HEALTH, COMMUNITIES, DISABILITY SERVICES AND DOMESTIC AND FAMILY VIOLENCE PREVENTION COMMITTEE

Members present:

Ms L Linard MP (Chair)
Mr MF McArdle MP
Mr SE Cramp MP
Mr AD Harper MP
Mr DC Janetzki MP
Mr JP Kelly MP

Staff present:

Mr K Holden (Research Director)
Ms L Manderson (Principal Research Officer)

PUBLIC BRIEFING—INQUIRY INTO THE DOMESTIC AND FAMILY VIOLENCE PROTECTION AND OTHER LEGISLATION AMENDMENT BILL 2016

TRANSCRIPT OF PROCEEDINGS

WEDNESDAY, 31 AUGUST 2016

Brisbane

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Committee met at 9.04 am

CHAIR: Good morning, ladies and gentlemen. I now declare open this public briefing of the Health, Communities, Disability Services and Domestic and Family Violence Prevention Committee's inquiry into the Domestic and Family Violence Protection and Other Legislation Amendment Bill 2016. I acknowledge the traditional owners of the land upon which we are meeting this morning and pay my respects to elders past, present and emerging. My name is Leanne Linard. I am the chair of the committee and the member for Nudgee. The other members of the committee are Mr Mark McArdle, deputy chair and member for Caloundra; Mr Joe Kelly, member for Greenslopes; Mr Sid Cramp, member for Gaven; Mr Aaron Harper, member for Thuringowa; and Mr David Janetzki, member for Toowoomba South. The purpose of this briefing is to receive information from the department about the bill, which was referred to the committee on 16 August 2016.

The committee is a statutory committee of the Queensland parliament and as such represents the parliament. It is an all-party committee which takes a nonpartisan approach to inquiries. This briefing is a formal proceeding of the parliament and is subject to the Legislative Assembly's standing rules and orders. You have previously been provided with a copy of the instructions for witnesses so we will take those as read. I know each of you has appeared many times before. Hansard will record the proceedings and you will be provided with a copy of the transcript. This briefing will also be broadcast.

I remind committee members that officers are here to provide factual or technical information. They are not here to give opinions about the merits or otherwise of the policy behind the bill or alternative approaches. Any questions about government or opposition policy that the bill seeks to implement should be directed to the responsible minister or shadow minister or left to debate on the floor of the House.

BIANCHI, Ms Liz, Manager, Legislative Review, Department of Communities, Child Safety and Disability Services

GILES, Ms Megan, Executive Director, Legislative Reforms, Department of Communities, Child Safety and Disability Services

TAYLOR, Ms Cathy, Deputy Director-General, Child, Family and Community Services, Southern Regions, Department of Communities, Child Safety and Disability Services

CHAIR: I welcome our witnesses from the Department of Communities, Child Safety and Disability Services and thank you for the comprehensive written briefing you have provided to the committee. Thank you. I invite you to make an opening statement or make any additional comments and then we will open for questions.

Ms Taylor: Good morning. Can I begin today by acknowledging the traditional owners of the land on which we meet and paying my respects to elders past, present and emerging. Thank you very much for the opportunity to brief you today on the Domestic and Family Violence Protection and Other Legislation Amendment Bill 2016. In terms of the approach this morning, I am going to provide you with an overview of the reforms in the bill and then discuss the consultation undertaken to inform its development. Liz will then take you through the key provisions in the bill and we are going to save Megan in terms of answering any of the critical questions at this point of time. I am hoping that her voice will stay with us for that long. We are absolutely happy to take any questions that committee members may have.

In terms of an overview, the bill proposes amendments to the Domestic and Family Violence Protection Act 2012, the Police Powers and Responsibilities Act 2000 and the Weapons Act 1990 to progress the next stage of legislative reform to implement the recommendations of the Special Taskforce on Domestic and Family Violence in Queensland. In its report the task force recommended a number of specific changes to the Domestic and Family Violence Protection Act 2012 and, as you

will be aware, the parliament has passed the Criminal Law (Domestic Violence) Amendment Act 2015, the Coroners (Domestic and Family Violence Death Review and Advisory Board) Amendment Act 2015 and the Domestic and Family Violence Protection and Another Act Amendment Act 2015, which were all passed last year. In addition, the Criminal Law (Domestic Violence) Amendment Act 2016 was passed earlier this year. All of these amendment acts enacted priority legislative amendments that had been recommended by the task force.

This bill implements a number of further recommendations that are contained in the task force report. Specifically, recommendation 140 of the task force report was for an overarching review of the act to be undertaken to ensure the act provides a cohesive legislative framework that incorporates the reforms recommended by the task force. This bill proposes legislative amendments arising from the outcomes of that review.

Recommendation 99 of the task force report was to require courts to consider a family law order when making a domestic violence order or DVO, and the bill makes this change. Recommendation 78 of the task force report was for enabling legislation to be introduced—and this is particularly critical—which is around information sharing between government and non-government agencies within integrated service responses. This bill proposes the introduction of specific provisions that support information sharing in a domestic and family violence context.

Recommendations 90 and 112 were that Queensland continues its commitment to the National Domestic Violence Order Scheme to achieve automatic mutual recognition and enforcement of DVOs across jurisdictions. This bill implements the COAG agreed model laws to enable Queensland to participate in the national scheme.

The review of the act found that, while the act provides a robust, contemporary legislative framework, there are obviously opportunities for improvement. These include improving protections for victims and their families by giving them access to earlier and more tailored protection. Other amendments include holding perpetrators more accountable while encouraging behaviour change, and enhancing the court and justice response by setting clear expectations that victim safety should remain at the forefront of decision-making.

The bill also proposes a number of amendments to improve protection for victims and improve the justice system response to domestic and family violence. The bill improves safety for victims by implementing the COAG agreed model laws, replacing the current manual registration process and providing for the automatic recognition of interstate DVOs. As I have already flagged, the introduction of a specific information-sharing framework will also improve the protection of victims because it will enable key government and non-government service providers to share victim and perpetrator information to facilitate risk assessment to establish if there is a serious threat to a person's life, health or safety because of domestic violence. It will also enable information to be shared to lessen or prevent a serious domestic violence threat to a person's life, health or safety.

The Queensland Police Service will be permitted to refer victims and perpetrators to specialist domestic and family violence service providers where a threat to a person's life, health or safety is identified. The bill also proposes to increase protection for victims by strengthening the ability of police to respond to domestic violence. Police will be required to consider what action to take immediately and effectively to protect victims, pending a court hearing an application for a protection order. It is proposed to expand the protection which can be provided by a police protection notice, which we often refer to as PPNs, and make them easier for police to issue and enforce.

The bill also proposes a number of changes to court and justice responses which will improve protections for victims. In particular, the bill proposes legislative changes to require courts to consider whether additional tailored conditions are necessary in each DVO in addition to the standard condition that a respondent be of good behaviour and not commit domestic violence against an aggrieved person.

The bill also proposes to extend the duration of protection orders by requiring a court to determine the appropriate length of a protection order and providing that a court must not make an order for less than five years unless there are reasons for doing so. As I have also flagged, the bill will seek to improve the consistency of DVOs and family law orders. The proposed changes will require a court, in making or varying a DVO, to consider whether there is an existing family law order it is aware of and whether the order needs to be changed or suspended if it is, in fact, inconsistent with a proposed DVO.

The bill also makes some important clarifications. It clarifies how and when a court can consider a respondent's compliance or noncompliance with a behaviour change program under a voluntary intervention order. It also proposes to make it clearer that the existing provisions in the act work

together such that, while a court must be satisfied that an act of domestic violence has been committed before a domestic violence order can be made, domestic violence includes behaviour that is threatening or causes fear. This aims to make it clear that an aggrieved person does not have to have been already a victim of an act of physical violence before a court can make a domestic violence order.

Finally, the bill also proposes changes which will improve how perpetrators of domestic violence are held to account. The maximum penalty for breaching PPN or release conditions will be increased. This will restore consistency with the maximum penalty for a breach of the DVO.

I would now like to briefly outline the consultation undertaken in developing the bill. The review of the act was informed by stakeholder consultations that built upon the extensive consultation undertaken by the task force. The department established a working group with the Department of Justice and Attorney-General, the Queensland Police Service and also the Department of the Premier and Cabinet to support a collaborative review and consultation process.

In early 2016, a terms of reference paper and an online survey for the review were released. We received 120 responses to the survey and 22 written submissions to the paper. In March of this year, 35 key domestic and family violence sector and legal stakeholders attended a face-to-face consultation session on the policy proposals identified in response to the submissions received. Many of the stakeholders are noted in the written briefing that has been provided to the committee. In May of this year, further face-to-face consultation on a draft bill was attended by representatives from many of the same stakeholder groups. The proposals in the bill were also discussed with a small group of women who had previously experienced domestic and family violence. Stakeholders have indicated broad support for the proposals, and their feedback is reflected in the final bill. I will now hand over to Liz, who will discuss the amendments in more detail.

Ms Bianchi: My name is Elizabeth Bianchi. I am the manager of the legal policy and legislation team at the department of communities. I will now take you through the bill in more detail. I will start with the information-sharing reforms. The task force made a range of recommendations to improve integrated service responses to domestic and family violence which are currently being implemented by the Queensland government. The task force specifically recommended the introduction of enabling legislation to allow information sharing between government and non-government agencies within an integrated service response. This was to include sharing without consent if a risk assessment indicates it is necessary for safety reasons. At present, the bill does not contain explicit provisions to enable information to be shared.

On page 231 of the task force report the task force identified that the legislative frame that guides information sharing without consent is complex. As the task force and several coronial investigations have found, no one agency or service holds all relevant information about a particular case. Service providers have also stressed to us the need for adequate access to information about perpetrators to inform holistic risk assessments. Effective information sharing is essential to enable the robust and comprehensive assessment of risk, so that a victim of violence and the specialist service providers they have contact with can better respond when circumstances of high risk are identified. The task force report also supported allowing police to refer a victim or a perpetrator to support services. The task force report noted that this should continue to happen with consent but also without consent where the risk is assessed as high.

Clause 44 on page 48 of the bill proposes to insert a new part 5A into the act. This will enable the necessary sharing of relevant information to occur in a domestic and family violence context, while protecting people's privacy and the confidentiality of information. The principles in proposed new section 169B provide that a person's consent to sharing information should be obtained wherever it is safe, possible and practicable to do so. However, the amendments also provide that a person's safety, protection and wellbeing are paramount and will take precedence.

Proposed new section 169A sets out that the purposes of the part are to enable particular entities to share information for the following purposes: firstly, to assess if there is a serious threat to the life, health or safety of people because of domestic violence; secondly, to respond to serious threats to the life, health or safety of people because of domestic violence; and, thirdly, to refer victims and perpetrators of domestic violence to specialist domestic and family violence services. The bill prescribes who can share information for each of those purposes.

Proposed new section 169D prescribes the circumstances in which information can be shared for risk assessment purposes. Prescribed entities, which are key government agencies and other entities such as health and hospital boards and specialist domestic and family violence service providers that are funded by the state or Commonwealth governments, will be able to share

information with each other where the holder reasonably believes a person is experiencing domestic or family violence and the information may help the receiving entity to assess whether there is a serious threat to the person's life, health or safety.

Other support services such as other non-government organisations that provide assistance or more general support to people who experience or commit domestic violence will be permitted to share information to those prescribed entities and to those specialist service providers for risk assessment purposes. However, prescribed entities and specialist service providers will not be able to share information with support services for this purpose. This proposal provides a balanced approach by allowing information sharing to occur for risk assessment purposes but ensuring it is limited to those specialist services with the necessary expertise to assess domestic and family violence related risks.

Proposed new section 169E outlines when information can be shared to respond to a serious domestic violence threat. It provides that all three types of entities can share information with each other where the holder reasonably believes a person is experiencing domestic and family violence and the information may help the receiving entity lessen or prevent a serious threat to the person's life, health or safety. This will enable prescribed entities, specialist DFV service providers and support services to share information to enable them to respond to high-risk cases.

Proposed new section 169F deals with referrals by police. It outlines that police will be able to share a limited range of referral information with a specialist DFV service provider if an officer reasonably believes the person is experiencing domestic or family violence and there is a threat to the life, health or safety or the person has committed violence. This will ensure that both victims and perpetrators are able to be referred to specialist service providers at the earliest possible opportunity.

Proposed new part 5A also includes a range of provisions in relation to the protection of people who share information and the confidentiality of the information that is shared. Proposed new section 169N protects people who share information in accordance with the new provisions from criminal and civil liability and from breaching any professional etiquette or standard of conduct.

Proposed new section 169K stipulates that it is an offence for a person who receives information or has access to information to disclose it to anyone else. The maximum penalty is 100 penalty units or two years imprisonment. It will not be an offence to share information if it is permitted under the provisions or under another law. Agencies covered by the Information Privacy Act will also continue to be able to share information if it is necessary to lessen or prevent a serious threat to the life, health, safety or welfare of another person.

Another safeguard is provided by proposed new section 169L, which allows police officers to use information they receive to the extent necessary to perform their functions. However, officers cannot use the information for a criminal investigation or proceeding unless they have considered, together with the entity that provided the information, whether the use would be in the best interests of the victim.

Finally, proposed new section 169M requires the director-general of our department to develop information-sharing guidelines, in consultation with the privacy commissioner, to ensure information is shared properly and privacy is respected.

I will now move on to talk about the proposed improvements to initial police responses and PPNs. Police protection notices were introduced in 2012 to enable police to provide quick and effective responses for victims. The task force noted that a limited number of PPNs had been issued since their introduction and recommended that the review of the act consider the operation of PPNs. On pages 331 and 332 of the task force report the task force noted that the aim should be to enhance victim safety and perpetrator accountability while delivering efficiencies for police and courts.

Currently, PPNs can protect an aggrieved person but not their children, relatives or associates. The notices can only currently contain two conditions: the standard condition that the respondent be of good behaviour, and an optional 24-hour cool-down condition that excludes the respondent from the family home or prevents them contacting the aggrieved person. Under the current provisions, police can take respondents into custody where they have committed domestic violence and there is a danger of personal injury or property damage. Currently, police must then release them on release conditions if a domestic violence order is not obtained during the detention period. These release conditions provide more comprehensive protections than PPNs and can include the same conditions as court issued DVOs.

Clauses 18 to 38 of the bill introduce a new framework for the operation of PPNs. A proposed new subsection in section 100(1A) will require a police officer who believes domestic violence has been committed to consider whether it is necessary or desirable to immediately protect the victim

and, if so, the most effective way of doing this. The new framework will streamline the current range of police responses and expand the protection that can be provided by a PPN. Proposed new section 101B will expand the range of people PPNs can protect to include a child of the aggrieved, or a child who usually lives with them, and/or another relative or associate of the aggrieved.

Clauses 24 to 26 expand the conditions that can be included in PPNs. Under proposed new section 106A, in clause 24, notices may now include a cool-down condition, a no-contact condition or an ouster condition. The clause sets the prerequisites that must be met before the officer issues a notice including these conditions. It also clarifies that cool-down or ouster conditions can cover the family home.

Importantly, new section 107D, in clause 26, provides that a PPN cannot limit a respondent's contact with their child if a family law order allows the contact. Police will instead need to apply for a temporary protection order to limit the contact in these cases and allow the court to determine the appropriate course of action. The proposed approach will mean that police will now be able to provide an expanded range of protection regardless of whether or not they detain the person, and in circumstances where a person is detained a PPN will be issued on the release of the person from custody if a domestic violence order has not been obtained during the detention period.

Under proposed new section 125, in clause 34, police will continue to use release conditions in the rare circumstance where they detain a respondent and there is already a DVO or PPN between the parties that named the respondent as the aggrieved. This will maximise flexibility for police to deal with the complexities of such cases.

Clauses 20 and 21 maintain two important safeguards. Under clause 20, issuing officers will continue to need the approval of a supervising officer to issue the notice. Under clause 21, police will continue to be prevented from issuing cross-notices.

Clauses 28 and 32 increase protections for victims by making PPNs enforceable in the same way as domestic violence orders. The new provisions differentiate between the service of notices and when they become enforceable, to protect victims. Service is the formal delivery of the notice that requires the respondent to attend court; enforceability refers to when it becomes an offence for the respondent to breach the notice.

Under proposed new section 109, in clause 28, police will continue to be required to personally serve notices on respondents. This is because PPNs will continue to be court applications for DVOs under section 112 of the act. However, under new proposed section 113, in clause 32, notices will be enforceable if respondents have been personally served with them or police have told them about the notice and the conditions in it. This will increase flexibility and will give police more options to protect victims where respondents deliberately avoid service.

Under the offence provision in proposed new section 178, inserted by clause 45, courts will need to be satisfied beyond a reasonable doubt that the police told the respondent about the specific condition he or she is alleged to have breached before it can convict them of breaching a PPN.

The bill will reduce the administrative burden on police by changing the information that needs to be included in a PPN and enabling police to conduct further investigations and file additional material with the court after issuing a notice, to support the court application for a protection order. This approach will ensure that police can act quickly to put protection in place, while maintaining relevant safeguards by requiring further information to be provided to the court to support the application for a protection order.

The bill also makes changes to deal with respondents to PPNs and release conditions who have access to weapons. In consultation, stakeholders suggested strengthening victim protection by preventing respondents having access to weapons. Clause 12 amends the act and part 4 of the bill amends the Weapons Act 1990 to achieve this. Clause 12 amends section 83(2) of the act to provide that if a person who is usually excluded from the requirement to hold a weapons licence under the Weapons Act is named as respondent in a PPN or release conditions they will no longer be exempt from the requirement to hold a weapons licence. Clauses 68 to 70 amend the Weapons Act to provide that any weapons licence held by a respondent named in a PPN or release conditions is suspended for the duration of the notice, just as they are now when courts issue temporary protection orders. Respondents will be required to surrender their weapon in the same way as when a DVO is made.

The final changes to PPNs and release conditions involve increasing the maximum penalties for breaching them. Clauses 45 and 46 increase the maximum penalty from 60 penalty units, or two years imprisonment, to 120 penalty units, or three years imprisonment. This is the same maximum

penalty as for breaching a DVO where the respondent does not have any convictions for breaching an order or committing another domestic violence offence in the last five years. These changes restore the consistency between the penalties that existed before the Criminal Law (Domestic Violence) Amendment Act 2015 increased the maximum penalties for breaching a DVO.

Next I would like to talk about how the bill expands the current police powers to direct a person to remain at a place.

CHAIR: It is obviously of great benefit to the committee that we get this additional detail, but how much longer do you think you have to go? The committee obviously needs to have time to ask questions.

Ms Bianchi: Probably another 10 minutes.

CHAIR: No, if you can just wrap up in the remaining two minutes. Of course you can provide any additional information in writing to the committee.

Ms Bianchi: I think there is quite a lot of information provided in the written briefing about the police powers, so I might move past that section and on to the duration of protection orders.

Currently under section 97 of the act protection orders can last for up to two years. Courts can impose a longer duration if they think there are special reasons for doing so. The task force identified that clarification should be given to the circumstances in which orders can be extended. During consultation stakeholders raised concerns about the two-year time period that exists now, so the bill makes some changes by inserting proposed new section 97 into the act. This will give courts the power to make orders for as long as is necessary and desirable to protect the aggrieved or a named person. It also provides that courts can only make an order for less than five years if there are reasons for doing so.

The bill also improves the domestic violence court's consideration of family law orders. This issue was identified by the task force. The bill implements task force recommendation 99 to require courts to consider any family law order they are aware of. I think those are probably the main points.

CHAIR: We certainly appreciate there is a lot of detail here. What would be of benefit to the committee, as this is our initial briefing, is to get more across the detail of what is proposed. We will have public hearings after today with submitters, and most likely it will be of benefit to the committee to call you back again to prosecute particular questions in more detail. We obviously reserve that right, too, and we know that you will respond to issues raised in submissions.

We will open now for questions from the committee. I have a number of brief initial questions. With regard to the recognition of DVOs from interstate jurisdictions, I note they must be manually registered and I note the proposal, which I think is a very good one. I was interested to know why New Zealand is proposed to remain as a manual registration. Is it purely because it is not a domestic location? Is it that simple?

Ms Bianchi: I will just check with my colleagues from the department of justice. The bill implements the provisions which are contained in the model agreed by COAG, and that is the approach adopted in that model bill. At this stage it mainly relates to the implementation of practical issues around getting the supporting information from that jurisdiction and being able to automatically register them. There is a lot of work being undertaken within Australia in terms of the jurisdictions and creating the IT systems that would be needed to support that. That is where the focus is at the moment. As I said, the bill implements the model laws which have been agreed by COAG which takes that approach.

CHAIR: At some stage there could be an evolution of that process?

Ms Giles: Yes.

CHAIR: Thank you. Were protection orders envisaged with regard to this at all? I appreciate that when those orders come to an end that will be another question, but if there is a protection order in place and there is a movement between domestic jurisdictions, was that considered as well as the DVOs?

Ms Giles: The term 'domestic violence order' is a broad term that captures temporary protection orders and protection orders. Protection orders are a subset of domestic and family violence orders.

CHAIR: But it is captured?

Ms Giles: Yes.

CHAIR: What happens when it comes to an end? Is it removed from that register? I just want to understand how that is dealt with.

Ms Giles: Yes, I think that would be the case.

CHAIR: The other question I had at this point—and obviously I suspect many of my colleagues will reserve the right to ask more questions after we have dealt with submissions—is in relation to attachment 3 on page 12 of the submission that you made. I appreciate the comments that you made, Ms Bianchi, with regard to the flow of information and the direction of that flow. I note here that when managing a serious threat—obviously if a threshold has been met for it to be considered a serious threat—there is a two-way flow of information between those prescribed agencies such as QPS and DJAG—and Corrections, I would assume, would be part of that, too—to non-government service providers. I think that information flow and improvements are fantastic and, having previously worked alongside the QPS, that would be very welcome. I wonder about the nature of the information that may be shared between those prescribed agencies which have significant governance thresholds and some of the NGOs and the framework that is envisaged around managing the long-term security and integrity of that information. Could you speak to that, please?

Ms Bianchi: Essentially, the bill prescribes that the information that can be shared between those agencies can only be that which is relevant to that assessment of risk or in managing the serious threat to the life, health and safety of a person. One of the reasons for the provision that is in there around the development of guidelines is to ensure that there are appropriate mechanisms put in place that are very clear for service providers and government agencies around how that information should be retained, used and disposed of. That can provide really practical guidance to try and support the provisions of the bill that provide a more general framework in which information can be shared and includes those safeguards around who can share information, when, why and how. I guess the answer to the question is that only information that is relevant to an assessment of that risk can be shared.

CHAIR: Yes, which could be significant in detail, though.

Ms Giles: The intent of that part of the amendment enabling government entities and specialist domestic violence services and other service providers to respond when there is a serious risk is to enable people to do what they need to do when they know that the threshold has been met. The intent of the provisions is to enable people to respond when they have determined that there is a serious threat. These are cases where someone's life or health can be at risk. We felt that it was very important to make it clear that people can respond in those circumstances by telling someone that that threshold has been met.

Ms Taylor: I might add that at the end of April we visited Mount Isa. We spent some time working with a group there that is really going to lead some of the work-up around high-risk teams and integrated case management. Some of the most critical members of that team were not just Queensland Police Service and Queensland Health but also probation and parole through Queensland Corrective Services. They reflected that sometimes it is probation and parole which holds some of the most critical information—particularly if they are returning to Mount Isa after serving a period of time in one of the Corrective Services places in Townsville. Being able to work with the Police Service and the critical domestic violence provider to assess risk was seen as a real benefit. Picking up the point Liz made about relevant information being shared with relevant people, some of this is very private, obviously, but it is about enabling and responding to high-risk situations. We were working through some really particular and practical examples, and they are the ones we are continuing to refine as we work this through.

CHAIR: Does that include your refining process? Establishing information protocols would obviously be a continuing process and continual discussion, but what about how that information is shared? Having some idea of QPRIME and the complexities of that system alone—and even QPS data and how they present that—in what form might that data be provided to some of these other agencies?

Ms Taylor: That is certainly one of the things that we need to practically work through as part of the integrated service response. We are trialling the integrated service response in three locations: one in Logan-Beenleigh; one in Mount Isa; and one in Cherbourg. They all have different complexities and we want to test them in a rural setting, in a discrete setting, and then see what it might look like in an urban setting, because on each occasion we need to ensure that the processes continue to keep the information private wherever but that the relevant information is shared with the right parties in a way that is easy to understand.

Ms Giles: Thinking of some practical examples from the conversations that we have had with service providers and victims, that might include, for example, telling a school or a childcare centre that this case is a serious high-risk case; it might include telling a general practitioner or a psychiatrist or psychologist that a specialist DV service or police in fact have assessed that this is a high-risk case. That would be very valuable information when you think about some of the current high-profile cases that have informed the development of the bill.

CHAIR: I note clause 7, the standard conditions about DVOs, and that the bill will require courts to consider whether additional, more specific conditions are necessary. Ms Bianchi, you spoke about PPNs and some of those conditions including cool-down, no-contact and ouster. What would be some of the specific conditions considered or included in clause 7? What might be an example of those?

Ms Bianchi: It would be those specific types of conditions which are outlined in the Act that would fall within the types of conditions that the court would need to consider. A court can currently impose any other condition that they consider is necessary and desirable for the protection of the aggrieved or a named person. They would undertake a consideration of those specific conditions which are outlined in the legislation at the moment which include not so much cool-down but ousters and no-contact conditions. There are a range of others already prescribed. Then they would think about whether there is anything else that is necessary and desirable to provide protection in that particular case.

CHAIR: Is this about seeking the court to perhaps make more of those sorts of conditions? My understanding from reading the report is that it is not happening currently. Is there any idea about why we feel that may be the case?

Ms Bianchi: It is about setting a clear expectation, I think, that victims will in each case have access to the tailored protection that they need. Off the top of my head, some of the data shows that about half the orders that are made just include the standard condition—I think it is roughly half, maybe a little bit over—and the other half do not. What stakeholders tell us in our consultations is that victims often report to them that they do not feel they had the tailored protection they needed; they just got the standard condition but they needed a little bit more. I think this is about setting a clear expectation that in each case a considered thought process will go into the risk that is evident to the court and what protections need to be put in place to mitigate the risk for the victim.

Mr McARDLE: Thank you, ladies, for coming today and for your submission and oral testimony. I have only one question today; I will come back later after submissions. With clause 44, information sharing, we have a prescribed entity defined at page 50 and then we have specialist DFV service providers at the base of page 50 and top of page 51. I am concerned about the security of information transmitted by one to the other. Can I give you an example?

Under 'specialist service provider' it says that it is a body that provides services to persons who fear et cetera or who commit domestic violence. It might well be that a refuge is such a provider; therefore, they would fit under a broad definition of that term. What protections will be put in place for the information they receive from either a prescribed entity or a provider to ensure that information does stay very private and limited access is given to those members of the organisation that should have it? I make the point because we know that as governments continue to grow more and more people access information, not deliberately but because of how things operate internally in the organisation. One of the issues is going to be understanding the intent of the provision. How do we make certain that people who should not access it do not? More importantly, who are we going to define as having the right to access the information?

Ms Bianchi: Organisations that are currently funded are already caught under the provision of the Information Privacy Act in Queensland and are required to comply with those privacy principles. They are required to comply with the requirements of that act which set out expectations around use, disclosure and retention.

The reason that we have drawn a distinction between the types of service providers is to acknowledge that those organisations that are being funded by government to undertake that specialist work are agencies that have expertise and are already complying with a lot of those obligations and are dealing with that as part of that daily business. They are complying with those obligations under the Information Privacy Act.

That is why there is a distinction between those two types of organisations. We have sought to achieve a balance. For that risk assessment arm we wanted to make sure that was limited to those specialist service providers. In accordance with the established position that already exists under the Information Privacy Act, once a serious threat has then been able to be established and people are concerned that there is actually a threat to a person's life, health, safety or welfare, information can

be shared as needed. For the other service providers the guidelines will also support some of that information and will set some clear expectations around how information should be stored, retained, used and accessed et cetera.

Ms Giles: It is a very important point that you are raising. We worked very closely with the privacy commissioner in developing the provisions for exactly the reasons you are raising. The privacy commissioner has agreed to work with the department in developing the guidelines to also add to explaining those expectations that are covered in the Information Privacy Act.

Mr McARDLE: This arises when there is a particular threat or likely risk. When that passes, what happens to the information? Is it retained by the body or does it then have to be expunged from the record because it is passed on for a particular purpose? It is not passed on for general information. For example, an application is made and the police take action. Once that is concluded, is there a requirement that that information then be removed from the system?

Ms Bianchi: I think we would probably need to take that on notice in terms of providing a detailed answer to the committee. I guess the preliminary answer would be that the different entities may be governed by different regimes in terms of their obligations to maintain public records versus any obligations they have under a funding agreement. I think it is a complex one that we might need to take on notice and get back to you on.

Mr McARDLE: That is fine.

Ms Taylor: I flag that we have engaged Australia's National Research Organisation for Women's Safety to work alongside us in terms of developing a common risk assessment. One of the things that needs to underpin this work is a common risk assessment so that we do not have agencies utilising different risk assessments—that we have the one framework. We have also been funded to develop an information technology solution.

This goes to the earlier question you asked about how we actually provide higher levels of security. As Megan has flagged, we will obviously work alongside the privacy commissioner. It is critical that we have good guidelines. We need to support it at every level and layer through our systems and processes. You are right: this is highly confidential information. We are keen that it should be shared for the purposes for which it was intended.

Mr McARDLE: Thank you very much for taking that on notice.

Mr KELLY: Confidential information will be shared across non-government and government agencies. Particularly for non-government agencies, what guides and regulates their use of that information? For example, I am a registered nurse. When I go to work I deal with lots of confidential information. There is a whole range of things that dictates how I deal with that information and penalties if I misuse that information. What are the guidelines for that information being used in the NGO sector?

Ms Giles: In terms of the bill before the House, the intent is to be very specific about what information can be shared with whom, when and for what purpose and for that to be limited. The bill also includes very serious penalties if information is shared and used beyond the scope of those provisions. Over and above that, though, the services that the department funds to deliver specialist domestic and family violence services are contractually obliged to comply with the information privacy principles under the Information Privacy Act which go to the issues that you are raising—that is, collecting, using and storing personal information and destroying that after it has been held for a certain period of time. Those things guide that conduct.

Over and above that, though, we have limited the information that can be shared and used to specialist domestic violence services that, as my colleague Liz Bianchi has raised, have specialist expertise in domestic and family violence. Beyond the normal rules around sharing and using personal information, they understand the nuances, issues and safety risks around domestic and family violence which add another layer of complexity. Those services are already undertaking risk assessments and using their expertise in terms of the information they can obtain within the current provisions of the law and also with consent from parties. They have that experience and expertise.

Mr KELLY: Page 4 of the explanatory notes talk about the removal of the requirement for an officer to be in the same location as the respondent to issue a PPN. It gives the example where the respondent has fled the scene before the police have arrived. If the respondent is not there and the police issue a PPN, how does the respondent know that the PPN has been issued?

Ms Bianchi: Before the PPN can be issued the police officer will have to make reasonable attempts to contact the respondent. That will also offer the opportunity for important natural justice before that police protection notice is issued. Following the issuing of the PPN there will then be a

requirement for personal service of the PPN which will then constitute the application for the protection order. A respondent cannot be found guilty of breaching that police protection notice until, at a minimum, they have been advised that the police protection notice has been issued and they have been advised of the specific condition that it is then alleged they may have breached.

Mr KELLY: So they do need to know that they have a PPN before they can be breached on it?

Ms Bianchi: Yes.

Ms Taylor: Absolutely.

Mr KELLY: The explanatory notes say that there is no requirement to be in the same location as the respondent. Does this then make it possible for a police officer to deal with a domestic violence incident over the phone and issue a PPN without ever attending the scene or properly assessing the situation?

Ms Bianchi: I think police are still going to need to be reasonably satisfied that domestic and family violence has occurred. The removal of the requirement to be in the same location as the respondent really related to practical issues raised by police about those kinds of circumstances where a respondent has fled the scene before police arrived. It is envisaged it would support police in their ordinary duties, which will generally involve them responding at a scene. It was not necessarily envisaged that it would be occurring over the phone.

Mr KELLY: In relation to police referrals to specialist DFV service providers on page 7 of the explanatory notes, you note that referrals without consent should be allowed where the risk is assessed as high. I assume it is the police making that risk assessment. What training do they have to make that risk assessment and do they use some sort of tool or guidelines to make that assessment?

Ms Taylor: Police are actually undertaking significant training and support—and I am not just talking about the liaison officers—in terms of the work that Inspector Regan Carr is leading in relation to the Domestic and Family Violence Vulnerable Persons Unit across the whole of the Queensland Police Service. Last Thursday the commissioner and other members from the Police Service attended the Domestic and Family Violence Implementation Council to provide us with an update on how they are going in providing the training and embedding that across new recruits and first-year constables right across the state. It is certainly the feedback from the police that they do not see this as a one-off. They see this as part and parcel of a sustained training effort over the coming years.

Mr CRAMP: Thank you for your submission. A lot of the new clauses in the bill relate to increased responsibilities for the Police Service. I see a lot of it as almost a web. They are required to make decisions about high-risk scenarios and cases. I am wondering about the recourse for these officers as we go on. I understand it is early in piece and we are still developing. The safety guidelines are definitely going to be clearly documented. How much consultation are you having with the police in this regard?

Ms Taylor: I would say that we are having extraordinary levels of consultation with the police, from Deputy Commissioner Brett Pointing, who is obviously the champion for domestic and family violence, right through to police liaison officers. It is always important that we not just look at the policy aspects of legislation such as this but also look at how it is going to come into practice. This is one of the reasons police are going to be such a critical member of our high-risk teams across the state. I would like to reassure you that we are engaged. It does not mean that we have solved every single issue, but we are working alongside each other intensively and will be over the coming weeks, months and years as we roll this out.

It is certainly the case that we are sitting down and talking with different members of the Police Service about how we sustain this energy and effort. We are talking about cultural change. We are also talking about supporting and equipping the Police Service with the tools and the supports they require. How do we make sure the referrals are streamlined? How do we make sure we are operating off the same guidelines? How do we have a single risk assessment framework? There are multiple levels. We are very happy to take that question on notice and come back with detailed evidence of the plan.

Mr CRAMP: You just saved me asking my next question. I was going to ask if there is a possibility of public information to at least inform us—

Ms Taylor: I am sure the police would love to assist in terms of providing that level of detail.

Mr CRAMP: I would be concerned about the recourse for officers as we go on. No doubt operationally officers will find themselves in situations where they make a judgement call and there will be some recourse, be it through the court system or somewhere else, to say, 'You overreacted.' I would like to see if there are some protection provisions put around our officers, who are already dealing with that.

Has there been any thought given to the amount of paperwork that could be involved? I notice there are some references to streamlining. I am happy for you to take that on notice. The officers that I speak to say that at least one to two officers a day are taken up full time with domestic violence cases—the paperwork, not so much attending the case. One case can take a whole shift. With these extra responsibilities, how is that going to impact on our police officers?

Ms Giles: We have spent an extraordinary amount of time working with the Police Service, recognising their very important role in domestic and family violence as first responders and recognising the percentage of time that police spend working on these very important matters. As we have already outlined, the bill proposes to streamline the way the act works so that police have a clearer understanding of what legislative tools they have to respond. We are also proposing to give them greater powers so they can respond effectively to the individual circumstances of a particular case.

Importantly, the bill proposes some streamlining of administrative processes. For example, when police officers issue a PPN—that will still be an application for an order, because that is an important safeguard for police but also for the parties to a matter—they will no longer, there and then on the spot, articulate all of the grounds for the making of the order in the PPN. We have heard from police that that is a really important shift. That will mean that at that point in time they only need to articulate that they are reasonably satisfied that the grounds for the issuing of a PPN are made out.

That is important because it helps respondents know that they have actually committed domestic violence and what the circumstances of the allegations are. Police will have more time to prepare that material for court which they tell us will be a huge lessening of the administrative burden because they can do that back at the office or the next time they are on shift, rather than having to do it there and then. It also gives them the opportunity to explore what other information the court might actually need to hear an application—to do those important things like checking histories and collecting the information that courts need.

Mr HARPER: That segues beautifully from Gaven all the way to Thuringowa. I meet monthly with the bigger police stations in Thuringowa. Kirwan Police Station alone has 1,200 interactions in domestic violence. Liz, I did hear you say that the issuing of a PPN, with the expanded provision—and I congratulate you on including children in that—will decrease the burden on those front-line officers. I am hearing the same thing. They have developed a team within that station to deal with the issue. Over 100 a month in one area certainly indicates that the issue is out there. We have a lot of work to do as a society and as a parliament.

I congratulate you and your team behind you on the significant body of work that has been done in putting this together. From the administrative policy side of it to the front line, I hear about reducing the administrative burden and making it easier. Liz, you said that the issuing of PPNs will reduce the burden on police. Can you expand on that?

Ms Bianchi: It is probably similar to the information Megan provided. I was referring to some of the streamlining of the processes around the issuing of the PPNs. We have tried to create it in such a way that police can provide that immediate protection quickly, hopefully on a much shorter form that requires less administrative work up-front, on the basis that they are reasonably satisfied that domestic violence has occurred and notice needs to be issued. This is to provide more flexibility for additional supporting material if required to be prepared and provided to the court before the application for the protection order is heard.

At the moment, the way it works in practice is that a police protection notice needs to include all of that information to support the application to the court. Police tell us that that is part of what takes such a long time in terms of actually issuing the PPN. It causes that administrative burden to happen right there and then. This will enable a bit more flexibility for police to act quickly and then think about whether they need to provide more to the court.

Ms Giles: Through our consultations, police tell us that they do want to be able to respond effectively when they are called out to a domestic violence incident. They want to be able to protect the victims of domestic violence because they see all too clearly the consequences if they are not

able to. The intention of the bill is to give them additional tools to be able to do that, by doing things, as you have already outlined, like naming other people on those protection notices and including other conditions. They then have the tools to tailor a response in particular circumstances before they get to court.

Ms Bianchi: The way that we have streamlined the range of police responses will also provide some efficiencies for police. At the moment, in order for police to provide additional protection beyond the standing conditions they need to detain a person. They need to go through all of the processes for the detention process. We have now changed it so that they will be able to provide that broader range of protection within a police protection notice without having to do that.

CHAIR: The time allocated for this public briefing has expired. A number of matters have been taken on notice. The secretariat will contact you to confirm the questions taken on notice and when the response is due. I thank Ms Taylor, Ms Giles and Ms Bianchi for their attendance today. The committee appreciates your assistance. I declare the briefing closed.

Committee adjourned at 10.04 am