

**COMMUNITIES, DISABILITY SERVICES AND DOMESTIC AND FAMILY
VIOLENCE PREVENTION COMMITTEE**

Report No. 6, 55th Parliament on the

Criminal Law (Domestic Violence) Amendment Bill 2015

QUEENSLAND GOVERNMENT RESPONSE

INTRODUCTION

On 15 September 2015 the Criminal Law (Domestic Violence) Amendment Bill 2015 (the Bill) was introduced to Parliament.

The Bill was referred to the Communities, Disability Services and Domestic and Family Violence Prevention Committee (the Committee) with a report back date of 9 October 2015.

On 9 October 2015 the Committee tabled its Report (No.6) in relation to the Bill (the Report).

The Queensland Government response to the recommendations contained in the Report on matters raised by the Committee is provided below.

RESPONSE TO RECOMMENDATIONS:

Recommendation 1

The Committee recommends that the Criminal Law (Domestic Violence) Amendment Bill 2015 be passed.

Queensland Government response

The Queensland Government notes this recommendation.

Recommendation 2

The Committee recommends that, if the Bill passes, the Department of Justice and Attorney-General monitors the use of the new maximum penalties for breaches of domestic violence orders and commissions research into their effectiveness as a deterrent to offenders committing domestic violence offences.

Queensland Government response:

The Queensland Government has committed to reinstating the Sentencing Advisory Council (the Council). Once reinstated, the Council will provide a valuable tool for both the Government and the people of Queensland by promoting consistency in sentencing, stimulating balanced debate and informing public opinion on sentencing issues.

The Government will issue a reference to the Council to consider the impact that the maximum penalties have on the commission of domestic violence offences.

In response to recommendations 1, 2 and 5 in the report of the Special Taskforce on Domestic and Family Violence, *Not Now, Not Ever: Putting an End to Domestic and Family Violence in Queensland*, the Queensland Government has committed to developing an evaluation framework for the Domestic and Family Violence Prevention Strategy in recognition of the importance of evaluation. Selected initiatives under the justice and court response will be evaluated.

Recommendation 3

The Committee recommends that the Department of Justice and Attorney-General prioritises its audit of the Queensland Court facilities and, based on the findings of the audit, takes steps to ensure that courts in Queensland can adequately accommodate domestic and family violence victims providing evidence as special witnesses, and their families.

Queensland Government response:

The Queensland Government notes this recommendation.

The Department of Justice and Attorney-General expects to complete the audit and provide a report to the Attorney-General by 30 June 2016. Audit findings will inform priorities for Queensland Government investment in court facilities (including those supporting domestic and family violence victims and families).

Recommendation 4

The Committee recommends that the Attorney-General clarifies during the second reading debate what protections are afforded to victims of family violence in court proceedings which do not involve the giving of evidence, for example when applying for a domestic violence order.

Queensland Government response:

The Queensland Government notes this recommendation.

The *Domestic and Family Violence Protection Act 2012* (DFVP Act) allows a person to appear in person or be represented by a lawyer. Also, a police officer (or police service legal officer) or authorised person (i.e. an adult authorised in writing by the aggrieved or an adult whom the court believes is authorised by the aggrieved, even though it is not in writing) may appear and act for an aggrieved person in a proceeding. Accordingly, a victim of domestic violence will only be required to address the court if they are self-represented or required to give evidence.

Under the Domestic and Family Violence Protection Rules 2014 there is specific provision in Rule 22 allowing the court to direct that a party to the proceeding be allowed to appear and make submissions by telephone, video-link or another form of communication. Rule 23 provides that in deciding whether to make an order or issue a direction the interests of justice are paramount and in addition, when

considering whether to issue a direction under Rule 22, the court may have regard to the protection of the person for whose benefit the application is made under the Act amongst a range of other matters.

The Department of Justice and Attorney-General can confirm that in practice the technical facilities (including video-conferencing) for protected witnesses are utilised for participation in domestic violence proceedings generally and are not limited to the giving of evidence.

For victims and other protected witnesses, sections 150 and 151 of the DFVP Act contain safeguards for the giving of evidence, such as by audio-visual link. There are also provisions in the Domestic and Family Violence Protection Rules 2014 for the giving of evidence by affidavit.

A number of Queensland Courts also have physical facilities, such as safe rooms, which may be available to minimise contact between a victim of domestic violence and the alleged perpetrator. The audit of Queensland Courts will identify all of the court locations where such facilities are available. Other safety measures, such as the use of security officers and security cameras, are also available. Court staff are conscious of victims crossing paths with perpetrators, and prioritise the safe passage and accommodation within court precincts of domestic and family violence victims on court days. An aggrieved can bring to the attention of court and registry staff any concerns that they may be in danger while attending court or when leaving the court building.