




Speech By
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MEMBER FOR COOMERA

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VICTIMS OF CRIME ASSISTANCE AND OTHER LEGISLATION AMENDMENT BILL; BAIL (DOMESTIC VIOLENCE) AND ANOTHER ACT AMENDMENT BILL

 **Mr CRANDON** (Coomera—LNP) (9.41 pm): I think the first thing that I need to do is remind the member for Pine Rivers that not once—not once—did the government members come up with an alternative position, so let us not try and reinvent the past. I also note that the member for Pine Rivers cherry-picked comments and not once did she mention the costings that were referred to by the shadow Attorney-General, and in the meantime people die.

Firstly, I need to acknowledge the families of those who have lost their loved ones—those who now live with the scourge of domestic violence in our community—and I want to tell them that I share their pain. My wife and her sisters lost their mother to domestic violence and I know firsthand what those people in the gallery are going through. I know what the other family members of those women who have lost their lives are going through. I live it every day.

I rise to contribute to the cognate debate on the Bail (Domestic Violence) and Another Act Amendment Bill and the Victims of Crime Assistance and Other Legislation Amendment Bill. There are those in our prisons and juvenile detention centres who should not be there, and I want to carry on from something that the Attorney-General alluded to whilst she was making her contribution. Many are victims of the circumstance of their birth, of the environment they live in, the experiences they had as young people. How much more difficult would it be to focus on your education and of enjoying your young life if virtually every day you are exposed to physical abuse or sexual abuse; witnessing drug and alcohol addiction and the effects it has on those you have no choice but to live with; witnessing the mental health issues that lead to drug and alcohol abuse, or as the result of drug and alcohol abuse; and of course experiencing domestic violence, sometimes every day? These situations and experiences are the breeding grounds for those young people who find themselves for the first time in our prisons and juvenile detention centres. On release they find themselves returning to those same environments, so is it any wonder that they are back in our prisons and juvenile detention centres in no time at all? Coming back to my opening comment, we have people in our prisons and juvenile detention centres who should not be there. Simply put, our society is at fault and that is something that the Attorney-General alluded to.

For far too long the focus has not been on the issues I have mentioned above. The focus has not been on the causes of recidivist behaviour. The focus has not been on the causes of antisocial behaviour. We need to look at the issues of mental health, drug and alcohol dependence and antisocial behaviour from an entirely different perspective. What we have been doing and how we react as a society to these issues is just not working. From what I have seen in my investigations, the reason we have prisons that are overcrowded is that we have failed to implement programs—programs in our schools, alternative school programs, drug and alcohol programs that are effective and timely. It is not good enough when someone comes to a drug rehab centre, having decided they are ready to get help, to tell them they are on a waitlist for a month or three months. Even waiting for a week is too long. We need to provide the intervention programs virtually immediately. If not, is it any wonder that they go back to using drugs and committing crimes to fund their habit? That is the reason we see recidivism

rates of around 60 per cent in our criminal justice system. In effect, we have set up our young people to fail, so we should not be surprised to see such high rates of recidivism. That is also one of the reasons we see domestic violence rates spiralling out of control.

I now turn to the issues relating to the substance of the Bail (Domestic Violence) and Another Act Amendment Bill. At the outset I have to say that I am disappointed about the manner in which the government members approached the bill or whether the bill should be passed. In short, the position they took was left wanting. The Leader of the Opposition brought this bill to the House two weeks to the day after the tragic death of Teresa Bradford at the hands of her estranged husband at her home in Pimpama, which is in the state seat of Coomera. Indeed, it came to this House on the day of her funeral. As the Leader of the Opposition stated in his introduction, Teresa's attacker was released on bail just weeks earlier following an unsuccessful attempt on her life in late 2016. The Leader of the Opposition made this point: it was not an isolated case. As he said, Queensland accounted for a quarter of all domestic violence related deaths in Australia in 2016—that is, 18 Queensland women died in Queensland in 2016 at the hands of her partner or former partner, so it is time to do something.

The objectives of the Bail (Domestic Violence) and Another Act Amendment Bill are very simple and are clearly in the public interest. The bill seeks to reverse the presumption of bail for an alleged offender charged with a relevant domestic violence offence; establish a special bail condition for a tracking device, or GPS tracker, to be imposed by a court or a police officer authorised to grant bail against a person charged with a relevant domestic violence offence; introduce a new system to alert the victim of a relevant domestic violence offence when the defendant applies for bail, is released on bail or receives a variation to a bail condition; introduce a mandatory reporting provision to the parole system for when a prisoner applies for and receives parole so that a victim of domestic violence can receive information about a prisoner, even if the offence that the prisoner was convicted for is not a domestic violence offence; and of course introduce a provision to allow for an urgent review of a bail decision in a higher court. The original bail decision would be stayed for up to three business days, ensuring that the alleged offender would not be released during that period. In short, the bill seeks to protect victims and their families. We here have it in our power to protect those victims, and we should do everything possible to protect those victims of domestic violence. This proposed bill offers reasonable, workable solutions.

It is important to note that this bill is either based on laws and procedures working in other jurisdictions, or draws on solutions offered by stakeholders on the ground in the area of domestic violence support, or draws on the recommendations of the *Not now, not ever* report that have not been enacted to date. The non-government members of the committee listened to the submitters who were pushing the libertarian views. We agree that the rights of the alleged offender are important, but these rights have to be balanced against the safety of the victims of domestic violence, including the children of affected families.

While we are considering this bill, I urge members to consider one of the effects that this bill will have on victims of domestic violence. Perhaps it might be regarded as an unintended consequence of the bill. However, it is a very important effect. It will go some way towards convincing victims of domestic violence to report it in the knowledge that there are stronger protections in place. So often we do not even know the domestic violence has been occurring and the woman involved loses her life.

As well, members should consider the potential deterrent effect of the policies in the bill on perpetrators of domestic violence. We have heard comments about the consideration of the rights of the alleged perpetrators—a balancing, if you like. Surely, when considering the concept of balance, that balance should be in favour of victims, their families and the community in general, not the perpetrators where the balance seems to have been for far too long. To reject this bill would not only let down the victims and families who have already lost loved ones to domestic violence but also make it difficult for those who failed to support the bill from ever facing future victims or their families knowing that something could have been done now to stop their loss.

As I mentioned earlier, we have heard a lot about unintended consequences from some members who would like to see this bill fail, yet we have seen nothing to prove why we should not pass this bill. For example, we have seen no evidence from other jurisdictions. Are we to throw our hands in the air and say, 'It's all too hard to save a life because of some abstract unintended consequence that could happen?' That is not what we on this side of the House intend to do.

There have been suggestions that the reversal of the presumption of bail would somehow see more people refused bail, thereby spending more time on remand and thus clogging up our remand centres. If holding a person in custody because they have failed to prove that they are not a risk to the alleged victim or victims saves lives, then so be it. In fact, if this legislation saves the life of just one domestic violence victim, it will have been worth it. That was stated in the hearings by one of the witnesses.

It is not just the LNP opposition members who are arguing this position; it is also the view of the Domestic and Family Violence Death Review and Advisory Board in its system review, which was handed to the government the same day as this bill was introduced, as was alluded to by the Leader of the Opposition. The chair of the board and State Coroner, Terry Ryan, said in relation to the case study, Kelly—

Based on a review of this death, the Board found that given the aggravating circumstances associated with domestic and family violence and the high likelihood of recidivism, this case highlights the potential benefit in reviewing the *Bail Act 1980* to consider specific circumstances in which the presumption in favour of bail should be revoked.

This report was withheld from the committee prior to it holding its public hearings and thus, as we were not aware of Terry Ryan's view, denied the committee the opportunity to call the chair of the board as a witness in our public hearings to enable us to question him on his views in further detail. Terry Ryan had just conducted a review on behalf of the government and we were denied knowledge of that document.

I mentioned earlier that no evidence has come from other jurisdictions. I make the point that Victoria, Tasmania, South Australia, the Northern Territory and even the ACT all have their own provisions for the reversal of the presumption of bail for violence and domestic violence related matters. People are already having an experience with this reversal of presumption. Let me also make it clear that the provisions before the House do not stop people getting bail. Once again, that has been alluded to by the Leader of the Opposition and others in this place. This bill simply shifts the onus to the alleged offender to prove why they should get bail, allowing the court the opportunity to satisfy itself that the alleged offender is not a risk to alleged victims rather than the prosecution having to prove the opposite.

Just last year we came into this House and voted as one in favour of lifting the maximum penalty for breaches of police protection notices from two to three years imprisonment. At the time the government did not raise the issue of how this change would impact jails and sentences. Why are the members opposite now reticent? Is it because the bill was not introduced by them? Is that why the government members of the committee could not agree that the bill be passed? The government members of the committee did not outline any issues to the non-government members as reasons they could not recommend that the bill be passed. This fact is confirmed by the lack of any recommendations in the committee report that the non-government members suggested that we could put forward.

That the government members of the committee had some issues, as confirmed by the chair in his foreword, is absolutely clear. Sadly, the government members chose not to expand on those concerns—not even in a statement of reservation. There is not one word in a statement of reservation, which is an option that both government and non-government members can use to at least inform the House of their concerns.

After going through the committee process, we have no notion of the views of the government members on this matter. What were they thinking? We would not know, because we could not have the conversation. I have been here for eight years and one day. It seems that, when it really matters, those opposite drop the ball. When it really matters, when we are right up against it and we have to make some tough decisions, those opposite drop the ball. In those eight years, I have never seen no discussion in a committee. The members for Pine Rivers, Capalaba and Stretton should hang their heads in shame.

As such, the House has no notion of what compromises could have been reached until this afternoon. Did I hear it right? Was it 6.30 or something like that this afternoon?

Mr Walker: That was when the amendments came through.

Mr CRANDON: The amendments came through to this side of the House at 6.30 this afternoon. As I said, the House had no notion of what compromises could have been reached until late this afternoon. These are very important points, because the lack of interest in engaging in discussion or outlining concerns in an endeavour to come to a compromise puts at risk a bipartisan position that this House has held on domestic violence reform in this place. Do the members opposite really think that they can be wreckers of years of bipartisanship on domestic violence reform now? At a time when we seem to be seeing an escalation in the incidence of domestic violence and deaths, I call on all members of this House to once again come together for the sake of every victim of domestic violence past, present and future, for the sake of our society, and vote for this legislation to be implemented without further delay.

I personally want to thank those people and groups that made submissions in favour of the bill. I am deeply saddened that the committee has not been able to reach agreement to recommend that the bill be passed, but it is not over yet. The Labor members of the House can still fully support this bill. As I said earlier, if this legislation is passed and saves one life then it has been worthwhile. If this legislation is rejected and one life is lost, then who of those that vote against it will be able to look in the eye of a survivor? I commend the Bail (Domestic Violence) and Another Act Amendment Bill to the House.

I would like now to turn to the Victims of Crime Assistance and Other Legislation Amendment Bill to make a few brief points. In her explanatory speech the Attorney-General stated that the bill will advance the way in which victims of crime are treated in Queensland. The explanatory notes state that the policy objectives of the bill are to implement the recommendations of the final report on the review of the Victims of Crime Assistance Act 2009, which is a review report, and ensure the Victims of Crime Assistance Act 2009 continues to provide an effective response to assist victims of crime, introduce a sexual assault counselling privilege and give victims of sexual offences who are to give evidence in a criminal proceedings against the accused automatic status as special witnesses.

In the last 40 seconds that I have I would just like to say that my view in relation to those last two points is simply why did we not do it some years ago? Why has it taken us until now? I am absolutely on board with those. Having experienced aspects of the Victims of Crime Assistance Act personally with my wife and her sisters I can understand the confusion and the complexity of it. I also commend the bill to the House.