




Speech by

Fiona Simpson

MEMBER FOR MAROOCHYDORE

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DOMESTIC AND FAMILY VIOLENCE PROTECTION BILL

 **Ms SIMPSON** (Maroochydore—LNP) (5.56 pm): This parliament today sends a bipartisan message of solidarity against domestic violence in all of its forms. This is not an issue which should be trivialised or even politicised for personal political reasons, like some members opposite will do. This is not an issue which should be hidden in the shadows or ignored. This issue should be brought into the light to achieve greater understanding and more effective action which will break the cycle.

While we can assume that there is a greater understanding in our community as to what constitutes domestic violence, sadly the statistics show that, despite decades of legal reform, too many people are still suffering and the impacts are intergenerational. Quite frankly, the figures on the level of domestic violence that is occurring in this state and across the nation are still shocking. The Queensland Police Service figures quoted in the explanatory speech identified that in 2009-10 there were 49,372 occurrences of domestic and family violence, an increase of 11.5 per cent on the previous year. This resulted in 8,033 charges for breach of domestic violence orders and 22,753 applications for DV orders to the courts, an increase of eight per cent on the previous year.

The Queensland Police Service annual statistical figures for 2010-11 further showed that the number of breaches of domestic violence protection order offences was still a worrying issue, and that this matter of ongoing enforcement, as opposed to the initial notification of domestic violence offences, continues to be a major issue. In 2009-10 there were 9,700 breaches of domestic violence protection order offences; in 2010-11 there were 10,294—a six per cent increase on the number of reported offences.

Of additional interest, the data on offences against a person shows that in 23 per cent of offences against a person the offender and victim were related. In summary, this legislation makes a number of key changes, particularly around the definition of domestic violence, the powers of police to put in place police orders and court endorsed but voluntary intervention orders and it increases the penalties for breaches. Legislation is another step forward in the move to free people from fear. Breaking the cycle of violence and serial abuse in family relationships requires strong laws, effective enforcement, appropriately funded services and a community that is educated and empowered to say no to abuse. We must build a healthier understanding of family relationships and the value of individuals who have a right to live their lives free from fear.

As has been mentioned, there is a change in the definition in law as to what constitutes domestic violence. I think most people understand that physical violence is wrong, but there are many other forms of abuse. That is why domestic violence has been captured by this new definition, which acknowledges that domestic violence can be—and significantly in respect of domestic violence—emotional, psychological, sexual, economic, or other threatening or manipulative behaviour, for example, if one member of the family threatens suicide as a method of controlling another person. That may seem incredible to people in this place. It is really hard to imagine how people who have been in a supposedly loving relationship can use such methods to control other people. This redefinition of domestic violence was also a recommendation of the Australian Law Reform Commission in November 2010 in its report titled *Family violence—a national legal response*.

As has been noted, there are a number of significant changes to police powers in this legislation. The police are really at the forefront not only in obviously enforcing the law but also in trying to bring about an intervention to provide safety for the victims of violence. Across the state police officers often face some of their most dangerous experiences when attending to domestic violence incidents. We honour and respect the very difficult role the police play. This bill gives the police the ability to issue police protection notices, which will allow for the immediate protection of the victims of family and domestic violence. The conditions on this notice can give the police the ability to order a cool-down upon a perpetrator by legally excluding them from their home for up to 24 hours. This notice will also be considered as an application to the court providing short-term protection.

I will outline the police protection notice a little bit more, because it is quite a significant change. There are some quite specific measures around how police have to approach this issue. The legislation specifically requires that police investigate the matter. That might seem obvious, but it contains some express language in respect of the responsibilities of police as to how they enforce and go about considering whether to put in place a police protection notice. The legislation in one particular clause allows a police officer to issue a police protection notice against the person if the officer is at the same location as the respondent, reasonably believes that the respondent has committed domestic violence, reasonably believes that no other DVO or PPN—that is police protection notice—has been issued in respect of the respondent, the aggrieved person reasonably believes that a PPN is required to protect that aggrieved person from domestic violence and reasonably believes that the respondent should not be taken into custody. The approval of a supervising police officer is required for the issuing of a police protection notice and there are a number of other conditions upon the issuing of the police protection notice.

This measure was brought about after consultation with stakeholders in the industry, because it was recognised that the police needed to have the ability to provide, as a matter of urgency, a measure of safety to those who are at threat and also in respect of damage to their property. Previously, police could make a direct application to a magistrate outside of business hours for an urgent temporary protection order or they could detain a respondent for up to four hours and then release them on conditions similar to those of a DVO. However, for a number of reasons this application was not always adequate in order to provide some form of protection where there was a degree of urgency and also in rural and regional areas where sometimes access to a magistrate could not always be made available immediately. This bill will provide police with the power to detain an alleged perpetrator for up to eight hours, but more usually for about four hours. This power will be of assistance in areas where it takes time to ensure victim safety and for police to undertake their legal requirements.

Over the past few months I have visited a number of services and community workers around regional Queensland and I have had the opportunity to seek their further feedback not only with regard to this legislation but also with regard to the service support that they need to keep victims of violence safe. They certainly support this measure. One example that I was provided with concerned a victim and children who needed to be removed safely from a town but, owing to floodwaters—and it was not a recent flood—there were real difficulties in being able to do that. That meant that the service needed additional time to get the victim and the children to safety. Being in a rural and remote area it really was a situation where the victim's location was well known to the offender.

Certainly, the more remote the community the harder it can be for some of these practical provisions to be able to get people to safety and for the legal mechanisms to be put in place. Some people may ask, 'Why eight hours?' but, owing to the size of the state, getting a victim out of that circumstance to another area, and on many occasions with their children, is not that easy. It requires that length of time. The first principle has to be the need to keep vulnerable people safe. The rights and liberties of the individual who is accused of committing domestic violence must be considered, but the first principle must be to keep the victim safe. With regard to an extension beyond four hours, a magistrate must be involved to provide the approval to extend, except where the respondent has an indication of being intoxicated.

I want to talk about some of the recommendations of the parliamentary committee. I had the privilege of serving on that committee with other members of this House. I think it was very useful to have the opportunity to hold hearings and hear directly from those who are at the service level and who support people who face these very difficult issues. We also had representations from the Police Service, and I will come back to that in a moment. It has been acknowledged by the minister that amendments will be moved in consideration in detail in response to some of the recommendations of the committee. I thank the minister for taking these matters on board. One of the issues the committee raised was the wording of the intervention order. We noted from the minister and from the representations of stakeholders that the intention of the intervention order is to address perpetrator behaviour. The focus and policy intention is for the intervention order to be voluntary. There has not been a consistent number of perpetrator services or behavioural management services across the state. Such a service has not been mandated to be rolled out across the state.

I will come back to the issue of the intervention order being voluntary. We believed that the initial wording of the intervention order could be misconstrued to mean that it was mandatory. We made a

recommendation that the intervention order be more clearly defined to say that it was not mandatory or that, in fact, there be reconsideration given to it not being mandatory and some penalties applied.

We note the minister's response that the intention is to ensure that people enter into these agreements in a voluntary way and that it is considered that this is the best way to ensure participation in these particular measures. I think it would be fair to say that there is still a way to go to prove that this is the case. It has been acknowledged that there is not a consistent standard in relation to perpetrator programs across Australia and that they have varying results.

The committee also made recommendations in respect of ongoing monitoring of the availability of perpetrator programs. I believe that part of that monitoring really needs to ensure greater consideration as to whether there needs to be a mandatory component and, in respect of the monitoring of those perpetrator programs, an assessment of some of those that are currently underway. I certainly will be looking forward to seeing that information come forward.

This really is about trying to break the cycle of violence and acknowledging that it is often intergenerational. There is no excuse for anyone who perpetrates violence or other forms of domestic abuse—they have to take responsibility for their actions—but often it has been modelled to them in their own lives as children. Those who have been victims of abuse—as witnesses, as members of families—can sadly in many cases see that replicated later in life because that is the pattern of behaviour that they have experienced and think is normal family life. We know it should never be considered normal.

I would urge greater consideration in respect of programs for children who have been subjected to domestic violence to ensure that they also have as much support as possible to help break that potential cycle of abuse or dysfunctional relationships later in life.

Another concern about the wording of intervention orders was that there are so many other jurisdictions that have a range of similar wording but completely different definitions. We felt that that could also add to some of the confusion about the intention of this provision. As I have noted, there will be an amendment coming forward to make it clear that this is, in fact, a voluntary measure. I look forward to seeing the evaluation of some of the programs involved and an ongoing rollout of available services for children who are the victims of family abuse and also those perpetrators. We must first keep people safe and then set out to break this cycle.

I want to make reference to other recommendations of the committee. Recommendation 4i states—

An equivalent provision to s. 37 of the Tasmanian *Family Violence Act 2004* is incorporated into the bill to authorise the collection, use, disclosure, or otherwise dealing with personal information for the purpose of furthering the objects of the legislation.

The minister and the government acknowledged the committee's concern that the new Queensland legislation remove all doubt that there is no legislative barrier to the flow of information from the police and Magistrates Court to the Family Court of Australia and also to the Federal Magistrates Court. The minister has indicated support to ensure that this is more expressly understood and that information flowing from proceedings in domestic and family violence incidents does flow through to those jurisdictions.

One of the issues that the committee raised around the implementation of this act in respect of the police was that of resources. We note the strong support of the Police Service for this legislation and also its submission in respect of how much it believed was necessary in order to see training on and the rollout of this new Domestic and Family Violence Protection Bill. Given recent announcements of cutbacks in administrative and other support within the Police Service, I think it is particularly important that we emphasise that we do not want to see cuts to police resources that will impact upon the ability of police to do their job safely and to keep Queenslanders safe. That is absolutely paramount.

There are some significant changes in this legislation that the opposition and the Police Service support. They need our support to do that job. It is an extremely dangerous job. Tragically, the statistics show that Queensland is the domestic violence homicide capital of Australia. Almost 30 per cent—16 of 62—of the homicides in the state last year were related to domestic violence. When our police go into circumstances where they are acting according to their duty to keep families safe, to intervene and to apply the law, we must make sure that they are well resourced to do that job and are not in turn victims who are let down by a government that does not provide them with the support that they require.

The recommendation that the Police Service required approximately \$300,000 for the implementation of this legislation has been noted, but I am calling on the government to ensure that that money, and whatever more they require if it is more than that, is publicly identified and is not subject to the cutbacks that this government has been about in respect of police front-line services and also the support they need to be able to effectively do their job.

I want to address the issue of service delivery. I acknowledge that the other front-line heroes really are the service providers, professional and voluntary, who are out there providing assistance to people in some of the most distressing times of their life. Across this state there are many who have invested their lives in trying to make a difference—to keep people safe but also to help them rebuild their lives, realise

their potential and re-establish their self-identity as people of value and worth who do not deserve to be abused and intimidated.

I recently visited Charters Towers. I know that in North Queensland there are huge distances people have to travel. I was advised by some of the community workers that they did not have any dedicated community worker or allocation for domestic violence in their area. I have to admit that I was shocked to hear that there were up to seven incidents a week occurring in this community. There is no local shelter and there are no dedicated resources for domestic violence. I know that the Townsville based service does an excellent job. This is not a criticism of them; it is a cry for more help and a recognition that there are many centres that are experiencing quite unacceptable levels of domestic violence. Sadly, the victims of that violence still feel very, very vulnerable. More help is required.

Another huge hole in respect of service delivery—to ensure that when people reach out for help it is available—relates to women who have boys aged over 12. Most shelters cannot take boys aged over 12. We understand the reasons for that, but there is a need to address this hole in available services because there are women who are choosing not to access a shelter when they do need to go to safety and who are staying in that situation of danger. This is something that needs to be addressed. It is making a situation worse when there are no services available to women with boys aged over 12. They may have a number of children. They will have to see that boy go elsewhere or decide not to move out and stay in a position of danger.

I acknowledge that the legislation provides for stronger penalties in respect of breaches, which is appropriate. However, the spotlight needs to be shone on the fact that, despite the legal mechanisms being put in place, still people are not safe. There is real concern around keeping victims safe and ensuring that the police have the resources to provide as much backup to them as possible. However, there are a significant number of breaches. While the increase in the penalty is welcome, we still have a problem as the police are flat out providing backup and support because of cutbacks in many areas. They are not getting the support that they need. This is a major concern, as it is letting down victims of domestic and family abuse.

The legislation is important. The support of our front-line police officers is critical. Getting a message across to the broader community that domestic violence in all its forms is unacceptable is paramount. However, as we have seen, the service delivery to ensure that this is implemented as effectively as possible requires a lot more action. We need more than just legislation to see a change. I think many of us in this place believe that, while this is an improvement, the fight to ensure that people know they do not need to live in fear will go on until we see these figures diminish and disappear. Clearly there seems to be a pattern of increasing violence as more orders are required, which indicates that, despite the great improvements in the legal frameworks, there is a huge gap with regard to the need within our community. Today this parliament sends a bipartisan message of solidarity against domestic violence, because victims of violence do not deserve to be used as political pawns. They require the combined efforts not only of legislators, the police and all agents but also of the broader community because everybody has a role to play in breaking the cycle of violence and ensuring that another generation is free from that scar.