



Speech By  
**Tim Nicholls**


**MEMBER FOR CLAYFIELD**

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Record of Proceedings, 14 February 2017

## **BAIL (DOMESTIC VIOLENCE) AND ANOTHER ACT AMENDMENT BILL**

### **Introduction**

 **Mr NICHOLLS** (Clayfield—LNP) (Leader of the Opposition) (11.54 am): I present a bill for an act to amend the Bail Act 1980 and the Corrective Services Act 2008 for particular purposes. I table the bill and explanatory notes. I nominate the Legal Affairs and Community Safety Committee to consider the bill.

*Tabled paper:* Bail (Domestic Violence) and Another Act Amendment Bill 2017 [\[156\]](#).

*Tabled paper:* Bail (Domestic Violence) and Another Act Amendment Bill 2017, explanatory notes [\[157\]](#).

Two weeks ago today, Teresa Bradford was tragically murdered by her estranged husband in her Pimpama home on the northern Gold Coast in front of her kids. In fact, today is the day of Teresa's funeral. I know that everyone in this place passes on their condolences and thoughts to her family and friends on this very sad occasion.

Teresa's attacker was released on bail only just weeks earlier following an unsuccessful attempt on her life late last year. It is a heart-wrenching story that would have brought a tear to the eye of most Queenslanders but, sadly, it is not an isolated case. Last year, Queensland accounted for a quarter—just think of that, a quarter—of all domestic violence related deaths in Australia, with 18 Queensland women dying at the hands of their partner. We have heard time and time again from domestic violence victims and their families and support groups that something has to be done about dealing with this insidious crime. We know what the problems are and that action is needed now to protect victims and their families. We do not need another review, or another task force, or another talkfest.

One of the fundamental pillars of any government must be community safety. One of the fundamental parts of the compact between government, the lawmakers, and the governed is community safety—people being safe in their own homes. We have to deal with that issue no matter how hard the subject is. This bill is all about putting community safety first. It is time for the government to work for the people, not the other way around. Talk is cheap and now is the time for action. That is why over the past weeks we have announced that we would be introducing the strong reforms that the community has been asking for. We have listened to the community and we are acting on their concerns.

As we have already announced publicly, the bill introduces five key reforms to the statute books to rebalance the scales of justice in favour of community safety, ensuring that the law has more regard for victims and their safety. Firstly, the bill reverses the presumption of bail for an alleged offender charged with a relevant domestic violence offence by amending section 16 of the current Bail Act that deals with refusal of bail. A relevant domestic violence offence is defined as an offence against section 315A of the Criminal Code, which is choking, suffocation or strangulation in a domestic setting; an offence against section 355, which is deprivation of liberty; an offence against section 359E, which is unlawful stalking; an offence against section 461, which is arson; or an offence against a provision of the Criminal Code mentioned in schedule 1 of the Penalties and Sentences Act 1992, which defines a serious violent offence. These offences include, but are not limited to, grievous bodily harm, torture, serious assaults, rape, wounding and assault occasioning bodily harm.

As outlined by the Australian Law Reform Commission, most other states have already dealt with and enacted similar bail reforms for domestic and family related violence offences to protect victims and their families. Queensland is one of the last states to act on this reform. The *Not now, not ever* report, commissioned by the former LNP government in 2014, said—

... the Taskforce recommends recording on a person's criminal record that the offence was in the context of domestic and family violence. This allows courts to consider the perpetrator's history and conduct in subsequent sentencing for similar matters.

This is the important part—

A history of violence would also exclude any presumption of bail for perpetrators arrested by police for domestic and family violence related offences.

It is important that we are clear on what the report says, so I will repeat it—

A history of violence would also exclude any presumption of bail for perpetrators arrested by police for domestic and family violence related offences.

Unfortunately, the Palaszczuk government has enacted only the first part of that recommendation and not the second part in relation to bail. That is why we are introducing this long overdue change. It was recommended by Dame Quentin Bryce's task force, it has been enacted in most other states and territories and it is part of the response that is needed to ensure our laws better protect domestic violence victims and their families.

Secondly, the bill establishes a special bail condition for a tracking device, otherwise known as a GPS tracker, which can be imposed by a court or a police officer authorised to grant bail against a person charged with a relevant domestic violence offence. There is currently a trial of a similar bail condition that is underway in New South Wales that involves the use of this technology to keep victims safe. The technology is there and it works. We should not be delaying simply because there might be a new technology or a new development in relation to these GPS trackers in the future. We know they work now.

Thirdly, the bill establishes a new alert system, effectively a DV alert system for a 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. This alert system will inform victims at the time of the bail application and at the time of the decision to release a defendant on bail, ensuring that the victim and their family can take the necessary steps to protect themselves if they need to. I might point out that that was certainly something that was raised by a number of mothers of women who had suffered because that particular provision was not in place. They could not take action to protect themselves simply because they did not know that the bail application was being processed.

The bill also establishes a similar process for parole. This is based on a recommendation of the Women's Legal Service as part of the Sofronoff parole review, a review which, I might add, we are yet to see. The bill provides a mandatory notification to a domestic violence victim when a prisoner applies for and receives parole, even if the offence for which they have been convicted does not directly relate to the domestic violence victim. Currently these victims are unable to obtain details about the release date as they are not the victim of the specific offence that the prisoner has been convicted of and incarcerated for.

Finally, the bill introduces a provision to allow for an urgent review of a bail decision by a higher court. The process allows for a prosecutor or other person appearing on behalf of the Crown to apply for an urgent review of a bail release decision and the decision about the release—that is, the bail release order—is stayed until the earlier of the following three events occurs: the higher court, the reviewing court, makes an order subject to additional or substitute evidence; the review application is discontinued; or 4 pm on the day that is three business days after the day on which the original decision about release was made. Again, this is not new. This is a provision that is based upon section 40 of the New South Wales Bail Act and it only applies in cases involving a domestic violence related offence. To ensure this provision is used effectively to protect people from domestic violence the minister must ensure the operation of this provision is reviewed as soon as practicable two years after its commencement. The minister is also required to table a report in the Legislative Assembly as soon as practicable after the review has finished.

Should the bill be passed by the House, and I urge all members to do the right and proper thing, then the strong reforms that we are proposing will commence on assent. I want to thank and acknowledge the shadow Attorney-General, Ian Walker; the shadow minister for women and prevention of domestic and family violence, a true champion of this cause, Ros Bates; and the shadow minister for police, fire and emergency services, Tim Mander, for their assistance in the formulation of this package of strong bail and parole reforms.

More importantly, I also want to pay tribute to all of the victims and the families of domestic violence in Queensland. Many of them have directly contacted my office or been directly involved in supporting and advocating for change. This includes three very special women who have championed the cause to create a legacy for the daughters they have lost to this insidious crime: Dale Shales, the mother of Teresa Bradford, who joined me on Sunday; Bonnie Mobbs, the mother of Shelsea Schilling, who joined me two weeks ago; and Sonia Anderson, the mother of Bianca Girven. In fact, Sonia is in the public gallery to witness the introduction of these historic reforms. On behalf of all members I welcome her to Parliament House. To meet Sonia is to meet someone who does not give up in the face of adversity. She still greets every day with a smile on her face. When I spoke to her about how she did it, her answer was, 'I just have to keep doing it. It is the way I look at life and this is what Bianca would have wanted me to do.' To Sonia, who is here today, I say welcome and I hope that we can do something to make that memory just that little bit less painful for you into the future.

I want to read into *Hansard* letters from Sonia, Dale and Bonnie because they wanted all members to know what they have gone through and what we can do to stop more innocent lives from being lost. The first one is from Dale Shales, Teresa's mother. Her letter states—

To all Members of the Queensland Parliament

This letter is to urge all Members of the Queensland Parliament to support changes to our domestic violence laws.

My daughter was Teresa Bradford. Her death at the hands of her estranged partner whilst he was on bail has left my grandchildren without a mother and me without a daughter.

I am angry at the system that let her down.

As a community we must never give up trying to stop domestic violence. I know that is what Teresa would want.

I am asking every politician to get behind the changes the LNP are introducing.

We need to ensure the courts have the power to use GPS technology to track alleged domestic violence offenders on bail.

It's time we put victims first and took away the automatic assumption of bail being granted. This is why I am also calling on politicians to support the changes to the presumption of bail and the introduction of an alert system for victims with protection orders when a perpetrator is being considered for or is given bail and parole.

The laws need to be changed so that more victims and families don't go through what my family is going through now.

I call on all Members of the Parliament to support these changes being introduced.

Thank you

Dale Shales.

I table that letter.

*Tabled paper:* Letter, undated, from Ms Dale Shales to members of the Queensland parliament regarding changes to domestic violence laws [158].

The letter from Sonia states—

Dear Members of the Queensland Parliament

As a matter of urgency we need to step up and act as one to stamp out domestic violence and ultimately domestic homicide. Any act of domestic violence is the path to domestic homicide.

I am a mother who lost her beautiful first born daughter, Bianca Faith Girven, in a senseless act of violence in 2010. Bianca was 22, and left behind a young son, Ziggy, who was just 20 months old.

Before her death, Bianca herself was a strong advocate for women's rights and supporting victims of domestic violence and homelessness.

Since Bianca's death I have been continuing her work to advocate for change so we can protect and help more women impacted by domestic violence.

Sadly I am not alone in what is an all too familiar story for many Queensland families. The 10 minutes prior to my Bianca's death were particularly cruel and brutal, as is often the case in these murders. Our Queensland women are the ones experiencing true terrorism, and heinous deaths.

We often hear 'enough is enough' but we need to stop the talk and start to act to make the laws work for victims and their families.

It's time we put victims first and took away the automatic assumption of bail being granted in domestic violence situations.

Last Sunday I spoke out in support of the alert system for DV victims being proposed by the LNP because I believe victims and families should be notified when an alleged perpetrator is being considered for bail or an offender is being considered for parole.

We need to empower victims, not shut them out.

Any law that increases the safety for victims must have the support of all sides of politics.

I urge on all Members of the Parliament to support these changes being introduced in the Bill presented by the Queensland LNP Opposition.

Regards

Sonia Anderson.

I table that letter.

*Tabled paper:* Letter, undated, from Ms Sonia Anderson to members of the Queensland parliament regarding changes to domestic violence laws [159].

Then I have this letter from Bonnie Mobbs. It states—

To all Members of the Queensland Parliament

My name is Bonnie Mobbs. In late 2016 my daughter Shelsea Schilling was murdered by her ex-boyfriend after he had been released from prison for breaching a domestic violence order.

At the time of his release no one in our family was notified despite being named persons on a domestic violence protection order.

Domestic violence needs to stop and we need to ensure the system protects victims of domestic violence and their families.

I would encourage all politicians to support the changes being introduced by the LNP.

These changes as I understand them will reverse the presumption of bail, introduce an alert for victims and named persons on orders when a perpetrator is being considered for or is given bail and parole.

I fully support the use of GPS technology to track alleged domestic violence offenders if they are given bail.

We have to do whatever it takes to stop domestic violence and that is why I am supporting these changes.

I am urging all Members of the Parliament to support these changes.

Regards

Bonnie Mobbs.

I table that letter.

*Tabled paper:* Letter, undated, from Ms Bonnie Mobbs to members of the Queensland parliament regarding changes to domestic violence laws [160].

Since the tragic death of Teresa Bradford, there has been a resolute commitment from me and all of my team to do more to protect victims of domestic and family violence in Queensland. I commend the bill to the House.

### First Reading

**Mr NICHOLLS** (Clayfield—LNP) (Leader of the Opposition) (12.10 pm): I move—

That the bill be now read a first time.

Question put—That the bill be now read a first time.

Motion agreed to.

Bill read a first time.

### Referral to the Legal Affairs and Community Safety Committee

**Mr DEPUTY SPEAKER** (Mr Crawford): Order! In accordance with standing order 131, the bill is now referred to the Legal Affairs and Community Safety Committee.

### Portfolio Committee, Reporting Date

**Mr NICHOLLS** (Clayfield—LNP) (Leader of the Opposition) (12.10 pm), by leave, without notice:  
I move—

That under the provisions of standing order 136 the Legal Affairs and Community Safety Committee report to the House on the Bail (Domestic Violence) and Another Act Amendment Bill by 17 March 2017.

Question put—That the motion be agreed to.

Motion agreed to.