




Speech By
Tim Nicholls

MEMBER FOR CLAYFIELD

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

 **Mr NICHOLLS** (Clayfield—LNP) (Leader of the Opposition) (8.19 pm): I move—

That the Bail (Domestic Violence) and Another Act Amendment Bill be now read a second time.

As Dame Quentin Bryce noted in the foreword to the *Not now, not ever* report, published just over two years ago—

It is behoven upon all of us—every single citizen of this diverse, vibrant state—to take a stand against domestic and family violence; to commit to protecting the vulnerable; and to make it clear to those who would hurt another, within a relationship of intimacy and trust, that we will not tolerate, excuse, condone or accept their behaviour.

Fundamentally, this bill is about taking a stand against domestic and family violence and rebalancing the scales of justice in favour of community safety and the victims. I acknowledge all of the loved ones of domestic violence victims who contributed to the committee review of this bill and also those who are here in the gallery tonight. I particularly mention Dale Shales, Teresa Bradford's mum; Bonnie Mobbs, Shelsea Schilling's mum; and Sonia Anderson, Bianca Girven's mother. They are all here tonight. While they have spoken to each other a little in the past couple of weeks, for the first time all three of those very strong women are here tonight to see this debate take place in the House. I welcome you here. I hope, if you can last the distance, that you will be satisfied with the work of your parliament in trying to redress some of the damage and the imbalance that saw you lose your loved daughters in tragic circumstances.

I dedicate this legislation to the memory of Queenslanders who have been lost through domestic and family violence. Following the tragic murder of Gold Coast mum Teresa Bradford, the circumstances of which we know all too well, the community rightly expected that their political leaders would take a stand, that we would do more to protect vulnerable Queenslanders and that we would stop talking and start delivering on the promises that seem to have been made. We have a road map to make Queensland a safer place to live, work and raise a family and it is called the *Not now, not ever* report. That report was commissioned by the government in the previous parliament and delivered shortly after this parliament was convened. Concerns have been raised that the progress on implementing the report's recommendations has been too slow. Earlier this month, when delivering the progress report to the government, Dame Quentin Bryce noted—

I am very pleased to be presenting this 12 month progress report to the Premier but I would have to say that I do have a sense of urgency about this.

There are a lot of priorities for government, in the community, everyone feels pressured about a lot of competing concerns but there is nothing more critical than looking after vulnerable citizens.

As of February this year, as is stated on the government's departmental website, the government had implemented only 46 of the 121 government recommendations that were part of the *Not now, not ever* report. Progress is slow at best. For vulnerable Queenslanders who are out there suffering through the extreme emotional and physical toll that is part of being a domestic violence victim, that can mean

the difference between life and death. We have more to do as a parliament and as a community. We cannot just talk about the solutions to domestic violence; it is actions that speak louder than words and, sadly, those actions have been lacking.

What disturbs me about the debate on this legislation is the way that the government has not embraced in a bipartisan way the opportunity to tackle domestic violence in Queensland through this legislation. That disappoints me and I think it disappoints many Queenslanders. When we introduced the bill on 14 February, we saw the attempt by the Leader of the House, immediately after the bill was introduced, to claim that the bill infringed upon the same-question rule. He tried to have the bill thrown out from the start because of some apparent similarities between legislation already before the parliament, which we are debating tonight in this cognate debate. Members of the public gallery saw that for what it was. Sonia Anderson, the mother of a domestic violence victim who is here tonight and who was in the gallery on that day, gave a very straightforward quote to the *Gold Coast Bulletin*. She said—

I just can't believe that Stirling Hinchliffe or anyone from the Labor Party tried to stop this. There was no point in this.

This is a simple thing to save the lives of women. To me today, it shows the ego in the Labor Party.

It is disappointing that common-sense reforms were not supported by Labor through the committee process. We heard much from the Attorney-General about the report of the Legal Affairs and Community Safety Committee. It is even more disappointing that, in the committee process, alternatives were never sought and amendments were never submitted. They were only raised as late as 4.30 this afternoon, after it was clear that the Speaker's ruling yesterday in relation to the same-question rule did not go the way that the government thought it would. Instead, we have seen the government try to draft amendments at the very last minute. In fact, amendments were received by the shadow Attorney-General at 6.30 this evening for a debate that was to commence at 7.40 tonight.

If the government and the Attorney-General had wanted a bipartisan approach, at any time they could have picked up the phone—it has been done before—and had a sensible and serious conversation with the shadow Attorney-General and myself about any concerns they might have had or amendments they might like to have raised, but that did not occur. That has happened in the past. From the moment that this bill was introduced, I invited the government to pick up the phone and to reach out and let us know where they thought it could be improved or made better, but that has not occurred. As I said, it only occurred late today when their amendments were received at 6.30 pm.

I have to say that the amendments that the Attorney-General has indicated she wishes to move in relation to this act do not appear in any way to be supported by any evidence of the committee. There are broad statements about the potential for unintended consequences, but there are no examples of what those unintended consequences might be—none whatsoever. There is not one example of where there may be an unintended consequence. I think that the government is good with words. They are happy to mouth the word 'bipartisanship', but when it comes to actively and constructively working with the opposition on a bill designed to protect victims of violence, they are found sadly lacking.

Something else of interest in relation to the committee report is that not one member of a government department bothered to attend. No-one from the Department of Justice or the Department of Communities and no-one with responsibility in this significant policy area sought to make a contribution to the full parliamentary committee inquiry into a matter that the government claims is so close to its heart—not once. There has not been one comment; there has not been one item of support. All we have heard is a bland statement by the committee chair that really does not advance the cause. The chair of the committee, the member for Stretton, said—

Based on the submissions lodged and the evidence provided in the public hearings, Government members were of the view that this Bill requires more consultation and significant amendment. Whilst some of the proposals in the Bill have merit, there is potential for unintended consequences—

he could not tell us what they were—

and it is abundantly clear that more work needs to be undertaken in relation to this very important issue.

He could not say what that 'more work' needed to be. He could not in any way back up that broad statement, which he made in the introduction to the report, and on close reading of the committee report there is none.

The bill is based on the recommendations of the *Not now, not ever* report that have yet to be adopted and also based on legislation that has been enacted in other jurisdictions in Australia. The bill has five specific objectives: it reverses the presumption of bail for an alleged offender charged with a relevant domestic violence offence; it establishes a special bail condition for a tracking device, sometimes known as a 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; it introduces 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; it introduces a mandatory reporting provision to the parole system, the details of which are set out in the bill; and it introduces 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.

Those five objectives are designed very simply with the credo of first do no harm. The first thing has to be the protection of the community and the protection of victims from either further harm or any harm. That needs to be the guiding light that people in this place consider tonight.

The committee had just over a month to consider the bill and received 32 submissions, as well as a written briefing from the member for Mansfield and a verbal briefing from the member for Mansfield, a verbal briefing from the member for Mansfield and the member for Mudgeeraba and responses to the issues raised by submitters by the member for Mansfield. The bill does not need further consideration and debate about the policy objectives. They are clear. That is exactly what the criticism has been over the last two years—too much talk and not enough action.

Policy objectives 1 and 2 are outlined in the *Not now, not ever* report. Objective 3 is a common-sense law reform that was recommended by the Australian Law Reform Commission in 2010—seven years ago. Objective 4 was strongly recommended by the Women's Legal Service to the Sofronoff parole review. Objective 5 has been implemented in New South Wales as part of changes made to the Bail Act in 2013 to strengthen the process of granting bail.

It seems that the provision in the bill that has gained the most amount of attention is the reverse presumption of bail. I want to reiterate an important point, which is that this by no way means that a defendant will not receive bail. It just means that the emphasis is on the defendant to show why they should receive bail as opposed to the prosecution proving why a defendant should not receive bail. It is exactly like the case is now for murder in Queensland and like the case is now for a number of other examples that are already outlined in section 16 of the act.

What is also clearly evident is that the government has failed to do its homework on this provision. As recently as February 2017—that is only last month—the State Coroner, Terry Ryan, acting as the chairperson for the Domestic and Family Violence Death Review and Advisory Board, wrote to the Attorney-General about a domestic violence case study they had reviewed. The board outlined the following recommendations following a case study into the death of a person identified as Kelly. He stated—

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.

reversing the presumption of bail. He went on—

The Board further identified that any such review should take into consideration the processes that should be implemented after a revocation of bail to reduce the immediate risk of harm, and the likelihood of future offending. Consideration should also be given to ways to enhance a victim's immediate and longer term safety needs while relevant criminal proceedings are ongoing.

The Board recommends that this report be tabled in the Queensland Parliament in accordance with section 91ZC(6) of the Coroners Act 2003.

That letter was dated 14 February 2017. That is the very day that this private member's bill that we are debating here tonight was introduced into the parliament. The changes in this bill regarding the presumption of bail were not only referenced by the *Not now, not ever* report but also referred to as part of recommendations made by the government's own Domestic and Family Violence Death Review and Advisory Board.

In the committee report the Labor members allege that there was considerable overlap in relation to the notification of victims with the Victims of Crime Assistance and Other Legislation Amendment Bill which is currently before the House. We know that that is wrong. We know that is wrong because Mr Speaker came into this place yesterday and ruled that that was not the case.

We have to look at the substance not the form. The substance is that this is a very different set of circumstances from those in the Victims of Crime Assistance and Other Legislation Amendment Bill—completely debunking the statements made by government members in the committee report and also addressing the matters that have been raised by the Attorney-General in her attempt to move amendments in relation to the Victims of Crime and Other Legislation Amendment Bill before the House in relation to the code of practice for notification.

This is just another example of how the government has had to be dragged kicking and screaming into supporting this particular piece of legislation, as much as they say they do, and also supporting victims of domestic violence. That is what people are sick and tired of. Get on with the job. If Labor were going to be constructive they could have tried to work through their concerns and bring forward amendments weeks ago or, as I said earlier, even as part of the committee's report.

If the government chooses to vote against this legislation then let us be clear about what that means. They are voting against common-sense reforms that favour community safety and give domestic violence victims and their families a better chance to protect themselves. They are not acting in the best interests of those who are the victims and their families.

I am proud of the work done by my team. We will continue to stand up for vulnerable Queenslanders and their families. I acknowledge the work of Ros Bates who has been a tower of strength for many people with her own heart-wrenching story, the work of Ian Walker, the shadow Attorney-General, who has put together this legislation, supported by people like the member for Gaven, who tells his own personal and harrowing story as well. The whole team has wanted to see this legislation debated.

I thank and acknowledge those people who have stood with us and championed the change. We could not have done this without your help as well. Thank you for your courage. I know how hard it was in those dreadful circumstances for you to stand up and to make the case for change to protect people. As I said when we introduced these changes, we are happy to do the work that this government is not doing and push for these reforms because they are important and they will help address domestic violence for victims and their families.

This is a chance for this parliament to stand together, to send a message to Queenslanders— not now, not ever; we must eliminate domestic and family violence in our community. That is a quote taken from the *Not now, not ever* report. If those opposite cannot see the way to support this legislation tonight then they should hang their heads in shame because the government is supposed to work for the people not the other way round. Queenslanders deserve a justice system, not just a legal system. This bill goes some way to achieving that and rebalancing the scales of justice in favour of community safety. For that reason I commend the Bail (Domestic Violence) and Another Act Amendment Bill to the House.

Let me touch briefly on the Victims of Crime Assistance and Other Legislation Amendment Bill. The LNP will not be opposing that legislation. We support good common-sense reforms. They do not have to be ours, they can be the government's. As we have done for the past two years in this place, we continue to support proper, sensible reform.

The genesis of the bill brought by the government was a statutory review that was commissioned by the LNP government in 2013 and supported the work that we did in government to better support victims of crime. I personally had many submissions, particularly from counsellors, in relation to the confidentiality provisions and privilege being granted to counsellors in that area. I am very pleased to be able to see that being brought forward. The work that we did also included greater funding for victims of crime advocates and legislating victim impact statements as and when appropriate. I will leave it to the shadow Attorney-General and other speakers on this side to further elaborate on the changes in that bill.

Before I finish, it has come to my attention that a Twitter post posted some time ago from the opposition account carried an image from parliament. I want to apologise to the House for this inadvertent breach and I have counselled my staff on this matter.