




Speech By
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MEMBER FOR ASPLEY

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

 **Ms DAVIS** (Aspley—LNP) (4.11 pm): I rise to make a contribution to the Criminal Law (Domestic Violence) Amendment Bill (No. 2) 2015. Only a few years ago the subject of domestic violence was not broadly discussed in the community. The LNP sought to change this in Queensland when we stood front and centre on the issue by establishing the Special Taskforce on Domestic and Family Violence and we remain resolute on keeping families and the community safe. Sadly, we are all too familiar with the tens of thousands of domestic violence incidents being reported each year to police, but we must never forget the many more Queenslanders who remain silent victims of this crime and the innocent children who witness domestic violence who in turn may suffer lifelong trauma as a result.

The data is alarming. One in six Australian women has experienced violence from a current or former partner. One in three Australian women will experience violence in their lifetime. Last year 63 women were killed in Australia. It sickens me to say that in the last month in Queensland eight women have been killed as a result of domestic violence. This is absolutely gut-wrenching and demonstrates just how horrific the situation has become. In just one month here in Queensland one death has occurred almost every four days. It is absolutely unfathomable and I truly cannot think of any other situation where this would be tolerated.

Beyond the data the reality is we just do not know how many people's lives are being affected by domestic violence. The Prime Minister has said, and I agree, that we must elevate this issue to our national consciousness and make it clear that domestic, family or sexual violence is unacceptable in any circumstance. We have a crisis on our hands and it is evident from what we have seen in Queensland in recent weeks. These heinous acts fly in the face of everything we know to be humane and they abuse the very fundamentals of a civilised society. Yet we know that the terrible and terrifying realities of domestic violence will not escape us until we as a society treat it as the crime that it is and undertake a zero tolerance attitude to domestic violence in our community.

We all have a responsibility to bring an end to this violence happening in homes across Queensland. This is why the passage of the bill is important and receives the support of the LNP. This bill supports the implementation of recommendations 118 and 120 of the *Not now, not ever* report. The bill has a number of objectives. Firstly, it seeks to amend the Penalties and Sentences Act 1992 to make provision for domestic and family violence to be an aggravating factor on sentence. The special task force was very firm in its position that stronger laws were required to hold perpetrators to account for their conduct. They were definite, and I am sure we would all agree, that acts of domestic and family violence are criminal acts.

To reinforce the message that such actions are not acceptable in our society, the task force made the recommendation to introduce a circumstance of aggravation for all criminal offences related to domestic and family violence so that penalties were commensurate to the crime committed. I am very pleased that where the bill introduces the use of an aggravating factor in the main it has received support

from stakeholders. Whilst recommendation 118 is not implemented in the literal sense as outlined in the task force report, it will deliver on the objective underpinning the recommendation which is for offenders to be held to account for their domestic violence crimes and to provide mechanisms to safeguard victims against unintended effects of domestic violence.

It will also introduce amendments that will compel the judiciary to consider whether the offence constitutes an offence of domestic and family violence when determining an appropriate sentence for an offender. We do hope that the new sentencing principle sends a very clear message to the community at large that members of this 55th Parliament are serious about applying harsher penalties and are resolute in stamping out domestic and family violence in this state.

The bill also has the objective to amend the Criminal Code to create a new offence of choking, suffocation or strangulation in a domestic setting. The task force found gaps in the existing Criminal Code. During its thorough review evidence was given that showed how the act of strangulation was a key predictor of domestic homicide. There is absolutely no question, the research certainly shows, that strangulation is one of the most lethal forms of domestic violence. Unconsciousness may occur within seconds and death within minutes. A 2008 study published in the *Journal of Emergency Medicine* reported that the odds of becoming an attempted homicide increased by about sevenfold for women who had been strangled by their partner and that whilst the victims may not have any signs of visible injuries, underlying brain damage caused by deprivation of oxygen can cause serious internal injuries or even death in the days or weeks later. This is a very serious matter and perpetrators must be punished by the full extent of the law. The reality is, however, that no punishment can equate to the devastating psychological effect that this crime has on its victims with potentially fatal outcomes, including suicide.

Finally, the bill will amend legislation to allow a court to receive a submission from a party on what they consider to be the appropriate sentence or sentence range for the court to impose. The provisions in this bill are a significant step forward in protecting those who experience domestic violence. The LNP implemented the special task force for the very reason of this bill: to provide the full force of the law in protecting victims of domestic and family violence and, with that, greater mechanisms to hold perpetrators to account for their crimes. We expect this government to show the same strong leadership on this issue and build on the work that was initiated by the LNP to make our community safe.

Appropriate resourcing should be made available for programs aimed at reducing violence. More work must be done on changing public attitudes and addressing the risk of community complacency to this crime. Over the past four years we have seen some significant achievements in raising awareness, but it is only the start and there is much work ahead to be done. Eight deaths in one month is simply unacceptable. We should be doing everything we can and have all the tools available so that people can be safe and free of violence in their own home.