



Speech By  
**Hon. Yvette D'Ath**


**MEMBER FOR REDCLIFFE**

---

Record of Proceedings, 15 September 2015

## **CRIMINAL LAW (DOMESTIC VIOLENCE) AMENDMENT BILL**

### **Introduction**

 **Hon. YM D'ATH** (Redcliffe—ALP) (Attorney-General and Minister for Justice and Minister for Training and Skills) (2.30 pm): I present a bill for an act to amend the Criminal Code, the Domestic and Family Violence Protection Act 2012, the Evidence Act 1977, the Justices Act 1886 and the Penalties and Sentences Act 1992 to implement a number of criminal law reforms recommended by the Special Taskforce on Domestic and Family Violence in Queensland. I table the bill and the explanatory notes. I nominate the Communities, Disability Services and Domestic and Family Violence Prevention Committee to consider the bill.

*Tabled paper:* Criminal Law (Domestic Violence) Amendment Bill 2015 [[1065](#)].

*Tabled paper:* Criminal Law (Domestic Violence) Amendment Bill 2015, explanatory notes [[1066](#)].

I am pleased to introduce the Criminal Law (Domestic Violence) Amendment Bill 2015. Before I go to the content of the bill, I first acknowledge representatives from the Women's Legal Service here in the gallery this afternoon and thank them for the tremendous work they do every day.

Domestic and family violence affects women, men, children and families from all sections of society. It is a scourge upon our community. Everyone has the right to feel safe and be safe in public and at home. Domestic and family violence often perpetrated at home in private should be just as concerning to us as a community as crime in the streets. It cannot be accepted or excused and can only be eradicated if we respond together as a community. Despite efforts to reduce domestic and family violence, on average, two women die each week in Australia at the hands of a violent partner, husband or father. It is clear that more needs to be done or that things need to be done differently.

The Special Taskforce on Domestic and Family Violence in Queensland, chaired by the Hon. Quentin Bryce AD CVO, was established on 10 September 2014. The role of the task force was to make recommendations to inform the development of a long-term vision and strategy for government and the community to rid our state of this insidious form of violence. On 28 February 2015 the task force report *Not now, not ever: putting an end to domestic and family violence in Queensland* was released. The report contains 140 recommendations on how the government and the Queensland community can better address and reduce domestic and family violence.

The government released its response to the task force recommendations on 18 August 2015 and has accepted all 121 recommendations directed at government. The government will spend \$31.3 million over four years on a range of initiatives aimed at tackling domestic and family violence. A snapshot of domestic violence offending from the task force report is that, for the 2013-14 financial year, 81 per cent of all custodial sentences for breaches of a domestic and family violence order were less

than 12 months in duration. These are shocking statistics and we must make sure that perpetrators are fully aware of the seriousness of their offending.

A number of recommendations in the Bryce report are aimed at strengthening the penalties for domestic violence conduct. Another recommendation focuses on signposting offences committed in a domestic context so future law enforcement and judicial officers understand that past offending is in fact repeated domestic violence. This signposting will ensure that a perpetrator's criminal history clearly illustrates any pattern, or increased frequency or escalation, in domestic violence which can then be considered by the court and police when considering matters such as bail and in sentencing the offender. It also provides greater protection of victims against future violence and the timely identification of this type of conduct by relevant agencies to reduce incidents of escalated violence, including domestic homicide.

Very recently there have been three public and horrific incidents, including the murders of two women in separate incidents in South-East Queensland alone. This bill represents part of the Palaszczuk government's commitment to progressing domestic law reform to increase perpetrator accountability and enhance community protection against this form of violence.

The government considers that the Domestic and Family Violence Protection Act 2012 does not effectively sanction patterns of behaviour that underpin domestic and family violence. The bill therefore amends the Domestic and Family Violence Protection Act 2012 to strengthen and increase the maximum penalties for offences of contravening a domestic violence order. The bill increases the maximum penalty for a first offence for a breach from two years imprisonment to three years imprisonment. Where a respondent has been convicted of a previous breach offence under the act within the last five years, the maximum penalty is increased from three to five years imprisonment. This offence provision has also been extended to ensure that a court is able to consider previous convictions for any other criminal offence committed in a domestic violence context. The bill also increases the penalty units attached to these domestic violence order breach offences.

Recommendation 133 in the Bryce task force report relates to considering alternative evidence procedures for victims of domestic and family violence providing evidence in related criminal matters to reduce the trauma of this experience. The task force report focuses on the difficulty of pursuing criminal prosecutions for domestic and family violence related incidents. A recurring theme in submissions to the task force is that victims are traumatised by having to repeatedly retell their stories. When criminal charges are laid, police report that there is often difficulty pursuing the prosecution given a reluctance of the victim for fear of continuing with the criminal prosecution.

The Queensland government accepted this recommendation and committed to work closely with leaders of the judiciary and legal stakeholders to develop options for improved evidence procedures, including considering amending the Evidence Act 1977 to include a presumption that victims of domestic and family violence be regarded as special witnesses. The bill implements this amendment to the Evidence Act. This means that victims of domestic violence will have increased access to the orders and directions that the court can make to support the giving of evidence by special witnesses including, for example, giving evidence from another room and giving evidence via a videotaped recording.

Amendments are included in the bill to enable a notation to be made on a charge in respect of any offence to specify whether it is an offence which occurs in a domestic violence context. Further, if an offender is subsequently found guilty of such an offence or pleads guilty, the bill provides for a court to order that this be noted on the offender's criminal history. In addition, there will be provision for the prosecution to apply to the court for a direction that similar notations be made in respect of offences on a person's criminal history. The amendments in the bill will, however, not affect the court's discretion as to whether or not to formally record a conviction against the offender or when an offender's criminal history can be taken into account. Currently, in Queensland convictions for criminal offences which have been committed in the context of domestic and family violence are recorded like any other crime, not recognising the specific nature of the abuse.

These amendments send a clear message to perpetrators that continuing to commit domestic violence which constitutes criminal offences will be considered by a court and police officers. Further, it enables supporting agencies to also become aware of escalation or increased frequency of domestic and family violence and implement measures to litigate such action. This empowers courts to take action to intervene in concerning cases to try to end the unacceptable cycle of violence. I commend the bill to the House.

## **First Reading**

**Hon. YM D'ATH** (Redcliffe—ALP) (Attorney-General and Minister for Justice and Minister for Training and Skills) (2.39 pm): I move—

That the bill be now read a first time.

Question put—That the bill be now read a first time.

Motion agreed to.

Bill read a first time.

## **Referral to the Communities, Disability Services and Domestic and Family Violence Prevention Committee**

**Madam DEPUTY SPEAKER** (Ms Grace): Order! In accordance with standing order 131, the bill is now referred to the Communities, Disability Services and Domestic and Family Violence Prevention Committee.