



Speech by

Barbara Stone

MEMBER FOR SPRINGWOOD

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CRIMINAL CODE (ABUSIVE DOMESTIC RELATIONSHIP DEFENCE AND ANOTHER MATTER) AMENDMENT BILL

Ms STONE (Springwood—ALP) (7.35 pm): Every day there are women around our country experiencing domestic violence. The decision to pack up and go or to report a spouse or partner for domestic violence is not an easy one. It is often a decision that is too difficult to make for various reasons and people stay and endure the abusive behaviour. It is a difficult decision to take one's children out of their family home, perhaps out of their school, away from their family and friends. It is a difficult decision to run from a violent relationship when one has very little income, self-esteem or support. Staying in the violent relationship is usually easier. That is why it is so important that we empower women to take control of their finances, to be confident in being independent and to be confident to seek assistance and speak out. For some this can be too difficult, and staying in an abusive relationship for a long period of time can actually lead to victims breaking and attacking the abuser, some with lethal force.

Over the years I have heard the member for Gregory speak with passion in this House about the large number of women in our prisons due to the abuse they have endured from their spouses for a long time and who could not take it anymore and have retaliated, resulting with them being charged and convicted. He has always said that their circumstances should be acknowledged and taken more into account in our judicial system, and he is right. This bill will allow for this to happen.

The bill will introduce a new partial defence to murder which will apply to victims of seriously abusive relationships who kill their abusers. The defence will only be available where the accused has killed a person; the person killed was in an abusive domestic relationship with the accused and had committed acts of serious domestic violence against the accused in the course of that relationship; at the time of the killing the accused believed his or her acts were necessary for their preservation from death or grievous bodily harm; and there were reasonable grounds for this belief having regard to the abusive relationship and all the circumstances of the case. Where no other existing defence or excuse operates to assist these victims, those who kill in the circumstances outlined in the defence will be convicted of manslaughter instead of murder and therefore allow a court to exercise a broader sentencing discretion.

It is true that many of us would prefer more support for families caught in an abusive domestic relationship, more support for families to make that decision to do something before it actually reaches the point we are discussing here tonight. Our police officers are the people who deal with this on a daily basis. In Logan I have only heard praise for the job that they are doing to assist families in this situation. I thank them for their compassion and the valuable assistance they are giving to families in abusive relationships.

I also want to thank a group of women in Logan who are helping to support victims of domestic violence. Soroptimist International Logan, of which the member for Woodridge and I are members, works very hard in assisting families who are dealing with abusive relationships at home. I thank Dr Jan Stewart who allows us to gather at her place several times throughout the year to pack toiletry bags. These toiletry bags are then distributed to women and families who have fled a domestic abusive relationship. All of the toiletries are donated by the members of Soroptimist International Logan. It is quite a social morning, usually a Saturday. Once the work is done we can sit and enjoy a cuppa and a great discussion. I applaud

the work of Bev Ditton, Diane Fensome, Tania Gibson, Cesarina Gigante, Sharon Hansen, Dr Edina Hatunic, Wendy Lihou, Sandra McNeil, Heather Park, Janet Poole and Sue Andrews in supporting local, national and international programs that aid to improve the lives of women and families.

I acknowledge that the defence will be the first of its kind in the country and will operate to provide legal protection for victims in this category of offending. That is something about which all of us in this House and, in fact, in this state should be proud. It was not that long ago that we as a society did not talk about domestic violence but instead often made women and families feel ashamed. This only demonstrates how important this bill is for our state and our country.

This bill also deals with the possession of equipment for the purpose of obtaining information for identity fraud. It is an offence to obtain identification information with the intent to commit identity fraud, but there is nothing for the possession of equipment such as a skimming device that has not been used. This will now be covered with the prosecution to prove that the equipment was possessed for the purposes to commit an identity theft offence. With those few words, I commend the bill to the House.