



**Domestic & Family Violence  
Protection OLA Bill 2014  
Submission 005**

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18 July 2014

The Research Director  
Legal Affairs and Community Safety Committee  
Parliament House  
George Street  
BRISBANE QLD 4000

***RE: Domestic and Family Violence Protection and Other Legislation Amendment Bill 2014***

**Introduction**

The Australian Christian Lobby (ACL) welcomes this opportunity to comment on the Domestic and Family Violence Protection and Other Legislation Amendment Bill 2014.

Domestic violence is a serious problem in Australian society. It is also an increasing problem. As highlighted in the bill's explanatory memorandum,<sup>1</sup> the incidence of family violence is estimated to have increased by ten per cent over the last year. The reasons for this bill are to reverse the trend. In addition, and crucially, this bill also attempts to increase support for the victims of domestic violence. People who are victims of domestic violence, overwhelmingly women and children, often suffer alone and in silence for many years before they are helped. Many victims are never helped.

The increase in known domestic violence is likely due in part to an increased awareness of the issue, and a growing willingness to report incidents of violence. It is also likely partly due to population growth. But it is also unlikely that these two factors alone account for the growth in domestic violence. For example, Professor Patrick Parkinson noted in 2011 in the context of child abuse and neglect that some increase "can be explained by population growth" and "a greater willingness of people to report", but added that "it is difficult to argue that the growth in reports of children at risk results only from increased awareness".<sup>2</sup>

Domestic violence is especially heinous because it is committed against an intimate partner or spouse or a child. It is a violation of what should be a relationship of trust and of love. It is, usually, committed by a man against his wife or partner or against his children or step-children. It is also occasionally committed by women against children or male partners, and also within both male and

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<sup>1</sup> Domestic and Family Violence Protection and Other Legislation Amendment Bill 2014, Explanatory Notes, pp 1-2.

<sup>2</sup> Patrick Parkinson (2011), *For Kids' Sake*, University of Sydney, <http://www.acl.org.au/wp-content/uploads/2011/09/FKS-ResearchReport11.pdf>, pp 16-21.

female same-sex relationships. These relationships should be built on mutual respect and provide protection and safety. The abuse of this relationship makes it especially repulsive to the wider community.

ACL represents Christians in Australia. The Christian Bible contains explicit commands to men, both as husbands and fathers, about treating others, especially wives and children, well.<sup>3</sup> Jesus also told His followers to love others, both through His words and His actions.<sup>4</sup> Thus, Christians are particularly concerned about the problem of family violence in the community.

Of course, this concern is shared by most of the community. Regardless of faith background, most people uphold the same principles of respect and regard domestic violence with the same abhorrence.

### **Sexual violence**

Domestic violence includes sexual violence.<sup>5</sup> A recent study released in the *Lancet* medical journal<sup>6</sup> highlighted the extent of the problem of sexual violence in Australia. The study reviewed studies from around the world to compare rates of sexual assault. The study says that 16.4 per cent of women 15 years or older in Australia and New Zealand have been the victim of sexual assault by someone who was not an intimate partner. By comparison, the global average was found to be 7.2 per cent.<sup>7</sup>

Despite the limitations of the study, such as inconsistent definitions of “sexual assault”, varying levels of disclosure, the study does reveal that sexual assault is a serious and underestimated problem in this country.

This study also reports on non-partner sexual violence. The Australian Centre for the Study of Sexual Assault reports that 12 per cent of women have experienced sexual violence by an intimate partner at some point in their life.<sup>8</sup>

Although such a high rate of sexual violence cannot be explained by a single cause, ACL submits that an overly sexualised environment is contributing to a society in which sexual violence is widespread.

ACL has been campaigning against sexualised media and outdoor advertising for many years. Last year ACL made two submissions to Queensland inquiries on outdoor advertising.<sup>9</sup> As argued in those

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<sup>3</sup> E.g. Colossians 3:19, 3:21; Ephesians 5:28-29, 6:4.

<sup>4</sup> E.g. John 13:34, 13:14-15.

<sup>5</sup> Section 8, *Domestic and Family Violence Protection Act 2012*.

<sup>6</sup> Naeemah Abrahams et al (February 2014), ‘Worldwide prevalence of non-partner sexual violence: a systematic review’, *The Lancet*, Volume 383, Issue 9929, Pages 1648-1654.

<sup>7</sup> Patrick Wright, Cristen Tilley (February 13, 2014), ‘Global study finds one in 14 women victims of non-partner sexual assault’, *ABC*, <http://www.abc.net.au/news/2014-02-12/sexual-violence-prevalence-global-study/5255400>.

<sup>8</sup> Australian Institute of Family Studies, ‘Facts & Figures’, <http://www.aifs.gov.au/acssa/statistics.html>. Accessed July 18, 2014.

<sup>9</sup> ACL (July 2013), submission to the Legal Affairs and Community Safety Committee on the *Classification of Publications (Billboard Advertising) and Other Legislation Amendment Bill 2013*; and ACL (June 2013), submission to the Health and Community Services Committee on Sexually Explicit Outdoor Advertising, <http://www.parliament.qld.gov.au/documents/committees/HCS/2013/outdooradv/submissions/014.pdf>.

submissions, sexualisation “devalues and objectifies women. A society which values children and women should not tolerate such sexualisation in advertising.”<sup>10</sup>

This sexualisation is problematic not just in outdoor advertising, although this is unavoidable and is exposed to children. Sexualisation is a problem in all forms of media, from movies and television to commercials. It is particularly problematic in music videos, as well as in the lyrics of many pop songs. It is a problem in the fashion industry, both with inappropriate styles of dress targeted to young girls and with degrading slogans on clothing, including for young children. The recent controversy over Wicked Campers’ slogans on their vans highlights the casual attitude many have towards this problem, and the extent to which society disapproves of these aggressive sexual marketing techniques.<sup>11</sup> And, of course, with the advent of the internet, pornography is almost ubiquitous, and available to anyone with an internet connection or smart phone.

Although these issues are not directly related to this bill, ACL submits that sexual violence must be acknowledged in an adequate discussion of domestic violence, and to address sexual violence effectively the wider cultural issues of increasing sexualisation in society must be considered.

### **The bill**

ACL supports the increase to the maximum penalty for contravening a domestic violence order, police protection notice, or release conditions (*Clauses 4, 5, and 6*).

ACL supports the amendments allowing the relevant history of the domestic relationship including domestic violence to be admissible in evidence (*Clause 8*).

ACL supports the amendment clarifying that domestic violence must be considered an aggravating factor (*Clause 10*).

ACL supports amending *Victims of Crime Assistance Act 2009* to ensure that victims of domestic violence, including non-criminal domestic violence and including victims who do not suffer a physical injury, are eligible for assistance under the Act (*Clauses 11-23*).

This is an important aspect of this bill. Victims of domestic violence may suffer not only from severe physical, emotional, and psychological injuries, but from significant financial pressure as well. Indeed, the ability to leave a dangerous domestic situation may be magnified by a financial dependence upon the perpetrator. For example, the Australian Domestic & Family Violence Clearinghouse at the University of New South Wales<sup>12</sup> cited several ways in which victims of domestic violence suffer financial burden, including:

- Homelessness;
- Loss of income due to unemployment, with many women, in particular, having difficulty finding work due to trauma, fear for their safety, and instances of violence at work;

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<sup>10</sup> ACL (June 2013), submission on Sexually Explicit Outdoor Advertising, p 6.

<sup>11</sup> Wendy Tuohy (July 17, 2014), ‘A wave of disgust is growing over Wicked Camper vans’ demeaning slogans, writes Wendy Tuohy’, *The Herald Sun*, <http://www.heraldsun.com.au/news/opinion/a-wave-of-disgust-is-growing-over-wicked-camper-vans-demeaning-slogans-writes-wendy-tuohy/story-fni0fhk1-1226992504284>.

<sup>12</sup> See Australian Domestic & Family Violence Clearinghouse (July 2011), *The Financial Cost of Domestic and Family Violence*, University of New South Wales, [http://www.adfvc.unsw.edu.au/PDF%20files/Fast\\_Facts\\_3.pdf](http://www.adfvc.unsw.edu.au/PDF%20files/Fast_Facts_3.pdf).

- Health costs, including increased illness, disability, and disease.

**Conclusion**

- ACL commends Labor and Ms Palaszczuk for introducing this bill.
- ACL supports the bill as it is.
- ACL also encourages the Committee, Labor, and all parties to consider the importance of addressing the sexualisation of society as part of the broader discussion of respecting and protecting women and children from abuse.

Yours sincerely,

A handwritten signature in black ink that reads "W Francis". The signature is written in a cursive, slightly slanted style.

**Wendy Francis**  
**Queensland Director**  
**Australian Christian Lobby**