




Speech By
Hon. Shannon Fentiman
MEMBER FOR WATERFORD

Record of Proceedings, 19 April 2016

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

 **Hon. SM FENTIMAN** (Waterford—ALP) (Minister for Communities, Women and Youth, Minister for Child Safety and Minister for the Prevention of Domestic and Family Violence) (3.54 pm): Today I rise to give my wholehearted support to the Criminal Law (Domestic Violence) Amendment Bill (No. 2). Last year I had the privilege of being appointed Queensland's first Minister for the Prevention of Domestic and Family Violence. While at times being the minister that oversees such a complex and emotional portfolio has been tough, it is of course mostly rewarding. During the past year the Queensland government has introduced and passed transformative legislation that prioritises the safety and voices of victims of domestic and family violence. This includes introducing a principle that the views and wishes of victims should be sought before decisions affecting them are made, requiring courts to consider ouster conditions, establishing a death review board to help prevent future deaths, and increasing maximum penalties for breaches of domestic violence orders. We are continuing to implement the 121 government led recommendations handed to the Premier in Quentin Bryce's landmark *Not now, not ever* report. However, we know that there is much more to be done.

Two weeks ago I attended a Red Rose Rally. Every time a woman in Queensland is killed by domestic and family violence there is a Red Rose Rally. Two weeks ago was particularly tragic. Five women in Queensland died over a period of just three weeks. That is not a national figure; that is Queensland alone. The Palaszczuk government has undertaken tremendous reform over the past year, but we recognise that there is more work to do. This bill demonstrates the Palaszczuk government's continued commitment to eradicating domestic and family violence. We know that the way to do this is through preventative measures that can help to identify situations of domestic and family violence that are likely to escalate. If we can identify dangerous situations then we can prevent them for the devastating consequence of domestic and family violence.

The *Not now, not ever* report makes it clear that strangulation or choking is a predictor of an escalation of violence within an abusive relationship. Creating a specific offence for strangulation within the Criminal Code will serve a dual purpose. It will enable courts to charge and sentence perpetrators for the act of strangulation as a stand-alone offence, not one committed in association with an indictable crime. It also allows for more effective recording of domestic and family violence incidents that are at risk of escalation. This is a vital step towards ensuring that all incidents of domestic and family violence are identified and addressed swiftly.

The lifesaving impact of creating a specific offence for strangulation within the Criminal Code cannot be downplayed. Evidence given to the Royal Commission into Family Violence last year indicated that women are 800 times more at risk of being seriously hurt or even killed within weeks of an attempted strangulation by their partner. Professor Heather Douglas, a law professor at the University of Queensland, told the Royal Commission into Family Violence—

... the risks increase some 800-fold after an incident of strangulation that a woman will receive serious injury or be killed in the weeks after the event.

She continued—

... having a previous history of strangulation on a police record I think would be very important information for police to know about when they are coming to a call-out.

The recommendations of the Bryce report were developed following extensive and statewide consultation with victims and survivors of domestic and family violence. The document that accompanied the *Not now, not ever* report is called *Our Journal*. It is a collection of personal essays and stories from victims and survivors of domestic and family violence. It is necessary reading if we are to understand the true horror of strangulation. Many of the stories mention incidents of strangulation and provide telling insight into how quickly the violence can escalate. One of these stories reads—

The first time he was violent it came out of the blue. It was an intense, terrifying experience. He flew into a rage over something I've long since forgotten. What I do remember is his hands closing around my throat. I remember gasping, I remember the fear, and I remember the way he watched my eyes as I slipped towards unconsciousness. He would release the pressure just as I felt myself sinking into blackness, allowing me just enough oxygen so that he could begin the process again.

The use of strangulation, particularly within intimate partner relationships, shows how reliant domestic and family violence is on power and control. But strangulation stretches beyond that. I remember attending a media event about creating a specific offence for strangulation months ago with the Premier, the Attorney-General and Di Mangan, the CEO of DVConnect. Di was asked why strangulation within abusive relationships was so common. She replied that it was because strangulation is an extremely personal act of power. It not only allows the perpetrator the opportunity to showcase their control; they can look into their victim's eyes as they do it. The perpetrator is given complete power over the victim.

I am proud to be a member of a government that has made and continues to make domestic and family violence one of its highest priorities. Too many Queensland women and children are being hurt and killed each year as a result of this violence and we know that these deaths are preventable. Every Queensland woman who lives in fear as a result of domestic violence deserves our help. I do not simply want to reduce the statistics of women suffering from domestic and family violence here in Queensland; I want them to be where they belong: in the past. I commend this bill to the House.