




Speech By
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MEMBER FOR IPSWICH

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

 **Ms HOWARD** (Ipswich—ALP) (4.18 pm): I rise to speak in support of the Criminal Law (Domestic Violence) Amendment Bill (No. 2) 2015. The Palaszczuk government is committed to ensuring we live in a Queensland that is free from domestic and family violence. As parliamentarians we strive for that same goal, but we have much to do in our communities. In February last year, the Special Taskforce on Domestic and Family Violence in Queensland released its landmark report, *Not now, not ever: putting an end to domestic violence in Queensland*. I was pleased that the Palaszczuk government committed to implementing all 140 recommendations of the report. Those recommendations included initiatives for the government and the community of Queensland to better address and reduce the incidence of domestic and family violence. A number of recommendations related to ensuring perpetrators are made accountable for their actions. For too long the approach has been to help victims by providing safe houses, shelters, improvements to policing and support through counselling services. Whilst those processes and projects are vital to ensuring the wellbeing of victims, an emphasis on making perpetrators responsible for their actions is also vital in helping to eradicate domestic and family violence in our communities.

I understand that over 30 of the 140 recommendations relate to the portfolio of Justice and Attorney-General. That figure shows the importance of laws in helping to drive community change. Two recommendations of the task force report were the introduction of a circumstance of aggravation of domestic and family violence to be applied to all criminal offences and the creation of a specific offence of strangulation. Both recommendations were strongly supported by the DV sector.

In support of the first recommendation, the task force found that if the circumstance of aggravation of domestic and family violence were applied to all criminal offences, it would ensure the seriousness of domestic and family violence is acknowledged. The task force held that an increase in penalties reflects community attitudes that domestic and family violence is unacceptable. An aggravating factor increases the culpability of an offender, which means that the offender may receive a higher sentence. The amendment reflects community attitudes about the seriousness of criminal offences that occur in a domestic and family context and makes offenders more accountable. The amendment shows that the Queensland government and the community in general will no longer tolerate this conduct in the domestic setting. As the Premier recently stated—

Domestic and family violence is such a breach of trust that it deserves a higher penalty.

In support of the second recommendation, the task force report stated—

Strangulation is a very common feature of domestic and family violence and is also seen as a predictive risk factor for future more severe domestic and family violence and for homicide.

Under current laws, a person alleged to be choking, strangling or suffocating a person would be charged with an offence of assault. Common assault relates to situations where a person strikes, touches or moves or otherwise applies force of any kind to the person of another, either directly or

indirectly. If found guilty of common assault, a perpetrator will serve a maximum penalty of three years imprisonment, although in most cases the courts only apply fines or lesser penalties. Very rarely do the courts establish a correlation between the assault and further aggravation. However, workers in the DV sector acknowledge that acts of choking, suffocation or strangulation in a domestic setting can be predictive indicators of an escalation in domestic violence offending, including homicide. The new offence will have a maximum penalty of seven years imprisonment. This offence and the significant penalty attached reflect the serious and dangerous nature of the offending behaviour and recognise the importance of deterring this prevalent conduct.

It is evident that both amendments before the House reflect the seriousness of criminal offences that occur in a domestic and family context and make offenders more accountable. Perpetrators must be held accountable for their actions and the public must have confidence that its judiciary and lawmakers understand the nature of domestic and family violence and that our laws and penalties uphold community standards. I commend the Attorney-General and the Minister for Women for their efforts in this arena. They have consulted widely regarding these amendments. In August last year a comprehensive discussion paper was released and I understand that a number of submissions regarding the discussion paper were considered.

This is appropriate lawmaking. It is about considered approaches to crime and criminal activity. It is about finding a balance between community expectations and judicial fairness. It is about proper consultation with the community, stakeholders and those with expertise. As a government we have already made significant progress in implementing the urgent priorities needed to lay the foundations for sustainable reform. We have started work on developing the tools that will be needed to support three integrated service response trials in urban, regional and discrete Indigenous communities. Additionally, the government has partnered with CEO Challenge to develop online resources to enable employees to recognise domestic and family violence in the workplace and to respond and refer appropriately. So far, 20 government departments have taken up those resources by the end of August. At the same time, the Department of Justice and Attorney-General has commenced a specialist court trial at Southport.

Changes to the laws that govern us can help bring about the cultural shift that is now gaining momentum across our vast state. However, it is important to realise that, as a government, we cannot achieve change alone. That is why we are calling on all sectors of the Queensland community to embark on this journey together. In my own community of Ipswich, I am champion of the Ipswich antidomestic violence taskforce or I-ACT, which is working toward the elimination of domestic and family violence in our city through a number of initiatives. As the minister stated in her introductory speech—

It is a time for optimism as well as action, not just by the government but all members of this parliament and the entire Queensland community.

I am proud to support this bill.