




Speech By
Hon. Shannon Fentiman

MEMBER FOR WATERFORD

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

 **Hon. SM FENTIMAN** (Waterford—ALP) (Minister for Communities, Women and Youth, Minister for Child Safety and Minister for Multicultural Affairs) (11.47 am): Domestic and family violence is one of the most complex social issues facing Queensland and indeed the country. For those affected it is a devastating and traumatic experience, which is why the Palaszczuk government has said 'enough is enough'. Combating domestic and family violence is an absolute priority for this government. The *Not now, not ever* report made 140 recommendations for change. The government has accepted, and is committed to implementing, each and every one of them. We have announced initial funding of \$31.3 million over four years to implement the Palaszczuk government's response to the final report of the special task force on domestic and family violence, and we are already acting on key recommendations. This includes the trial of the specialist domestic violence court in Southport, supported by a new bench book and best practice report, to deliver better outcomes.

Local government and non-government agencies are working together to support this trial, and extra funding has been provided for perpetrator intervention programs to support men to change their violent behaviour. We have also announced that Beenleigh and Logan will be the first trial sites of a new integrated service response to domestic violence and will deliver a well-informed and coordinated approach to the needs of people affected by domestic violence across the region.

To support women in crisis we have commenced work on two new 72-hour crisis shelters—Brisbane and Townsville—to be operational by the end of the year. We have also fast-tracked initiatives to immediately change the way our police stations respond to individual domestic violence complaints, rolling out 300 body worn cameras on the Gold Coast. In addition to these and many other initiatives, the government is reviewing the legislative response to domestic and family violence.

Over the past few months I have been all across Queensland—at events, community round tables and rallies—talking to people about domestic and family violence and its horrific impact on our state. I have been so heartened in recent months to see the very public strengthening of the resolve of our community to stand up, to speak out and to say that Queensland will not tolerate domestic and family violence. In my conversations with victims and the service providers who support and protect them, increasing penalties and reforming the domestic violence order system have come through again and again as clear concerns. Today we are acting on those concerns.

The bills before the House begin the Palaszczuk government's legislative reform process to strengthen Queensland domestic and family violence laws. Queenslanders are outraged by domestic and family violence, which is tearing our families apart. It is time to send a clear message to perpetrators that domestic and family violence is unacceptable.

I note that the member for Aspley has mentioned a proposal for a disclosure scheme along the lines of the United Kingdom's Clare's Law. On the face of it this may sound compelling, but we need to look carefully at how such a scheme might work and its implications particularly for victims. Clare's Law was not a recommendation in the *Not now, not ever* report, the most comprehensive examination of this issue ever undertaken in Queensland. The domestic violence sector has indicated that we should prioritise information sharing and delivering joined-up services to help victims and deal with perpetrators. It is the sector that is saying to us that this would be premature. The sector is worried about the unintended consequences of a disclosure scheme like Clare's Law, including potential risks to women, victim blaming or the creation of a false sense of security. Sadly, there is no evidence that such a scheme improves victims' safety by preventing domestic violence from occurring; nor do these models lead to any action being taken against perpetrators. Such a scheme would not address any gaps in support from police and the legal system. There are more effective ways to direct resources, for example, into legal assistance, crisis accommodation, housing, counselling and financial assistance for victims.

While the New South Wales government plans to pilot such a scheme, the Western Australian government decided not to introduce one. We will closely monitor the New South Wales pilot scheme and we will continue to discuss this idea with the sector. We would be keen for the opposition to share all of the material from their consultation to help further inform our views. All stakeholder issues and concerns would need to be thoroughly explored prior to introducing such a scheme in Queensland. Early informal stakeholder consultation of key players in the domestic violence sector has revealed a range of concerns and a firm desire for the priority to be on the delivery of the *Not now, not ever* recommendations, which are strongly supported by the sector.

I now turn to the Criminal Law (Domestic Violence) Amendment Bill 2015, which contains amendments to the Domestic and Family Violence Protection Act. The criminal law amendment bill proposes to strengthen penalties for breaches of domestic violence orders to increase perpetrator accountability. The bill will also ensure that a higher maximum penalty for breach of a domestic violence order applies when the offender has been convicted of a criminal offence committed in a domestic violence context within the previous five years. This ensures that courts sentencing offenders can take into consideration patterns of past behaviour when they are imposing a sentence for a breach of a domestic violence order.

Where a perpetrator of domestic violence has previously engaged in domestic violence related criminal conduct, it is so important that this history of similar conduct can be taken into consideration when imposing a penalty for a subsequent breach of a domestic violence order. This will help ensure that perpetrators are held accountable for their actions and that patterns of escalation are taken into account when assessing risk. Sentencing courts will retain the discretion to impose a penalty, taking into consideration all of the circumstances of an individual case. The bill also allows a court to identify particular convictions on an offender's criminal history as being domestic violence related, and this will assist police and the judiciary to identify patterns of behaviour over time.

When I speak to victims of domestic and family violence and the hardworking people in the domestic violence sector who work to protect and support them, there are a few themes which constantly come through. One of those is the need for reform of the DVO system and to crack down on perpetrators who flout a DVO in an effort to further harass or commit violence on their partners or former partners. Offenders who are subject to a DVO need to know that there are serious consequences if they breach it, and victims who take out a DVO need to have confidence that it will offer them protection. That is what the changes today aim to do.

The member for Caloundra has indicated that the opposition has concerns about the potential retrospectivity of these provisions. The provisions in the bill are critical to enable courts to effectively identify the pattern of behaviour that often underpins domestic and family violence. Such patterns have to be recognised and taken into account by courts in order to hold perpetrators accountable for their actions and keep victims safe.

Only a court sentencing an offender for the breach of a domestic violence order or a domestic violence offence can record a previous conviction as a domestic violence offence. Before recording a previous conviction a court must be satisfied that a previous offence for which a conviction has already been recorded is a domestic violence offence. Courts will continue to have discretion to decide the matter, taking into account the information that is provided by both the prosecution and the offender's legal representatives. There is a simple way to avoid having your previous convictions recorded as domestic violence offences: do not breach a domestic violence order or commit domestic violence offences.

I am very supportive of the provisions of the bill which will give special witness status to victims of domestic and family violence in criminal proceedings. Over and over I have heard about the concerns women have when they experience the court system and that navigating the system makes them traumatised all over again. Imagine the bravery it takes to stand up to a violent partner, only to find that you have to give evidence in front of them in court. These provisions will provide courts with the flexibility to allow victims to give evidence without the offender in the courtroom.

I turn to the Coroners (Domestic and Family Violence Death Review and Advisory Board) Amendment Bill 2015. The task force highlighted the need for a specific domestic and family violence death review process to comprehensively review domestic and family violence services, supports and systems and to identify any failures or gaps which may have contributed to domestic and family violence related deaths. This recommendation is one which has been welcomed very enthusiastically by the domestic violence sector as they have fought so long for its establishment.

Across this country, two women a week are dying at the hands of their partner or former partner. That statistic is utterly shameful and highlights why we are so determined to eliminate domestic and family violence. We must ensure that these women have not died in vain. It makes sense that when a death occurs we look at what it can tell us about how the system has worked or did not work in that case.

These bills lay a strong foundation for further reforms in this area. My department has commenced a broader review of the Domestic and Family Violence Protection Act and I look forward to continuing these reforms with members of the House.