

5 October 2021

Committee Secretary
State Development and Regional Industries Committee
Parliament House
BRISBANE QLD 4001

Copy by email: sdric@parliament.qld.gov.au

Dear Committee Secretary

RE: Justice Legislation (COVID-19 Emergency Response – Permanency) Amendment Bill 2021

About Women's Legal Service

Women's Legal Service Queensland (WLSQ) is a specialist community legal centre, established in 1984, that provides free legal and social work services and support to Queensland women. We assist women in the areas of family law, domestic violence, child protection and some aspects of sexual violence. WLSQ provide state-wide assistance through our state-wide domestic violence legal helpline, and have a designated rural, regional and remote priority line to increase women's access to our service in non-metropolitan regions. We undertake outreach work at the Brisbane Women's Correctional Centre, Gatton Women's Prison and at Family Relationship Centres in Brisbane. We conduct duty lawyer services at three Courts: Holland Park, Caboolture and Ipswich. Our specialist domestic violence units in Brisbane, the Gold Coast and Caboolture provide intensive case work and Court representation for our most vulnerable clients. WLSQ has a Financial Abuse Prevention Unit advocating for women who have experienced financial abuse and have 'relationship debts'.

We thank you for the opportunity to provide this feedback and for the measures introduced during the COVID-19 emergency; in particular, the Domestic and Family Violence Reforms.

Contact

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Women's Legal Service Queensland (WLSQ) supports the permanent retention of the modifications of the *Justices Act 1886* (Justices Act) to enable the use of audio visual and audio links for adults appearing the Magistrates Court in response to a Notice to Appear in certain circumstances – unrelated to COVID-19.



It is noted that the provisions of the *Justices Act* apply to proceedings under the *Domestic and Family Violence Protection Act 2012* (unless the application of the *Justices Act* is inconsistent with the *Domestic and Family Violence Protection Act 2012*).

WLSQ supports the *Justice Legislation (COVID-19 Emergency Response – Documents and Oaths) Regulation 2020 (DO Regulation)* and our earlier submission sought to highlight how similar modifications enabling the use of audio visual links or audio links for particular proceedings should be made to both the *Domestic and Family Violence Protection Act 2012* and *Justices Act* to take into account women experiencing domestic violence unrelated to COVID-19.

Similar modifications were made under the *Domestic Violence and Family Protection (COVID-19 Emergency response) Regulation 2020 (the DFVP Regulation)* including:

- **AV links:** *The Magistrates Court may conduct all or part of a proceeding under the DFVP Act using audio visual or audio links, and provide that a person appearing by audio visual or audio link is considered to be present in court;*
- **Electronic filing:** *Documents in a proceeding to be filed electronically by sending the document to the registry by email; and*
- **Modified statutory declaration verification:** *An applicant who is not a police officer may make an application for a protection order or an application for a variation of a domestic violence order (a private application) without prior verification of the application by statutory declaration. Instead the application is verified by an applicant informing a magistrate that the application is true and correct, which can be done via audio visual link.*

Benefits of permanent changes to legislation

Accessibility to Justice and Duty Lawyer services

For many women experiencing domestic violence, the thought of seeing a perpetrator face to face during a court appearance is overwhelming, extremely unsafe and a deterrent to filing applications for a protection order. The ability to attend court mentions or other procedural hearings by the use of audio visual links or audio links will facilitate increased accessibility to court services and make the court process safer and more convenient for women experiencing domestic violence.

These processes pose barriers to all women, however, the barriers increase significantly for CALD women who may require an interpreter for legal advice and for court appearances, both in person, and by video or telephone link. We encourage cogent consideration and use of interpreters as a minimum standard for all women whose first language is not English; when they present at our Courts and Court Registries, and as they navigate judicial systems more broadly.

When considering overall benefits, WLSQ considers the use of audio visual or audio link (as well as electronic filing and dispensing with the need for witness requirements) will create a streamlined access to justice by providing victims with options and allow them to make the best decision for themselves.

Filing of Applications in Domestic Violence matters

Electronic filing and dispensing with the need to have documents signed and witnessed by a Justice of the Peace made the filing of applications much more convenient. Having to print documents, locate a Justice of the Peace and then women having to transport themselves to the court is often a huge obstacle to filing documents. Drafting a document, administering the oath/affirmation over the phone and then lodging that document online is quick and efficient. However, for clients who do not have access to computers or the internet, or speak English, this option is not feasible. We would support a dedicated Court support person who could assist CALD clients with access to computers, relevant documents and interpreters, all situated within the Court precinct.

We continue to recommend that urgent applications can be filed in this way, dispensing with the need to have documents signed and witnessed by a Justice of the Peace or solicitor.

Conclusion

- 1) WLSQ supports the permanent retention of the modifications of the *Justices Act* to enable the use of audio visual and audio links for adults appearing at the Magistrates Court in response to a Notice to Appear in certain circumstances unrelated to COVID-19.
- 2) WLSQ supports amendments that facilitate increased accessibility to court services and make the court process safer and more convenient for women experiencing domestic violence.
- 3) WLSQ supports *Justice Legislation (COVID-19 Emergency Response – Permanency) Amendment Bill 2021* as it relates to Domestic and Family Violence Reforms.

Yours sincerely



Natasha McGrow

Principal Solicitor

Women's Legal Service