders feel safe in their own homes and children can grow and develop in safe and secure environments.'<sup>2</sup>
8. This submission reflects the views of the majority of our members, and we acknowledge that some of our members may have alternate views.

**Reversal of the presumption of bail for an alleged offender charged with a relevant domestic violence offence is essential for the safety and survival of women who are victims of domestic violence**

9. Our members strongly support the objectives of the Bill.
10. Our members hold the view that women who are or have been the victims of domestic violence should be protected by the legal system and be able to live safely in their Queensland community without facing the risk of further violence being perpetrated upon them.
11. Our members also consider that it is imperative that legislative reform be effected to protect all victims of domestic violence.
12. If this Bill achieves the above, we support it accordingly.

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<sup>1</sup> Covering a broad area from the Gold Coast, Toowoomba to Deception Bay area

<sup>2</sup> <https://www.communities.qld.gov.au/gateway/end-domestic-family-violence/dfvp-strategy>, page 15, website accessed 27 February 2017



### **Impact of domestic and family violence issues on women**

13. As an advocacy body for women, our members regularly advocate for the eradication of domestic and family violence.
14. Research from the 2012 ABS Personal Safety Survey and Australian Institute of Criminology shows that both men and women in Australia experience substantial levels of violence. Australian women are most likely to experience physical and sexual violence in their home, at the hands of a male current or ex-partner.<sup>3</sup>
15. The 2012 Australian National Research Organisation for Women's Safety (ANROWS) to *Reduce Violence against Women & their Children* data showed 73% had experienced more than one incident of violence and 61% had children in their care when the violence occurred, including 48% who stated the children had witnessed and heard the violence.<sup>4</sup>
16. In 2013-14, there were 66,016 occurrences of domestic and family violence reported to Queensland Police. Seventeen (17) homicides relating to domestic and family violence occurred in Queensland in 2012-13. On average, across Australia, one woman is killed by her partner every week. One in three Australian women have experienced physical violence since the age of 15, and almost one in five have experienced sexual violence.<sup>5</sup>
17. Women with children are three times more likely to be subjected to domestic violence than childless women and Domestic and family violence has broad implications for the welfare and development of children. Witnessing domestic and family violence can cause children to experience trauma and have negative consequences for their physical, emotional, and social wellbeing. Children living in families where Domestic and Family Violence is occurring also face an increased risk of entering or re-entering the child protection system. The work of Dr Fraser Mustard, and Dr Bruce Perry<sup>6</sup>, shows that the experiences of very young children determine their brain development, potentially affecting their ability to speak and learn, their temperament, behaviour and health, as well as their later vulnerability to certain diseases, including addiction and mental illness.
18. Mothers experiencing Domestic and Family Violence can have difficulty empathising with their child and have difficulty establishing a safe environment for the child.

[www.abs.au/ausstats/abs@nsf/mf/4906.0](http://www.abs.au/ausstats/abs@nsf/mf/4906.0)

<sup>4</sup> [www.dss.gov.au/our-responsibilities/women/programs-services/reducingviolence/the-national-plan-to-reduce-violence-against-women-and-their-children2010-2022](http://www.dss.gov.au/our-responsibilities/women/programs-services/reducingviolence/the-national-plan-to-reduce-violence-against-women-and-their-children2010-2022)

<sup>5</sup> 'Not Now Not Ever' – Putting an End to Domestic and Family Violence in Queensland, (2015-6)

<sup>6</sup> [ecereport.ca/early-years-study3-2011](http://ecereport.ca/early-years-study3-2011), [www.gymbaroo.com.au](http://www.gymbaroo.com.au) McCain, M.N., Mustard, J.F., & Shanker, S. (2007) *Putting Science into Action*

**Indigenous women**

19. As an advocacy body for women, our members regularly advocate for issues affecting Indigenous women.

20. There are a variety of disadvantages experienced by Indigenous persons and women in Australia that arise from a complex set of historical, economic and social issues.

21. Aboriginal and Torres Strait Islander women are reported to be 45 times more likely to experience domestic and family violence than non-Indigenous women. There is also a higher incidence of DFV involving extended family members in Aboriginal and Torres Strait Islander communities.<sup>7</sup>

**Conclusion**

22. We are happy to be involved in any additional consultation that may take place on this submission and the Bill, as well as later reviews of the Act and establishment of the surrounding infrastructure.

Sincerely,

  
**Helen Atkinson**  
**Spokesperson**  
**Region of Soroptimist International of South Queensland**

