



Speech By
Ann Leahy

MEMBER FOR WARREGO

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**CRIMINAL LAW (DOMESTIC VIOLENCE) AMENDMENT BILL; CORONERS
(DOMESTIC AND FAMILY VIOLENCE DEATH REVIEW AND ADVISORY
BOARD) AMENDMENT BILL**

 **Ms LEAHY** (Warrego—LNP) (10.28 pm): I rise to speak to these very important bills. I would like to thank the committee staff for their assistance with the inquiry and the professionalism in which they have undertaken this task in a short time frame. I would also like to thank my fellow committee members.

The number of deaths occurring in the context of domestic and family violence is increasing and this issue will be difficult to address in terms of the pressures on families, the behaviours of perpetrators and the attitudes in the community and it will be hard to identify the appropriate intervention and prevention mechanisms. The bills that are before the parliament are as a result of the recommendations of the report of the special task force on domestic violence, *Not now, not ever—putting an end to domestic and family violence in Queensland*. The special task force on domestic violence was initiated by the LNP government whilst in government. I commend the LNP government for its resolve to take this positive and directional change in this area. This task force has also set a vision for the direction of Queensland for strategies and mechanisms to stop the violence. It is now the responsibility of the current state government to find the best way to implement the recommendations of the report and to address the issues raised in the recommendations.

It is not as easy as it may seem. It is the opposition's role to ask questions of the government about the implementation and also to suggest if there are better ways to find good outcomes. Just because the opposition asks questions or raises an issue does not mean that it opposes the intent of what the legislation seeks to achieve. However, it means that the opposition has considered the legislation in detail and listened carefully to what others have had to say about how the legislation may work in practice and the evidence basis that is driving the legislation. I would also like to thank those individuals and organisations for their efforts in making submissions and those who appeared as witnesses at the hearings conducted by the committee.

The task force report was critical of the lack of a comprehensive death review structure to review the system as a whole and identify the failures or gaps that may contribute to family and domestic violence. The task force suggested a Queensland Domestic and Family Violence Death Review Board, supported by the current Domestic and Family Violence Death Review Unit. Submissions to the committee outlined concerns in relation to the appointment of the State Coroner or the Deputy State Coroner as a chairperson of the board. The relationship between the board and the Office of the State Coroner may from time to time give rise to conflicts of interest. The committee has noted that it would therefore be then appropriate for there to be the establishment of appropriate mechanisms and procedures to deal with any conflicts of interest to ensure the integrity of the board's review activities.

I believe that it is also important to look at what other states have been doing in this area, and they have had a board or similar for a number of years. In 2010, New South Wales established a Domestic Violence Death Review Team. In 2009, Victoria established the Victorian Systemic Review

of Family Violence Deaths. In 2008, New Zealand established the Family Violence Death Review Committee. In 2008, the United Kingdom established the domestic homicide review. After looking at other jurisdictions and countries that have been doing this work for some years, it now appears that Queensland is catching up in this space.

The bill defines the term 'domestic and family violence'. Submissions to the committee raised concerns about whether the definition covered a child being killed as an act of domestic violence. The committee sought clarification and has been assured that the bill was sufficiently broad to include the death of a child where there is a history of domestic violence between the child's parents or caregivers. However, there is still a question over whether the definition is sufficient to cover an unborn child. Perhaps the Attorney-General might provide some more advice on this matter during the debate.

During the hearing the Women's Legal Service was able to inform the committee about how important it was for legal representation for women in domestic violence circumstances and how critical that is. Ms Angela Lynch from the Women's Legal Service said—

... the earlier women can get that legal advice the better. It is really quite an important component in relation to safety planning for women. If they can get legal advice early, they can get the safety component which is how to physically get out of the house.

I am disappointed to learn that the state government is closing the only non-Indigenous domestic violence service, the Roma Community Legal Service, after 29 years of service to 320 postcodes and some 700,000 square kilometres of Queensland. I fear that women and families in regional Queensland, who are faced with domestic and violent situations, will not be able to get the early legal advice that is important for their safety. It takes a long time to build service credibility in regional areas and it is even harder to keep confidentiality, especially with domestic and family violence incidents. The Roma Community Legal Service had that credibility and confidentiality. This week in the House there was a reference to a new provider to provide this service. I think the House should be aware that the president of this new provider is, in fact, a former ALP candidate for the seat of Toowoomba South. It is disappointing that we may have another jobs-for-the-boys situation.

In relation to the Criminal Law (Domestic Violence) Amendment Bill, concerns were raised about the retrospective nature and the penalty provisions contained in this bill. The Queensland Law Society in its submission and at the public hearing on 30 September and also the Bar Association of Queensland in its submission raised issues with the committee. Officers from the Department of Justice and Attorney-General confirmed that the bill allows for a former conviction to be retrospectively changed to a domestic violence conviction.

During the hearing, Dr Silke Meyer, the Women's Legal Service, BoysTown and the Aboriginal and Torres Strait Islander Legal Service questioned the effectiveness of increasing existing maximum penalties as a deterrent without evidence that the current maximum penalties are being used and exhausted. At the public hearing, Dr Meyer stated—

... New South Wales has similar maximum penalties for their domestic violence breaches. Last year they released a report on 3,500 cases they reviewed which clearly show that those maximum penalties are never exhausted ... the average custodial sentence handed out for breaches is four months.

The Gold Coast Centre Against Sexual Violence also suggested that research be conducted comparing sentences for breaches of domestic violence orders before and after the proposed amendments. Dr Meyer and ATSILS considered that funding to create and enforce higher penalties may be better invested in rehabilitation and intervention programs and addressing the underlying causes of domestic and family violence, such as excessive alcohol consumption, housing, education and health. These are all valid and constructive suggestions that I would urge the government to give some consideration to, either now or in the future. I commend the bill to the House.