




Speech By
Nikki Boyd

MEMBER FOR PINE RIVERS

Record of Proceedings, 14 October 2015

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

 **Miss BOYD** (Pine Rivers—ALP) (10.36 pm): I rise to make a contribution to this cognate debate of the Coroners (Domestic and Family Violence Death Review and Advisory Board) Amendment Bill 2015 and the Criminal Law (Domestic Violence) Amendment Bill 2015. These bills will reform the law and justice system response to domestic and family violence, with a focus on improving the experience of victims and making victims safer in addition to increasing perpetrator accountability.

Firstly, the Domestic and Family Violence Death Review and Advisory Board is a key element of the government's broader commitment to improve the current system responses. The review process for domestic and family violence related deaths was a specific area of focus of the *Not now, not ever* task force to build a greater understanding of factors that may increase a person's risk of being killed and reducing the likelihood of future deaths. The task force heard that over the past eight years nearly half of all homicides in Queensland had been linked to domestic and family violence. That is 187 deaths that occurred in the context of domestic and family violence—187 deaths too many. The *Not now, not ever* task force identified a systemic failing and this bill goes to the heart of addressing that—making sure that it is an independent board of government and non-government representatives established to identify common systemic failures, gaps and issues and make recommendations to improve systems, practices and procedures. This board will be made up of a multidisciplinary expert team charged to identify effective strategies to prevent and reduce domestic and family violence deaths now and into the future. It is not just cases into the future that this board will be able to review. Cases such as the recent DV deaths of Tara Brown and Karina Lock will also be reviewed to identify systemic failings and make recommendations to improve responses.

The reforms contained in the Criminal Law (Domestic Violence) Amendment Bill enable notations to be made for criminal offences to indicate that they have occurred in a domestic and family violence context, thereby remaining on a perpetrator's criminal history. Importantly, this bill will also ensure that the protections for special witnesses would extend to all victims of domestic violence. Finally, the bill will increase the maximum penalty for breaches of domestic violence orders.

We are a government that will take decisive action on domestic violence. These measures increase the accountability of perpetrators while increasing protections for the community and victims of domestic and family abuse. Currently in Queensland, convictions for criminal offences that have been committed in the context of domestic and family violence are recorded like any other crime, not recognising the specific nature of abuse. As it was explained to the committee, a common assault committed by a husband against a wife will only ever be recorded as a common assault on charge sheets, on an indictment if indicted, and in the offender's criminal history.

The fact that the offending occurred 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 which occurs in a domestic and family violence context, the prosecutor and court are unlikely to be

aware of the context of the offender's previous offending. These measures ensure that the court and police and relevant agencies can identify an ongoing pattern of domestic and family violence.

Further, this bill outlines provisions for special witness status. We know that it is traumatic for victims to repeatedly retell their stories. When criminal charges are laid police report that there is often difficulty in pursuing the prosecution. More often than not it is due to the reluctance of the victim as a result of the fear of continuing with the criminal prosecution. Special witness provisions would entitle victims to give evidence from another room, give evidence via a videotaped recording and the ability for another person to be present in the court to provide emotional support while a witness gives evidence.

This bill increases penalties in an effort to hold perpetrators to account in the instance of repeat contraventions of domestic violence orders. Specifically, the bill will increase maximum penalties from two to three years imprisonment for breach of domestic violence orders. The maximum penalty for subsequent breaches will also increase from three years to five years imprisonment. These measures send a message loud and clear that domestic and family violence is not acceptable and perpetrators will be held to account for the use of such violence. These measures are a start but not the end of the legislative and community reform to be conducted around attitudes and behaviours relating to domestic and family violence. Much of this reform is around our education and our attitudes. There is no denying the insidious nature of domestic and family violence. No-one is immune to its toxic reach. That is why the Palaszczuk government is committed to the implementation of the *Not now, not ever* report in full. That is why we have prioritised tackling this community issue head on. In doing so we need to provide protections like the special witness status to a victim. We need to ensure that when they make the brave decision to come forward they do not have to relive the trauma that goes with the abuse. That is why, when perpetrators are found guilty of offences, they should be recorded as a crime of a domestic violence nature. That is why when perpetrators re-offend harsher penalties should apply and accountability for previous instances should be taken into consideration. And that is why a Domestic and Family Violence Death Review and Advisory Board is required to ensure that we are taking the learnings out of the systemic issues with domestic and family violence and identifying effective strategies to prevent and reduce domestic and family violence deaths now and into the future.

I understand that this is not the full suite of reforms that some in our community have been crying out for, but let me just say that this is the beginning of our reforms and measures, not the end. There is much work to do and I am certainly proud to be part of a government that is taking such strong and decisive action in this arena. I commend the cognate bills to the House.