




Speech By
Leanne Linard

MEMBER FOR NUDGE

Record of Proceedings, 3 December 2015

**DOMESTIC AND FAMILY VIOLENCE PROTECTION AND ANOTHER ACT
AMENDMENT BILL**

 **Ms LINARD** (Nudgee—ALP) (5.54 pm): I rise to speak in support of the Domestic and Family Violence Protection and Another Act Amendment Bill. Already this year this parliament has passed two bills as part of ongoing reforms to tackle domestic and family violence in our homes and communities. This bill before the House continues this vital work by implementing legislative changes to the Domestic and Family Violence Protection Act, recommended by the Special Taskforce on Domestic and Family Violence, and amends the Police Powers and Responsibilities Act to remove any doubt about the lawfulness of the operational use of body worn cameras.

The provisions in clause 5 of the bill before the House give effect to recommendation 99 of the *Not now, not ever* report to require the court to consider cross-applications at the same time and to consider a later application between the same parties in the context of the order that already exists between the parties. Cross-applications, when brought vexatiously, can deepen the trauma and extend and frustrate the process of applicant spouses seeking a protection order. In most cases, there is only one party who is living in fear of the other. However, respondent spouses may make an application to use the law to retain some control over their spouse. The law is there to protect aggrieved parties, to allow aggrieved parties some relief and not to be used as a further tool of control and manipulation. The bill requires that, where a court is aware that there are cross-applications, it must hear the applications together and, importantly, determine the person most in need of protection. I am glad to see this amendment brought before the House. It has been a concern that has been raised with me within my own electorate by aggrieved parties and by support workers and represents an important step forward.

The bill also gives effect to recommendation 117 of the *Not now, not ever* report to require a court to consider including an ouster condition as part of a protection order. Last week on White Ribbon Day an Indigenous elder within my community raised this issue with me. She talked of the importance of protecting victims of violence by reducing the disruption to their and their children's lives by removing the perpetrator rather than the innocent victims from their homes, their communities, workplaces, schools or child care, all of which may provide vital security and support to otherwise traumatised individuals. The bill strengthens the duty of courts by requiring them to consider the need to impose an ouster condition in all cases, having regard to the wishes of the victim rather than the current position where an aggrieved party applies for it. Of course, imposing an ouster condition will not be appropriate in all circumstances. The court must consider the safety of the aggrieved and any children present before imposing such a condition. Additionally, the funds allocated by the government to provide safety upgrades to improve the home security of victims of domestic and family violence are imperative to making this condition work for victims.

The third key amendment contained in the bill seeks to ensure that the courts hear directly from victims about the impact of violence. The bill implements this response by adding a principle to the act to provide that, to the extent it is appropriate and practicable, the views and wishes of people who fear

or experience domestic violence should be sought before a decision affecting them is made under the act.

There is no more powerful expression of the cost of domestic and violence than to hear from those who have lived experience. On a personal note, can I say how moved I was by the address by the member for Mudgeeraba earlier and by her courage in sharing such a deeply personal story. I know many others in this House have done similarly.

The bill also amends the PPRA to insert a new section regarding the use of body worn cameras by police. This section supports the use of body worn cameras by police officers by providing that the use of such cameras in the performance of their duties is lawful even if it is inadvertent, unexpected or incidental. Across Queensland, police officers will benefit from these cameras as they can capture evidence, record their interactions with victims, offenders and the general public and create a record of operational activity. The amendment does not affect the existing powers or responsibilities a police officer has about the covert recording of information under the PPRA or, indeed, any other act.

This bill, like the two before it, sends a message to perpetrators that domestic and family violence will not be tolerated. Equally, it sends a message to victims of such violence that the government is committed to leading reforms and collaborating with the community to do everything possible to ensure that sustainable change is made. I commend the bill to the House.