

FAMILY VIOLENCE LEGISLATION REFORM BILL 2019

Third Reading

Resumed from an earlier stage of the sitting.

The ACTING SPEAKER (Ms S.E. Winton): Member for Armadale, you are champing at the bit!

DR A.D. BUTI (Armadale) [3.23 pm]: I had to obey my Whip and I did not want to bring the debate to a conclusion before it should be.

I also stand to contribute to the third reading debate on this very important legislation before the house. During the second reading debate, a number of people mentioned the terrible murder of Hannah Clarke and her three young children. In my contribution last night, I talked about how one woman a week is murdered in a domestic and family violence scenario and we need to keep the spotlight on them. The member for Morley indicated that in 2018, a mother, her three children and a grandmother were murdered near her electorate. It seems that that has gone out of people's minds very easily and we are not thinking about that. It was a horrific murder of Mara Harvey, three-and-a-half-year-old Charlotte and twins, Alice and Beatrix, and 73-year-old grandmother Beverley Ann Quinn. That was an absolutely horrific murder, as tragic and as awful as the Clarke murder in Brisbane. We must be careful not to just move on. We must keep remembering the tragic scenario and the number of victims as a result of domestic and family violence.

Given Bedford is in the member for Maylands' electorate, she went to the funeral of Mara Harvey and her three children and their grandmother, Mara's mother. The member for Maylands said it was very sad to see the coffins, especially the three little white coffins carrying the three children aged under three and a half. We cannot just move on and forget these murders. We must remember them, implant them in our conscience and use them as a catalyst and motivation to ensure that we continue to do what we can to reduce the scourge of domestic and family violence. The Family Violence Legislation Reform Bill before the house seeks to play a part in this.

As the member for Morley mentioned, and I mentioned last night, legislative reform in this area can provide a certain framework and seek to achieve certain objectives, but, of course, it cannot be the whole solution. All Australian states enacted domestic and family violence laws in the 1980s and 1990s. Western Australia's first piece of legislation in this area was the Restraining Orders Act 1997. Interestingly, if we surveyed the legislation in this area, we would see that most family and domestic violence legislative regimes across the country include objectives that this legislation seeks to achieve. The Family Violence Legislation Reform Bill 2019 amends nine separate acts and covers six ministerial portfolios. It covers all major areas, which can be seen as the objectives—for example, ensuring that perpetrators of family violence are held to account, keeping victims of family violence safe, ensuring a responsive justice system and improving the Restraining Orders Act, which, as I said, was our first piece of legislation in this area in 1997. Interestingly, the Restraining Orders Act 1997 did not initially include an objective clause. Its second reading speech stated that the first three matters were the primary consideration—that is, to protect the applicant from personal violence; secondly, to prevent behaviour that could reasonably be expected to cause fear that the applicant would suffer personal violence; and, thirdly, the welfare of the children.

Most legislation across Australia over the 1980s and 1990s includes objectives that seek to do various things, such as ensuring, facilitating and maximising the safety and protection of persons, including children, who fear or experience family violence or are exposed to it; reducing or preventing family violence and the exposure of children to the offence of family violence; ensuring that people who use family violence accept responsibility for their conduct or promoting the accountability of those who use family violence for their actions; enacting provisions that are consistent with certain principles underlining the declaration on the elimination of violence against women and with the United Nations Conventions on the Rights of Children; providing special police powers of arrest, detention and searching in connection with issues; serving and enforcing protection orders; and, further, protecting persons suffering or witnessing family violence in the giving of evidence and protection of identity. The bill that is before the house seeks to achieve many of those objectives found in various pieces of legislation across Australia. This bill is significant and comprehensive because it seeks to do many things. It is gratifying that the opposition has indicated its strong support, hopefully, for this bill that has been carefully crafted by the Attorney General and the Minister for Prevention of Family and Domestic Violence. As I mentioned yesterday, one has to take a whole-of-government approach to tackle family and domestic violence. This bill is very important in setting up the legislative regime that will seek to help victims of family and domestic violence, protect people from being the subject of family and domestic violence, provide appropriate support to victims and ensure that the justice system responds in an appropriate manner. They are very important things, but as mentioned by the member for Morley in her contribution before question time, we have to change attitudes. There is the debate: "Well, what about men? They are victims of domestic family violence." Yes, they are, but the overwhelming majority of victims of family and domestic violence are female. We can play around with the definitions of what constitutes family violence or domestic violence, but in intimate relationships, there is no doubt that women are overwhelmingly the victims of violence. Often, when we enlarge it to include all family violence statistics in which men are victims, the cases often involve

a father and a son, two brothers, or an uncle and a nephew and so forth, which are different relationships from an intimate relationship between two partners; that is very important to note.

Education is necessary to change attitudes. This government went to the last election promising many things in this area. We promised that we would administer specifically for the prevention of family and domestic violence because it is important to not only instigate policy in this area, but also coordinate policy across the various portfolios. We cannot act in silos. That has been the problem with past ministers who have thought of doing X and Y when the issues are interconnected across portfolios. One of the main areas to focus on is education. That is why it is important that the various arms of government that are responsible for education work together. Of course, that would involve not only the Minister for Education, but also ministers from other portfolios, such as the Minister for Women's Interests. Education might also be important with regard to how women are treated in regional areas. That policy needs to be coordinated. A legislative framework is incredibly important and something that Parliament can do; we are here to legislate, and that is fine, but as mentioned by others, including the member for Morley before question time, the key in the end is to change attitudes. We need to educate those people who engage in violence that it is just not tolerated or acceptable. The more we can do in that field, the better it will be for everyone.

In conclusion, we need to provide support services. In the minister's third reading speech, she mentioned the various services that this government has instigated since its election in 2017, which are in accordance with the policies that Labor took to the election. That is very important to note, as are the addition of two refuges—one in Mandurah and the other in Kwinana—and a new Communicare Breathing Space behavioural change centre. Where is that going up, minister?

Ms S.F. McGurk: It will be in Maylands.

Dr A.D. BUTI: That centre in Maylands is very important, because if we are seeking to prevent and reduce family and domestic violence, we need to work on the perpetrators.

In concluding my remarks, members of this house have been very supportive of an event that has been going on for five years called the Ride Against Domestic Violence. This year is its fifth anniversary and members who have been involved have included the former member for Darling Range, Tony Simpson; the members for Bateman and Dawesville; the Minister for Health; and me. We have all ridden in that event and we have had great support from the members for Vasse, Bunbury and Mandurah and the member for Fremantle, who is also the Minister for Prevention of Family and Domestic Violence.

Ms S.F. McGurk: I came along and drank coffee.

Dr A.D. BUTI: She did indeed. The member for Perth's support has also been very important because we have been finishing at Parliament House. One year we finished in the electorate of Victoria Park, so the Treasurer, the member for Victoria Park, also supported us. During those five years, we have provided financial assistance to about seven or eight refuges and raised in excess of \$270 000, which is a good contribution. This year is the fifth anniversary and I am more than happy for members of Parliament to donate to the cause. I am sure that I will see the members for Dawesville and Mandurah there, but I have to talk to the member for Mandurah because we are not going through his electorate this time. I am sure he will be involved in one way or another. Anyone else who may wish to be involved is welcome. We are supporting a new refuge this year that I think is in the member for Belmont's electorate. I will let her know a bit more about that later.

The legislation that is before the house is fantastic. It is really heartwarming to see it receive support from both sides. We have to tackle this issue in a comprehensive and coordinated manner, which is what this bill seeks to do.

MR D.A. TEMPLEMAN (Mandurah — Minister for Local Government) [3.37 pm]: I want to speak about the Family Violence Legislation Reform Bill 2019 as the member for Mandurah. It is important to make a contribution on this bill at the third reading stage. It is also important that we acknowledge the contributions that have been made during both the second reading and the consideration in detail stages with the interrogation, if you like, of the Attorney General. I want to acknowledge not only the member for Hillarys for his support of this bill, but also the bipartisan way in which this bill has been approached. We are all aware that family and domestic violence is an issue that has ongoing concerns within our community. I am particularly aware of the statistics on family and domestic violence in my constituency in the Peel region. I am pleased to report to the house on two key things. The first is the response by the McGowan government since coming to power in 2017 and the impact of its election commitments and the policies and programs that have been implemented and focused on. They are having and will continue to have an important impact on my community.

The McGowan government made a specific election commitment to deliver a new women's therapeutic refuge to my community. For over 30 years, Pat Thomas House, now renamed OVIS Community Services, has done a remarkable job in providing emergency responses to children and women escaping family and domestic violence in the region. Over that 30-year history there have been some remarkable people, some of whom I have got to know personally.

Some have passed on, including the late Blanche Kyneur, who, for a number of years, not only was a City of Mandurah councillor with whom I served on the City of Mandurah council, but also worked at Pat Thomas House. She passed away in the early 2000s. Her contribution as a staff member and her advocacy on the serious issue of family and domestic violence was remarkable and admirable, and she left a great legacy. Over a long time, the administrative staff of Pat Thomas House have worked diligently to ensure that they not only respond to support women, children and families impacted by family and domestic violence, but also advocate for the issue more broadly. I am very pleased that we, as a government, will deliver a second refuge. In many respects it is sad, because we do not want refuges. We want women and children to live in Western Australian communities without the threat of financial, physical and other abuses. However, the sad reality is that we need it and I am proud that we will deliver it. Very soon we will commence the construction of that new therapeutic centre. It will be based upon leading-edge approaches to addressing family and domestic violence. I am very proud that it will be delivered by a Labor government, because for over 30 years we have had only the one women's refuge in Mandurah. I look forward to the entity of the new service—Pat Thomas House, now OVIS Community Services—working collaboratively with government to make sure that we continue to always focus on women, children and other people who will need those services in the future.

I listened very intently to the member for Morley and appreciated her comments. One of the things she asked was: what are we all doing? I proudly say that people in the Peel region are doing some remarkable, leading-edge stuff, particularly in embracing community support for taking a whole-of-community approach to this appalling issue that faces Western Australian and Australian communities. Peel Says No to Violence is a strong network of organisations and individuals that is absolutely focused on working together as a community to address this serious problem. I am very pleased that all local members of Parliament are part of that. The members for Murray–Wellington, Dawesville and I are committed to and part of that network because we recognise that the only way to do deal with this is with good, strong leadership and advocacy and by continuing to talk about this issue and highlight it as one that affects many people in our communities. I am very pleased that our government, upon coming to power, appointed the state's first Minister for Prevention of Family and Domestic Violence. I acknowledge the member for Fremantle for the tremendous leadership she has shown in this area since being appointed minister and for delivering the government's policy on this important issue. I congratulate the minister and member for Fremantle because I cannot think of anyone better to deliver the state government's policies and objectives. I am very proud to serve in cabinet with her, as we all work toward addressing this issue.

I also put on record my acknowledgement of the new chief executive officer of OVIS, formerly known as Pat Thomas House, Ms Dawn Smith. That organisation has gone through a restructure, or repositioning, if you like, and has been renamed OVIS Community Services. I acknowledge the former executive officer, Jill Robinson. Jill had been with Pat Thomas House for a long time. I acknowledge the work Jill put in because she did a tremendous job. I also acknowledge the staff members she worked with, both present and past.

I acknowledge the important commitments the Labor government made upon coming to power in 2017, including a commitment to Allambee Counselling in Mandurah. No previous governments had committed to fund that counselling service, particularly for children affected by family and domestic violence. In the lead-up to the last election, the Labor party committed, through the member for Murray–Wellington and I, that if we were elected, we would provide more than \$1 million over four years to Allambee Counselling in Mandurah because we knew that the ongoing support for children impacted by family and domestic violence was crucial. The impact can be catastrophic and leave ongoing scars. That was an important commitment that we made and we are now delivering on it. I again thank the member for Fremantle for her understanding of why that election commitment and promise was important.

In looking forward, and in the spirit of this bill, which, of course, adds further to the government's commitment to address this insidious issue that faces communities throughout WA, I put on record my acknowledgement of the many people who have worked on it over the last 30-plus years that I have been living in Mandurah, including the work of past and present board members, staff and volunteers at Pat Thomas House, because they have done a remarkable job. I also very much look forward to the new therapeutic service that will be in operation next year. The construction will start very soon. I thank the tremendous effort and work of those who are committed to Peel Says No to Violence. In October last year, the minister addressed the Peel Says No to Violence march as the guest speaker. If members want to look at a model for how a community can respond to this issue, in the flavour of the comments of the member for Morley, I say look at Peel and what it has achieved as a community by working together with the first responders, be they medical, police or emergency services. Look at what we have been doing in Peel, because it is an excellent model that other communities might look to in order to address this issue as a whole community. It requires government resources and we now have those and we are getting more with the new service, but it is also about changing the culture and people's mindset. A number of speakers at the second reading stage, and also during the interrogation of the Attorney General during the consideration in detail stage, understood that this was a collective effort that must be sustained. I take note of the comments some members

made about making sure that good men call out appalling behaviour. That is a responsibility of all men, old and young. I was very impressed when Rhys Williams, the then new Mayor of Mandurah, also addressed the Peel Says No to Violence silent march in October 2018, the year he was elected. As a young man, he talked about the importance of young men calling out behaviour that they know is wrong among people in their network. I thought that was a very powerful message because it is important that it comes from young men, and older men—all men—because it will make a clear difference in the culture that exists among some people around the state.

I am proud of what we are doing in Peel and Mandurah. I am proud of the McGowan government's commitment to this serious issue. We have already got a track record on it and we call upon the community to continue that hard work. As I said, if members want to look at a model that is working well, look at the Peel Says No to Violence model that my community has been embracing, advocating for and taking action on for a couple of years now.

MS J. FARRER (Kimberley) [3.49 pm]: I rise to support the Family Violence Legislation Reform Bill 2019. When I came into Parliament in 2013, I outlined in my maiden speech that I was raising 13 children. Four of those children belonged to my sister, who died at the hands of a domestic violence perpetrator, and I ended up being their carer. It has taken me a long time to understand how the law works, but as the years progressed, I stood up in Parliament again on 7 September 2016 and spoke about domestic violence and the devastating long-term effects it has on the victims, families and the wider community. These effects may not be visible immediately or in the short term, but, later on down the track, exposure to domestic violence shows. There are children who witness domestic violence on an almost daily basis and they grow up seeing this as the norm.

In the Kimberley, where I come from and where I represent the people who live there, more than 40 different languages are spoken. Sometimes we find it very hard because there is no funding to provide interpreting services that should be in place to support some of our women. For a lot of women in domestic violence relationships, English is maybe their third or their seventh language, so they are not able to access a lot of information. Over the years I have been mainly concerned and partly annoyed that even though the court system exists, it does not really support some of our women. Due to the remoteness up in the Kimberley, counselling and nurturing is not available and the cycle of domestic violence continues—it continues today. Due to fear, many children leave home when acts of domestic violence occur. That results in many young children being on the streets. They try to support themselves and that often can be the reason so many young children get involved in crime. This is how I believe the court system is failing victims, and the victims include those children.

Many women suffer domestic violence in silence. Those who speak English as a second language can be the most at risk because they are unaware of the support that is available for them. I know many victims of domestic violence throughout the Kimberley who fit into that category. It is so sad in this day and age that those support systems are not there to support our women. I am talking here about Indigenous women. I would like to make that a focus so it is clear and available. There should be an interpreting system that accommodates those women to address some of the issues that they face when they go to court. The process needs to be broken down so they understand what domestic violence is all about, what it does and how it can affect the children. I am talking here about Indigenous women.

In the Kimberley there are other women, aside from Indigenous women, who are subject to this sort of abuse. One case in particular is very disturbing and it has disturbed me for some time. I will not name her or the town in the Kimberley that she is from, but she is a lady who met her Australian husband in her home country. She came back to Australia with him and had two children. He had an affair and left her. She could not speak English and she did not have any identity—maybe that is because the man did not want to give her an identity. She was left with no money. On top of that, her husband got custody of the two children. He remarried and the two children were encouraged to call the new wife “mum”. What happened to that woman, the mother of those children? She started drinking and would get drunk and pass out on the street because she felt she had nothing left to live for. She was regularly sexually and physically abused. Later on, when her husband, who still resided in the same town, passed away, the two children left town with the new wife. This mum, their biological mother, lost all contact with them. She does not know where they moved to. She is a victim who did not know where to go for help or support.

This is a very sad case. All the time we see women coming from countries overseas and marrying Australian men, but when they are battered, they do not know where to go to ask for help or support. In the particular case I am referring to, Aboriginal women who work at the women's refuge ended up taking her in. She was not Aboriginal but they took care of her and tried to get her all the support they could. First of all, she had to be identified—she did not have any of that—to help her get an income. For some of these women, especially those who do not belong to this country, it takes a great deal of courage to leave violent relationships. It is for that reason that I say the court system has failed these women. Restraining orders are only good for those who abide by them. The repercussions for breaching them, and the restraining orders themselves, are not strong enough, but the repercussions for the person who took out the order can be tragic. Sometimes people ask, “Why can't I own the house that I live in, because at least that way I will get some support through the court system to help me and my children?” They are some of the difficult questions that people in the Kimberley ask.

One thing I would like to say is that I am proud that the Labor government has taken this stance on family and domestic violence. I am very proud of the minister who has taken on that challenge. I think there will be some laws put in place to support our women. I speak very strongly about domestic violence because a number of Indigenous women find the system of court trials very challenging and difficult. As I said before, in the Kimberley there are 40 different language groups. I could read them all out or I have a map that shows where all these places are and the different languages that are spoken. This is why we need support. We need funding to support not only Indigenous women who find it very difficult, but also women who come into the Kimberley as partners of some men who are quite brutal in their relationships, especially with the children involved. That is all I will say for now.

The ACTING SPEAKER (Ms S.E. Winton): Member for Kimberley, would you like to table that for the rest of today's sitting?

Ms J. FARRER: Yes, I would love to table that map, because it is a very important issue. Once again, thank you.

[The paper was tabled for the information of members.]

MS C.M. ROWE (Belmont) [3.58 pm]: I am pleased to make a very short contribution today as part of the third reading of the Family Violence Legislation Reform Bill 2019. I would like to touch on something that the member for Kimberley just raised around the courage to leave. It takes an enormous amount of courage for women to actually leave situations of family and domestic violence. I have met with many, many people right across my electorate, from all walks of life, who have sadly been victims of domestic violence. The courage that they show when they take these really dangerous steps to leave is absolutely remarkable.

In fact, one situation really stays with me. When I was doorknocking as a candidate in part of my electorate, a woman answered the door and she was whispering to me because her husband was asleep on the couch right near the door. She was whispering that she was terrified; she was actually shaking as she articulated to me the horrors of her daily existence. I gave her my personal mobile phone number and said, "I implore you to call me and I can find help for you." Eventually she did seek help, but it took her a long time. She came to see me once I became a member of Parliament, but it took her more than 18 months to leave, for the same reason as so many other women—she did not have the financial means to leave, and when she tried to reach out to women's refuges, there simply were no beds available. I find that absolutely heartbreaking and, on many levels, quite unforgivable. We simply need to do more for women.

What I cannot stand is the attitude that seems to persist in our community: "Why doesn't she just leave, especially when there are kids involved?" I put something different to people: "Why doesn't he just stop inflicting violence upon those whom he pretends to love?" This victim blaming that seems to permeate every element of our community is quite disgusting.

Debate adjourned, pursuant to standing orders.