A Tim Nicholls-led Liberal National Government will implement a Domestic Violence Action Plan to better protect victims and families from domestic violence and strengthen community confidence in the system.

The Problem
Under Labor, drug and violent crime is increasing and youth crime is out of control in North Queensland. In 2016, nine people died in Queensland as a result of domestic violence incidents.

There were a further 22,000 breaches of protection orders by offenders in 2015-16 according to the latest annual police statistical review. This was an increase of almost 40 per cent on the previous year.

The latest statistics to June 2017 show that there is still an issue with record breaches of domestic violence orders in some regions. In the Brisbane region breaches have increased by 11.2%, in the Central region by 18.1% and 14.5% on the Gold Coast and in Logan.

Despite receiving a comprehensive review of domestic violence laws and services in Queensland in early 2015 initiated by the LNP (the Not Now, Not Ever report), Labor has still not actioned all of the recommendations and has no plan to reverse the record number of breach of protection orders across the State.

The community is crying out for leadership and we have a government stuck in neutral. Labor’s softly softly approach is failing Queenslanders, doing nothing is not working.

Our Record
In government, the LNP introduced the Domestic and Family Violence Prevention Act 2012. We funded new initiatives that provided safety upgrades to homes of victims.

The LNP also established the domestic violence taskforce that produced the Not Now, Not Ever report.

Under the LNP, $49 million was committed over five years to be invested in specialist domestic and family violence services to better meet the safety and support needs of children and their families and strengthen links across domestic violence, child protection and family support service systems.

While Labor like to talk about domestic violence, the LNP provides real support and real action to tackle the issue.

Our Real Plan
A Tim Nicholls-led LNP Government will tackle domestic and family violence and implement a Domestic Violence Action Plan to better protect victims and families from domestic violence and strengthen community confidence in the system.

Under our 5-point plan, we will protect victims and hold offenders accountable. We will empower victims to leave violent relationships and force perpetrators to break the cycle of violence.

1. Introduce a New Offence of Domestic Violence
The LNP will refer the United Kingdom law to the Queensland Law Reform Commission for extensive consultation with a view to introducing a similar law in Queensland.

To learn more about Our Plan visit betterqueensland.org.au
For some years now many campaigns have run with the message that domestic violence is a crime. In Queensland and most other jurisdictions there is no specific offence of domestic violence to back up this claim. Only Tasmania has a domestic violence-specific offence.

In 2015, the British Parliament introduced amendments to the Serious Crimes Bill for the inclusion of a new offence where there is a pattern of non-violent controlling actions of a person in a domestic or family relationship. Police and advocates have suggested the need to bolster the response to domestic violence with a domestic violence-specific offence.

2. Protecting Victims of Domestic Violence through the Court Process

Amend the Evidence Act 1977 to prohibit a perpetrator from personally cross examining a victim either in a civil or criminal matter.

The LNP’s plan to protect victims of domestic violence does not stop at the courtroom door. To ensure victims are not traumatised through the court process, we need to ensure that no perpetrator is allowed to ‘personally’ cross examine a victim of domestic violence when unrepresented.

Under existing Queensland law currently there are restrictions on cross examination, but according to advice from the Women’s Legal Service, in practice it is not ever completely stopped because magistrates are concerned about appeals.

The model legislation in this area is found in Victoria where legal aid lawyers are appointed to do the cross examination.

Federally, the direct cross-examination of victims in Family Court matters was recently prohibited.

In Victoria, following the Royal Commission into Family Violence, laws were introduced to outlaw the practice of unrepresented domestic violence perpetrators cross-examining victims in cases.

3. ‘Clare’s Law’ – Pro-Disclosure of Previous Offending to Intimate Partners and Family

A Tim Nicholls-led LNP Government will introduce a trial pro-disclosure scheme in line with Clare’s Law.

Under the scheme partners and family will also be able to enquire about a partner’s past criminal history relating to sex offences where children are in the house.

The scheme would be administered by police with concerned persons (victims and immediate family) having a right to ask.

The Domestic Violence Disclosure Scheme (DVDS), known as Clare’s Law, gives members of the public a formal mechanism to enquire about the domestic violence convictions and crimes of any individual who they are in a relationship with, or who is in a relationship with someone they know.

The law allows two types of disclosure:

- Right to Ask – This is open to anyone who has a concern about their partner (or a friend or relative’s partner). It allows an individual to request information from a government agency;
- Right to Know – This disclosure scheme gives police the right to proactively disclose information to a person relating to previous domestic violence or sexual offence convictions of their partner, even when the person has not requested the information.

4. Magistrates to Rotate Through Specialist Domestic Violence Court

As part of the LNP Domestic Violence Action Plan to tackle domestic and family violence we will ensure magistrates rotate through the specialist domestic violence court as part of their professional development.

Magistrates across Queensland hear domestic violence matters on a daily basis, be it in Cunnamulla or Cairns. It is important that each Magistrate is able to gain experience and learning from the specialist court on domestic violence.

5. Domestic Violence One-Stop Support Network

Establish two, one-stop support networks funded in partnership with a private NGO service provider, one on the Gold Coast and one in Townsville.

Part of the Domestic Violence Action Plan includes a trial establishment of two domestic violence one-stop support networks, funded in
partnership with a private NGO service provider. Our investment of $4.35 million will see one centre based on the Northern Gold Coast and the other in Townsville. Existing domestic violence services would be brought in under the single centre umbrella and have to work collaboratively and in a coordinated manner to support victims of domestic and sexual violence.

The support network initiative is modelled on a similar service operating in the United States (San Diego). The Centre for Community Solutions provides a comprehensive service that includes prevention programs focused on healthy relationships, a 24-hour bilingual crisis hotline, counselling services, emergency shelters and transitional housing, legal support and advocacy.

Our domestic violence-one stop support network will have a “no wrong door” policy to ensure victims don’t slip through the cracks, as we have seen under Labor.

Following the Roundtable held at Caloundra, the Sunshine Coast Daily newspaper conducted an online poll on the LNP’s proposed disclosure scheme. 694 people liked the page and it was shared 52 times.

- 80% agreed that partners have a right to know if they have suspicions
- 7% believed it was a total violation of privacy, and
- 11% were not sure, and felt people can change and history means nothing.

Frequently Asked Questions

What good will a domestic violence disclosure scheme do to protect people from domestic violence?
The LNP believes a disclosure scheme will empower vulnerable women with information about domestic violence offenders. This will support our tougher laws and existing programs to end domestic and family violence. The disclosure scheme will be implemented as a trial to ensure we get the settings right before it is rolled out state-wide.

Isn’t domestic violence already a crime in Queensland?
There is currently no specific offence of domestic violence in Queensland. Only Tasmania has a specific offence dealing with domestic violence.

The new offence of ‘coercive and controlling behaviour’ is based on the same law introduced by the British Government.

Shouldn’t a defendant have the right to cross-examine an accuser in a trial regardless of their relationship?
Under the LNP proposal there will be no limit on a defendant’s legal representative cross-examining an alleged victim in a domestic violence hearing.

Our reforms will only mean an alleged offender cannot directly cross-examine the person as an unrepresented defendant.

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