

CRIMES (DOMESTIC AND PERSONAL VIOLENCE) BILL 2007

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Agreement in Principal

16 November 2007

Hansard Extract

Ms JODI McKAY (Newcastle) [12.32 a.m.]: I support the Crimes (Domestic and Personal Violence) Bill 2007. One of the most important reforms introduced in this bill is the creation of a new separate Act to deal with domestic violence offences. Currently the apprehended violence order [AVO] legislation forms part of the Crimes Act 1900, and is located in part 15A, sections 562A to 562ZZX. As announced by the Premier in March 2007, the Government is introducing a substantial number of reforms to apprehended violence order legislation to provide improved protection to victims. This has provided a good opportunity to revisit the issue of whether there should be a separate Act dealing with domestic violence issues.

Today my colleagues have spoken about the priority the Government places on domestic violence reform. It is important in any debate related to domestic violence issues to speak about the work of local police, government departments and non-government organisations in support of victims of domestic violence. In the past month I saw some of that work in my electorate of Newcastle when the support worker from Newcastle Family Support Services brought a young woman to my office who had fled a difficult relationship. She was an extraordinary woman actually. She told me her story, not because she wanted my assistance, but she wanted me to know about the situation that she was facing and which she believed was prevalent in our society.

This woman had fled a difficult relationship, leaving her three children behind. Her family was from a non-English-speaking background and she was supporting her disabled parents. She had been trying to find a home and support for herself. She had applied for 79 private rentals within the Newcastle area and had been knocked back on every one because she did not have a rental history. She had been sleeping in her car for six weeks. What made her story so extraordinary was that she also had a brain tumour, so her circumstances were unique in their extreme but her courage and desire to bring her story to the attention of people like me was incredibly courageous. As a result, last week she told her story to a real estate forum held in Newcastle. Her story was so moving and heartfelt that there were tears in the eyes of those from the property and real estate industry. As a result, we were able to talk to the people of Newcastle in that industry about the support of the Department of Housing to people such as this extraordinary young woman.

It is important whenever we talk about domestic violence and such issues that we acknowledge the real people, the people who are on the front line assisting people like this young lady. As we all know there have been many amendments and additions to apprehended violence legislation over many years and, as a result, the

drafting of legislation has been somewhat piecemeal. As noted by the Law Reform Commission, the construction of part 15A is confusing and unwieldy and many of the provisions are difficult to navigate and are cumbersome. Additional difficulties arise for practitioners and police as to what procedural legislation applies. For example, the Criminal Procedure Act 1986 does not apply to apprehended violence orders, rather it is the Local Courts (Criminal and Applications Procedure) Rule 2003.

In order to make matters clearer and avoid error and cross-referencing, the new Act will act as a one-stop domestic violence legislation, and will include application processes for apprehended domestic violence orders and apprehended personal violence orders. It will include procedure for revocation and variation, an offence of contravene an apprehended violence order, service provisions and cost provisions. The creation of a stand-alone Act for apprehended violence orders means that the Act is easier to amend as future amendments would be less likely to have unintended consequences on the provisions in the Crimes Act 1900. Many other States and Territories have designated Acts for protection orders, restraining orders and breaches.

These laws have been regarded as easy-to-find and user-friendly for both police and practitioners. A stand-alone Act in New South Wales will have the benefit of a clearly stated and prominent objectives clause, and a readily accessible index. The new standalone Act contains the word "crimes" in the title, which emphasises the seriousness of domestic violence and gives prominence to the legislation. Combating domestic violence is one of this Government's highest priorities, and the creation of a new Act reflects the importance that the Government attaches to law reform in this area. I commend the bill to the House.