


'Enforce domestic violence orders or women will suffer'

EXCLUSIVE**By NICOLA BERKOVIC, LEGAL AFFAIRS CORRESPONDENT**4:30PM FEBRUARY 22, 2020 •  300 COMMENTS

Breaches of domestic violence orders must be penalised or the system of protecting women and children from abuse “falls down”, advocates say.

Local courts across Australia are being flooded with domestic violence matters. Applications for domestic or family violence protection orders accounted for more than a third of all finalised civil cases in magistrates courts in 2018-19.

This amounted to about 121,000 cases — the largest share of those in NSW (36,200), Victoria (33,900) and Queensland (30,700), according to a Productivity Commission's report on government services.

Brisbane mother Hannah Clarke, who was burned to death with her three children on Wednesday, had at least one domestic violence protection order in place to protect her from her husband, according to police.

Rowan Baxter had reportedly breached the order, which banned him from going near her, and was due to face court in April. Her family believed he had tracked her movements and said he had kept one of their daughters and fled to NSW for four days before being found by police.

University of Queensland's Heather Douglas, an expert in domestic violence, said although not effective in all cases, protection orders did help to reduce levels of abuse in many cases. Police were also more likely to attend, and women more likely to report violence, if orders were in place.

However, she said enforcement of the orders varied across police stations.

Women's Legal Service Queensland chief executive Angela Lynch said the system was only effective if police "backed up" orders with action.

Her service dealt every day with women who were frustrated that no action had been taken in relation to breaches that police considered to be relatively minor — but those breaches were often a way for perpetrators to test the boundaries of what they could get away with, she said.

This was a problem of both culture and resourcing that needed to be fixed, she said.

If four people had been killed by a terrorist who then blew himself up, there would have been an immediate response from government and an increase in police resources, she said.

"Yet we have this happen on the streets of Brisbane — a brutal, horrific crime of domestic terrorism — and what have we got? I haven't heard anything," she said.

Women's Safety NSW chief executive Hayley Foster said in many cases it was the courts that let perpetrators off with a "slap of the wrist", but if they were not penalised for breaching orders then the whole system "fell down".

Another problem, she said, was the state justice system operated in the shadow of the federal family law system, which emphasised children having a relationship with both parents. This meant police and magistrates were often hesitant to restrict a parent's access to their children.

About 21,100 charges were lodged in Queensland for breaching domestic violence orders in 2018-19.

This resulted in 13,670 defendants being convicted. Of those, about 4800 were jailed, 3700 were given probation or good behaviour bonds and about 4000 handed financial penalties. The rest received other orders including community service.