



Speech by


**Chris Foley**

**MEMBER FOR MARYBOROUGH**

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## **DOMESTIC AND FAMILY VIOLENCE PROTECTION BILL**

 **Mr FOLEY** (Maryborough—Ind) (5.13 pm): I rise to participate in the debate on the Domestic and Family Violence Protection Bill. Let me say at the outset that this is an area that very sadly has become quite a growth area in the state. I reiterate that the objectives of the bill are to maximise the safety, protection and wellbeing of people who fear or experience domestic violence and to minimise the disruption to their lives. That is a very noble charter, but how in fact does one minimise disruption to people's lives, because, oftentimes, their lives are completely turned upside down in the context of a domestic violence situation? Another objective of the bill is to prevent or reduce domestic violence and the exposure of children to domestic violence and ensure that people who commit domestic violence are held accountable. Again, that is then a proactive measure to put in place education strategies so that the community itself can find some solutions to what is totally unacceptable behaviour.

The objectives are achieved by allowing a court to make a DVO—a domestic violence order—to protect against the further domestic violence potential; giving police particular powers to respond to domestic violence, including the power to issue a police protection notice; and imposing consequences for contravening a DVO or police protection notice, in particular liability for commission of an offence. Some of those things of course are not new. If someone has had a domestic violence order taken out against them that is not a criminal offence in itself, but if that domestic violence order is then breached that is a whole different ball game.

We have also seen the legal fraternity in some ways cheapen this process by using DVOs purely as a tactic in a divorce situation. Too often we hear about a situation where one of the parties in a breakdown of marriage—not even necessarily a domestic violence situation at that time—will go to their lawyer and the lawyer says, 'Has the person ever yelled at you or threatened you in any way?' If so, a DVO is taken out and then the other side takes out a counter DVO and the whole thing becomes very messy and difficult. In that situation of mistrust, it is very hard to rebuild a floundering marriage.

Intervention orders, in division 6 of the bill, have a different meaning in Queensland than in South Australia, Victoria, Western Australia and the Family Court, where orders by the same name are the legal equivalent of a DVO in Queensland, and that has the potential to create very unnecessary confusion. One can only imagine people moving interstate trying to get their head around some of the differences in terminology with intervention orders issued in one of those jurisdictions. The committee heard concerns that respondents attending intervention programs ordered by the court under this division may be perceived to be mandated to do so rather than voluntarily agreeing to attend, and for some respondents this may create a disincentive to participate because they would feel a certain stigma at the prospect of being under an order of the court.

I said to the member for Sunnybank today that, despite having some misgivings about the new committee system initially and the role of the Speaker, having worked within the committee system now for a period of time on what is arguably the busiest committee of all—the legal affairs committee—I would say that these committees are working very well. When we look at the documentation being produced, it gives members a much better grasp of what is being done in terms of a bill as opposed to just coming into the

House and trying to get one's head around a bill with little or no exposure to it. The efficacy of the committee system is demonstrated very capably by this particular work done by the committee on this bill and I do congratulate it for its work.

One of the sad things is that people who are abused often go on to become abusers. That is simply because whatever situation you grow up in becomes the norm, and that is a very sad fact. People wonder why on earth someone who has grown up in an abusive environment would go on to abuse someone else, but the environment that you grow up in becomes the norm to you and in a very sad way that is perpetuated.

The executive summary of the committee report states at page viii—

b. The committee also heard and considered the contrary view that it is problematic that there are no sanctions for respondents who do not comply with Intervention Orders under Division 6.

I ask the minister to clarify, if there is strong empirical evidence of noncompliance, whether that will be worse once it is an agreement rather than an order, because at least an order has some substance to it. I do not disagree with the concept of an agreement. I think by nature that is a positive thing, whereas an order is often seen as a negative. I think the intervention agreement is a really good way of doing it. It destigmatises it and hopefully will lead to better compliance. My fear is that if some of these people do not even comply when it is an order, why will they participate when it is an agreement?

My electorate has many services that are providing a very great welcome relief to women and other people who are in a domestic violence situation. The Yoorana women's refuge in my electorate of Maryborough does fantastic work. My church—the Grace Community Church—has supported Yoorana by having an annual Sunday where people from my church donate really nice toiletries, face washers, nice-smelling soaps and new pillows et cetera, because oftentimes people who flee domestic violence literally flee with only the clothes they are standing in. Having a couple of cupboards full of those little luxuries in life just takes the sting out of the situation, even if it is for only a little bit.

Recommendation 5 of the report states—

The committee unanimously recommends that the passage of the bill is supported by a Queensland Police Service allocation to assist the Domestic and Family Violence Unit implement the new legislation.

Obviously, that is a no-brainer. It is critical that the police are involved in this process. As anyone who is a serving police officer or who knows a serving police officer knows full well, a domestic violence situation is a no-win for police. Police hate attending domestic violence situations, because they are inherently horrible emotional situations where things can go from bad to worse very quickly. Oftentimes the police find themselves turned against when they go to arrest someone in such a situation. Frankly, the tension is so high in those situations that people are just not thinking logically at all and there can be some very bad outcomes. So I think it is important that the Queensland Police Service is supported in this way. That would need to be an ongoing process.

The breakdown of the traditional family unit often sees boys growing up without a father figure in their lives to teach them what it means to respect women. I well remember the hell to pay in my family if as kids we backchatted my mother and it was absolutely unthinkable in my family for someone to lay a hand on a woman. Men who beat and abuse women are nothing more than gutless cowards. There is absolutely no excuse under any circumstances for domestic violence. There was once a time when you would think of domestic violence as a bloke bashing the wife or something like that, but sadly domestic violence is not just directed towards women. Sometimes men are in that situation. We are talking about a breakdown in respect for the life and feelings of another human being, and that is never acceptable.

We really need to look at the causal effects of domestic violence in our society. We spend a lot of time picking up the pieces and mopping up the mess that domestic violence causes. It is a very tough thing to do, but I would love to see us spend a lot more resources and time in working proactively to educate people, to talk about respect and to have a situation where these incidents do not occur at all. With that short contribution, I commend the bill to the House.