




Speech By
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DOMESTIC AND FAMILY VIOLENCE PROTECTION AND OTHER LEGISLATION AMENDMENT BILL

 **Mr JANETZKI** (Toowoomba South—LNP) (3.53 pm): This afternoon I rise to make a contribution to the debate in relation to the Domestic and Family Violence Protection and Other Legislation Amendment Bill 2016. As I begin I want to pay tribute to the courage of the member for Gaven who shared his personal story with us this afternoon. Those memories that he held may be 30 years old; however, they are exactly the reason why this bill is so necessary and why it is so important for us to say 'not now, not ever'.

Dedicated domestic and family violence legislation has been in force for over a generation in Queensland and this bill is an appropriate and logical next legislative step in the ongoing battle to address domestic and family violence offences in Queensland. In February 2015 the Special Taskforce on Domestic and Family Violence in Queensland released its report, *Not now, not ever: putting an end to domestic and family violence in Queensland*. The task force report proposed a number of specific amendments to the Domestic and Family Violence Protection Act 2012 to enhance the protection offered by Queensland's domestic and family violence framework. Police protection notices will be expanded to protect a victim's child, relative or associate. Additional conditions will allow for the exclusion of a perpetrator from the family home and prevent them contacting the victim or children until a court hearing. The bill provides that any weapons licence held by the perpetrator is suspended during the duration of the notice and the surrender of a weapon.

Greater flexibility to issue and serve notices will also support police efforts. The Queensland Police Service is customarily the first responder to domestic and family violence incidents, with officers being obliged to now consider taking action to secure the immediate safety of persons affected by domestic violence. Submitters to the committee process largely supported the proposed amendments to extend the operation of the police protection notices framework in this way. Moreover, representatives of the policing community that I have spoken with are equally supportive of the proposed amendments. There will be powers to direct a person to move and remain at a particular location. Such powers will aid police to de-escalate domestic violence situations by separating the parties. It will enhance opportunities for respondents to understand the documents that may at that moment be served upon them. It will also grant police the opportunity to reinforce the seriousness of the violence that has occurred.

Definitional clarity has also been appropriately introduced in the bill. The current phrase, which states 'has committed domestic violence', might be interpreted that an act of physical violence must occur before a victim may obtain a domestic violence order. Going forward, section 37 of the Domestic and Family Violence Protection Act will be amended to clarify that courts may issue domestic violence orders on the basis that victims have been threatened or have a fear that the respondent will commit domestic violence. This amendment will allow the issuance of a domestic violence order on the basis

that a victim has been threatened or otherwise holds a fear for their safety or wellbeing. The bill also introduces the ability to tailor conditions in domestic violence orders. The bill requires that courts consider whether additional, more specific conditions should be included in the order. It goes further in requiring courts to consider what other conditions are necessary or desirable to protect the aggrieved person or any named person from domestic violence.

Significant changes to the bill relate to the duration of orders. Varying approaches on this matter were tendered to the committee. Under the bill, unless otherwise specified, protection orders will remain in force for five years. A court can only make an order for less than five years if satisfied there are good reasons for doing so. An amendment is proposed in relation to these matters, as has already been addressed by the shadow minister, the member for Mudgeeraba, earlier this afternoon. To better integrate the family law system, courts will be obliged to always consider any family law order that they are aware of and must always consider whether to exercise their powers to resolve any inconsistency between the order and the proposed domestic violence order. Regulation around alleged noncompliance with voluntary intervention orders has been enhanced. There has been a name change from 'voluntary intervention orders' to 'intervention orders'. The court must consider a respondent's noncompliance with an intervention order when deciding whether to make a protection order or vary a domestic violence order. Courts must not refuse to make a protection order or vary a domestic violence order merely because a respondent has complied.

There are tremendous practical hurdles to be faced to reduce the impacts of family and domestic violence and there is no higher hurdle than the lack of information sharing. The bill now provides a framework that enables certain government and non-government service providers to share victim and perpetrator information in certain circumstances.

Privacy in many contexts and for many purposes is important. Although consent will always be preferred, the primacy of the safety and security of victims will be paramount at law and in practice. One only needs to reflect on the telling findings of the coroner in connection with the 2011 death of Queensland woman Ms Noelene Beutel to understand the imperative of prompt and accurate information sharing. Mr Hutton, the coroner, commented—

... that when a member of the community has a range of contact with police, hospitals, general practitioners, and domestic violence agencies, all within the six months preceding her death, and all relating specifically to her experience of domestic violence, then all of these system contacts form relevant circumstances to her death.

In this regard, the task force commented that all of these service providers knew that Ms Noelene Beutel was suffering from domestic violence but that each one had different information.

Police will also be enabled to share a limited range of information with specialist domestic and family violence providers if there is a domestic violence threat to a victim's life, health or safety or if the person has committed domestic violence. This will assist in overcoming the deficiencies, as evidenced in Noelene Beutel's case, in a lack of information sharing, a lack of a coordinated response and a lack of a common risk assessment tool.

Work on the national automatic recognition of interstate domestic violence orders continues. A nationalised approach to the management of domestic violence matters is necessary. Violence and threats of violence do not respect state borders. Contraventions of an interstate domestic violence order will be treated as if it were a Queensland domestic violence order. The Australian Criminal Intelligence Commission is due to deliver an interim national information sharing platform in 2017. National platform implementations are always fraught affairs, but it is critical that such a platform is delivered as soon as possible. The national approach will recognise any disqualification attached to an interstate domestic violence order—for instance, in holding a firearm—and will permit the exchange of information about domestic violence orders among Queensland and interstate courts and police.

Despite dedicated family and domestic violence legislation being in force in Queensland for over a generation, it is obvious that changing a culture of disrespect and violence towards women is taking far longer. On too many occasions we hear news of horrific acts of violence against women and children in their homes—a place where peace and security ought to reign supreme at all times. Preventing such tragedies will only ever be partly solved by the best legislative intentions of lawmakers. Queensland needs a cultural change that will take time to filter through to our young men.

The Queensland community's clear commitment to drive this change is obvious. In the Toowoomba community, a range of initiatives and leaders are standing up to be counted, standing up and speaking with one voice, not now, not ever. Last Wednesday and Thursday, 5 October and 6 October, this shining community leadership was on full display, where my city hosted representatives of the Queensland Domestic and Family Violence Implementation Council. The council visited Toowoomba in its ongoing work to raise awareness of domestic and family violence issues across Queensland. Attendees included the Hon. Quentin Bryce AD CVO, Rugby League legend Darren

Lockyer, businessman Mr Lance Hockridge and Chief Magistrate Ray Rinaudo. The clear message from their visit was that, although we are making strides, we can never assume that the box has been ticked. Cultural change does not work like that. Meaningful change requires consistency, persistence and courage. We have changed culture with campaigns like Slip-Slop-Slap, Every K over is a killer, and the Bloody Idiot driving campaign and we need to do it again.

While in Toowoomba, council representatives spent time at the Toowoomba Police-Citizens Youth Club where stakeholders discussed the implementation of, among other things, the sporting community in advocating for domestic violence victims and speaking out against domestic violence, especially among young men. Meetings were also held with a range of community organisations that work on the front line in the battle in supporting those suffering family and domestic violence and on the front line of the cultural change battle. Groups such as the Queensland Police Service, CatholicCare, the MDA, the YWCA, Mercy Community Services, Indigenous health organisations and Indigenous elders and respected persons play an important role in staring down domestic and family violence.

I also note the role played by the Domestic & Family Violence Prevention Service, co-located with Relationships Australia Toowoomba, which provides crisis support, counselling, court support and assistance with domestic violence protection orders. The service offers training in domestic violence matters to community groups and government agencies, including police and schools. Toowoomba's community is also working harmoniously together, unifying voices and resources through organisations such as Toowoomba Together and Safer Toowoomba Regional Partnerships. Toowoomba Together is a community organisation that was established to address domestic violence in the community. It was formed earlier this year and evolved out of Toowoomba Says No to Violence and the outcome of a locally convened domestic violence summit held in late 2016, which attracted nearly 250 participants from across the Darling Downs. Toowoomba Together aims to coordinate awareness and educational activities in Toowoomba and develop local solutions to domestic and family violence issues. It will focus on areas that empower a culture where a man thinks it is acceptable to commit violence on a woman. It is driven by specific values based education for Toowoomba's young men. The message will be spread through workplaces, sporting clubs, community organisations—everywhere there is an ear ready to hear the message and change the future. Toowoomba Together is led by Mr John Minz, a long-time campaigner against domestic and family violence. When he was the CEO of Heritage Bank, Mr Minz was the Queensland winner of Australia's CEO Challenge race for his passionate campaigning against domestic and family violence. As John has said, 'Only together with sustained focus will we change minds and hearts'.

Another group is Safer Toowoomba Regional Partnerships, which is a partnership between the Toowoomba Regional Council and a range of community volunteer and not-for-profit organisations to promote safety and peace through crime prevention projects. Although the partnership has an overarching crime prevention and community building focus, domestic and family violence has been identified as a key area of interest. It is led by Councillor Geoff McDonald with the deputy chairman being Darling Downs District Officer, Superintendent Mark Kelly. The Mayor of the Toowoomba Regional Council, Paul Antonio, is also deeply committed to this cause and a number of years ago led over 1,000 men to gather to form one large white ribbon and together swear an oath to never commit, excuse or be silent about violence against women. My community is committed to tackling domestic and family violence and I know that every other community around Queensland shows a similar commitment.

Already, in 2016, Queensland Police Service statistics have revealed that approximately 12,000 breach offences have been recorded. It follows that we face significant challenges in ensuring that our court system is properly resourced, trained and aware of domestic violence issues. During this period, the Southport and Beenleigh courts top the list for the highest number of applications for domestic violence protection orders. Southport is a specialist domestic and family violence court that was established in September 2016. Initially, it was part of a six-month trial in response to recommendations from the *Not now, not ever* report. However, its swift facilitation of domestic and family violence matters has meant an extension of its capabilities to 30 June 2017. The President of the Queensland Law Society, Mr Bill Potts, has noted that the extension was a massive demonstration by the justice system in response to the overwhelming number of domestic violence cases. Specialist courts work and I encourage the government to continue resourcing towards more specialist courts in regional and rural centres throughout the state. This encouragement has been formalised in a statement of reservation from non-government members which calls for the appropriate resourcing of Queensland's court system.

Admittedly, although this is a federal concern, I also have concerns about the under-resourcing of the federally funded Family Court system. Rather than waiting long periods of time—sometimes in the order of two to three years for a final Family Court order—in some circumstances an expedited final hearing may obviate the need for a domestic violence order. Timely justice matters.

There also remain challenges for victims seeking access to affordable justice. A Toowoomba practitioner recently brought to my attention a matter that exemplifies the challenges facing victims seeking justice. As a consequence of an unexpected decision in a domestic violence family protection application in the Toowoomba Magistrates Court, instructions were given by the practitioner's client to appeal against the decision. The client is female and had made an application for an order and a temporary order was made in her favour. However, the husband made a cross application which was successful. The practitioner's client is seeking to appeal the decision. However, the cost of the appeal is \$1,200. Vulnerable clients and women like her have no opportunity to seek a waiver of the fee from the registry despite compelling grounds for appeal and a lack of personal means. I encourage the government to consider a process to empower a registrar to waive fees on merit in circumstances of this nature.

The Domestic and Family Violence Protection and Other Legislation Amendment Bill 2016 strives towards a worthy ambition of delivering better protection to victims of domestic and family violence. It will also empower the Queensland Police Service and the courts to do more to protect victims and deliver justice wherever and whenever it is needed. Together with the resolve of a Queensland community that is sick and tired of tragic stories of violence and the callous disregard for the rights of women and families and small children, this bill forms part of a sustained focus to ultimately change hearts and minds. I commend the bill to the House.