




Speech By
Nikki Boyd

MEMBER FOR PINE RIVERS

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

 **Ms BOYD** (Pine Rivers—ALP) (9.20 pm): I rise today to make a contribution to the debate on the Bail (Domestic Violence) and Another Act Amendment Bill 2017 and the Victims of Crime Assistance and Other Legislation Amendment Bill 2016. I will refer to the bills as the bail bill and VOCA throughout the remainder of my contribution.

At the outset I thank the committee staff, committee members and those stakeholders who took the time to make written submissions and appear before the committee's public hearings. In total there were close to 40 individuals and interest groups as well as stakeholders across both bills. I want to specifically single out the families of victims who appeared before the committee or made contributions in the bail bill. In thanking them for coming to the bail bill hearing on 1 March I noted my appreciation for how extraordinarily tough it must be, but I hoped that they could receive some solace from knowing that the work they are doing will hopefully prevent other families from being in the same situation. I maintain that statement tonight. Regardless of the result of the passage of this legislation, these are conversations that cannot be unspoken and messages that cannot be unheard. While in this place we will differ on the best way in which to strike the balance between justice and protection, please know that the work you have done as advocates in this space in an effort to make our community a safer place has made a difference.

The committee unanimously recommended that the VOCA bill be passed but we could not reach agreement on the bail bill, as significant amendments would be needed before we could find middle ground. What is most underhanded are the public comments of the shadow minister for the prevention of domestic violence, who has gone public with scathing assessments of government members and the government on this bill. If you ever wanted a play out of the playbook for gutter politics, look no further than the member for Mudgeeraba. She has gone low on the attack. It seems there was not much of an appetite to pick up on her gutter politics though: I have only seen it in one outlet, *My Sunshine Coast*, who ran the lowest play in the playbook. For the purpose of posterity and to shine a light on the approach and the mentality of the shadow minister, I will further inform the House. The article is entitled, 'Labor abandons domestic violence victims' and it states—

Domestic violence victims and mothers of murdered women have been abandoned by Labor members Duncan Pegg, Nikki Boyd and Don Brown in an act of pure partisan politics.

...

Labor's three members of the committee examining the LNP's tough new domestic violence Bill have refused to recommend that the new laws be passed—ignoring pleas of victims and advocates and choosing to side with civil libertarians and perpetrators.

...

"The Palaszczuk Labor Government has ignored and dismissed the views of victims and families who have lost loved ones to domestic violence," Ms Bates said.

"The Labor members of this committee think civil libertarians and the rights of perpetrators trump victims, which is simply offensive.

"It is nothing short of shameful of Labor to rip up years of bipartisanship on tackling domestic violence at the expense of cheap politicking."

Ms Bates said the Bill was based on working laws in other states, recommendations of the "Not Now Not Ever" report not yet enacted or ideas from the sector.

"Doing nothing is not a solution and Labor have offered nothing in the committee process to help this Bill pass," Ms Bates said.

"Labor's Anastasia Palaszczuk and her so called Minister for Women and Attorney-General should hang their heads in shame.

"It has been clear from the very beginning that Labor were never going to support this important legislation and today's committee report is further proof of that."

Well, there you have it. At a time when you would think you would see the shadow minister espousing the merits of this legislation and winning over stakeholder support—because there is still a large void with much of this legislation in terms of stakeholder support—instead you have the member for Mudgeeraba out there in the public smearing government members, the Premier, the Attorney-General and the Minister for Women. All members in this place enter into the committee process with enormous goodwill, and to allege otherwise and to besmirch members' reputations outside of this place while matters are still on foot is cheap, nasty and disingenuous. The only slap in the face here is to the committee process and the government members on the committee. The only cheap political points are the ones that the member for Mudgeeraba is trying to score.

There has been a genuine commitment to bipartisanship around these issues, and there should always be. Rather than seeking to do that and seeking to work with the departments, experts in the legislation and experts in the three relevant departments on this bail bill, we see the LNP rush off and, in the midst of a tragedy, pull together legislation that is rushed, ill-informed and has the ability to be downright dangerous, all the while conducting themselves through the committee process as though they and this poorly-put-together legislation were beyond reproach. We were belittled or attacked for asking questions or putting forward an alternative position and doing the things that the committee process was designed to do. While I will admit there have not been—

Mr Saunders interjected.

Mr DEPUTY SPEAKER (Mr Elmes): Order! The member for Maryborough will withdraw.

Mr SAUNDERS: I withdraw.

Mr DEPUTY SPEAKER: Before I call the member for Pine Rivers, let me make this very clear. There are a lot of people listening to what is happening here today. I would ask that people making speeches be mindful of the content of their speech, and I would ask that people who seek to interject be mindful of their interjections. Amongst all the debates that we have in this House, this should be one that is conducted in a very sober manner. I hope I make myself clear on both sides of the House. I call the member for Pine Rivers.

Ms BOYD: While I admit that I have not been in this House for long, I have heard that multiple members—too many to name—from all backgrounds and all points of view regard the committee process and its role as the foundation for good policymaking. I still attest to that. Judging by the behaviour exhibited from those opposite, I hold grave concerns that they do not.

Let us examine where this committee process got us. One of the resounding concerns heard throughout the bail bill committee process was the consultation that had been undertaken prior to the committee process and the short length of time available to committee members and stakeholders to properly and fully understand the proposal and the impact of such policy implementation. From my position as a committee member, I think it is fair to say that the opposition was still largely figuring it out as they went, with commentary light on detail and heavy on rhetoric. Bill Potts from the Queensland Law Society stated that the consultation process was very short. He voiced the concern that, 'With such a short time of turnaround there may be some unintended consequences which we simply have not had time to consider.' His colleague Christine Smyth stated—

We note that this is a brief consultation period. It is unfortunate considering the important nature of the subject matter and the significance of the proposed amendments.

Professor Heather Douglas stated—

I simply have not had time to make a submission so I imagine there are plenty of people in my position. I would say we need more than the several days or whatever that we had.

Dr Samantha Jeffries followed on from Professor Douglas and said—

I would agree with that. I think more time needs to be provided.

When asked about costing Mr Potts remarked—

Given the very short time frame and turnaround, we have not been able to assist this committee by providing those sorts of fully researched details ...

Dr Ted Flack from the Queensland Homicide Victims' Support Group stated that, while they had spoken to proponents of the bill and other organisations in the field along with their New South Wales counterparts, they did not have the opportunity to solicit the support of a legally qualified and well-informed commentator on the issues. Given more time, they would have done that.

Carly Bolhuis from Micah Projects said that, given more time, Micah would want to consult with the women they are specifically supporting to gather their feedback. Betty Taylor from the Red Rose Foundation attested to very limited consultation and reiterated that it 'needs to be really broad to capture marginalised groups'. Angela Lynch from the Women's Legal Service stated that they 'support a more public and transparent approach, which would be through a public review'. Di Macleod from the Gold Coast Centre Against Sexual Violence remarked that they would have liked more time so they could 'take on board more voices and particularly unpack unintended consequences'.

The opposition held a differing view, with the member for Mansfield going as far as to say that he was quite satisfied that there had been sufficient inquiry and review, almost ad nauseam, on this issue. I must put on record that facts, inquiry and review outcomes, figures and costings—I could confidently say just information broadly—were sorely lacking from the contributions made by the members for Mansfield and Mudgeeraba. I found myself in the strange position where I went back and had a look through the meeting papers and other materials. I double-checked all of the attachments in my inbox to see if there were pages missing. I read and re-read materials. Had I missed something? Was there an oversight somewhere?

If there was this evidence, research, trials and consultation, where was the information that supported, substantiated and legitimised this bill? Sadly, this was sorely missing. Without it, committee members cannot in good conscience be expected to appreciate the ramifications and support the legislation upon reporting, yet in doing so we are held up as destroyers who love a little bit of cheap politicking.

When it came to the committee's duty to examine each bill and item of subordinate legislation and consider the policy to be given effect, the application of fundamental legislative principles and the lawfulness of subordination, we had the VOCA bill pass without issue but the bail bill littered with infringements of civil liberties and rights—pages upon pages in the report. It was quite astounding, and as a first-term MP I have never seen so many issues with the breaching of fundamental principles underpinned by the rule of law. It is very dubious indeed.

The member for Mansfield and so many on the other side of this House attempt to insult or degrade the government with unimaginative slogans like 'review not do'. However, the contrast of these bills highlights how absolutely essential reviews are. Compare the VOCA bill, where reviews provided clear, concise and precise action, with the bail bill, which was thought-bubble legislation with a thumb sketch of costings. Informed, considered and carefully examined policy derives the best outcomes, and I for one find the reactive policy on the run from those opposite concerning in the highest order.

I have carefully read the foreshadowed government amendments and have had discussions. I think these informed amendments are a must for all members of the House to consider here this evening. We are in vehement agreement that tackling domestic and family violence is a priority. We all want the same outcomes: strong, workable laws that protect victims of domestic violence. The Palaszczuk government has accepted all of the recommendations of the *Not now, not ever* report and has made significant inroads in implementing those recommendations. Laws that deviate from the blueprint must be carefully considered.

We want to strengthen laws and protect victims of domestic violence. However, we need to ensure we consult closely with stakeholders to ensure we have the most effective laws. So many of the submitters to the inquiry into the bail bill raised concerns around unintended consequences and lack of consultation.

There is a considerable overlap between the bail bill and the VOCA bill. That came as a bit of a surprise to the member for Mansfield, however, during the public hearing. First I asked the member for Mansfield for figures on the potential cost. The member for Mansfield was found wanting. I then said—

My second question goes to the VOCA Act that is currently before the committee—

Mr Crandon: Why don't you quote what he said?

Ms BOYD: I am quoting what I said right now.

Mr Crandon: Why don't you quote what he said?

Madam DEPUTY SPEAKER (Miss Barton): Order! Member for Pine Rivers, I ask that you not have conversations across the chamber—

Government members interjected.

Mr Dick interjected.

Madam DEPUTY SPEAKER: No, Minister. If one would allow me to finish what I was saying, rather than reflecting on the chair—and if the member for Coomera would also stop having conversations across the chamber. As the previous Deputy Speaker reminded all members of the House, comments must be directed through the chair, not across the chamber.

Ms BOYD: I asked the member for Mansfield during the public briefing—

My second question goes to the VOCA Act that is currently before the committee—the victims of crime act. In that there is a charter of victims' rights. I just wondered how the proposal for new alerts in your bill differs from the bill that is already before the House.

The member for Mansfield, in a direct quote, for the benefit of those who request it, said—

This would, of course, relate specifically to domestic violence cases more particularly than the VOCA Act. I have not looked at the way in which those two would interact. I think the committee's report on VOCAA has only just come out. Clearly, I do not think that there is any way in which they would cut across each other.

The House had already highlighted to the opposition leader and to the member for Mansfield that there was legislation before the legal affairs committee that contained some of these provisions. The legal affairs committee had released a report around the VOCA bill, yet the member for Mansfield had come to the committee not only with no information, no answer and no understanding around how those would interplay in order to provide the committee with that understanding and that comprehension but also with no explanation around potential cost or figures. We had to receive that information from other community submitters throughout the process.

Specific recommendations were made regarding the VOCA bill—recommendations that were unanimously passed through the committee. It ensures that victims of domestic violence have the right to be informed about the progress of an investigation of a crime and each major decision made about the prosecution of a person accused of committing the crime including when a perpetrator is applying for bail or being released from custody or any other matter that is before the court that affects the victim.

The committee heard of the significant operational and resourcing issues with the use of GPS tracking—snippets from other jurisdictions, struggles in implementation and cost restrictions. Recommendation 123 of the task force report *Not now, not ever* is committed to exploring options to monitor high-risk perpetrators. The work needs to be done, carefully considered over time and entered into in a way that is informed. Many of the submitters made comments around how implementing these types of costly initiatives in the bill would strip funding away from other essential services in the system—wraparound services, prosecutions, money going into magistrates. The list goes on.

Everyone in this House comes into this role—to this calling—with an understanding that they will need to have a thick skin and an understanding that often criticism will come from all places. However, what I find entirely disingenuous is the way that members of the opposition conducted themselves throughout this committee process and the way that they have squarely levelled attacks at government members and, indeed, the Premier, the Minister for Women and the Attorney-General.

More work needs to be done in this space. That is very clear; it is very evident. The bail bill was in no way able to be passed through the committee. Opposition committee members had conversations in which they understood the position of government members that the change that would be needed to reach agreement would be so significant—so significant—that we could not do it in the time that was afforded to us by the Leader of the Opposition given the way that this bill has been rushed through.

We in this place need to ensure, taking on board all of the points of view, that we pass fair and balanced legislation—legislation that ensures that the principles of democracy are actually upheld. I, for one, as a committee member could not in all good conscience accept the proposal that was being put forward based on the information that was provided to us—the very little information provided—by members of the opposition.