




Speech By
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MEMBER FOR NUDGE

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

 **Ms LINARD** (Nudgee—ALP) (12.26 pm): I rise to speak in support of the Criminal Law (Domestic Violence) Amendment Bill 2015 and the Coroners (Domestic and Family Violence Death Review and Advisory Board) Amendment Bill 2015. The recent very public, very violent deaths in Queensland have highlighted the domestic and family violence taking place in our communities in a deeply shocking way. The shock of these deaths has brought the issue into the forefront of people's consciousness and their discussions and contributed to the fast-tracking of the reforms we are considering today.

I recall when I was about nine years old learning that a school friend had been murdered by her father. He had attempted to kill the family via acute carbon monoxide poisoning—or attaching a hose to the family car and gassing my friend, her baby sibling and mother. But as this did not prove entirely successful and my friend escaped the vehicle, he then shot her in the back as she ran from the car and then killed himself. Our school community was of course devastated, but there was limited discussion of what happened that day and why, because it was a private issue, an issue within their family and none of our business. Domestic and family violence is not private business. It is everyone's business. Embarrassment or discomfort at witnessing or becoming aware of such behaviour and perhaps fear of reporting it must give way to a resolute rejection of it and concern for the safety and welfare of victims.

The bills before the House give effect to recommendations contained in the *Not now, not ever* report. The Queensland government has committed to fast-track reforms that will increase accountability of perpetrators and protection for victims of domestic and family violence and establish an independent review and advisory board to review, at a systemic level, deaths resulting from domestic and family violence and identify failures or gaps that may contribute to such deaths. The bills achieve their objectives by increasing maximum penalties for breaches of domestic violence orders, enabling charges for criminal offences to indicate that they occurred in a domestic violence context and providing that convictions for domestic violence offences be noted on a person's criminal history and by ensuring that all victims of domestic and family violence have access to the protections under the Evidence Act 1977 afforded to special witnesses. The bills send a message to perpetrators that domestic and family violence will not be tolerated.

Under clause 17 of the Criminal Law (Domestic Violence) Amendment Bill, a court will have the power to order that previous criminal offences, for example, assault occasioning bodily harm, be noted on a person's criminal history as a domestic violence offence. The recording of such convictions is consistent with the approach adopted in NSW and in accordance with recommendation No. 119 of the *Not now, not ever* report. Currently in Queensland offending that occurs in a domestic violence context is not obvious in the recording of the offence. Should the offender subsequently appear before the court

on another criminal offence that occurs in a domestic and family violence context, the prosecutor and court are unlikely to be aware of the offender's previous offending. The bill overcomes this and recognises that, to enhance the safety of victims, information must be available to the court, police and other supporting agencies to allow for appropriate action to be taken against the offender. I appreciate the debate that has occurred already in the House on the retrospective nature of this amendment, but cannot but support any measure that provides greater protection for victims against future and escalated violence through timely identification of this type of behaviour.

The Coroners (Domestic and Family Violence and Advisory Board) Amendment Bill will establish an independent review board to review, at a systemic level, deaths resulting from domestic and/or family violence and identify failures or gaps that may contribute to such deaths. One of the key functions of the board, set out under new section 91D, is the analysis of data and application of research to identify patterns, trends and risk factors relating to such deaths in Queensland. Having a strong evidence base of this nature will further assist government to ensure optimal selection of measures that reduce or prevent incidence of domestic and family violence moving forward. Establishment of the board under the Coroners Act will also ensure that the board's activities complement the existing work and capabilities of the Office of the State Coroner.

It has been heartening to see the very open and public dialogue that has followed recent tragic events. I hope gone are the days that I experienced as a child, when domestic and family violence was not discussed as openly. Now very much on the national agenda and at the forefront of this government's agenda, there is significant momentum for action and I thank the Premier, the Attorney-General and the Minister for Communities, Women and Youth for leading this momentum. I also acknowledge the strong bipartisan support from across the House for action in this regard.

However, government cannot do it alone. Domestic and family violence is not a government issue, but rather is an issue that we all must own as a community. Recently, my colleague the member for Sandgate and I co-chaired a community leaders' forum on domestic and family violence. The forum brought together community leaders from across our neighbouring communities, along with the Minister for Communities, Women and Youth, Shannon Fentiman, to discuss collaborative action arising from the *Not now, not ever* report recommendations. Importantly, the forum was an opportunity for the minister, the member for Sandgate and I to listen to the ideas and challenges being experienced by our local women's refuges, service providers, schools, Indigenous leaders, Queensland Police Service officers and academics. I know similar forums are occurring across the state.

Recently, I was contacted by a survivor of extreme domestic violence. For obvious reasons I will not provide her name or identifying particulars. Her reflections on how her life and the lives of her children were daily impacted by violence and the palpable relief she now feels at seeing her children grow and thrive in the absence of it is deeply impacting. I quote her words—

I remember saying once that all the security in my house was useless, as although it would prevent burglars from breaking in, it was the person who lived in the house with me that I needed protection from.

I left twice and returned ... (I know many people would wonder why) ... because I had nowhere to live, no car (it was in his name), 2 very young children, and by the time I paid childcare I was working for about \$2 per hour, I could not even afford rent, much less feed and clothe the children. Centrelink would not assist me as when I said we were no longer together, he would tell them that we were (more of his manipulation game; knowing that without financial support there was no other option than to return to him).

She did leave, but it has not been easy. The perpetrator followed her from house to house and state to state. I thank her for her words and her courage in allowing me to share a little of her story here today.

The reforms before the House today matter. They have the capacity to make an appreciable difference to victims of domestic violence. However, we all know there is still much to be done and I thank the Attorney-General for her continued advocacy in regard to work on cross-border recognition of apprehended violence orders moving forward. With nearly half of all homicides in Queensland over the past eight years linked to domestic and family violence, I can think of no better way to conclude my remarks on these important bills today than to use those of one who has survived it—that is, the woman I spoke of earlier. She said—

I won't say it is an easy road, as that would be untrue, but it is a road that I am so glad I found the courage to take, and I hope that other victims of domestic and family violence can also find themselves free from the hurt and fear, and rebuild their lives the way that my children and I have been able to.

I commend the bills to the House.