Speech By

Ros Bates

MEMBER FOR MUDGEERABA

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DOMESTIC AND FAMILY VIOLENCE PROTECTION AND OTHER LEGISLATION AMENDMENT BILL

Ms BATES (Mudgeeraba—LNP) (12.50 pm): I rise to make a contribution to the debate on the Domestic and Family Violence Protection and Other Legislation Amendment Bill 2016. As I have said many times in this place, domestic and family violence is an insidious and, sadly, all too common crime in our communities that we as members of this place have a responsibility to address. We cannot sit idly by as members of our community struggle with a system that is not there for them when they make the courageous decision to leave their toxic relationship. That is not a decision that is ever taken lightly and for many victims of domestic and family violence in our community it means uprooting their entire life—their entire emotional and financial support structure—to leave a situation that is beyond their control.

That is why the former LNP government initiated the Special Taskforce on Domestic and Family Violence in Queensland which, in 2014, delivered the landmark report *Not now*, *not ever: putting an end to domestic and family violence in Queensland*. As I have done so many times in this House, I want to begin my contribution by thanking my friend and colleague the member for Aspley for all that she did during her tenure as the minister to bring forward this landmark initiative, which continues to make a difference in the lives of so many men and women throughout this state. Today, we debate the latest piece of legislation introduced into this House to implement the recommendations of the *Not now, not ever* report and move towards a society where domestic and family violence is no more.

When it comes to tackling the scourge of domestic and family violence, we know that the government is not the ultimate answer. Nonetheless, we must do all we can to give victims the resources and framework that they need when they make the choice to stand up for themselves. We all play a role in stemming the tide of violence but, as members of parliament, we are uniquely placed to stand up for the most vulnerable of those whom we represent. This bill continues with this important work. It was introduced on 16 August 2016 and was referred to the Health, Communities, Disability Services and Domestic and Family Violence Prevention Committee for detailed consideration. The committee reported back to parliament on 4 October 2016. As a former member of that committee, I thank the committee for its work in examining this bill.

The stated policy objectives of this bill are to provide victims of domestic and family violence with access to earlier and more tailored protection; ensure that victim safety is at the forefront of the justice response to domestic and family violence; require police to consider how immediate and effective protection can be provided to victims pending a court's consideration of an application for a domestic violence order; provide for the automatic mutual recognition of domestic violence orders made in other jurisdictions through the National Domestic Violence Order Scheme; and hold perpetrators of violence more accountable and encourage them to change their behaviour.

To do that, the bill has a number of key components that, when enacted, will serve to enhance the protection available to victims of domestic violence immediately, including changes to police

protection notices and related powers to require police to consider what action to take to provide victims with immediate and effective protection from domestic and family violence while also expanding and simplifying the use of PPNs; enhance requirements for courts' consideration and imposition of DVOs to support stronger and more tailored protection for victims and other named persons and to clarify that victim safety must be at the forefront of all decision-making; introduce new information-sharing provisions to facilitate information sharing for risk assessment and responding to serious domestic violence threats and to enable the QPS to make referrals to specialist DFV service providers where a serious threat is identified; implement COAG model laws for the automatic mutual recognition of DVOs across Australia and New Zealand to underpin Queensland's participation in the NDVOS; enhance perpetrator accountability and encourage behavioural change through amendments that increase penalties and requirements associated with PPNs and release conditions; place greater emphasis on respondent compliance with voluntary intervention orders—VIOs—and to allow the Office of the Director of Public Prosecutions and the QPS to obtain copies of DVO court documents that are relevant to a related criminal prosecution and for courts to provide documents to police where they are relevant to a related police investigation.

Police protection notices are a key mechanism for the Queensland Police Service to provide immediate protection to victims of domestic and family violence before a DVO can be issued by a court. Police protection notices, which were introduced by the then LNP government in 2012, are issued immediately following an incident of domestic and family violence where police are called and need to take immediate action to protect the victim. PPNs were one of the reforms introduced by the Domestic and Family Violence Protection Act in 2012 to enable police officers to provide quick and effective responses for victims of domestic and family violence.

A PPN is also an application for a protection order that provides short-term protection until the application can be heard by a court. That is important, because courts can take up to five business days and, in some rural and remote areas, even up to 28 days to hear a case and issue a DVO. The changes to PPNs and associated police powers proposed in this bill seek to require police to consider what action to take to provide victims with immediate and effective protection from domestic and family violence; expand the protection that can be provided by PPNs; streamline administrative requirements associated with PPNs; and provide more flexibility in the issuing and service of notices, including expanding the existing power available to police to direct a person to remain at a specified place to also enable a person to be directed to move to another place for the issuing, service or explanation of a PPN.

Clause 19 of the bill specifically seeks to improve police procedure to remove the current requirement for a police officer to be present at the same location as the respondent to issue a PPN. It also provides that a police officer can issue a notice to a respondent who is not present at the same location if attempts have been made to contact the respondent by phone. These amendments are imperative in that they provide more discretionary powers to police to provide immediate support to victims of domestic violence at the scene of the incident. These amendments allow police, who are tasked with protecting those in these awful and often unpredictable situations, to have the powers that they need to be able to provide immediate protection to those on the receiving end of domestic and family violence.

Police are such an important resource to our community and especially in our fight against domestic and family violence. It is vital that we not only recognise the significant role they play as first responders to domestic and family violence and in recording the incidents that have occurred but also give them the tools they need to keep people in these situations safe from harm before a court can step in on a more permanent basis. By doing so, we can ensure that a mechanism is there to help victims—right then, right there at the scene—for those who are tasked with protecting them.

I note that these new powers will be coupled with checks and balances to ensure that the system works in that police officers at the scene will also require their supervisor's approval before a PPN is issued. Further, a police officer will also explain to those whom they suspect have committed a domestic or family violence offence why they reasonably believe that an offence of this nature has been committed as well as explaining what constitutes domestic violence so an alleged perpetrator will know why this action is being taken against them.

I note that broad support for these amendments was given from stakeholder groups during the Health, Communities, Disability Services and Domestic and Family Violence Prevention Committee's consideration of this bill. PeakCare Queensland in particular, as well as a number of other submitters, noted their particular support for provisions expanding the range of persons who may be protected in a PPN as having the potential to 'more effectively and quickly afford protection to victims ... their children and other family members'. UnitingCare Queensland submitted that the provisions to name children

were an especially 'significant and necessary' reform, given that Australia's National Research Organisation for Women's Safety has identified that 61 per cent of women who experienced domestic and family violence had children in their care at the time the violence occurred.

This bill also makes changes to the next stage of the protection process for domestic violence orders. The bill amends provisions guiding courts' consideration of protection orders to clarify that courts may make DVOs when a victim has been threatened or fears for their safety or wellbeing within the current definition of 'domestic violence'; require courts to consider whether additional DVO conditions beyond the standard condition that the respondent be of good behaviour and not commit domestic violence are necessary or desirable to better tailor protection for the victim or another named person; require courts to focus on the protection required by the victim in determining the appropriate duration of a protection order and increase the minimum standard duration of a protection order from two years to five years; require courts to consider noncompliance with a voluntary intervention order when making or varying a DVO and clarify that, although courts may also consider compliance with a VIO, compliance with a VIO must not be the sole reason a court decides not to make or vary an order; and require courts to consider any existing family law order they are aware of and whether it needs to be varied or suspended if it is inconsistent with the protection needed by victims.

Debate, on motion of Ms Bates, adjourned.

Sitting suspended from 1.00 pm to 2.30 pm.

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Resumed.

Ms BATES (Mudgeeraba—LNP) (2.31 pm): These are important reforms which seek to balance the way in which the court deals with victims of domestic and family violence and the mechanisms for protecting them through our legal system. It will require the courts to consider all possible mechanisms for protecting a victim of domestic violence and consider the best way to protect the victim and ensure that they can remain safe from harm under the law and under any order imposed by a court. It will ensure that DVOs are no longer a one-size-fits-all approach by requiring courts to consider all conditions being imposed by a given DVO, giving courts the ability to tailor DVOs and ensure that they contain the most appropriate conditions to a person's situation. We know that every case of domestic and family violence carries with it its own unique situation, its own distinct set of considerations and its own pair of individuals who may require different provisions in their DVOs to ensure the continued safety of the victim from the perpetrator. We recognise that courts need the discretion to be able to determine the appropriate length of DVOs, but this bill, by increasing the minimum standard duration of a DVO from two to five years, recognises that perpetrators of domestic violence do not easily forget. The risk of retaliation does not fade away after a mere 24-month period. It recognises that this risk can remain beyond that point and it is appropriate that the minimum standard duration be increased to reflect this sobering reality.

I was particularly moved by the confidential contributions to the inquiry of the Health, Communities, Disability Services and Domestic and Family Violence Prevention Committee by two brave parents who recounted the experiences of their daughter in the years after she experienced domestic and family violence at the hands of her partner. In their submission they told the committee—

It has become very clear that our daughter's ex-partner (the perpetrator and respondent to the DVOs) has no intention of ever, even attempting, to change his behaviour.

Thus our daughter will likely have to continue to apply for DVO protection for many years to come and possibly the remainder of her life. This will come at considerable expense, both financial and emotional.

It must be reasonably common and highly likely that perpetrators of domestic violence who are recalcitrant and reluctant to change their behaviour will continue the same behaviour for many years after separation, even after moving on to any new unsuspecting partner.

These words speak for so many who have had to reapply for DVOs years after experiencing domestic and family violence to ensure that they can remain safe from those who can never change. These sentiments were echoed by Resound who, in their combined submission, told the committee—

The fear of your abuser does not simply dissolve in two years especially if you have continued contact due to parenting orders.

I would probably go as far as to say that that fear will never leave.

I receive specialised therapy for PTSD to help reduce the impact of my trauma, but I don't think that I will ever feel safe around the man that abused me.

Thus I need to make sure that I minimise contact and will probably be forever renewing that order.

If this process is made easier by allowing less resistance by the court to grant longer order durations, than the trauma of reapplying and facing my abuser is decreased greatly.

This bill also takes into account the unfortunate truth behind voluntary intervention orders: that perpetrators of domestic violence can comply temporarily with a VIO in order to gain access to those they have already harmed. It is important that we allow the courts to take into account when a perpetrator has made a meaningful effort to better themselves and right their wrongs, but we must also recognise that simply serving out a voluntary intervention order does not mean aggressors have become better people. It does not mean they should automatically have access to their victims once again. It does not mean they have become fully functioning members of society and it certainly does not mean they should have their domestic violence orders lifted.

Equally, we also need courts to take into account the fact that a breach of a voluntary intervention order is a startling admission from a perpetrator of domestic violence that not only have they committed a terrible crime and betrayed those who once trusted them, they have also made no effort to better themselves and right their wrongs. Those aggressors who perpetrate violence against those in a domestic or family situation who then breach their voluntary intervention order should have this additional blight on their record rightfully considered as a court considers making or varying their domestic violence order. It is only right that if a perpetrator clearly shows no sign of improvement an order can be put in place which notes that they remain a threat in order to continue to protect those they have harmed. Similarly, Family Court orders should be taken into account when considering the actions of a perpetrator, including whether these need to be varied or suspended if it is inconsistent with what a victim now needs in light of domestic or family violence. During the committee's inquiry there was a general consensus that supported the bill's strengthening of obligations to require courts to always consider any Family Court order of which they are aware in making a DVO. This is an area of contention and is further being examined by the Australian government review of the Family Court.

I would like to flag during this second reading debate that I shall move an amendment during this bill's consideration in detail that amends clause 17 to insert a subsection (4) in the proposed new section 97 to require courts to give reasons when it makes a protection order for a period of time that is less than five years. I am moving this amendment for a number of reasons, including to deliver greater accountability and certainty for victims of domestic and family violence, align the level of accountability required of courts in making protection orders to that required when considering ouster conditions, ensure courts provide reasons when making protection orders with an operational period of less than five years and ensure where a protection order is made the court must give reasons which are not prescriptive and do not impact on the finalisation of proceedings.

This amendment was generally supported by those who made submissions to or appeared before the committee, including Community Legal Centres Queensland. I would like to particularly acknowledge the Women's Legal Service Queensland for its advocacy in suggesting that a judge should give reasons if he or she makes a domestic violence order for a period of less than the minimum standard time frame of five years. This is an issue which they raised during the public hearing of the committee on 14 September 2016. I would like to thank Julie Sarkozi and Gail Shearer, solicitors from Women's Legal Service Queensland, who appeared before the committee to voice their concerns which have informed the amendment which I will be moving today.

As not only the shadow minister for the prevention of domestic and family violence but also as the shadow minister for women, I am proud to have taken into account the concerns of the Women's Legal Service Queensland and ensure that women's voices are heard loudly and clearly as we consider this bill. It is unfortunate that despite the concerns of the Women's Legal Service the Minister for Women did not seek to move this important amendment herself. However, I am pleased the minister has accepted the amendment. I note the department's opinion that a requirement to provide written reasons in relation to the duration of a protection order could have a significant impost on courts and is likely to delay proceedings which is not in the best interests of the party. However, I also note that there is no hard evidence to support this assertion. In fact, under the amendment I am moving, there is no specified manner in which the reasons need to be given. This amendment provides the same level of accountability on courts as that required of them when considering ouster conditions. Contrary to the department's opinion, there is no reason why this clause would delay proceedings given the general nature in which the reasons can be given. The proposed amendment continues to balance the flexibility of the courts in determining the length of protection orders whilst ensuring victims are afforded adequate reasoning when orders are made that are not for five years. This amendment ensures confidence in the court process for victims of domestic and family violence.

Another provision in this bill is the provision for the automatic mutual recognition of DVOs made in other Australian jurisdictions through the National Domestic Violence Order Scheme. This is in line with recommendation 90 of the *Not now, not ever* report which recommended the development and implementation of the NDVOS to achieve automatic mutual recognition and enforcement of domestic

violence related orders across jurisdictions. The Domestic and Family Violence Protection Act currently does not expressly enable information to be shared between government agencies and/or non-government organisations that provide domestic and family violence services. The information sharing-framework proposal provides an approach that allows information sharing to occur for risk assessment purposes. However, this will be limited to those specialist services with the necessary expertise to assess domestic violence and family violence related risks. It is crucial that we work with other states and territories to ensure that we are aware of information relating to domestic and family violence that occurs in other states so that our courts and our police can be aware when individuals have a questionable track record from outside Queensland.

New part 6 of the bill provides for national recognition of DVOs by: establishing a national recognition scheme for DVOs, including providing for local orders to vary orders made in other jurisdictions and for those variations to be recognised in other jurisdictions; defining interstate orders and registered New Zealand orders and designating those as recognised interstate orders; providing for recognised interstate orders to be enforced in the same way as local orders; providing for the standardised administration of all DVOs, that is, local and recognised interstate orders, in the manner agreed to by COAG; and enabling the exchange of information between issuing authorities and interstate law enforcement agencies for the purpose of exercising the functions under the part or for a law enforcement purpose. These amendments are vital, as providing for national recognition of DVOs and encouraging the sharing of information by law enforcement authorities throughout the country will allow for a streamlined approach to domestic violence. It will give the police and other Queensland authorities a greater capacity to access relevant information to make informed decisions, particularly as we are enhancing their capacity to provide protection to victims of domestic violence prior to a DVO being issued by a court.

Finally, this bill has important provisions to increase the accountability of perpetrators. The bill looks to improve perpetrator accountability and support behavioural change, including increasing the maximum penalty for breaches of PPNs and release conditions to achieve consistency with the penalty for briefing DVOs; amending the Weapons Act to provide that any weapons licence held by a respondent named in a PPN is suspended for the duration of the notice in the same way as currently occurs when courts issue TPOs; amending the name of VIOs to intervention orders to clarify that, once an order has been agreed to by the respondent, compliance with the order is not voluntary and, further, to strengthen requirements surrounding a court's consideration of compliance with VIOs, chapter 4.4; and allowing the ODPP and the QPS to obtain copies of DVO court documents that are relevant to a related criminal prosecution and enabling courts to provide documents to police where they are relevant to a related police investigation. These are significant amendments and recognise the fundamental role we have to keep victims safe by holding perpetrators accountable.

By increasing the maximum penalty for breaches of PPNs, we are ensuring that, as police gain greater capacity for issuing PPNs at the scene of an incident, checks and balances exist to deter aggressors from breaching them. There is no point in heightening powers for police to issue PPNs if there is not an adequate penalty for breaching them. By raising the maximum penalty, we can work to ensure that victims can be confident in the PPN that is handed down by police officers. In taking away a perpetrator's ability to carry a weapon, this bill also works to ensure that a perpetrator is not able to carry a deadly weapon, decreasing the risk of another violent crime or even murder, after police are called in to assist a victim of domestic and family violence. Whilst amending the name of the VIOs to remove 'voluntary' from the name is a verbal gesture, we need to reinforce that VIOs are not in fact voluntary after they have been agreed to by a perpetrator. In fact, it is a strict agreement that needs to be enforced by a court and we can strengthen those orders by ensuring perpetrators understand that they have an obligation to follow through on their commitment to behavioural change.

As part of a broader commitment to information sharing to tackle domestic and family violence amongst our law enforcement authorities and courts by allowing the Director of Public Prosecutions and the Queensland Police Service to obtain copies of DVO court documents that are relevant to a criminal prosecution, we can ensure that one's behaviour is appropriately documented when a prosecution occurs. Domestic and family violence is rarely an isolated incident and an accurate picture needs to be painted of perpetrators when they are being prosecuted, so a court can fully understand the extent of their crimes.

Broadly, the bill takes a step forward in providing protections to victims of domestic violence when they need it most, enhancing mechanisms for police court orders to be enforced and increasing the accountability measures that exist for offenders. However, we also know that this government has made serious errors in its provision of domestic violence services in our community. Whilst we work to implement the recommendations of the *Not now, not ever* report as quickly as possible and provide legislative changes to domestic and family violence policy in this state, it is disappointing to see the

government drop the ball on domestic and family violence services. We have already seen that this Labor government is failing to address the lack of crisis domestic and family violence accommodation and services are swamped by an increase in demand that has occurred as a result of the heightened public profile of this issue in our community. This Labor government should have known there would be an exponential increase in the rate of reports of domestic violence as media and political attention has given so many victims of domestic violence the courage to do something about it and seek support.

We know from data released by the government that in the last year thousands of victims of domestic violence were forced into crisis motel accommodation, as services were stretched to the limit. Questions I asked the minister revealed that, in 2015-16, 9,000 nights of motel accommodation were provided to 9,000 women and 13,393 children escaping domestic violence. That is a 240 per cent increase in just 12 months. It is abundantly clear that the minister, despite all her rhetoric, has been caught completely unprepared for the inevitable spike in domestic and family violence reports. We knew that would happen, especially given the huge public exposure of this insidious issue affecting Queensland communities throughout our state. However, the minister did nothing to alleviate the concerns or provide additional support for domestic and family violence services. We have seen only two new domestic and family violence shelters established in rural and remote areas, but those services simply will not reach residents of Brisbane, the Gold Coast and so many other communities throughout the state. Those services will not do anything for the hundreds of women on the Gold Coast who are being warehoused in motels because shelters are full. It is unacceptable to have victims languishing in motels if there are no wraparound supports, as it will push victims to return to their violent homes.

In the past 12 months, DVConnect has seen a doubling in calls with the service fielding more than 4,000 calls a month. I thank Di Mangan and her team for all their hard work in not only acting as a referral service but also, due to a lack of support from this government, acting as a front-line support service for victims of domestic violence. We know that the Gold Coast is considered to be the domestic and family violence capital of the state and that this government has turned its back on us. My local police are telling me of massive jumps in callouts to domestic violence incidents and the resulting reports that need to be lodged by our hardworking police officers.

Labor still has not put forward a real plan to reduce domestic violence in our communities. It has talked it up to a point where it has reached crisis point, but it has no plan to address the issue. Domestic violence is now a priority. It is now time to stop talking and start acting to tackle the problem. As a victim and a survivor of domestic violence, I know that if we do not do something strong now we will be having the same conversation in 20 years times and it will be the same conversation that I heard as a 15-year-old child. I repeat: domestic violence is now a priority and it is time to stop talking and start acting to tackle the problem.

Equally concerning is that across Queensland thousands of victims of domestic violence are still being left to wait for justice as new figures show some court jurisdictions are taking months to issue final protection orders. Regional Queensland courts have some of the longest wait times for final protection orders to be issued. On the Gold Coast and in Beenleigh, victims are waiting between 36 and 46 days to get final protection orders. Government figures released after questioning from this side of the House show that, in 2015-16 across Queensland, there were more than 32,221 applications for protection orders. These figures show a system that treats victims differently, depending on where they live and the courthouse in which the application is lodged. That is not good enough. This government needs to provide adequate resources to our courts to ensure that those in our community receive the legal support they need to escape domestic and family violence situations.

Tough action is also needed on breaches of domestic violence orders if the system is to deliver protection for victims of this terrible crime. This issue was raised in the committee's examination of the bill, with a number of submitters calling for the improved resourcing of courts to ensure victims are able to access justice efficiently and in keeping with the broader legislative objectives of providing immediate and tailored protection. Bill Potts, the president of the Queensland Law Society, noted that the court system is currently struggling to cope with a significant spike in applications and breaches, which is delaying justice for some victims, especially in remote and regional areas. Mr Potts submitted that increased resourcing for the front-line response to domestic violence means that police are prosecuting every case, which is a good thing. However, he said—

> If you just put that into one end—you put those resources—the courts bank up, the processes are delayed and then all of these intervention programs, unless they are properly resourced, do not meet the purposes of it, which of course are to deal with the issues.

Domestic violence orders are not worth the paper they are written on if the consequences of breaching those orders are not enforced. This is a clear indication that those who breach an order are often getting away with a slap on the wrist and courts are struggling. This year alone there have been

nine deaths across the state, which all Queenslanders would agree is nine deaths too many. No-one should have to live in fear of violence, so if those orders are not being complied with we need to do more.

The government and this minister have had this report for more than 12 months so we have to question why it has taken this long to see these changes brought forward. Domestic violence is an insidious crime that touches the lives of Queenslanders every day. Whilst this legislation is taking appropriation action to increase the penalties for breaches of police protection notices, we need to do everything we can to ensure breaches of domestic violence orders are also treated seriously under the law.

In closing, I am pleased to see that this bill will continue to implement the road map begun under the former LNP government, which initiated the Special Taskforce on Domestic and Family Violence in Queensland and the resulting *Not now, not ever: putting an end to domestic and family violence in Queensland* final report. These are important reforms and we must continue the work we are doing to balance the scales of justice and provide more mechanisms to protect victims of domestic and family violence.

I thank the police and our domestic and family violence services for the work they do on the front line to stem the tide and to help victims. They are doing important work for our community. I know that in an ideal world free of the scourge of this horrific violence the jobs of domestic and family violence service workers would become obsolete.