




Speech By
Tarnya Smith

MEMBER FOR MOUNT OMMANEY

Record of Proceedings, 19 April 2016

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

 **Mrs SMITH** (Mount Ommaney—LNP) (4.00 pm): I rise to make a short contribution to the debate on the Criminal Law (Domestic Violence) Amendment Bill (No. 2) 2015. Firstly, I wish to thank the secretariat and all of those people who made submissions to the Legal Affairs and Community Safety Committee. We received quite a number. I also thank all of the witnesses who attended the public hearing.

This bill is born from the *Not now, not ever* report of the task force, which was established under the previous LNP government and led by the Hon. Dame Quentin Bryce. As a member of the committee, I am pleased to say that our recommendation was that the bill be passed.

I draw the attention of the Attorney-General to the committee's comment on page 5 of its report, which states—

The committee requests the Attorney General, in her second reading speech on the Bill, respond to concerns of submitters in relation to consent (including the concept of reckless indifference), the application of the terms 'domestic setting' and 'domestic relationship' in the proposed Section 315A offence, attempted offences and the Bill's application and effect on juveniles.

I believe that the Attorney-General has satisfied this request in her speech today. I had concerns about the term 'domestic setting'. I draw the attention of the House to the high-profile case of Nigella Lawson as it is what prompted me to question the term 'domestic setting'. Back in 2011, at a restaurant the then husband of Nigella Lawson lent over in full public view and put his hands on her throat. That was caught on camera and subsequently they divorced. I had a concern about what the term 'domestic setting' meant for laypeople—not people in the law. As a member of the committee, I think the Attorney-General has certainly addressed that issue to my satisfaction.

The *Not now, not ever* report states very clearly that the picture of domestic violence in Indigenous communities is bleak. In most Indigenous communities domestic violence has been normalised as part of everyday life. It was very interesting to hear the witnesses at the public hearing, especially Thelma Schwartz, who appeared in her capacity as the principal legal officer of the Queensland Indigenous Family Violence Legal Service. My colleague the member for Beaudesert touched on the matter of juveniles being excluded from this legislation. The report referred to the picture of domestic violence as being so bleak in our Indigenous communities that it is almost normalised. If that behaviour is carrying on from generation to generation and people think that it is normal, then more needs to be done. I ask the Attorney-General to give some more consideration to excluding juveniles from the legislation. As I said, the committee recommended that this bill be passed. I put my support behind this bill.