Speech By

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MEMBER FOR MAIWAR

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DOMESTIC AND FAMILY VIOLENCE PROTECTION AND OTHER LEGISLATION AMENDMENT BILL

Mr BERKMAN (Maiwar—Grn) (12.48 pm): I rise to address the Domestic and Family Violence Protection and Other Legislation Amendment Bill. In the last 18 months, 152 women and 33 children have been killed in Australia as a result of violence. When preparing to speak to this bill, I had to leave a note to check this figure in case it needed to be updated which, unsurprisingly, it did—and for all we know it could be out of date already. This is a sickening reality. In 2023, according to ABS data, 37 per cent of all homicides in Queensland were domestic and family violence related. There were over 8,400 victims of sexual assault and 40 per cent of these occurred in the context of domestic and family violence. The conditions that lead to these devastating statistics are pervasive in our society, and it is the work of government to implement effective policy to prevent domestic and family violence. Effective policy demands that we identify the problem, then engage with experts and stakeholders to implement solutions and continually review the effectiveness of those solutions. That is not simply what is being done here.

I will focus my comments on the police protection directions in this bill because it is clear these are not effective public policy. Instead, they read like a kowtow to the Queensland Police Union, and the recommendations of the committee do not go far enough. The bill grants police significant powers to issue 12-month protection directions without judicial oversight. Currently, police can only issue a temporary protection notice which is in force until the related application for an order is heard by the court. With these new powers, police will be able to independently issue 12-month directions which attract the same penalty for a breach of the order as court imposed orders. Officers will have the same powers as a court to determine the types of conditions on the order. This includes standard conditions; non-contact ouster conditions, meaning you must leave the house that you share with the aggrieved; conditions permitting a return to shared premises for a brief period; and 24-hour cool-down conditions. The inclusion of some of these on an order will be subject to approval by a senior sergeant. Police will be required to consider the principles of the act, the criminal and DV history of both parties, whether an application for a protection order would be more appropriate and the views of the aggrieved. They must also try to speak with the respondent to afford them natural justice.

There are some purported safeguards. The bill provides that police will not be able to issue a 12-month protection direction in certain circumstances where there are additional complexities. One of these is where it is unclear to the police which party is most in need of protection. This is particularly fraught. Plainly, the government is giving some recognition to the problem identified by the commission of inquiry into QPS responses to domestic and family violence; that is, the problem that officers frequently misidentify the perpetrator of domestic and family violence, especially where the aggrieved is a First Nations woman or someone who does not fit the stereotype of an 'ideal victim'. This apparent safeguard is no real fix, especially in circumstances where the evidence is that officers are misidentifying victims. The imposition of police protection directions on vulnerable victim-survivors will do untold damage. The committee's recommendation for a review of the safeguard as part of the

statutory review process after two years of implementation will be too little too late. I am prepared to say that now.

I have concerns about other purported safeguards under the bill, in particular that police will also be required to explain the direction and the consequences of noncompliance—though I do not hold much hope that this will be done in a culturally appropriate way or with due regard to the respondent's specific circumstances, again, given the findings of the commission of inquiry that was held into police responses to domestic and family violence. The commission's findings when it comes to police explaining orders and court processes immediately undermine my faith in that safeguard.

Finally, a respondent will be able to apply to a Magistrates Court for a review of the order within 28 days. The court will be required to consider whether the protection order is necessary or desirable at the time the review is heard. If a direction is set aside it will not form part of a person's history, but if the directions were breached before the court review that breach can still be prosecuted. As many submitters have pointed out, this new system will ultimately be more onerous and resource intensive for both police and courts.

Experts and stakeholders in the area of domestic and family violence prevention have expressed serious concerns and, in most cases, outright opposed these changes. Many of the submitters flagged the fundamental issue at the heart of these reforms; that is, the express intention of the reforms is to save police time and resources, not to support the safety and wellbeing of victim-survivors of domestic and family violence. I will give a very brief overview of some of the submissions because their expertise simply should not be so consistently ignored.

The Gold Coast Centre Against Sexual Violence says the availability of these directions may decrease the safety of women and children. The Queensland Mental Health Commission is concerned the new directions will provide increased opportunity for systems abuse, where perpetrators use legal and administrative systems to perpetuate abuse. A slew of community legal centres are opposed to the introduction of police directions including the North Queensland Women's Legal Service, Caxton Legal Centre and the LGBTI Legal Service.

The Queensland Family and Child Commission raises important concerns about the reduced opportunities for children's voices and views to be heard in the process. Anglicare and Respect Inc in particular raised important concerns about officers misidentifying the perpetrator. DVConnect urges a trial period for the changes with a comprehensive evaluation. They noted the opportunities for intervention and access to programs and services available when respondents are required to attend court. Under these changes, those valuable intervention opportunities are lost. Many submitters also flagged that the use of these orders—as opposed to court orders—means victim-survivors will actually have less protection, with only 12 months instead of the five years a court can make orders for.

Given the critical findings of the commission of inquiry, it simply does not make sense to hand police even more power, yet nowhere in the budget do we see a commitment to the establishment of an independent police integrity unit, as the inquiry recommended. I think what has happened here is that the LNP have failed at the first hurdle of effective policymaking. They have—either deliberately or recklessly—failed to understand the problem. Instead, they are using this crisis of violence to consolidate their own power, rather than empowering the impacted individuals and their families.

Significant research conducted in 2022 in relation to incidents of homicide by male perpetrators in a domestic and family violence setting found there were three main scenarios. The first is where a perpetrator holds significant power over the victim, whether as a result of the victim being on an insecure visa, being isolated or dependent on the perpetrator for financial support or otherwise disadvantaged in broader society. Instances of homicide in this scenario typically happen when the victim tries to take back some control, for example, by leaving. The second is where the perpetrator has a complex history of trauma co-occurring with mental and physical health problems and disadvantage. Third, in 11 per cent of homicide cases involving male perpetrators, significant life stressors result in the onset or exacerbation of mental and physical health problems, triggering increased conflict in the relationship. This is hugely helpful research when identifying the problem and devising effective public policy. It tells us that the government is failing at a structural level to address people's needs. In turn, this is entrenching social disadvantage and reinforcing power structures that enable abusive dynamics to fester.

We can, and should, intervene with what works. There is plenty of research available to demonstrate what is needed right now: evidence-based intimate partner violence intervention programs; integrating these programs with alcohol and other drug programs and mental health services; and investing in education for frontline staff. There is opportunity for intervention through significant

investment in social services; in safe, secure, affordable public housing; in health care, including mental health care and access to drug and alcohol support and rehabilitation; in disability support services; in the public education system; and in social security so that no-one is at risk of financial abuse. We need to close the gap. We need to go deeper than that to effect the kind of structural change that is needed to close the gap. We can reimagine a community grounded in genuine equity and respect for diversity, in justice for First Nations communities, in truth-telling and healing and by vehemently opposing war and state sanctioned violence.