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Domestic violence Bill
‘lacks safeguards’

An amendment to the Domestic Violence Bill would force police to make judicial decisions which could ultimately impact on the effectiveness and purpose of restraining orders, according to Opposition Leader Jodeen Carney.

The Government introduced the Bill into Parliament today.

“The Government has strange ideas about what constitutes success in the sorry story of violence against women and children,” Ms Carney said.

“The Police Minister has told Parliament that there were 39 domestic violence orders granted in 1999 under the CLP Government. He seems delighted that that number has now escalated to ‘the hundreds’ under this Labor Government.

“Violence against women and children is out of control in the Territory and this Minister has no idea how to stop it.”

Ms Carney said the alterations to the Bill could create conflict for police in fulfilling their role under the Act. Territory women’s legal services have also raised serious concerns about the Bill’s amendments.

“Providing police with judicial power to issue a restraining order has the potential to conflict with their role of assisting the defendant to apply to revoke or vary the order and to prosecute breaches of orders, particularly in remote communities,” Ms Carney said.

“The Bill needs to have guidelines in place to protect against police having free discretion to approach a court or magistrate to make an order.”

Ms Carney said that her concern was that the long-term gradual assumption of judicial powers by police had the potential to undermine the system, and ultimately the protection of women and children.
“The Domestic Violence Act provides for the mandatory minimum sentences for breaches of orders. However these will not apply until the orders are confirmed by a magistrate,” Ms Carney said.

“Should considerable time delays occur then this could have serious implications for women and children’s protection from violence.”

Ms Carney said there was currently an ongoing comprehensive review of the Domestic Violence Act occurring and she was concerned that the suggested amendments might have on that review.