

HOUSE OF ASSEMBLY
TUESDAY 05TH JULY 2016

**INTERVENTION ORDERS (PREVENTION OF ABUSE) (RECOGNITION
OF NATIONAL DOMESTIC VIOLENCE ORDERS) AMENDMENT BILL**

Second Reading

Adjourned debate on second reading.

(Continued from 22 June 2016.)

Mr PEDERICK (Hammond) (16:04): I rise to speak on the Intervention Orders (Prevention of Abuse) (Recognition of National Domestic Violence Orders) Amendment Bill 2016. I note that this bill was introduced by the Attorney on 22 June, and it amends the Intervention Orders (Prevention of Abuse) Act 2009. This bill is part of South Australia's undertaking as part of the Council of Australian Governments (COAG) in 2015 to develop a national domestic violence order scheme to provide for the automatic recognition and enforcement of domestic and family violence orders in any state or territory.

It is noted that there is a central database known as CrimTrac that has been operated by the commonwealth under minister Keegan. In regard to intervention orders, they are orders that can be issued by a police officer or a magistrate if it is reasonable to suspect that the defendant will, without intervention, commit an act of abuse against a person, and the issuing of the order is appropriate in the circumstances. The act provides for protection from physical forms of violence but also from emotional or psychological harm and an unreasonable and non-consensual denial of financial, social or personal autonomy. For example, an intervention order may prohibit someone from being on or within premises at which the protected person resides or works.

In regard to the commonwealth, all commonwealth jurisdictions have similar laws that allow for orders to protect victims of domestic violence. At present, a DVO (a domestic violence order) issued in one jurisdiction can be registered and enforced in another. This is an additional process that the victim undertakes and involves additional court procedures, and this can put some victims off in regard to the fact that they have to have an extra court process.

Legislation to support automatic recognition of DVOs across Australia was developed by the National Domestic Violence Order Scheme Working Group, and a model provisions bill was subsequently endorsed in 2015. The model provisions reflect the following agreed policy principles:

- 1.A DVO made anywhere in Australia, or a New Zealand DVO registered anywhere in Australia, is nationally recognised and enforceable;
- 2.A DVO that is nationally recognised can be amended in any jurisdiction, but only by a court;
- 3.If a DVO made in one jurisdiction is enforced, a new order can (if necessary) be made in another jurisdiction, but only by a court; and
- 4.The last order in time prevails.

In regard to the model provisions, this bill is similar and it enables the automatic recognition and enforcement of interstate DVOs in South Australia. The automatic

scheme, it is noted, only applies to domestic violence orders, not personal violence. It was in late 2015 that the government was going to conduct a review in respect of domestic violence laws and policies, including the implementation of Clare's Law, which the deputy leader has spoken about today.

We have run an inquiry in the Social Development Committee in this place on domestic violence, and I was part of that committee process. We heard a lot of confronting stories and a lot of confronting issues, and I salute all the people who reported to our committee. It took a lot of courage in a lot of cases for these people to present. One thing that has been highlighted to me time and time again is the fact that, because of the work of the Social Development Committee and work throughout the community, through our police force and people working in the field in non-government agencies, domestic violence cases are being brought to light more often. It may not be the fact that there is an epidemic of domestic violence, but I think it is more the case that people are more comfortable in reporting it because obviously this can be a very personal matter.

I note that the deputy leader has introduced a bill in the past to provide a fixed date for intervention orders and this has been rejected by the government on the basis that they are conducting their own review. We have not seen the issues paper in regard to that, but we do note that automatic recognition of domestic violence orders is a good idea. However, the central database should not be clogged with orders that are no longer relevant or required. I think they do have a lot of consequences where these old orders basically stand for life and I think it is something that should be looked at.

In regard to the committee work into this and from the Social Development Committee inquiry into domestic and family violence, I want to make a few points. I quote from part 1, the executive summary of the report:

The committee noted the process underway at the Council of Australian Governments (COAG) to develop a National Intervention Order Scheme to ensure that an Intervention Order/Protection Order issued in one State, or Territory, would be applicable in others. The committee holds the view that there needs to be greater consistency across jurisdictions and, that this work should be expedited.

Page 92 of the report, looking at the 2010-2022 plan, states:

Commonwealth, State and Territory Ministers, accountable for reducing violence against women, are responsible for overseeing the implementation of the Action Plans by monitoring and progressing key cross-jurisdictional and national actions, sharing information and good practice, partnering with relevant ministerial colleagues within jurisdictions and at a national level and working with relevant councils under the COAG system.

In regard to the second action plan, which is on page 103 of the report, moving ahead to 2013-16, it states:

The committee endorsed the recent announcement of the commitment to develop a National Domestic Violence Order Scheme to ensure that an Intervention Order issued in one jurisdiction will be recognised in all Australian jurisdictions. This is especially important for women and children who cross borders to escape an abusive partner, or family member, and/or the perpetrator crosses State and Territory borders.

In regard to family violence intervention orders on page 151 of the report, I quote:

The Commonwealth Government has committed to making Intervention Orders, or Domestic Violence Orders (DVOs) as they are called in some jurisdictions, consistent across all Australian jurisdictions. They are currently working with all States and Territories to develop the legal framework that will enable the automatic recognition and enforcement of domestic and family

violence orders. This will remove the current requirement for victims to register them in order to make them applicable in jurisdictions where they were not originally issued.

In regard to some committee comment on page 163 of the report, I quote:

The committee endorsed the work of the COAG Advisory Panel on Reducing Violence against Women and their Children to provide three reports leading to the development of a nationally consistent Intervention Order scheme. It is concerned that the timeframe for the completion of this work has yet to be established.

In regard to intervention orders on page 166 of the report, I quote:

It is recommended that the South Australian Government lobby the Commonwealth Government to ensure there are consistent and sufficient penalties across all jurisdictions for breaches of Intervention Orders.

It was certainly something that was highlighted to the committee in regard to the cross-jurisdictional powers that police may or may not have. It does create difficulties when dealing with domestic violence orders. We heard of pretty close relationships down at Mount Gambier with their colleagues in Victoria, as well as our police in either in the far north of the state or the west of the state working with their colleagues, whether they be in the Northern Territory or Western Australia.

The current situation does provide a lot of headaches for our police on the ground and I certainly think this legislation is very much a step in the right direction. It will certainly streamline the way intervention orders are managed across the country. I notice that SAPOL has lobbied this bill through to the Attorney-General and the parliament. I think it will only benefit the situation in managing domestic violence, not just in this state but across the country. It is a scourge and it has to be stopped.

We must do all we can to end this scourge because it is, essentially, killing our children and their mothers. It is a terrible thing and the more we can do and the more recommendations that can be taken from the social development report that was filed here in the last couple of months, the more we can do for the benefit of all our society. This includes perpetrator programs, but also, as I have said before, it is about education programs.

I note the advertisements that have been on television recently about getting to children and that is where you need to start—getting to children. It is not okay to be bullies in the schoolyard. It is not okay to beat up on someone of the opposite gender. People need to get it into their head that that is not the right thing to do. The more education we can do hopefully will mean that later on it is less money that we have to spend at the policing and protection end, because at the moment most of the money in regard to domestic violence goes to the crisis end of management.

Coming from a regional area, I know it is hard for regional areas to have safe houses because, like anything in a regional area, most people know what is going on virtually as it happens because that is the way the bush telegraph works. To have safe houses in regional areas is tough. I know they are there, but it is very hard to keep people safe, so a lot of the time motels are used at great cost.

I would also like to acknowledge the work of the Multi-Agency Protection Service. One of the highlights I saw, in being involved in the committee, was talking to not just the police, who are the lead agency, but to all of the agencies that work there on a shoestring budget. I hope that on Thursday we see some more funding go that way in the budget because I think they do excellent work.

It is something you do not see very often—multiple agencies in one room working together instead of the silo mentality. They are doing magnificent work, and I will certainly be pleased if I can see a positive outcome for MAPS in the budget because that is certainly where it needs to be. They are at the front line, receiving 400 or 500 contacts a week in regard to domestic violence. I know they are not the only way we can combat domestic violence, but certainly at that crisis end they are doing magnificent work and should be applauded for it.

With those few words, I think this will be good legislation for moving us on our journey against domestic violence. May it have a speedy passage through the house.