



Hon Karen Struthers MP
Member for Algeria



Your reference: Petition 1598-10
Our reference: COM 02215-2011

**Minister for Community Services and
Housing and
Minister for Women**

11 MAR 2011

Mr Neil Laurie
The Clerk of the Parliament
Parliament House
George Street
BRISBANE QLD 4000

Dear Mr Laurie

I refer to Petition No.1598-10 received by the Legislative Assembly on 16 February 2011 concerning legislation and laws for protection orders. I am pleased to provide the following response for consideration and noting by the petitioners.

Queensland's domestic violence legislation is now being reviewed. Areas under consideration include the protection of victims and perpetrator accountability, which directly relate to the matters raised by the petitioners. The views presented by the petitioners can therefore help inform the review of this legislation.

As it stands now, the *Domestic and Family Violence Protection Act 1989* enables a magistrate to make a domestic violence protection order where there is evidence that domestic violence has occurred and the person is likely to commit an act of domestic violence again.

The magistrate also gives consideration to the safety of victims and their children and can attach relevant conditions to the order. For example, a perpetrator may be required, as a condition of the order, not to approach within a certain distance of victims and their children. However, where contact between perpetrators and their children is allowed, the order needs to enable this to happen. A magistrate is also able to make an order that includes an ouster condition which prohibits the perpetrator from remaining in the home.

A breach of the order is considered to occur if any conditions on the order are not upheld. Under the legislation, the maximum period of imprisonment for a breach of a domestic violence order is two years. Where victims have fears for their safety, this needs to be brought to the attention of police.

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While the duration of a domestic violence protection order is two years, if the court is satisfied that there are special reasons for doing so, the court may order that a protection order continues for a period longer than two years. In addition, where there is a subsequent incident of domestic violence, this can be considered by the court at the relevant time.

I thank the petitioners for bringing their views to the attention of the Government while this legislation is under review and trust they find this information of assistance.

If you require any further information or assistance in relation to these matters, please contact Ms Jenny O'Mara, Manager Parliamentary Services, Department of Communities, on 323 59670.

Yours sincerely



Karen Struthers MP
Minister for Community Services and Housing
Minister for Women