

~~Criticism has been levelled at Biosecurity Queensland for failing to quickly alert and inform veterinary surgeons during one of the Hendra virus episodes. This clearly demonstrates that the inability to access emergency contact details for veterinarians is a significant gap in the state's emergency response capability. The proposed amendments will provide the degree of certainty necessary for Biosecurity Queensland to be able to access information to enable effective communication about biosecurity incidents with veterinarians across the state.~~

~~However, access to the additional contact details required to be supplied to the registrar of the Veterinary Surgeons Board by veterinary surgeons will be strictly limited. Access will be available only to the department's chief executive officer for the express purposes specified in the act—that is to say, to distribute key information to facilitate management of biosecurity events. The additional contact details will not be displayed on any publicly accessible registry maintained by the board, nor will it be publicly accessible via any Biosecurity Queensland website.~~

~~The Agricultural Standards Act, the Plant Protection Act and the pest management parts of the Land Protection (Pest and Stock Route Management) Act will in due course be incorporated into the new Biosecurity Bill, the exposure draft of which closed for public consultation on Friday, 2 September. These acts will then be repealed, along with several other existing biosecurity laws. I commend the bill to the House.~~

### **First Reading**

~~**Hon. TS MULHERIN** (Mackay—ALP) (Minister for Agriculture, Food and Regional Economies) (12.25 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.~~

~~**Madam DEPUTY SPEAKER** (Ms van Litsenburg): Order! In accordance with standing order 131, the bill is now referred to the Environment, Agriculture, Resources and Energy Committee.~~

## **DOMESTIC AND FAMILY VIOLENCE PROTECTION BILL**

### **Introduction and Referral to the Community Affairs Committee**

 **Hon. KL STRUTHERS** (Algerie—ALP) (Minister for Community Services and Housing and Minister for Women) (12.25 pm): I present a bill for an act to provide for protection of a person against violence committed or threatened by someone else if a relevant relationship exists between the persons, and to make amendments of the Criminal Code, the Evidence Act 1977, the Police Powers and Responsibilities Act 2000 and the Police Powers and Responsibilities Regulation 2000 for particular purposes, and to make minor or consequential amendments of this act and other legislation as stated in a schedule. I table the bill and explanatory notes and I nominate the Community Affairs Committee to consider the bill.

*Tabled paper:* Domestic and Family Violence Protection Bill.

*Tabled paper:* Domestic and Family Violence Protection Bill, explanatory notes.

I am very pleased to rise today to introduce into the House a bill which comprehensively strengthens and modernises Queensland's 20-year-old domestic and family violence laws. Every woman, man and child has the right to live free from violence and abuse. While it is recognised that anyone can be a victim or perpetrator of domestic violence, the facts show it is most often committed by men against women and children. In 2009-10, the Queensland Police Service recorded 49,372 domestic and family violence occurrences, an increase of 11.5 per cent on the previous year, and laid 8,033 charges for breach of a domestic violence order. The courts received 22,754 applications for domestic violence orders, an increase of eight per cent on the previous year.

People, predominantly women and children, die as a result of domestic and family violence. They suffer significant physical and emotional trauma, work and educational opportunities are affected, lives are disrupted and many victims of this type of violence become homeless.

The new Domestic and Family Violence Protection Bill 2011, which reflects contemporary understanding of domestic violence, is now ready for parliament's consideration. We consulted extensively with the domestic and family violence sector and the broader community in developing these reforms. These people work hard to support victims of domestic violence. I commend their work and constructive input into this bill. I also commend the dedication of my Department of Communities staff in the development of this bill.

Stakeholders provided substantial feedback during the three phases of consultation undertaken during the review process. The suggestions provided by the domestic and family violence sector, the police, the legal sector and the community, including those directly affected by domestic violence, have largely been consistent and provided a clear direction for reform. Queenslanders clearly told the government that, while they supported the current laws, they wanted to see them strengthened to provide greater safety for victims of domestic and family violence. They also wanted to see perpetrators of violence held more accountable for their behaviour. The bill's key focus is to maximise the safety and protection of victims and see perpetrators of violence held more accountable.

The bill includes a wider definition of violence; provides for immediate protection to victims; allows the police to detain a perpetrator for up to eight hours; provides greater guidance to identify the person most in need of protection; provides greater guidance on the impact of domestic violence on children; provides greater guidance on the use of ouster conditions to keep victims safe; and increases the maximum penalty available when a domestic violence order is breached to three years imprisonment. The bill represents a contemporary civil response to domestic and family violence and includes several major areas of reform which I would like to outline for members.

#### Preamble, purpose and principles

The bill includes a preamble which provides the opportunity for us, as the Queensland parliament, to make a clear statement that domestic and family violence is not acceptable in Queensland communities. The preamble also enables us as the parliament to recognise domestic and family violence in the context of relevant international obligations, contemporary social values and human rights. The preamble identifies some of the features and impacts of domestic and family violence and recognises civil responses should operate with, not instead of, the criminal law.

019 The bill also contains an expanded purpose which outlines the aims of the bill. These are to prevent or reduce domestic violence, maximise the safety and protection of victims, minimise the disruption to the lives of victims and ensure that perpetrators are held accountable for their actions. I am also pleased to announce the inclusion of principles in the bill. These will provide guidance to those involved in interpreting and administering the legislation, including police, courts, lawyers and members of the community. The overarching principle for administering this legislation is that the safety, protection and wellbeing of people who fear or experience domestic violence, including children, are paramount. This principle is to influence every decision made and every action taken under the new law. The preamble and principles provide an overarching framework for the operation of the legislation and will promote a consistent approach to the interpretation of this new law.

#### Definition of domestic violence

A significant area of reform is the definition of domestic violence contained in the bill. The definition of domestic violence has significant implications for how this type of violence is identified and treated by police, the courts, support services and the community. To enable effective responses to domestic and family violence in Queensland, the bill includes a wider and more contemporary definition of domestic violence. A contemporary understanding of domestic violence refers to a person being subjected to an ongoing pattern of abusive behaviour by an intimate partner or family member. This behaviour is motivated by a desire to dominate, control and oppress and to cause fear. Although any act of aggression in a relationship is unacceptable, domestic violence refers to this particular type of abuse. It is this type of abuse that is the focus of the bill.

The definition of domestic violence included in the bill is wider than the definition in the current domestic violence laws. It includes behaviour that is physically or sexually abusive; emotionally, psychologically or economically abusive; threatening or coercive; or behaviour that in any other way controls or dominates another person causing fear. By including this wider definition, the breadth of behaviours used to control and dominate in a relationship characterised by domestic violence will be captured. This means that police, magistrates, lawyers and members of the public will be more readily able to identify situations where domestic violence has occurred. This change is consistent with the views expressed during consultation and with the recommendations made by the Australian Law Reform Commission in its report *Family violence—a national legal response* released in November 2010.

#### Police functions and powers

Another significant area of reform relates to police powers. I want to take this opportunity to acknowledge the great work of the Queensland Police Service in responding to domestic and family violence. Queensland police officers are often the first to respond to domestic and family violence. The circumstances are often difficult as victims of domestic violence are usually traumatised at the time police attend. They are frightened and confused by the abuse they have experienced, possibly over a period of months or years. Over the past 20 years police responses have developed significantly. Training, operational procedures and resources have been developed to assist police officers as they respond to incidents of domestic and family violence. These are regularly reviewed and modified to enable police to provide effective responses.

In developing the bill, it was important to include measures to support police in their vital role of providing for the safety of people affected by domestic and family violence and responding to those who perpetrate violence. The bill includes a number of provisions that extend police powers in relation to domestic and family violence. These powers support the aim of increasing the safety of victims of domestic and family violence and holding the perpetrators of violence accountable. Firstly, police will be able to issue police protection notices that provide for the immediate protection of victims of domestic and family violence. The conditions placed on a notice will direct a respondent to be of good behaviour towards the aggrieved and not commit domestic violence. A cool-down condition may also be imposed to exclude perpetrators from their homes for up to 24 hours. A notice will act as an application to the court and will provide short-term protection until the matter is considered by the court. Police protection notices will be particularly effective in remote and regional areas where the courts do not sit as regularly.

Secondly, the grounds on which police can detain perpetrators of domestic violence will be expanded to include situations where the perpetrator's aggressive behaviour presents a continuing danger or the perpetrator is too intoxicated to understand release conditions, compromising the victim's safety. Police can hold a perpetrator for up to eight hours. Detention powers are subject to strict requirements and include obligations on police to record certain particulars about the detention. The ability for police to detain a respondent in custody for more than four hours was suggested by many stakeholders during consultation. The implementation of this suggestion will increase the safety of victims of domestic and family violence at a time when they can be extremely volatile. I seek leave of the House to have the remainder of my speech incorporated in *Hansard*.

#### Leave granted.

Thirdly, police will have the power to issue a direction to respondents to remain at a place to enable the service of a domestic violence application or order. The requirement will be for the respondent to remain at a place for a reasonable period of time during which the police officer can serve the respondent or make arrangements to advise the respondent of the conditions of the order.

This will improve the safety of victims of domestic violence as there will be additional opportunities for police to serve respondents who have been difficult to locate, or may be actively evading service. Once service requirements have been met orders can be enforced.

These reforms are in line with the Bligh Government's aims of ensuring increased safety for victims of domestic violence and greater accountability for perpetrators. While it is our priority to meet these objectives, we have also been mindful to ensure that sufficient checks and balances are placed on the exercise of those powers by police.

Across these new mechanisms to enhance policing of domestic and family violence, some of the safeguards that will operate include particular circumstances being met for the issue of a notice, detention or direction to remain and requirements to explain notices or directions to respondents. In addition, judicial scrutiny of notices will occur and, except where a respondent is detained because of intoxication, a Magistrate must approve an application to extend detention past four hours. A number of other safeguards have also been included in the Bill.

I am confident that in this Bill we have struck the correct balance between protecting victims of domestic violence and upholding the rights and liberties of individuals.

#### Cross-applications and cross-orders

The Bill's objective is to ensure that victims of domestic and family violence are provided with protection against future acts of domestic violence. One of the issues I have been particularly interested in addressing in the Bill is the concerning number of cross-applications that come before the court under the current legislation. This is where each party to a matter alleges domestic violence against the other.

During consultation, stakeholders reported a disproportionate number of cross-applications and expressed the concern that in many instances domestic violence orders are made against both people involved.

This is inconsistent with an understanding of domestic violence that comprises one person being subjected to an ongoing pattern of abuse by another person who is motivated by the desire to dominate and control them. It is not reasonable to accept, except in exceptional circumstances, that both people in a relationship can be a victim and perpetrator of this type of violence.

For example, violence used in self-defence and to protect children can be misconstrued as domestic violence if a broader view of the circumstances is not taken.

It is disturbing that legislation with the purpose of providing for the safety of victims of domestic violence appears to be used, in some instances, to further victimise vulnerable Queenslanders. Often in these circumstances, victims of violence consent to orders against them to avoid further court appearances or the prospect of a hearing which will require them to give evidence before the court. This is contrary to the purpose of the laws and does not provide a fair outcome to victims.

As a result of this feedback, the Bligh Government is refocusing the law to ensure that the person most in need of protection is identified.

This will be achieved by including guidance in the principles for administering the Act. As mentioned earlier, the Bill provides for an overarching principle that the safety, protection and wellbeing of people who fear or experience domestic violence is paramount. One of the five principles that sit under the priority principle is that, where there are conflicting accounts of domestic violence or indications that both people in a relationship are committing acts of violence, including for their self-protection, the person who is most in need of protection should be identified.

A further measure to reduce the number of cross-applications is included in the provisions relating to the making of police protection notices. The Bill does not permit cross-notices being issued. It is likely that this provision will reduce the number of cross-orders that are ultimately made.

To support the objective of focusing on the person in need of protection, the Queensland Police Service is working to introduce complementary processes and practices. An investigative and risk assessment framework is being developed under which a number of issues will be considered. Some of these include risk factors, observations and whether violence has escalated.

These reforms are in line with the Bligh Government's vision for a fairer and safer Queensland.

#### Perpetrator accountability

The consultation sought feedback about perpetrator accountability and posed specific questions in relation to ouster conditions, behaviour change programs and breaches of domestic violence orders. As was expected, a majority of the submissions received were from people who strongly support the introduction of measures to increase the accountability of perpetrators of domestic and family violence.

I am pleased to announce reform across the three areas considered during the consultation process. These reforms will work in conjunction with those I have already outlined, including the focus of the legislation being clearly directed toward the person in need of protection and the new police powers which also support increased accountability for perpetrators of violence.

#### Ouster condition

The Bill includes greater guidance for the court when considering whether to make ouster conditions. The court will also be required to provide reasons if it does not impose an ouster condition when it is sought.

Ouster conditions prevent a respondent from remaining at, entering or attempting to enter certain premises. This may include premises where the respondent and the aggrieved live or lived together, or where the aggrieved or a named person lives, works or frequently goes. The ouster condition can also apply to premises in which the respondent has a legal interest, such as as a property owner or tenant.

Exposure to, or fear of, domestic violence is a leading cause of homelessness. It is easier to find accommodation for a single person than for a mother and children. The Bill increases the clarity about the considerations for the court in order to ensure that ouster conditions are made safely, to protect victims of violence.

The other important feature of ouster provisions is that disruption is minimised for the victim of violence. This extends further than living arrangements and includes people's social and community connections. Maintaining connections and supports can be critical to the ability of victims of violence, including children, to recover after the experience of living with, or being exposed to, domestic violence.

#### Intervention order

The Bill also provides for an order to be made requiring a respondent to attend an approved intervention program or counselling. The current Act provides a broad power for courts to impose conditions that the court considers necessary and desirable in the interests of the aggrieved, any named person and the respondent. It is not clear whether this power extends to ordering a respondent to attend a program or counselling.

The Bill provides a clear power for the court to make an order requiring a respondent to attend an approved intervention program or counselling.

#### Penalty for breach of a domestic violence order

A further measure included in the Bill to increase the accountability of perpetrators of domestic and family violence is an increase in the maximum penalty available where a domestic violence order is breached. The maximum penalty will increase to three years imprisonment. This is the longest prison term that a Magistrates Court can impose.

I would like to take this opportunity to acknowledge the work of the domestic and family violence sector and thank them for their commitment and passion in their tireless efforts to assist people affected by domestic and family violence. Queensland is very fortunate to have such a dedicated sector. I am sure they will welcome the reform being introduced as they have advocated for many of the provisions that have been incorporated in the new legislation.

I am heartened by the knowledge that the sector will continue their valuable work in supporting and assisting people affected by domestic and family violence.

This Bill aligns with the Bligh Government's vision for a fair and safe Queensland.

I thank Departmental staff, staff of the other agencies, Police and community service providers. This Bill is the culmination of their dedicated work.

It is the Bligh Government's goal to reduce the incidence and impact of domestic and family violence in Queensland communities. I am confident that this new legislation, with the extensive support systems funded in Queensland, will achieve this goal.

I commend the Domestic and Family Violence Protection Bill 2011 to the House.

### First Reading



**Hon. KL STRUTHERS** (Algeria—ALP) (Minister for Community Services and Housing and Minister for Women) (12.35 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.

**Mr DEPUTY SPEAKER** (Mr O'Brien): Order! In accordance with standing order 131, the bill is now referred to the Community Affairs Committee.

## ~~ONE FUNDING SYSTEM FOR BETTER SERVICES BILL~~

### ~~Introduction and Referral to the Community Affairs Committee~~



~~**Hon. KL STRUTHERS** (Algeria—ALP) (Minister for Community Services and Housing and Minister for Women) (12.35 pm): I present a bill for an act to provide for funding by departments to non-government entities and local governments and to repeal the Community Services Act 2007 and the Family Services Act 1987 and to make minor and consequential amendments to the Aboriginal and Torres Strait Islander Communities (Justice, Land and Other Matters) Act 1984, the Aboriginal Cultural~~