



Speech By  
**Hon. Shannon Fentiman**


**MEMBER FOR WATERFORD**

---

Record of Proceedings, 16 August 2016

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

**Introduction**

 **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) (12.43 pm): I present a bill for an act to amend the Domestic and Family Violence Protection Act 2012, the Police Powers and Responsibilities Act 2000 and the Weapons Act 1990, and to amend the acts mentioned in schedule 1, for particular purposes. I table the bill and explanatory notes. I nominate the Health, Communities, Disability Services and Domestic and Family Violence Prevention Committee to consider the bill.

*Tabled paper:* Domestic and Family Violence Protection and Other Legislation Amendment Bill 2016 [[1245](#)].

*Tabled paper:* Domestic and Family Violence Protection and Other Legislation Amendment Bill 2016, explanatory notes [[1246](#)].

Family violence is an entrenched epidemic that we've lived with since time began, so we've got a long way to go.

Those are the words of Rosie Batty, a woman struck by the unimaginable tragedy of losing her son to family violence. As the 2015 Australian of the Year, Rosie turned her words into actions and continues campaigning for cultural and policy changes to end domestic and family violence in this country.

So far this year, another nine coronial investigations have commenced into deaths that have occurred in domestic or family relationships in Queensland. The Palaszczuk government is committed to changing this. In partnership with all parts of the Queensland community, we are taking long-term action to end violence. Victims must be better protected and supported. Perpetrators of domestic violence must be held more accountable, and police and courts must be given improved tools to help them save lives and provide support to victims.

With bipartisan support, this House has passed four priority bills to improve how the legal and justice system deals with domestic and family violence. We are bringing together government agencies and community service providers to develop and implement a fully integrated response to domestic violence. We have committed funding to trial integrated responses in three different locations—Logan/Beenleigh, Mount Isa and Cherbourg—and to roll out high-risk teams in those and five other locations across the state. We have opened two new shelters in Brisbane and Townsville to support women and children in crisis. Two further crisis shelters will be established in Charters Towers and Roma.

The Domestic and Family Violence Protection and Other Legislation Amendment Bill 2016 builds on the priority legislative reforms that have already been progressed by the Palaszczuk government. It includes further changes to better protect victims and their families, hold perpetrators to account for their actions and support integrated responses. It amends the Domestic and Family Violence Protection

Act 2012 to implement the outcomes of the review recommended by the special task force and to enable Queensland to participate in the National Domestic Violence Order Scheme, which has been agreed by COAG.

The bill introduces a new framework to facilitate the sharing of domestic and family violence information between key government and non-government entities. The nature and dynamics of domestic violence are often complex and information sharing is critical to assessing and managing potentially fatal risks. As the task force said in its *Not now, not ever* report—

... fatalities are rarely without warning and are generally preceded by violent or abusive incidents indicating a heightened risk of future harm. It is because of these indicators that these types of deaths are considered some of the most preventable.

The need for more information sharing and collaboration across the system was highlighted during the coronial inquest into Luke Batty's death. Rosie Batty had been in contact with the Victorian police, courts, a government department, counsellors and medical practitioners. The Victorian Coroner found—

... no one agency had looked at all the information when they were considering the risk posed ... towards Luke.

Often victims expect agencies to be able to share information. Similar issues were raised in Queensland as part of the coronial inquest into the horrific 2011 murder of Noeline Beutel. In the six months prior to her death, Ms Beutel had been in contact with her doctor, a hospital, police and domestic violence support services. They were all holding different pieces of the puzzle and providing a response based solely on what they knew.

This bill enables government and non-government organisations, in defined circumstances, to share information about victims and perpetrators to assess and manage serious domestic violence threats. In this way, it removes barriers to saving lives. Information can only be shared to the extent necessary to assess the threat or take action to lessen or prevent the threat. While obtaining consent before sharing information will remain the preferred approach, the bill prioritises the safety of victims and their families by enabling information sharing to occur without consent. The bill includes a range of safeguards to prevent the inappropriate sharing of information and protect people's privacy. Penalties of up to two years imprisonment or 100 penalty units will also apply for the inappropriate use or disclosure of information.

The bill includes reforms to provide victims with access to earlier and more tailored protection. These include expanding the operation of police protection notices and requiring police to consider how to provide victims with effective protection prior to a court determining the application for a protection order.

Police notices were introduced in 2012 and currently offer limited protection. They can only protect the victim, not their children or other people, and can only include two conditions—the standard condition that the respondent not commit domestic violence and a 24-hour cool-down condition that keeps the respondent away from the victim. The bill streamlines the administrative processes for issuing a police protection notice to allow police to provide victims with protection immediately and without delays. The bill also gives police more flexibility to issue protection notices. It removes the requirement that an officer must be in the same location as the respondent to issue a notice. This means that notice can be issued where the respondent has fled the scene before police arrive.

It also expands the protection that can be provided by a police protection notice by enabling police to name a victim's children or a child who usually lives with the victim as well as their relatives and associates in the notice. Police will also be allowed to include additional conditions to remove perpetrators from the family home until a court hearing and non-contact conditions that prevent respondents contacting the victim or their children.

Police protection notices will now be enforceable in the same way as domestic violence orders. Police will always have to personally serve notices on respondents, as notices will continue to be court applications for DVOs. However, to ensure that this requirement does not delay victims being protected, respondents will commit an offence if they breach a condition that a police officer has told them about, even if personal service has not yet occurred. This is consistent with the approach currently adopted for DVOs and will assist with holding perpetrators to account where they actively evade service.

The bill increases the maximum penalty for breaching a police protection notice or release condition to a maximum three years imprisonment or 120 penalty units. This ensures the penalty for breaching a notice is consistent with the penalty for breaching court issued DVOs—penalties that the Palaszczuk increased last year. The bill preserves the current safeguards and court oversight that apply to police protection notices.

The bill includes a range of reforms to strengthen the justice response to domestic and family violence. These changes include enabling courts to make protection orders that last longer and requiring courts to consider including conditions to tailor a DVO to better meet a victim's protection needs. Currently, protection orders can only last for up to two years, unless there are special reasons for courts making a longer order. Stakeholders have told us that two years does not provide victims with adequate protection.

The bill expands court powers so orders can be made that last for as long as necessary to protect victims. At the same time, the amendments set an expectation that orders will last for a minimum of five years unless there are reasons for making a shorter order. Courts will also always have to consider whether more specific conditions should be included in DVOs, in addition to the standard condition that the respondent does not commit violence.

The bill also helps to address the issue of DVOs and family law orders containing inconsistent terms about respondents' contact with their children. While family law orders made in the Commonwealth jurisdiction will continue to prevail, the bill strengthens the current obligations of Queensland domestic violence courts. As recommended by the task force, state courts will be required in each case to consider any family law order that they are aware of and whether to use their powers to vary or suspend the order if it conflicts with the proposed DVO.

Finally, the bill clarifies the weight that should be given to respondents' compliance with voluntary intervention orders. The current provisions enable courts to consider a respondent's compliance with the program in deciding whether to make a protection order and its duration. Consequently, a victim's protection can be diminished if the respondent has complied with the program, even if there is no evidence of a change in their behaviour.

Under the bill, courts will still be able to consider a respondent's compliance with an intervention order in making or varying a DVO, but the court must not refuse to make or vary a protection order merely because the respondent has complied with the intervention order. Further, courts will be specifically required to consider a respondent's noncompliance. This will ensure that a victim's access to protection focuses on what is needed to keep them safe and does not depend on whether or not a respondent complies with a voluntary intervention order and ensures that the voluntary intervention orders are not considered a viable alternative to a longer term protection order.

Another important component of the bill is the implementation of national model laws that will support Queensland's participation in the National Domestic Violence Order Scheme. The scheme provides for the automatic, mutual recognition of DVOs made across Australia. Currently, victims must manually apply to courts to register in Queensland an order made in another state or territory. If a victim does not register their order, they are left without protection in their new jurisdiction.

The bill will streamline processes so victims who relocate to Queensland do not need to register their interstate DVO. Other jurisdictions are in the process of implementing the same laws so that Queenslanders who move interstate have the same protection. The nationally consistent laws will be supported by a national information sharing system.

This government is continuing to do all it can to support victims and their families, demand further accountability for perpetrators and strengthen the police and justice response to domestic and family violence. As we implement other task force recommendations and the changes in this bill, we will continue to consider whether further amendments are required to ensure that the Domestic and Family Violence Protection Act remains a contemporary legislative framework to support the reform of the domestic and family violence system in Queensland. The bill is another important step towards ending the harm caused by domestic and family violence. I commend the bill to the House.

### **First Reading**

**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) (12.55 pm): I move—

That the bill be now read a first time.

Question put—That the bill be now read a first time.

Motion agreed to.

Bill read a first time.

**Referral to the Health, Communities, Disability Services and Domestic and Family  
Violence Prevention Committee**

**Madam DEPUTY SPEAKER** (Ms Farmer): Order! In accordance with standing order 131, the bill is now referred to the Health, Communities, Disability Services and Domestic and Family Violence Prevention Committee.