

12 September 2016

Research Director
Health, Communities, Disability Services and Domestic and Family Violence Prevention
Committee
Parliament House
George Street
BRISBANE QLD 4000

By email only: hcdsdfvpc@parliament.qld.gov.au

Dear Sir/Madam

Domestic and Family Violence Protection and Other Legislation Amendment Bill

Community Legal Centres Queensland welcomes the opportunity to provide this letter in support of Women's Legal Service submission to the Health, Communities, Disability Services and Domestic and Family Violence Prevention Committee in relation to the *Domestic and Family Violence Prevention and Other Legislation Amendment Bill* (the **Amendment Bill**).

About Community Legal Centres Queensland

Community Legal Centres Queensland is the peak body representing funded and unfunded community legal centres across Queensland. Community legal centres are independently operating not-for-profit, community based organisations that provide free legal advice to the public who present with a range of legal issues, including people experiencing family and domestic violence.

In 2015, Community Legal Centres Queensland members provided 7,915 instances of legal advice to clients and 3,518 instances of legal information and referral in the area of family violence. In addition Community Legal Centres Queensland members provided casework and/or representation in over 2,225 new matters. Given that experience, Community Legal Centres Queensland and its members can offer helpful insights into the legal and social impacts of family and domestic violence.

Primary Focus: the safety of victims and survivors

The primary focus of any holistic, joined-up response to domestic and family violence should be on maintaining the safety of victims and survivors. Community Legal Centres Queensland endorses the views of the Women's Legal Service, which supports the policy objective of increasing perpetrator education and accountability and increasing the duration of Orders. In this context, we recommend that the Court **must** give reasons if the Order is made for less than five (5) years.

Inconsistency of Approach by Services

Women's Legal Service recommends that in light of the expanded role of police officers in issuing Police Protection Notices that more substantial and significant training will be

required. Community Legal Centres Queensland endorses this view and notes that it has been the experience of community legal centres that our clients face uncertainty in bringing domestic violence matters to court caused by different approaches from police, lawyers, court staff and magistrates. For example police protection notices and ouster conditions are utilized to varying degrees in different areas, with some community legal centres reporting extensive use and others reporting little use.

We believe that education and training is the key solution to this problem and if adequately and appropriately resourced, will lead to greater consistency. We note that any further legal changes have the capacity to increase this problem without adequate education initiatives.

Integration with other relevant legislative frameworks

Community Legal Centres Queensland supports the objective of the Amendment Bill to bridge the gap between the State domestic and family violence legislation and the Commonwealth *Family Law Act* by requiring a stronger obligation on the court to consider any family law order and to exercise their powers to resolve any inconsistency between the order and the DVO. There is also a vital need to ensure that the domestic and family violence strategy work in harmony with other state laws such as child protection legislation. The needs of children and young people are often not considered in making orders and too often, according to our members, children are treated as property of their parents in the context of family and domestic violence.

Community Legal Centres Queensland supports Women's Legal Service's recommendation that in relation to family law matters, decisions should be made by the Magistrate in accordance with the Objects of the Act one of which is '*to prevent or reduce domestic violence and the exposure of children to domestic violence*'.

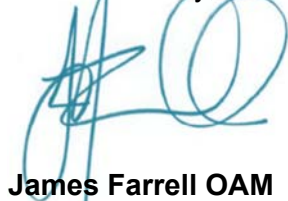
Community Legal Centres Queensland further recommends that children and young people's specific needs be a paramount consideration when the court makes a protection order. We suggest that a provision be incorporated into the Domestic and Family Violence legislation, similar to the *Family Law Act* which requires that when deciding whether to make a particular parenting order in relation to a child that the Court must regard the best interests of the child as a paramount consideration.

Other suggested legislative reforms

Community Legal Centres Queensland endorses Women's Legal Service recommendation that shorter intimate relationships or dating relationships be considered within the definition of 'couple relationship'. In that regard our members have reported that people with diverse sexual and gender identities face additional burdens in reporting domestic and family violence including an assumption that domestic and family violence is mutual or less serious than in hetero-normative relationships. These groups would be protected under a wider definition of 'couple relationship'.

We hope this information is useful, and would be happy to contribute further if required. Please contact me on (07) 3392 0092 or director@communitylegalqld.org.au if you would like to discuss our views.

Yours sincerely,



James Farrell OAM

Director

Community Legal Centres Queensland Inc.