




Speech By
Deb Frecklington

MEMBER FOR NANANGO

Record of Proceedings, 19 April 2016

CRIMINAL LAW (DOMESTIC VIOLENCE) AMENDMENT BILL (NO. 2)

 **Mrs FRECKLINGTON** (Nanango—LNP) (5.07 pm): Today I rise to add my comments on the Criminal Law (Domestic Violence) Amendment Bill (No. 2) 2015. As I have said in this House before, I was extremely proud to be part of the former LNP government which established the Special Taskforce on Domestic and Family Violence chaired by the Hon. Dame Quentin Bryce in September 2014. The *Not now, not ever* report that was taken up by the government aims to put an end to domestic and family violence in Queensland. It made some 121 recommendations to the government. The LNP have confirmed our bipartisan support for the implementation of these recommendations, and I am pleased to add my support to this bill which implements recommendations 118 and 120 of the report.

The key objectives of this bill are: to amend the Penalties and Sentences Act to make provision for domestic and family violence to be an aggravating factor on sentence; to amend the Criminal Code to create an offence of choking, suffocation or strangulation in a domestic setting; and to amend the legislation to allow a court to receive a submission from a party on what they consider to be the appropriate sentence or sentence range for a court to impose. As a former lawyer I handled many cases of family and domestic violence, and I am personally very pleased to see the introduction of these amendments.

As has been mentioned in this House, in the past month we have seen one death every four days in Queensland as a result of domestic violence. Unfortunately, in the South Burnett region of my electorate the number of domestic violence applications filed across the three primary court registries of Murgon, Nanango and Kingaroy is very high. Recently former magistrate Simon Young undertook a research project to review some 338 DV applications from across our region. For the South Burnett overall the general ratio of female victims of family violence to male victims was 80 per cent to 20 per cent.

The prevalence of alcohol and drugs in the commission of violence overall was 43 per cent. Unfortunately, children were affected by family violence in more than 53 per cent of all applications. Mental health issues were raised in 14 per cent of the applications overall. These statistics do not include criminal charges of the outcomes of domestic violence such as assault.

There is much work to be done to address these statistics, but I would like to acknowledge the very hard work being done by so many people in my area—people like Enid. I was extremely fortunate to enjoy a local lunch to celebrate the 15 years of voluntary service she has given as a domestic and family violence court support worker in the South Burnett. I spent many a day in the courts in Kingaroy, Nanango and Murgon with Enid and her co-worker Pam, who have supported thousands of women and men through the court system in my area. I really cannot thank them enough for the tireless and selfless work they do. I would like to mention their surnames but they have asked that I do not, for obvious reasons.

The amendments made as a result of the Bryce report recommendations will help make a difference to the lives of those touched by domestic violence. Importantly, expanding the circumstances in sentencing is just one way these offences are treated in the way they should be. Domestic violence will not be tolerated. With regard to recommendation 118, rather than attaching a general circumstance of aggravation which must be charged in the indictment, becoming a matter the Crown must prove beyond a reasonable doubt, the bill amends the act to make provision for domestic and family violence to be an aggravating factor on sentence. That is an alternative to attaching a circumstance of aggravation to any offence in the Criminal Code. The amendment provides that the court must have regard to whether the offence constitutes an act of domestic or family violence when determining the appropriate sentence for the offender.

With regard to recommendation 120, a person who unlawfully chokes, suffocates or strangles another person now can be charged under the Criminal Code. The offence is dependent on the force used, the intent in committing the act and the injury sustained by the victim. It would likely be one of the following offences: common assault, assault occasioning bodily harm, grievous bodily harm, torture, disabling in order to commit an indictable offence or attempted murder. These are some of the crimes that are not included in those shocking statistics I mentioned earlier. In researching for this speech in the House tonight I came across an amazing statement—

Many domestic violence offenders and rapists do not strangle their partners to kill them; they strangle them to let them know they can kill them—any time they wish.

People live with that threat hanging over their head day in, day out. It is absolutely frightening. This proposed new offence relates to choking, suffocating or strangling without the other person's consent when they are in a domestic relationship with the other person or the choking, suffocation or strangling is associated with domestic violence under the act. The new offence attracts a maximum penalty of seven years imprisonment.

It is good to see these sensible amendments before the House. I know that they may help reduce the insidious level of domestic violence in our communities or certainly will bring the offenders of domestic violence to light. That the amendments are supported by both sides of the House shows the resolute intention of members of parliament to be tough on crime. Domestic violence is a crime, and the LNP has no intention of being soft on crime. We all must stand up for the victims and, importantly, the victims' families. I commend the bill to the House.