



Speech By  
**Dr Christian Rowan**

**MEMBER FOR MOGGILL**

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**VICTIMS OF CRIME ASSISTANCE AND OTHER LEGISLATION AMENDMENT BILL; BAIL (DOMESTIC VIOLENCE) AND ANOTHER ACT AMENDMENT BILL**

 **Dr ROWAN** (Moggill—LNP) (12.16 am): I rise to make a contribution to the debate on the Bail (Domestic Violence) and Another Act Amendment Bill 2017. Like speakers prior to me tonight, I certainly acknowledge those affected by domestic violence who have been in the gallery here but also those affected by domestic violence right across Queensland. At the outset I would like to congratulate the Leader of the Opposition, the member for Clayfield, along with other shadow ministers, including the member for Mansfield and the member for Mudgeeraba, in bringing this important legislation before the Queensland parliament tonight.

This is a bill for an act to amend the Bail Act 1980 and the Corrective Service Act 2006 for particular purposes. This new legislation will reverse the presumption of bail for an alleged offender charged with a relevant domestic violence offence. It will also establish a special bail condition for a tracking device that will be imposed by a court or a police officer authorised to grant bail against a person charged with a relevant domestic violence offence.

The LNP has a proud and strong record for standing up for the victims of crime. We as a political party, both individually and collectively, have worked tirelessly to alleviate many of the weaknesses with respect to a number of the legal elements of the framework covering domestic violence here in Queensland.

I remind the House that when in government the LNP invested more than \$25 million in domestic and family violence initiatives as part of our then 2014 budget. We introduced the new Domestic and Family Violence Protection Act and established major reforms to safety measures to help victims stay in their homes.

Another initiative that we, the Liberal National Party, on this side of the House are particularly proud of was our establishment of the then Special Taskforce on Domestic and Family Violence in Queensland, which delivered the *Not now, not ever* report. This task force, as people would be aware, was headed by former governor-general of Australia, Dame Quentin Bryce.

The *Not now, not ever* report made 140 recommendations based on the insights gathered from five months of engagement, with both communities and individuals. The recommendations of this report set the vision and direction for Queensland's strategy to end domestic and family violence and ensure those affected had and continue to have access to safety and support. Although we are proud of our past record, we understand that more needs to be done. The LNP is recommending five key changes via this legislation which we believe will strengthen the management of issues that have come to light in recent months.

The first key proposed change is to reverse the presumption of bail for an alleged offender charged with a relevant domestic violence offence. The task force recommended that a history of violence should exclude any presumption of bail for perpetrators arrested by police for domestic and family violence related offences. This bill implements this recommendation, which has yet to be comprehensively addressed by the Palaszczuk Labor government.

The second key change is to establish a special bail condition for a tracking device, or GPS tracker, to be imposed by a court, or a police officer authorised to grant bail, against a person charged with a relevant domestic violence offence. This policy allows for a court to impose a bail condition that includes the fitting of a GPS tracking device on a defendant charged with a relevant domestic violence offence. This is to enable police to better protect the community if a high-risk defendant is released on bail.

The third key change is to introduce a new system to alert the victim of a relevant domestic violence offence when the defendant applies for bail, is released on bail or receives a variation to a bail condition. One of the major concerns raised by domestic violence victims relates to a notification process to apply when defendants and alleged perpetrators charged with domestic violence offences are released on bail pending their trial.

The fourth key change is to introduce a mandatory reporting provision to the parole system for when a prisoner applies for, and receives parole so that a victim of domestic violence can receive information about a prisoner, even if the offence that the prisoner was convicted of is not a domestic violence offence. The Women's Legal Service Queensland provided a submission to the Sofronoff parole review about what they deemed to be a current loophole in the parole system regarding access of prisoner information to domestic violence victims.

The final and fifth key change is to introduce a provision to allow for an urgent review of a bail decision in a higher court. Under this provision, an original bail decision could be stayed for up to three business days, ensuring that an alleged offender would not be released during that review period. What this legislation is really about is seeking to further protect victims and their families, and this is very important for Queensland.

For many years we have enjoyed a bipartisan approach to tackling domestic violence, yet unfortunately Labor throughout part of this debate has sought to politicise this legislation which, I believe, is very unfortunate. Tonight I urge all Labor government members to honour the years of bipartisanship on tackling domestic violence and set aside partisan politics and pass the Bail (Domestic Violence) and Another Act Amendment Bill 2017.

For the benefit of the member for Ferny Grove, who I heard speak earlier, perhaps he should be aware that the Queensland Indigenous Family Violence Legal Service do in fact support the draft legislation, and I table a copy of their correspondence.

*Tabled paper:* Letter, dated 27 February 2017, from the Queensland Indigenous Family Violence Legal Service, to the Legal Affairs and Community Safety Committee, providing a submission on the Bail (Domestic Violence) and Another Act Amendment Bill 2017 [\[487\]](#).

Specifically, I refer to page 5 of the report, which states that the Queensland Indigenous Family Violence Legal Service 'supports the proposed reversal of the presumption of bail for an alleged offender charged with a relevant domestic violence offence'.

I would now like to move on to the Victims of Crime Assistance and Other Legislation Amendment Bill 2016. The main policy objective is to implement the recommendations of the *Final report of the review of the Victims of Crime Assistance Act 2009* and to ensure that the Victims of Crime Assistance Act 2009 continues to provide an effective response to assist victims of crime.

A significant element is to introduce a sexual assault counselling privilege that gives the victims of a sexual offence who are to give evidence in criminal proceedings against an accused automatic status as a special witness. It is important to note that this bill is here for debate because of an LNP review which commenced in 2013. It is important to us on this side of the House that Queenslanders have a justice system and not simply a legal system. The Liberal National Party has a strong record of standing up for victims of crime and ensuring community safety is paramount, regardless of where people live. Over a number of years, the Liberal National Party increased funding to victims of crime support groups by \$2 million, together with the introduction of victim impact statements that are read out as a part of sentencing if requested by a victim.

One of the key changes in this bill deals with sexual assault counselling privilege. There is a high occurrence of sexual violence in Australia, with more than one in five women having experienced sexual violence. I find this statistic extremely sobering. As a doctor in this parliament, the 55th Parliament, what I have heard not only in relation to domestic violence but also in relation to offences that have been committed against children I find shocking, disturbing and truly tragic. We must all collectively work together to address these problems in our community. A person's private, psychological and physical boundaries are attacked during a sexual assault, and harm inflicted at this time can have long-term impacts. This is when sexual assault counselling services play an essential role in assisting victims to recover.

The *Not now, not ever. putting an end to domestic and family violence in Queensland* report recommended, via recommendation 130, that the Queensland government introduce a sexual assault counselling privilege based on the New South Wales legislative model. In accepting this recommendation, the Queensland government has acknowledged the benefits of the New South Wales model as it seeks to ensure the appropriate balance in each case between the right to a fair trial and the public interest in preserving the confidentiality of counselling communications.

Another key change in the bill is the notion of special witnesses. Automatic recognition as a special witness will mean that a victim of sexual assault does not need to satisfy the court that they fall under that definition, which is another element of the definition—for example, that they are likely to suffer severe emotional trauma if required to give evidence in the usual manner. It is important to note that already in New South Wales, the Northern Territory, Victoria and Western Australia witnesses are afforded special witness status.

This legislation achieves its policy objectives by making the application process in the Victims of Crime Assistance Act for financial assistance easier for victims of a crime. The scope of the financial assistance scheme has been expanded to ensure that all victims, including elder abuse, are able to access this financial assistance. This is certainly a very important measure.

Another extremely important inclusion is the one allowing all victims of domestic and family violence the ability to provide an impact statement at the time of sentencing of the offender. The LNP and I do not oppose the Victims of Crime Assistance and Other Legislation Amendment Bill 2016 and, as stated at the beginning of this contribution, the changes come from recommendations of a statutory review that was established by the LNP in 2013.

As I stand here tonight, I remain hopeful that we can come to some bipartisan support in relation to ending domestic violence in Queensland. We have certainly done that to date as far as other bits of legislation which have been implemented are concerned. We need to continue to do that. We need to continue to drive cultural change in our community to ensure that this scourge is ended once and for all in our community. Certainly I am hopeful that tonight we can come together again to significantly pass a piece of legislation which is vitally important in achieving some truly good outcomes for all Queenslanders regardless of where they live.