

Submission to the Queensland government on the Domestic and Family Violence Protection and Another Act Amendment Bill 2015, by the Queensland Domestic Violence Network (QDVSN)

Established in the early 1990s, the Queensland Domestic Violence Network (QDVSN) is comprised of the coordinators, managers or directors of twelve regional domestic violence specialist services, the Immigrant Women's Support Service and the Centre for Domestic and Family Violence Research. Its primary role is to provide a mechanism for state-wide coordination of its members' activities, peer support, information sharing and debriefing within its membership; and to be a change agent by providing a reference point and a collective voice to Government, non-government and member services on state and national issues relating to domestic and family violence.

The QDVSN works collaboratively and strategically to advance understanding of structural inequalities and other factors which result in violence against women, particularly domestic and family violence. QDVSN members aim to ensure that girls' and women's safety, wellbeing, opportunities and choices are not limited because of their gender and recognise the diversity among girls and women. QDVSN acknowledges that women's experiences of inequality are shaped by intersecting factors including race, class, sexuality and ability, and that addressing gender inequality involves addressing other inequalities.

We submit the following to the Queensland government for their consideration.

1. **Recommendation 99:** We support the recommendation to hear cross orders at the same time, in order to determine the person most in need of protection. In our opinion, this will alleviate the position that aggrieved persons find themselves in, too often, when they are subject to increased power and control by a respondent who makes assertions based on his own self-interest. Police are often faced with the challenge of believing one party's story, when the other party is too fearful to assert their own truth. It was our understanding that the 2012 Act would minimise the application of cross orders, by asking attending police officers to determine the person most in need of protection. Unfortunately this has not been shown to be the result of legislative changes, and the simultaneous hearing of cross orders will help to minimise the effect of an assertive perpetrator over a fearful victim of domestic violence. We also believe that further training to police, prosecutors and the judiciary will minimise the application of cross orders (recommendations 103 -110). The CDFVR empirical research on judicial education and domestic violence highlighted the critical role that gendered attitudes and lack of knowledge of the dynamics of domestic violence can have on decision-making in domestic violence court hearings (Wakefield & Taylor, 2015).

2. Recommendation 117: We agree with the proposed requirement to consider an ouster order to exclude a perpetrator from the family home when the victim agrees to that strategy. At frontline services, we constantly observe the effects of domestic violence on the victim and their children. Their lives are disrupted as they find it necessary to flee their home, leaving behind possessions, pets and their lifestyle choices. We cannot over emphasise the loss and devastation as children are forced to leave friends and school and activities, women are unable to continue their career and friendships, and wider family connections are disrupted. All this while a perpetrator remains comfortably surrounded by possessions and lifestyle options. Moreover, the perpetrator has the opportunity of interfering with family property, and inflicting further ‘punishment’ on the aggrieved person.

While we are concerned that safety is seriously considered when an ouster order is made, we firmly believe that flight and subsequent restrictions add to the distress of a victim and her children. This requirement for a victim’s safety may be addressed by the provisions of the Safety Upgrades programme.

In order for ouster orders to be effective investment is needed in home security technologies such as alarms, video surveillance and secure lock systems in order to protect victims. Research has found that increased safety measures along with intensive service support to the mother and children is effective in increasing women’s sense of safety and supports their right to stay in the family home (Meima, 2014).

We are mindful, however, that this requirement may impact differently where a mother is positioned as the respondent. Taken in conjunction with recommendation 99, we would like consideration given to the whole family; that the same consideration is given to establish who the predominant aggressor is before naming a mother as respondent, and to be mindful that the children are least impacted by the ouster of a parent.

3. Recommendation 129: We do not endorse the recommendation that victim impact statements be used to assist the courts in determining the effects of domestic violence in applications for protection orders. We are unclear of the benefit of victim impact statements, particularly as they will involve extra work for the victim and her supporters, and may produce little assistance toward making an appropriate court decision. We would like to point out that a Domestic Violence Protection Order is a civil matter, and as such has the purpose of monitoring a respondent’s behaviour. A victim impact statement may have the opposite effect, of inflaming resentment against an aggrieved person. We believe it is preferable that an aggrieved person is able to access a frontline domestic violence support service to talk through the effects of her abuse.

4. Recommendation 131: *(Amending the Police Powers and Responsibilities Act 2000 to clarify that the use of body-worn cameras by police officers acting in the performance of their duties is lawful).*

QDVSND endorses clarification on the lawfulness of police officers wearing body cameras. We consider that these improve accountability of police interventions as well as recording context and details of responses to requests for an account of the abusive incident leading to police involvement.

Evidence-based training and education of police personnel is critical in order that police interventions are underpinned by the necessary knowledge and skills to assess complex domestic violence situations and contexts. Both Wangmann (2009) and Mansour (2014) have described the experience of women where actions have been taken by the police against an aggrieved based on erroneous assessment of responsibility for the violence. The use of cameras may provide an effective means by which the level of knowledge and skills of police staff are evidenced. An ongoing system of training in best practice policing of domestic violence will be necessary in order for police staff to be equipped to respond effectively.

References:

Mansour, J. (2014). *Women defendants to AVOs: What is their experience of the justice system?* Sydney: Women's Legal Services NSW.

Meima, Y. (2014). *An evaluation of a New Zealand SAFE@Home service. Using a crime prevention approach to enhance the safety and overall well-being for high risk victims of domestic violence.* Master's thesis, UNITEC New Zealand.

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Wakefield, S., & Taylor, A. (2015). *Judicial education for domestic and family violence: State of Knowledge Paper. Australia's National Research Organisation for Women's Safety (ANROWS), Sydney.* (Downloaded 5/11/2015).

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