




Speech By  
**Joseph Kelly**

**MEMBER FOR GREENSLOPES**

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**DOMESTIC AND FAMILY VIOLENCE PROTECTION AND OTHER LEGISLATION  
AMENDMENT BILL**

 **Mr KELLY** (Greenslopes—ALP) (3.18 pm): I rise to speak in support of the Domestic and Family Violence Protection and Other Legislation Amendment Bill. I am exceedingly pleased to be in a Parliament which has shown bipartisan support on this very important issue. I think that bipartisan support reflects the very deep desire of people in our community to say 'not now, not ever' to domestic violence.

I have seen that demonstrated in my own community. We held a memorial last year to remember the two women who were publicly murdered and also to remember the two women who are murdered each week who do not make the news. Over 400 people showed up with just a few days notice. Out of that we responded to the minister's challenge to hold community leaders' round tables. We are about to hold the third of those now. We have had a tremendous response from people in the community—from government departments, from organisations you would expect to come along like Zig Zag Young Women's Resource Centre and Women's Legal Service and, more broadly, from sporting groups like the Holland Park Hawks and service clubs like the Holland Park Lions.

Even business owners have expressed an interest in being involved. A local funeral director has joined the group and become involved because, sadly, she is tired of organising funerals for victims of domestic violence. This group has identified three critical areas: the justice response, the crisis response and cultural change. The group believes that the cultural change is where they can work. I am hopeful and confident that together we can achieve that.

We have seen great cultural change in our lifetime. When I started work just under 30 years ago, sexual harassment was still common in the workplace. These days it is much less common. More importantly, what has changed is that the vast majority of people in the workplace understand that it is unacceptable; there are policies and processes to deal with it when it occurs; and managers, for the most part, in my experience do a good job of responding to it when it is identified. I think we can take hope from that so we can say not now, not ever to domestic violence and make it a thing of the past in our communities.

This bill is not really about cultural change; this bill is about the justice response and the crisis response. I think it achieves some very important things. The purpose of the bill is to enhance information sharing and justice system processes; support more immediate, tailored and effective responses; prioritise victim safety; hold perpetrators more accountable; and encourage and change their behaviour. That is really crucial because if a person goes through our criminal justice system and emerges with no behavioural change, no increased ability to avoid using violence for whatever reason, we really have not changed anything. This bill meets these objectives. I would like to commend the

minister and the department for their work on this bill. I would like to thank the committee chair and other committee members and particularly the submitters and witnesses who have taken the time to have input into this process.

Recently I had the great pleasure of representing Minister Byrne in awarding the national and Queensland Police Service medals. Coming from a family that has quite a significant number of serving police officers, I thought I was reasonably well versed in some of the things that police officers deal with. During the ceremony the citations were read out as to the reasons these officers were receiving awards and several of the incidents described involved domestic violence situations. I must say that they were quite shocking. They involved accounts of incredible bravery on the part of the officers and demonstrated that they were prepared to go to significant lengths to protect the members of our community at great personal risk to themselves. I already have a very high level of respect for officers, but this ceremony and these stories reinforced my understanding of the commitment of police to ending domestic violence. They understand the realities of the situation and they have a good insight into what these laws will mean for those realities.

I am really lucky. I have no personal experience of domestic violence. I have had no experience of the legal mechanisms or the processes. I have never had any great personal accounts in terms of friends being involved in domestic violence. As a result, I needed to speak with police officers as to what are the practicalities of this bill and understand their thoughts on it. I am particularly thankful for the officers who shared their thoughts with me.

The bill requires police to consider what action will provide effective and immediate protection until a court can consider an application for a protection order. This was greatly welcomed by the police. They actually identified this as one of the most important parts of this legislation in their view. They can now give someone on the spot a piece of paper, technically a police protection notice, or a PPN, that has the same impact as a judgement handed down at a later date. There is no delay in letting a perpetrator know that they need to cease their current behaviour and there is no delay in letting a perpetrator know that any attempt to repeat this behaviour will carry serious penalties.

The police to whom I spoke welcome the obligation and the authority to do this. They believe they have the experience, the knowledge and the understanding of the situation to act appropriately on the spot. The legislation includes provision to ensure that this power is well monitored and properly authorised with judicial review to follow as soon as possible.

The PPNs expand to people who can be named and affected by the order. This provides greater capacity for police to provide immediate protection, particularly to children, but also to other family members and associates. It was evident from those stories that I heard at the medal ceremony that domestic violence situations frequently involve complex networks of people. Children are significantly impacted by domestic violence. According to ANROWS, Australia's National Research Organisation for Women's Safety, 61 per cent of women affected by domestic violence have children in their care at the time of the incident. These orders go a long way to providing greater protection for children in those situations, which by the sounds of it is 61 per cent of the time.

These changes were supported by many of the submitters including the Women's Legal Service, the Australian Association of Social Workers, the Queensland Council of Unions and Micah Projects. While there was support generally, submitters also noted the need for training of officers, and the officers to whom I spoke agreed with this. I was pleased to see that the department is developing a training package to support the rollout of this legislation.

Police also told me that the parts of this legislation that deal with separating people involved in domestic violence situations are crucial. They welcome the expanded power to be able to direct a person to remain at a specified place or move somewhere else. The legislation talks about a cool-down period—quite simply, getting people to go away, calm down and leave the aggrieved alone. It is ironic because my children learn in school from a very early age that one of the best ways to deal with aggressive and angry situations is to do that: go away, calm down and cool down. I do take on board the views of the Queensland Domestic Violence Service Network that domestic violence is not simply a conflict but is much more about power and control. While that motivation for violence is driven by power and control, unless we address this the violence will recur. I also consider that the violence occurs in a tense and agitated situation. I think removing the parties, defusing the situation and allowing other actions that move towards dealing with the real cause of domestic violence are all helpful, and this bill achieves that.

The bill also allows police to refer a victim or perpetrator to a specialist DV service without consent. That is always of some concern. However, the police I spoke to said they felt confident in their ability to identify where a domestic violence situation involved a very high risk to the victim. They feel

incredibly frustrated by current situations where they have to have consent. It is really easy to imagine a battered person being too frightened and stressed to make a rational decision. In these situations I believe these individuals need an advocate. I believe police are very capable advocates.

Submitters generally supported these provisions as well. They raised concerns that the provisions may lead to victims being involuntary clients of DV service providers. As a health professional, I fully understand the need to obtain consent. The department provided advice in relation to this. Service providers will ultimately still need to obtain consent to provide a service. However, these provisions will increase the opportunities that a victim has for being made aware of services and support available.

The specific sharing of information in relation to referring a person of high risk to specialist DV services highlights the potential benefits of enhancing information sharing. We live in an incredible age of information technology. We can use it to play games, sell real estate and move money. I think it would be really nice if we actually used it to protect victims of domestic violence and help perpetrators to get treatment. This bill greatly enhances the capacity for information to be shared internally between government agencies and externally with non-government agencies. Police and other people to whom I spoke from other government agencies and NGOs told me of stories of failings in communications that ultimately facilitated ongoing abuse of some victims. Having said that, many submitters did raise concerns about information sharing. We know that information is power and it can be abused, so I am pleased with the safeguards that have been built into this bill which will allow us to gain the benefits of information sharing while protecting people.

Finally, I want to speak about the provisions in this bill that will allow Queensland to participate in the National Domestic Violence Order Scheme. I note that submitters were supportive of these provisions. Police told me that the days of habitual offenders doing a runner interstate would be over and people could not clear out and expect to find a clean slate. Like improvements in information technology, transportation has improved to the point where moving interstate or even overseas is cheaper and easier. These provisions recognise this, and it is commendable that COAG has sought to establish uniform procedures throughout Australia.

I believe that we can say 'Not now, not ever' to domestic violence. I really do believe that, and I am committed to doing what I can to work with community leaders in Greenslopes to achieve this cultural change. I am pleased to be part of the Palaszczuk government which is implementing every one of the *Not now, not ever* recommendations. This bill is another important step in our bipartisan community response to domestic violence, and I commend the bill to the House.