




Speech By
Hon. Shannon Fentiman

MEMBER FOR WATERFORD

Record of Proceedings, 3 December 2015

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

 **Hon. SM FENTIMAN** (Waterford—ALP) (Minister for Communities, Women and Youth, Minister for Child Safety and Minister for Multicultural Affairs) (9.10 pm), in reply: I would like to thank all members for their contributions to the Domestic and Family Violence Protection and Another Act Amendment Bill 2015. It is great to see so many members of parliament standing up and speaking out about domestic violence, which tragically is an issue that touches every electorate across our state. One of the most heartening aspects of the debate of this bill is to hear the support from both sides of the House. I would particularly like to thank the member for Mudgeeraba for having the courage to share her story tonight and other members who have shared their personal reflections as part of this debate.

I would like to respond to some of the comments made by the member for Caloundra. The member for Caloundra raised some concerns that during the committee process it was unclear as to whether this government was introducing provisions relating to victim impact statements. In my second reading speech I have again clarified that the introduction of a new principle to recognise the views and wishes of victims did not amount to the introduction of victim impact statements. The member for Caloundra also sought clarification about cross-applications lodged in different court registries and the potential for delays. Firstly, it should be noted that over the last three years roughly 82 per cent of cross-applications were lodged in the same court location, resulting in only 18 per cent lodged in separate locations.

It is possible there may be delays where a court is required to adjourn proceedings to enable cross-applications to be heard together. However, any delay is outweighed by the benefits of courts being able to hear cross-applications together to determine the person most in need of protection. In order to ensure there is no gap in protection, where the hearing of an application is adjourned, a court will always be required to consider whether a temporary protection order should be made to protect any person named in an application from harm. Currently, a magistrate making a decision to adjourn the matter to another court location will generally hear from the parties before making such a decision.

As I mentioned earlier, consideration is being given to a new practice direction to be issued by the Chief Magistrate setting out a framework for the hearing of cross-applications and providing submission about the transfer of proceedings. Advice from the Office of the Chief Magistrate is that it is intended that the Domestic and Family Violence Protection Act 2012 bench book will be updated to provide guidance on amendments to the act.

With regard to ouster conditions, which some members raised, it is important to note that the legislative changes in this bill are supported by the necessary support services on the ground to make these changes workable in practice. The Department of Communities, Child Safety and Disability Services has allocated \$1.38 million in 2015-16 for safety upgrades to be provided as part of the suite of service responses available to victims. These programs are not stand-alone programs but are

delivered by specialist domestic violence counselling services as one component of a response to meet the safety and support needs of victims.

Safety upgrades are undertaken in the context of a safety plan where an assessment of a client's level of risk and other circumstances has been considered. Where safe and appropriate to do so, services undertake an assessment of the safety and security needs of the client's home and arrange the work required to address the identified home security needs including physical security enhancements such as changing locks, installing door and window locks, installing screens and sensor lights.

Amendments to the Police Powers and Responsibilities Act 2000 provide certainty about the lawfulness of the use of body worn cameras by police in the performance of their duties. Body worn cameras are a new tool being used by police to assist them in responding to all types of policing priorities, including domestic and family violence incidents, to which they are often the first responders. Supporting the use of body worn cameras will assist police officers in gathering the best possible evidence in their investigations into domestic and family violence incidents.

The bill will provide important protections for victims and help to ensure perpetrators are held to account. I am proud that this is the first piece of legislation that I have introduced into parliament. I thank the members of the Communities, Disability Services and Domestic and Family Violence Prevention Committee for their examination of the bill and their contributions to today's debate. I also thank Megan Giles, Executive Director, Legislative Reform, her team and colleagues from the Queensland police. Thanks also to my chief of staff Cynthia Kennedy and policy adviser Laura Manton.

The government and my department are working tirelessly to implement the recommendations of the special task force's *Not now, not ever* report. These are landmark changes which will forever change the response to domestic and family violence in Queensland. I am proud to be a part of a government that has put this issue front and centre of our agenda. We are equally committed to changing attitudes that underpin the cycle of violence, as well as delivering on providing the necessary legislative framework, support services and funding. I commend the bill to the House.