

Domestic violence laws: Alleged offenders have to prove why they should get bail

By Gail Burke

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Anyone charged with a serious domestic violence offence in Queensland will now have to prove why they should be granted bail and allowed back into the community before they face court.

Queensland Parliament passed the Bail (Domestic Violence) and Another Act Amendment Bill 2017 in the early hours of this morning, which reverses the usual legal process where police and the prosecution would have to argue why a person should not be granted bail and kept in custody.

The Opposition said the new laws also provided more safeguards for domestic violence victims, including provisions for courts to order alleged offenders to be fitted with GPS tracking devices as a bail condition, and urgent appeal rights for victims

Opposition Leader Tim Nicholls, who introduced the legislation, said the changes provided more security for victims.

The private member's bill came after Teresa Bradford was killed by her estranged husband inside her Gold Coast home in January.

David Bradford had been released on bail for choking and bashing the mother of four, with his release catching Ms Bradford off guard.

"Last year, 18 Queensland women died from domestic violence," Mr Nicholls said.

"With more than 22,000 domestic violence protection orders flowing through the courts each year, it is time for this Parliament to act, it is time to do more and make a difference to these terrible statistics.

"[It's] a simple rebalancing of the scales of justice ... to tip the balance in the favour of community safety."

He said it would save lives.

"With over a quarter of the domestic violence deaths in Australia occurring in Queensland last year, we felt it necessary to take action to stop the talk and get going," Mr Nicholls said.

"We've only seen 46 of the 121 recommendations in the Not now, Not ever report actually implemented."

Bail reforms to apply to high-risk offenders

The State Government forced a number of amendments to the LNP's bill.

Attorney-General Yvette D'Ath said one of the changes would ensure the bail reforms would apply to high-risk offenders, including those charged with strangulation, stalking and even animal cruelty charges.



PHOTO: Teresa Bradford was stabbed to death by her estranged partner David Bradford on January 31. (Facebook: Teresa Marie)

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So far today police in Australia would have dealt with on average

423 domestic violence

matters

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Family violence support services:

- 1800 Respect national helpline 1800 737 732
- Women's Crisis Line 1800 811 811
- Men's Referral Service 1300 766 491
- Lifeline (24 hour crisis line) 131 114
- Relationships Australia 1300 364 277

"These were important offences that weren't picked up by the private member's bill that we think enhances the reverse onus conditions when it comes to bail," Ms D'Ath said.

The State Government and crossbench also rejected the LNP's bid to make it mandatory for victims and their families to be formally notified when perpetrators were granted bail or parole.

Ms D'Ath said there were already provisions in place for that to happen.

Anti-domestic violence advocate Sonia Anderson said it should have been made law.

Ms Anderson's daughter Bianca Girven, 22, was strangled by her boyfriend in March 2010 at a Mount Gravatt lookout on Brisbane's south side and died the next day in hospital.

"I see that as a basic human right — that if a violent offender applies for or receives bail or parole the family must be notified, so if they need to move or do something for their safety they can," Ms Anderson said.

"We've had several women die in Queensland in the last few months because this wasn't in place."

Queensland Women's Legal Service spokeswoman Angela Lynch said while she congratulated the LNP for taking such quick and decisive action, she was concerned the LNP's bill was too broad.

"We don't agree with their proposal of a blanket reversal of onus in bail apps in all DV matters," she said.

"[We] prefer an approach that is more nuanced, we prefer an approach where an extension of high-risk matters — where a defendant must show cause — to include high-risk DV matters."

She said there needed to be better use of domestic violence risk assessments that were used in community already.

"A DV risk assessment determines that a matter is high-risk then the court should take that on board," she said.

"We also think that matters involving strangulation — because of overwhelming evidence that that activity is a precursor to murder — and also if a victim is currently in a high-risk team ... that evidence should be going before the court about that."

Topics: domestic-violence, community-and-society, state-parliament, parliament, government-and-politics, laws, law-crime-and-justice, family-law, qld, brisbane-4000, australia

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PHOTO: Sonia Anderson's daughter Bianca Girven was killed in 2010. (ABC News)