



Honourable Yvette D'Ath MP
Attorney-General and Minister for Justice
Minister for Training and Skills

In reply please quote: 572305/1, 3875136

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Mr Neil Laurie
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Dear Mr Laurie

I refer to e-petition No. 2720-17 tabled in the Legislative Assembly on 9 August 2017 and paper petition No. 2816-17 tabled in the Legislative Assembly on 24 August 2017 titled '*Penalties for witnesses who fail to report serious indictable offences*'.

I appreciate the petitioners raising this matter with me and acknowledge their genuine concern for the safety of people experiencing domestic and family violence.

I can assure the petitioners that the Government remains committed to implementing the recommendations of the landmark report: *Not Now, Not Ever: Putting an End to Domestic and Family Violence in Queensland*.

A key focus of the reforms has been to shift community attitudes and behaviours to ensure people across our communities are equipped to call out and respond to domestic and family violence.

The Government has developed the Domestic and Family Violence Engagement and Communication Strategy 2016-2026 (Strategy) to drive cultural change in relation to domestic and family violence. The Strategy was developed in consultation with a broad range of experts and includes elements to target specific population groups, including bystanders (i.e. people who witness domestic and family violence).

As part of the Strategy, the Government is developing a Bystander Campaign to encourage all Queenslanders to become active and effective bystanders by building their:

- knowledge of what constitutes domestic and family violence; and
- commitment, capacity and confidence to take safe and appropriate action in response to domestic and family violence.

The petitioners may be interested to know that Queensland's Criminal Code contains a number of offences which may be relevant in some circumstances where witnesses fail to report a serious indictable offence.

For example, section 132 (Conspiring to defeat justice) of the Criminal Code makes it an offence for any person to conspire with another to obstruct, prevent, pervert, or defeat, the course of justice. The offence is punishable by a maximum penalty of seven years imprisonment.

(2)

Section 133 (Compounding an indictable offence) of the Criminal Code applies to any person who asks for, receives or obtains (or agrees or attempts to do such things) a benefit of any kind for themselves (or for another person) in exchange for an agreement or understanding that they will conceal an indictable offence. It is also an offence under this section for the person to abstain from, discontinue, or delay any prosecution for an indictable offence, or to withhold any evidence of the offence. The maximum penalty for the offence ranges from three to seven years imprisonment, depending on the offence that is being concealed.

It is important to acknowledge that both victims and witnesses of crime may not report criminal offences, or attempt to prevent them from occurring, for a variety of complex reasons, including a genuine fear of reprisal and concerns for their own safety.

The aforementioned provisions are also in addition to other existing legal requirements in Queensland around the reporting of allegations of child abuse for selected classes of people. For example, the child protection mandatory reporting obligations contained in the *Child Protection Act 1999* apply to teachers, doctors, registered nurses, police officers with child protection responsibilities, a person performing a child advocate function under the *Public Guardian Act 2014*, employees of licensed care services, and early childhood education and care professionals.

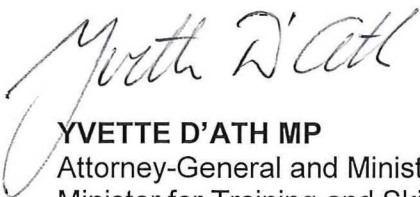
I note that recently, Coroner John Hutton made a recommendation to the Government that an offence similar to section 155 of the *Criminal Code Act* (Northern Territory) be introduced in Queensland. That is, an offence to capture circumstances where a person fails to provide rescue or help to another who is urgently in need of it and whose life may be endangered.

The Government is giving careful consideration to its response to the recommendation and the complex issues that it raises.

Again, I would like to thank the petitioners for raising this matter with me.

I trust this information is of assistance.

Yours sincerely



YVETTE D'ATH MP
Attorney-General and Minister for Justice
Minister for Training and Skills