



Speech by

**Mr D. BRISKEY**

**MEMBER FOR CLEVELAND**

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Hansard 8 March 2002

**DOMESTIC VIOLENCE LEGISLATION AMENDMENT BILL**

**Mr BRISKEY** (Cleveland—ALP) (12.46 p.m.): Some 25 years ago a person who was living in a violent marriage came to see me. She felt that she was stuck in that relationship because of economic ties to her husband. Fortunately, those days have changed. However, domestic violence continues to be a major problem in our society. At the outset I congratulate the minister on bringing this legislation before the House. As we have heard from many members on both sides of the House, our constituents continue to bring into our daily lives in our electorate offices situations that they find themselves in, and we do our best to assist them. But legislation of this sort is very, very much required to assist others who have come before us—for me, over the last dozen years—and who have required assistance. The previous legislation or legislative provisions did not cover those people.

We all wish that domestic violence did not occur. Would it not be a wonderful society if we could have no violence, and especially no domestic violence, in people's daily lives? It is my wish—and I am sure it is the wish of every member of this House—that one day we will not need legislation like the domestic violence legislation that we presently have on the statute books. I hope that with the good work of this House and the good work of the people in our community who work with people who suffer from domestic violence and those who endeavour to educate those in our society who perpetrate acts of domestic violence on others, one day we will not require legislation like this before the House. I hope that I see the day when this statute is no longer required in Queensland, or anywhere else in the world for that matter.

As I said, domestic violence continues to be a serious matter within our community. Figures from the Australian Bureau of Statistics indicate that 1.1 million Australian women have experienced violence by a previous partner, including violence that occurred both during and after the relationship.

Just as concerning is that 9.4 per cent of women surveyed in the Australian Bureau of Statistics' Women's Safety Survey in 1996 experienced physical violence by a boyfriend or date. The domestic Violence Legislation Amendment Bill before the House provides further mechanisms to ensure the safety and the protection of family members, people with disabilities, the elderly and people in dating relationships who have been abused.

The amendments to the Domestic Violence (Family Protection) Act 1989 were identified through a review undertaken by the Department of Families in association with the Queensland Domestic Violence Council. Contributions were received from both individuals and organisations, including representatives from the ageing, disability and children's sectors, community legal centres, indigenous services, the magistracy and the Queensland Police Service.

Some of the more specific amendments include: changing the name of the act to the Domestic and Family Violence Protection Act 1989—the previous speaker applauded this name change, as do I; allowing children under 18 to bring and be respondents to applications for domestic violence orders in intimate personal relationships and informal care relationships; including special provisions for the protection and support of children under the age of 18; extending the act to people who are abused in domestic relationships; strengthening provisions about temporary protection orders; extending the number of people who can apply for a domestic violence order on behalf of an aggrieved person; extending the police duty to investigate

suspected incidents of domestic violence; and transferring the policy duty to seize weapons when a domestic violence order is made to the Police Powers and Responsibilities Act 2000.

The Beattie Labor government is committed to the safety of all Queenslanders and has delivered on another election commitment. As a father I am particularly pleased to see that the legislation includes provisions to protect the rights and lives of our young people. In particular, this bill allows children under 18 to bring and be respondents to applications for domestic violence orders in intimate personal relationships and informal care relationships. It does not allow children to bring an application against the parents as this is considered a child protection issue and is covered under the Child Protection Act 1999. However, there are provisions in the current act and the bill before this House to safeguard the interests of the child, including the representation of children, the service of documents, ensuring children understand the nature and consequences of an order and children as witnesses.

The effects of domestic violence on children and young adults can be just as damaging as being physically abused. It is distressing, to say the least, but Australian Bureau of Statistics figures have noted that 46 per cent of women who experienced violence by a previous partner said that children had witnessed that violence. Children who witness domestic violence are abused by—it is not limited to this—being denied a safe and supportive environment; witnessing the abuse, in most cases of the mother; being physically, verbally or emotionally abused when they attempt to stop the domestic violence; feeling guilt, shame and embarrassment; and having to assume a parental role over younger siblings.

International research has shown that both physical and environmental factors are important in a child's development and on their subsequent health, development and wellbeing through childhood, adolescence and even into adult life. Other studies on the attitudes and experiences of young people aged between 12 and 20 of domestic violence demonstrated that exposure to parental domestic violence influences young people's attitudes. They are either more accepting of domestic violence or highly intolerant of it, having experienced the damaging effects of it. Children and young adults need protection in their own right. It cannot be assumed that once the parental needs are managed the children will heal at the same time.

This bill is a step forward. Protecting and safeguarding the rights of children is paramount to this government. The Beattie Labor government is committed to the youth of Queensland. As part of the youth participation strategy a web site called Generate was created. This is just one example of how the Queensland government is supporting young Queenslanders to get more involved in government decision making and the lives of their communities. The web site also has myriad information about government and non-government services for young people, links to 'cool' sites and Ministers On-line, a place where they can chat directly with Queensland government ministers about issues that are important and of concern to them. As one honourable member discovered, you even get asked out for lunch! Importantly, Generate has links to sites that offer help and guidance in matters such as relationships, families, sexual issues and domestic violence.

Domestic Violence Protection Week is held in May every year. This campaign is aimed at the prevention of domestic and family abuse in Queensland. Expect Respect is a joint initiative of the Department of Families and the Queensland Domestic Violence Council. The campaign commenced in 1992 and is the only one of its kind in Australia. Domestic Violence Protection Week aims to raise awareness of domestic and family abuse and promote a change in the attitudes and behaviours that perpetrate violence of this kind.

It is also important that we raise awareness of domestic and family abuse as it can also happen to the elderly or people with disabilities and the abuse that may be perpetrated by informal carers. That said, the bill also affords further protection to people with disabilities and the elderly. I am sure that many of us have had the unfortunate circumstance of constituents approaching us with the situation of elderly parents who have been abused by other family members. It is very important, therefore, that this bill does afford protection to the elderly. Under the current act the elderly are protected only in the context of a spousal relationship. In keeping with our ever-changing community, today's bill allows for that protection to be extended to intimate personal relationships, family relationships and informal care relationships.

Under the amendments, 'informal care' is defined as a relationship in which a person is dependent on someone else for help with activities of daily living. Activities of daily living may include dressing, preparing meals and shopping, but the bill stresses that this help must be provided in an informal way, meaning that care provided under a formal arrangement is not covered by this bill. It must be said that this provision is not applicable in a parent-child relationship but does cover adults who care for their parents in an informal care relationship.

Unfortunately, older people, especially if they are dependent upon adult family members for care, seem to be most at risk of abuse. It can be said that the stress of caring for an older

person may increase the likelihood of abuse. The added responsibilities of caring for an older person may induce financial and emotional stresses that the carer may not have accounted for and therefore, without changing their lifestyle and with limited support mechanisms in place, this fosters an abusive situation. This in no way changes the fact that no form of abuse is acceptable. It certainly is not and never will be. As with the elderly, people with disabilities were also identified through the joint Department of Families and Queensland Domestic Violence Council review as being at risk. Sadly, researchers found that in the majority of incidents men are the abusers and the female victim generally knows the perpetrator. The perpetrator is usually a relative, care-giver, service provider or personal attendant.

As mentioned earlier, the bill allows a wider range of people to apply for a protection order. It also enables a person to apply for a protection order on behalf of another person. Therefore, a guardian or administrator appointed under the Guardianship and Administration Act 2000, a person who is acting as an attorney under an enduring power of attorney or an adult guardian, should the aggrieved not have the capacity to make the application themselves, may apply for a protection order.

This bill provides a civil legislative response that gives a wider range of people the ability to apply for a protection order. The safety and protection of all Queenslanders is paramount to this Beattie Labor government. Every Queenslander has the right to live free from violence and abuse. That is why I wholeheartedly support this legislation, as it provides protection to those in need and also assists in preventing violence from occurring.

I take this opportunity to congratulate all those in my community in the Redlands shire who help those who are afflicted by domestic violence, in particular the Maybank Association Inc., otherwise known as the Redlands Domestic Violence Service. I acknowledge the president, Linda Harnett, all the other executive members and the volunteers of course. I also mention the coordinator, Marjorie Anderson, who has been at the helm for so many years.

**Mr English:** They do a fantastic job there.

**Mr BRISKEY:** They certainly do.

Sitting suspended from 1.00 p.m. to 2.30 p.m.

**Mr BRISKEY:** Just before we broke for lunch, I was speaking about the Maybank Association within my electorate, which also operates under the name Redlands Domestic Violence Service, and the good work it does in the Redlands shire assisting those who find themselves in domestic violence situations. I mentioned its president, Linda Harnett, and its coordinator, Marjorie Anderson, who has worked tirelessly over many years to assist people who find themselves with problems.

**Mr English:** They have had a longstanding commitment to helping victims of domestic violence.

**Mr BRISKEY:** I endorse exactly what the member for Redlands says. Over the years I have been approached by Marjorie, her co-workers and volunteers, and many people in the community assist in this regard as well. Even though I know that they do not want to be named, I take this opportunity to say a personal thankyou to those people who have helped furnish the houses required for people in these situations and those people who undertake repairs, repainting and all the work that needs to be done to them, because very often the houses acquired need a lot of work. Marjorie has worked extremely hard and works with a group of people who often get a bit of a belting by the community, and that is our hardworking police. I congratulate the police at the Cleveland Police Station and the Capalaba Police Station—

**Mr English:** And Redland Bay.

**Mr BRISKEY:** And Redland Bay, but I particularly congratulate the Cleveland and Capalaba police, who look after my electorate. They have worked with Marjorie and her workers over many years to assist those who find themselves in domestic violence situations. After speaking to my many police officer friends, it is not easy to attend at a home when there is a domestic violence call-out and it is a very dangerous situation to be placed in. I pay tribute to those police officers for the work they do with the Redlands Domestic Violence Service to ensure that people are not only assisted but also helped in many other ways.

In relation to domestic violence, I mentioned at the beginning of my contribution to this debate that it is important that we all work towards ridding our society of domestic violence. One of the ways I suggested as to how this could be done is education. I also pay tribute to Cleveland District State High School in my electorate and to Paul Bancroft, the principal, and his staff. I also pay tribute to Margaret Watters, who is head of the special needs and learning support unit, and her offsider and support teacher, Steve Mullineux. Each year they train 50 year 12 students to be SHROs—that is, student harassment referral officers. They are the eyes and ears of the school.

They help students who have experienced any form of harassment. If that harassment is serious, they refer those students back to their teachers, in particular Margaret and Steve.

SHROs provide support for the other students at the school and this program has been in place for four or five years. Each year I am involved in presenting badges to the wonderful young people who ask to be student harassment referral officers, because they want to be trained in that role in order to help their fellow students. I congratulate those students who take on this role each year and go through the training. Of course, that training helps them later in life as well. That program has been extremely successful. I hope that with programs like that in schools and other places we all learn that domestic violence—in fact, any violence—is never acceptable. By working with the Queensland Beattie Labor government and the community organisations that help in this area, we can rid our society of domestic violence. I know that every member of this House wants that to happen and I know every member of this House wishes that we did not have to amend legislation such as this. It is with great pleasure that I support this bill. As I said at the outset, I sincerely congratulate the minister on bringing such legislation before the House today.

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