



Speech By  
**Hon. Shannon Fentiman**

**MEMBER FOR WATERFORD**

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Record of Proceedings, 11 October 2016

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

**Second 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) (12.40 pm): I move—

That the bill be now read a second time.

This bill is the next stage of legislative reforms to implement the recommendations of the Special Taskforce on Domestic and Family Violence in Queensland. It includes important amendments to simplify processes for police so they can provide enhanced protection immediately to victims and, for the first time ever, children through expanded police protection notices; clarify that the court may make a domestic violence order when a victim has been threatened or has fears for their safety or wellbeing; provide for the future implementation of automatic recognition of DVOs across Australia under a national domestic violence order scheme; ensure courts consider if more tailored conditions need to be included in a DVO; ensure protection orders remain in place for a minimum of five years unless the court is satisfied that there are reasons for a shorter order being made; require the courts to consider any family law orders when making a DVO to minimise inconsistency between the orders and may use their powers to modify family law orders if necessary; and establish a comprehensive information-sharing framework to ensure that agencies providing specialist domestic and family violence services and prescribed entities can share information appropriately with each other to assess and manage risk.

The bill was referred to the Health, Communities, Disability Services and Domestic and Family Violence Prevention Committee and the committee's report was tabled on 4 October 2016. I thank the committee for its thorough report. I also thank everyone who made a submission to the committee for taking the time to do so. The committee received 20 submissions on the bill. These included submissions from the Queensland Domestic Violence Services Network, Micah Project's Brisbane Domestic Violence Service, PeakCare Queensland, the LGBTI Legal Service, the Queensland Law Society and UnitingCare Queensland. Our partners in the domestic and family violence and legal sectors play a vital role in protecting women and children from potentially fatal violence. As always, their expertise and insights have helped to ensure the quality and workability of the bill. I table the Queensland government's response to the committee report.

*Tabled paper:* Health, Communities, Disability Services and Domestic and Family Violence Prevention Committee: Report No. 27—Domestic and Family Violence Protection and Other Legislation Amendment Bill 2016, government response [[1828](#)].

The committee made two recommendations, and I will address each of these in turn. The committee's first recommendation is that the bill be passed, and I thank the committee for this recommendation. All of the stakeholders that made submissions to the committee expressed their support for the bill and believe it will improve the legal and justice response to domestic violence in Queensland. The second recommendation is that a minor drafting error in clause 63 of the bill be

corrected. Subclause 63(6) refers to the 'Domestic and Family Violence Act 2012' rather than the Domestic and Family Violence Protection Act 2012. The Palaszczuk government accepts the committee recommendation to correct this oversight and I will move the necessary amendment during consideration in detail of the bill.

The committee report includes a statement of reservations of non-government members. This raises issues about the impact on police and courts of more victims reporting domestic and family violence and seeking protection. Police officers play a vital role in protecting victims of domestic and family violence and their families. Violence that occurs behind closed doors is a crime, just like violence that occurs elsewhere. The hard work and dedication of officers dealing with domestic violence cases saves lives. It is difficult and critically important work. We know that domestic and family violence is under-reported. We want victims to come forward, report violence and get the protection and support they need. Increased rates of reporting are a key measure of the success of justice system reforms under the National Plan to Reduce Violence Against Women and their Children 2010-2022 which all Australian governments are signatories to. The bill includes important reforms to improve the tools police have to protect victims while streamlining administrative processes for front-line officers.

As the committee found, the proposed changes to police protection notices will provide officers with the necessary tools to respond more effectively and provide more victims and their families with immediate protections. We know that domestic and family violence takes an incredible toll on children who witness it or experience it, so it is essential that for the first time children and other members of the family will be able to be included on police protection notices. At the same time the bill will make it quicker and easier for police officers to issue the notices and make them enforceable to protect victims. The government agrees that increased rates of domestic violence reporting raises resourcing issues for police, courts and the broader domestic violence system. That is why our government announced a \$198.2 million package in the budget to address domestic and family violence, including \$42.4 million over four years to rollout further specialist courts, building on the learnings from our trial at Southport. The budget also provided my department with \$89.5 million over five years to implement the Queensland Domestic and Family Violence Prevention Strategy. This includes funding for new and enhanced services to address current service gaps and to establish new integrated high-risk teams.

The special task force recommended extensive legislative policy and practice changes to improve the response to domestic violence. We are well on our way to implementing all of these recommendations. The Palaszczuk government is committed to monitoring and evaluating the ongoing long-term implementation of all of the task force recommendations. This will ensure that our actions are effective as we continue to identify opportunities for improvement and the impacts on resourcing. As recommended by the task force, we are developing a detailed evaluation framework to assess the overall impact of the reforms. An evaluation of the Domestic and Family Violence Specialist Court at Southport is already underway.

The committee brought one fundamental legislative principle issue to the attention of the House. This relates to the information-sharing provisions in clause 44 of the bill, in particular the new section that enables entities to share both facts and opinions. The committee said that this was potentially incompatible with the principles of natural justice and due process in particular circumstances. These are when a person is identified as an alleged perpetrator of domestic violence and they have not had the chance to answer those allegations in a court. The committee also raised a concern that people's recollection of events could be impacted by other people's opinions that are shared with them and this might adversely affect the evidence they give to a court if they are subsequently called as a witness. The information-sharing provisions in the bill will enable government and non-government organisations to share information for the specific purpose of assessing and managing domestic violence threats. The framework in the bill relies on police officers, doctors and other front-line service providers exercising their professional judgement and experience when determining whether a person is experiencing domestic violence and what information should be shared to help either assess the threat or respond to a serious threat.

Allowing facts and opinions to be shared is consistent with the approach of other Queensland legislation. The Child Protection Act and the Information Privacy Act already allow both to be shared. The bill also establishes a requirement for the court to consider any family law orders in place to minimise inconsistency between it and the domestic violence order they may put in place. It also clarifies that magistrates may use their powers to modify family law orders if necessary. This is an important step forward. Anyone who has heard Rosie Batty's story understands the additional pressure put on her due to inconsistencies and a lack of connection between the courts. I have spoken with and received correspondence from so many women who tell us that a major barrier to them leaving a violent situation is their concern for their children's safety. They will not save themselves while any danger to their

children remains real or perceived, so we must make it abundantly clear that family law orders can be varied to reflect a domestic violence order where the magistrate sees it appropriate to exercise their power to do so.

Again, I would like to extend my thanks to the Health, Communities, Disability Services and Domestic and Family Violence Prevention Committee for its quick and effective examination of what is an extensive and technical amendment bill. I would also like to thank the research staff of the committee for their hard work in assisting the committee to consider the bill.

This bill is another important step in our ongoing work to confront and end domestic and family violence in Queensland. The bill will ensure that the Domestic and Family Violence Protection Act 2012 provides a robust and contemporary legislative framework. As we implement the other task force recommendations and the changes in this bill, we will continue to consider whether further amendments to the act are required. I look forward to hearing members' contributions to the debate of the bill. In conjunction with the ongoing reforms being implemented by the Palaszczuk government, this bill will help improve the lives of those experiencing the devastating effects of domestic and family violence. I commend the bill to the House.