




Speech By
Hon. Shannon Fentiman

MEMBER FOR WATERFORD

Record of Proceedings, 22 March 2017

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

 **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) (12.06 am): I rise to speak in favour of the Victims of Crime Assistance and Other Legislation Amendment Bill and the amendments moved by the Attorney-General to the private member's bill. I begin by thanking members of the committee for their consideration of these matters in what was a very short period. I particularly thank the people who gave evidence, including workers from the front line and the brave family members of women who have died at the hands of perpetrators, who told their stories in order to save others from experiencing the pain that they have had to endure.

We all recognise the urgency in this area and we know that not one group has a monopoly on good ideas when it comes to difficult public policy issues, such as tackling domestic and family violence. However, we are also required to responsibly and carefully consider the changes we make so that we can be sure that at all times we are strengthening our protection of women and children who experience violence in their homes and communities. It is imperative that we always strive for the best solution, that is, the solution that protects women and the solution that the incredible people working each and every day on the front line advise us will be the most effective. We cannot be tempted to fall into the trap of pursuing the politically expedient or popular solution. Up until recently, domestic violence reform had the support of both sides of this House and we had set aside our differences to create a better system.

I want to reiterate that the Palaszczuk government is absolutely committed to the full implementation of the road map for reform laid out for us by Dame Quentin Bryce in the *Not now, not ever* report. Work has begun on each and every one of the recommendations set for the Queensland government. Forty-six are already complete. We are privileged to have this comprehensive report available to us, because it provides a set of recommendations which, when fully implemented, will reshape the services and justice system dealing with domestic and family violence. It is no exaggeration to say that these reforms will change and save lives. We will never rest while there is more to be done, but we will not rush headfirst into changes that, while they seem simple, are complex and require caution. Therefore, we support the changes in the private member's bill in part, but seek to refine them so that they effectively target the people we are trying to capture. We are ensuring that changes are made in the context of broader reforms and that the chances of unintended consequences are minimised.

The government's amendments to the proposals regarding bail give justice to the community demand for better protection for victims against further violence from a perpetrator, whilst also hearing the concerns of experts from the front-line domestic violence services with decades of experience in dealing with increased violence. As one key service provider said, 'We know enough about what the predictors of homicide are in order to target the right offences when it comes to bail reform.'

The government's amendments are consistent with the outcomes of the review into the Kelly case by the Domestic Violence Death Review and Advisory Board. It is again worth noting that this board was established in response to a recommendation of the *Not now, not ever* report. Kelly, as she

is referred to in the report, had been in a relationship characterised by violence and control. The violent history she described before her death was brutal and repetitive. Friends and family had tried to help, but she was too intimidated to leave. The perpetrator had a criminal history, including aggravated assault on a female. Like so many victims, Kelly knew he was going to kill her. Police opposed bail, but it was granted and months later he did kill her. The board in its report advised—

... 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—

and I say again, specific circumstances—

in which the presumption in favour of bail should be revoked.

They noted a lack of bail provisions which specifically account for domestic and family violence cases, unlike in some other states and territories. There can be no doubt that we all want the police and courts to very carefully consider the risk a perpetrator poses and act to protect the victim and the community more broadly. That is why we included the development of an evidence based common risk assessment in our priority actions out of the *Not now, not ever* report.

This important work is nearing completion and soon all participants in the network of people providing protection will all be working off the same assessment of the level of dangerousness posed by multiple risk factors associated with a particular person. We have also ensured that the voices of victims are considered in the court and that a person's history of domestic violence is properly recorded and available to the court. Both of those things also contribute to the court having a better understanding of the risk posed by a perpetrator.

Our amendments will allow for the presumption of bail to be set aside in cases where a person is charged with serious offences, commonly part of a pattern of domestic violence. These are the offences that we know are predictors of escalating violence. The government amendments set aside the presumption of bail for people who contravene a domestic violence order, use or threaten violence or have a sustained history of violence.

The presumption will also be reversed for people charged with a domestic violence offence, where the substantive offence is punishable by a maximum penalty of seven or more years imprisonment or the substantive offence is one of a prescribed list of offences punishable by a maximum penalty of less than seven years imprisonment but it is offending of a type often associated with domestic violence behaviour. These include: threatening violence, dangerous operation of a vehicle, stalking, deprivation of liberty. They are all too familiar hallmarks of violence and control exercised over victims by relentless perpetrators.

Importantly, the presumption will also be reversed for those charged with our new stand-alone offence of strangulation, which we know is a devastatingly accurate predictor of a rapid and dramatic increase in risk of death. More than 400 people have now been charged with this strangulation offence. We believe this is a more targeted response, reducing the likelihood of unintended consequences while still ensuring that those identified as posing an ongoing risk must prove they are not likely to reoffend if granted bail.

This was the position of every key domestic and family violence stakeholder who gave evidence to the committee, in particular the Red Rose Foundation submission which was also endorsed by the peak body in this state End Violence Against Women Queensland and DV Connect. Our amendments tonight reflect the position of every domestic and family violence stakeholder who gave evidence to the committee.

Eminent researcher and academic Professor Heather Douglas gave evidence at the hearing and cautioned that a one-size-fits-all refusal of bail may end up with injustice and not achieve those things the committee wishes. While we are all in furious agreement that we need to look at bail provisions to improve safety, I suggest that members listen to the expert voices of those on the front line and support a reform that addresses unintended consequences.

In relation to provisions which ensure victims are advised when bail is sought or granted, there can be no doubt that knowledge is power and this information can rebalance power in favour of victims. Victims who become aware that their perpetrator is seeking bail can take steps to improve their safety with the support of wraparound services. It is a victim's right. That is why it was included in the victims of crime amendment bill before this House.

We will, however, clarify provisions to be absolutely clear that the right to be kept informed about court processes includes applications for bail made by the accused. It is important that we effectively support the person receiving the information and provide appropriate supports and practical assistance, such as access to home security upgrades.

In implementing recommendation 123 of the *Not now, not ever* report, it is proposed the Queensland government trial the use of GPS monitoring of high-risk perpetrators. We allocated \$200,000 to research the cost and compatibility of GPS monitoring technology options in the last budget. With Commonwealth funding we are also trialling technology solutions to keep women safe in their own homes, including the testing of the use of CCTV, personal duress alarms with 24/7 monitoring and phone applications. In keeping with the *Not now, not ever* report recommendations—

(Time expired)