

Roma Britnell: law reform needed to better protect women



Hundreds of people turned out for the March4Justice gathering on the Warrnambool Civic Green. Image: Emily Bissland/ABC South-West Victoria.

This is a slightly edited version (for brevity) of South West Victoria MP Roma Britnell's speech to State Parliament on 18 March 2021, following the March4Justice rally:

Ms BRITNELL (South-West Coast) (14:44): I rise to speak on the Cemeteries and Crematoria Amendment Bill 2021. The purpose of this bill is to protect affected persons against further significant harm, pain or suffering that may be caused as a result of the exercise of a right of interment...

This bill effectively has come about as a result of a shocking case of the murder of a woman by her husband. A headstone was

placed on her grave which had 'In loving memory' or words to the effect that her husband was respectful, and there was nothing further from the truth. It was upsetting for her children, her family, her brothers, her sisters. Obviously it was completely inappropriate.

Not only that, but the man who murdered her, her husband, had the right to in time, when he died, lie beside her. So it makes complete and utter sense to change that for those who have been, like in this case, murdered, harmed, and in some cases it even applies to a victim of sexual assault, where a family member may be able to lie beside them. That is completely wrong, and this bill goes exactly to where that needs to be changed. This discussion actually happened before Karen's death. In 2016 the Victorian Law Reform Commission made a recommendation. That was five years ago, so it is a real shame that it has taken the government this long to fully adopt—which is what we are doing here—those recommendations. It is simple, and it has been far too long coming.

This makes me think about what we are really doing to support women. Are we doing enough? Clearly we are not.

Not when you see the figures that my colleague the member for Lowan just raised in her speech around the people who are victims of family violence. They are on the increase. Violent crime stats just out today demonstrate the increase in family violence, not decrease, of those cases that are being reported to police. It is just not okay. Women have the right to feel safe. They have the right to feel safe wherever they are, be it at work, be it on the street or be it at home. Are we doing enough? Clearly we are not.

I was at the March 4 Justice just this week with my colleagues, and I back the fact that we as a group of community members, as females together—both sides of this house—must work together. Colleagues—be it my male colleagues, my female colleagues—we can all do so much more...

There was a real white-hot anger at that rally, and I could feel the women just so intent on making a change. You can understand the anger, particularly from women who were present who have been abused. Sexual assault is a really serious crime, and we are not seeing the results in convictions that we see in other serious crimes like murder. Why is that?

I am reminded of when I was at school in year 11 studying legal studies, and I remember learning about momentous change that was happening in the legal system where, for the first time—and I learned this I reckon in 1983—women, instead of being in the box facing their perpetrator, could actually do what was called a hand-up brief. The very fact that it was called a hand-up brief or is still called a hand-up brief—I know it is a fairly common legal term still; I am not sure if it is the right one anymore—is kind of bizarre in itself.

What it means is that women, instead of facing their perpetrator, could write their report and hand it in as a written format rather than as a verbal format in front of the perpetrator—a great and momentous change. But it made me think: have we done enough? I know we have got the Royal Commission into Family Violence results and we have had 227 recommendations, 64 of which are still to be implemented, but have we really actually looked at what we can do?

I suggest we get the legal minds of this state and perhaps this country together—the brightest and best—and look at the meaningful reform we really need to have so that we get the convictions just like we get in other serious crimes. Because it makes no sense that we are not getting the same level of convictions. It is not that the women are making it up, it is not that it is not true; it is that we need to find ways to support them.

There must be an opportunity for us to look around the Western world and see how other nations are perhaps doing it better. I am not saying we should undo the very important rules of law

that we have in place, the foundation of our very democracy, but I am wondering: have we really put those minds together and formed a panel that can actually do that review?

I think it is time we made a difference, and I believe that meaningful reform is absolutely possible. I had in my office just a few weeks ago a woman who was terrified for her safety. The intervention order that she had out on her husband was coming to an end. I do not want to give any more details than that, but it struck me as strange that she was relying on that IV0. She was terrified for her life and she gave me lots of reasons and stories that made me also very concerned about her life. The very fact that she was being put into such a fearful place really sent a chill down my spine. I wrote to the minister that day with a sense of urgency, via email, which obviously is instant. I am actually still waiting to hear back, and I think it was three weeks ago. So we must be able to do better.

I know we have got to support our women, and sexual abuse, murder and being treated like this woman was—with absolute fear—is no way for any human being to live.

I think the bill does do one thing that will help change what has happened to Karen, and I pay my respects to the family for the pain and suffering that they have gone through, which no family should have to go through. But it is time, well and truly past time in fact, to make these changes. I hope that we do more than make these changes in this legislation, but we look at the figures today of 1800-plus people being treated by ambulance call-outs in the 2019–20 year that are victims of family violence where 30 per cent of children are actually witnessing these events.

We need to support women so they can call these situations out early, know that they will get help and not be like another woman who came to my office having left a marriage situation where there was a lot of emotional violence and withdrawing of

ability to see friends and withdrawing of finances. Four years later she said to me, 'I'm couch surfing and I really did think, given all the support they talk about for women, that I would at least be supported with a home'. After 3½ years of couch surfing, for the last six months she has joined up with her friend, pooling their funds and living in motels. But she is on a national disability insurance scheme package. She cannot drive. She has to walk to services that do a great job, she said, supporting her. She cannot move out of the area because those support services are critical for her disability. But come May when we have the May races in Warrnambool, when the motels are full, she is out on the street.

And that is just last week's story.

How many stories do we get in our offices where we are just not doing enough? She left her husband in that abusive situation—it was not physical abuse, it was emotional abuse but fairly significant—believing that she would be supported, because that is what we say to women these days. But it is not; it is just not happening enough and that was why the rally occurred.

We can do more, and my suggestion is we get the best legal minds in our nation together, particularly in the state of Victoria, and lead the way of finding better ways to support women. That hand-up brief, the example that I spoke about, was 35 years ago at least. So I think it is time for change, and there are ways to do that.

[Note, this is an uncorrected proof from Hansard, so may have minor changes in the final published version.]