



Speech by

Mrs LIZ CUNNINGHAM

MEMBER FOR GLADSTONE

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DOMESTIC VIOLENCE (FAMILY PROTECTION) AMENDMENT BILL

Mrs LIZ CUNNINGHAM (Gladstone—IND) (12.06 a.m.): I rise to speak on the Domestic Violence (Family Protection) Amendment Bill. The importance of the family unit has already been stated in this Chamber tonight. I do not believe there is a better structure for society than a healthy family. This requires a secure relationship between husband and wife. This, in turn, creates a safe and secure environment in which children can grow to maturity. Domestic violence shatters the probability of that maturity being reached without very severe scars.

The triggers for domestic violence vary; they can be alcohol, unemployment, financial stress or tension as a result of many causes. Nothing, however, excuses physical violence in a relationship. Domestic violence is not isolated to the physical act of violence, but includes the atmosphere created in the home and the culture of fear in which the victims—most commonly women and children—must survive. That fear evidences itself in many ways. It can, of itself, allow continued violence.

In August this year an article appeared in the newspaper where it was reported that a woman, who was murdered by her husband while he was on parole for killing his first wife, had told Corrective Services staff several times that she feared for her life. However, the woman did not make a formal complaint in case her husband found out.

The violence that some spouses use is, I believe in some cases, at best justified and, at worst, encouraged by judicial comments. I refer to such comments as "rougher than usual handling" in relation to the rough treatment meted out by a husband to his wife who, in the circumstances, refused consensual intercourse. Another matter involved a judge saying that a wife murdered her husband "during a period of tranquillity". It was tranquil at the time when she actually murdered the man. He had beaten her earlier that day. She was emotionally destroyed after a lot of years of abuse. Her husband was on the verandah, enjoying a drink. He was tranquil; she was absolutely devastated. At that point in time, something made her crack and she committed the act of murder. However, the judge commented that she committed the murder during a period of tranquillity.

Such attitudes expressed by the judiciary allow the perpetrators to enjoy a sense of appropriateness or justification, and that should not occur. Once domestic violence has been identified, I believe that the proposal in the Bill that weapons must be surrendered would receive 100% support from the community. It has been suggested that consideration should be given to the circumstances in which the respondent requires a weapon in order to continue with his employment.

In a debate in this Parliament several years ago with respect to an injury to an unborn child as a result of assault, some members argued that only a child of viable age should be protected. Viability was regarded as being 26 weeks. Others in this Chamber, including myself, agreed that, irrespective of the age of the baby, the loss of a child is great to any parent. I remember saying during that debate that before a person assaults a woman he must count the cost. She may not be apparently pregnant. I reiterate those words. It may be a short-sighted comment on my part but, "Before you belt your spouse, count the cost."

I commend the recognition that, in some circumstances, there is difficulty in having charges laid by the aggrieved spouse. As the member for Caboolture said, so many times police officers do everything in their power to get the spouse to lay charges for their own protection, yet still the aggrieved

spouse refuses. In some cases, I believe the spouse refuses out of fear of reprisals. This Bill gives the police power to hold the respondent's spouse for a period of time while provision is made for safe accommodation for that aggrieved spouse and any family affected. Those provisions are welcome. However, I hope that the Minister will review the four-hour limit. I am sure that, in Brisbane, four hours would not allow a lot of time for accommodation and transportation to be provided.

I also know that, in country areas, especially in small country towns where the injured spouse may have to travel some distance to get safe accommodation, four hours may not be long, because the provision is four hours from the point of the incarceration of the respondent. If that four-hour time limit proves to be not long enough—and I recognise the civil liberty issues involved in saying this—then some flexibility should be given to the police for them to recognise the situation the persons involved are in, either geographically or because the nearest accommodation is full, so that they can extend that time, albeit with justification. The recording requirements on the watch-house keeper give balance to the accountability for the respondent spouse as does the four-hour time limit. However, I ask the Minister whether she would be prepared to review that time limit, if it is possible, if it shows over time to be not long enough.

I also commend the entry powers afforded to police as they are very much necessary. Although I am not a police officer, I know from talking to police officers and being aware of the conscientiousness, sympathy and compassion that they show in so many instances that, for an officer who genuinely holds a fear of injury to a spouse in a home when they have been called to a domestic violence situation and to have to stand by while the violence actually occurs is not only a tragedy in the sense that the violence occurs but also double jeopardy in that the officer was helpless to intervene. I believe that those entry powers will be used responsibly and I believe that a degree of domestic violence will be removed because police have been able to enter premises just as a presence to deter any action being taken by the respondent spouse.

Police face great risk when attending scenes of domestic violence. That issue has already been referred to. Domestic violence is increasing in our community and, I guess, that is because unemployment is increasing and financial stress is increasing. The number of people who receive below average earnings or who live below the poverty line is increasing. So the stress on a family and the stress on a relationship is increasing. I commend the police for the work that they do. It is a most difficult situation. Only recently, officers have been killed when responding to domestic violence reports. Any assistance that can be given to police to be able to adequately and appropriately respond to domestic violence incidents, particularly where the victim is unwilling or unable for whatever reason to take action themselves to defend themselves against their partner, or any powers given to police to be able to assist in that situation is welcome.

In closing, I would like to commend the refuge workers—the men, but particularly women, who staff the refuges throughout Queensland. They do a brilliant job. Their ability to keep confidential the whereabouts of people who are seeking accommodation from them, their compassion in dealing with people and the care with which they deal with issues relating to specific people under their care is to be commended. They have a very special gift. Some tremendous people in the community look after the victims of domestic violence and all the attending trauma that goes with it.

I commend the Minister for this Bill. I know that there has been concern in the Parliament by people of all persuasions that domestic violence be addressed. Tonight, it is a pleasure to be able to rise in this Chamber to commend a Bill that goes a great way towards addressing those problems.
