




Speech By
Hon. Yvette D'Ath

MEMBER FOR REDCLIFFE

Record of Proceedings, 22 March 2017

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

 **Hon. YM D'ATH** (Redcliffe—ALP) (Attorney-General and Minister for Justice and Minister for Training and Skills) (12.50 am), in reply: I would like to thank all of the honourable members for their contribution to today's debate on both the Victims of Crime Assistance and Other Legislation Amendment Bill 2016 and the Bail (Domestic Violence) and Another Act Amendment Bill 2017. In response to the matters raised by the honourable members during the course of this debate, I am disappointed in some of what I consider cheap, ugly and disingenuous ways in which some of the comments have been made.

Mr Bleijie interjected.

Mr DEPUTY SPEAKER (Mr Stewart): Order! Member for Kawana, your interjections are not being taken. I ask you to please desist.

Mrs D'ATH: The Leader of the Opposition chose to spend half of his speech earlier this evening throwing mud at the Labor Party and criticising the time taken to implement the recommendations of the *Not now, not ever* report. This is a report for which we thought we had bipartisan support. These are substantive changes that this state has not seen before. These things take time to roll out. We have implemented an incredible number already; a third of them are already implemented and completed and many more are underway. Instead of throwing rocks at each other we should be working together on these issues. I promised at the start of this debate that I would call out where things are wrong and poor behaviour. I apologise, but I have to call out the Leader of the Opposition for what he has said tonight.

Mr Nicholls: Oh, rubbish! You are pathetic.

Mrs D'ATH: The Leader of the Opposition can say whatever he wants, criticise whomever he wants, but as the Attorney-General I cannot speak to this bill without those opposite criticising—

Mr Nicholls: Say it to the people up there.

Mrs D'ATH: I am speaking to those up there. We have a right to have a discussion in this chamber to ensure the best laws. Our job is to ensure that we provide the best laws for this state to tackle domestic and family violence. Is that not why we are here? I need to call it out when the Leader of the Opposition says he has always taken a bipartisan approach on domestic and family violence and it is us who are playing politics here. Does the Leader of the Opposition recall the domestic and family violence bill that Annastacia Palaszczuk as the member for Inala brought forward when in opposition in 2014? Do those members who were here in 2014 remember that bill? We brought it in as a very small opposition. We knew our numbers were not good in here, but we brought forward a domestic violence bill. We sought to increase sentencing, to create aggravating factors, to do what we are doing here in the victims of crime bill today in relation to ensuring that victims of crime assistance extends beyond physical violence to cases of non-physical domestic and family violence. We sought to do this and I want members opposite to reflect on the criticism that has been levelled against committee members today. In 2014 the government members rejected that domestic violence bill outright.

Ms Bates interjected.

Mr SPEAKER: Pause the clock. Member for Mudgeeraba, if you persist with your interjections you will be warned and I will take the appropriate action. It is getting late. We want to hear the Attorney-General close and then we will get to a vote and the clauses.

Mrs D'ATH: I just want some honesty in this debate, Mr Speaker. In 2014 in opposition Labor brought forward a domestic and family violence bill which was opposed outright by every government member of the LNP.

Mr Rickuss interjected.

Mr SPEAKER: Pause the clock. Member for Lockyer, you are warned under standing order 253A. If you persist, I will take the appropriate action.

Mrs D'ATH: Members opposite did not come in here and say, 'We're going to move our amendments because we think the bill can be done better.' They did not try to do that. They simply opposed the bill outright. What was the explanation given? 'We have a task force. Let's wait.' That was the explanation by the committee members. The Leader of the Opposition said tonight, 'We don't want to fail to act,' but in 2014 they were happy to make us wait, to make Queenslanders wait to see that legislation implemented. It took us coming back into government for those amendments that we sought to reflect in 2014 to finally become law.

Again, it was the opposition who last year actually opposed the retrospectivity of notations on criminal history files. Do honourable members know that to date there are thousands of notations for domestic violence offences on criminal files of people? These are people who right now come before the courts. In weighing up whether they are an unacceptable risk, the courts now know whether the offences that this person committed—they may have previously been convicted of assault or property damage or a motor vehicle offence—are domestic violence related. The opposition actually opposed the retrospectivity provisions which meant that history would not have been recognised on criminal records now. It was also the opposition who opposed domestic violence leave in the workplace. We did not take the cheap road on every one of those occasions and carry on the way the opposition has today.

Mr Hart interjected.

Mr SPEAKER: Pause the clock. Member for Burleigh, you are warned under standing order 253A. This is the Attorney-General's response to comments that have been made during the debate. You are warned. If you persist, I will take the appropriate action.

Mrs D'ATH: I just want to make sure that we are all being genuine when we have this debate. None of us should be attacking each other on this issue. Sure, we all feel passionate about that issue and we will have a robust debate. That does not mean that it should be a mudslinging exercise. However, those opposite cannot come in here and say that the LNP are the only ones who have ever done anything when it comes to domestic violence and a bipartisan approach has always been taken when history shows that that is just not true. We are here today not opposing their bill outright, unlike what they did to us in 2014. We are not opposing their bill outright. We are here genuinely trying to make a difference.

We have had three weeks. The Leader of the Opposition said, 'You've had the full parliamentary committee time and reporting period.' It was three weeks; the normal is a minimum of six weeks. That is fine, but do not criticise us because over those three weeks we have gone out and consulted with stakeholders, we have worked through the bill, we have sought advice and we have come up with amendments. I hear the criticism that the amendments were not provided till 6.30. However, I rang the shadow Attorney-General earlier today and outlined that out of the four key areas we would like to move amendments on three because we believe that there are more workable arrangements and one we oppose outright. Then we sat down and we briefed the opposition. It does not normally happen in government that the opposition gets taken through the government's amendments before they are even introduced. However, I did that because this is not about who might get the votes or not tonight; this is about saying, 'Here's what we're proposing. Have a think about it. Ask us questions. Let us know if we can find a bipartisan approach here.' We circulated those amendments at the earliest possible chance. We gave it to the LNP, every crossbencher and external stakeholders. We are saying, 'Here it is. This is what we're proposing.'

It is not right to say that we have not reached out and the LNP had. The fact is that the courtesy I gave today was not given in relation to this bill. The LNP went out and conducted press conferences. They walked in here, introduced a bill but did not show us that bill before they introduced it. They did not offer a briefing like I did today. They did not take us through what they were proposing at all and did not give us any notice. They talk about a few hours notice; we did not even have one minute's notice. We saw it when it was introduced and circulated.

Regarding the last point about genuine comments and reaching out, the morning the bill was introduced I knew that the LNP were not going to show it to us but I reached out anyway. I phoned the shadow Attorney-General and said, 'Can we at least try to have a bipartisan approach on the timing and process for this bill, because we believe bipartisanship is important? Can we try to do that?' The shadow Attorney-General said, 'Thank you for that. I will go and talk to Tim Nicholls and give you a call back.' The next I heard was when we walked into this chamber, Tim Nicholls got up and said, 'The government has done nothing to reach out to us.' The shadow Attorney-General did not even call me back before they walked in and introduced that bill. I have tried to talk to them about this. I have reached out in relation to these amendments. I really do appreciate that the Leader of the Opposition has said tonight that there are some amendments they will support. I thank him for that, because that shows that he is willing to reach out to us in some way to try to get the best laws possible.

The Leader of the Opposition referred to our amendments and the reverse onus. I do not think a lot of speakers on the other side had seen the amendments, because they were talking as if we were opposing the reverse onus. That just is not true. If members look at our amendments they will see that we are not opposing the reverse onus. We have reframed that reverse onus to apply where we believe the precursors for domestic violence and serious domestic violence offences are in the Criminal Code. Every single offence the Leader of the Opposition referred to in his reply speech is covered by the government amendment plus more. We were criticised and told that we have removed arson. That is not true because arson attracts life imprisonment, and we are covering every serious offence that carries a maximum penalty of seven or more years imprisonment that is in a domestic violence setting. It is just not correct to say that our amendment does not cover that.

I ask opposition members to consider the amendments. We owe that to the victims and their families and we owe it to Queenslanders. We should consider what is before all of us tonight on both sides. Let us try to get the best possible laws going forward. That is our job tonight. That is why we are all elected. That is our responsibility. Please let us make sure that the way we handle the rest of this debate tonight is civil, respectful and we do it in the best interests of Queenslanders.