FAMILY VIOLENCE LEGISLATION REFORM BILL 2019

Third Reading

Resumed from 11 March.

MS C.M. ROWE (Belmont) [10.35 am]: I wish to continue my brief contribution to the third reading of the very important Family Violence Legislation Reform Bill 2019, which deals with major reform in the area of family and domestic violence. I will continue my remarks about the courage that it takes women to leave domestic violence situations because, as we know, the most dangerous time for a victim of family domestic violence is when they attempt to leave. Obviously, one of the contributing factors as to why it takes women so long to escape the perpetrator of the violence, being their partner, is their financial insecurity—a lack of real employment—and also a shortage of safe places to go, such as refuges and so forth. I reiterate the statistics on the number of women and children who find themselves homeless as a result of family and domestic violence. Something like 72 000 women and 32 000 children across the country find themselves homeless. There is an advertisement on television at the moment about road safety in which a man is asked to provide an acceptable number of people who die on the roads every year. He comes up with a figure—I cannot remember it off the top of my head, but it is something like 77—and then out walk 77 members of his family, loved ones and friends. The man gets really emotional and chokes up. We need a similar approach in WA to remind the public that these are real people, not just statistics. Seventy-two thousand women is more than the population of some regional centres; it is a huge number of women. It is like the old saying: if we could see the faces of victims, it would be much harder to turn a blind eye. We must remember that the statistics represent people; actual lives are being lost. Every week, one woman in this country dies from family domestic violence, which is 52 women a year. How would members feel if 52 women were in this chamber right here, right now, women whom they knew and loved? It is absolutely abhorrent to picture that. We need to take the time to think about those people, their faces and the lives lost.

I come to the point that I think societal attitudes play a critical role in our lack of action around domestic violence. I think a big part of that has to do with social media commentary, definitely media commentary, and it certainly does not help when those on the frontline take the side of the perpetrator. I refer specifically to the inspector who made abhorrent claims straight after Hannah Clarke's murder. It was Inspector Mark Thompson, who held a number of media conferences regarding the murder of Hannah and her three kids. I will quote an article from the *Brisbane Times*, which states —

> "Our job as investigators is to keep a completely open mind," Inspector Thompson said on Thursday.
>
> "We need to look at every piece of information and, to put it bluntly, there are probably people out there in the community that are deciding which side to take, so to speak, in this investigation.
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> "Is this an issue of a woman suffering significant domestic violence and her, and her children perishing at the hands of the husband, or is this an instance of a husband being driven too far by issues that he's suffered by certain circumstances into committing acts of this form?

Those comments are absolutely appalling. That was some of the most disgusting commentary I have ever seen in my life around this really sad topic. In her final anguished moments, as she was ripped from the burning car—still alive but in agony—Hannah Clarke said, "He poured petrol on me." But this inspector wanted us to keep an open mind that Mr Baxter may have been pushed too far. This is one of the worst examples of victim blaming I have ever seen. Shortly after that, the media jumped on his bandwagon: "NRL star, poor thing, did not have access to his kids." He did not have access to his kids because he was violent and had broken restraining orders. He had kidnapped one of his daughters. There was a reason he did not have access to his children.

The ACTING SPEAKER (**Ms M.M. Quirk**): Member, I will just remind you—I am sure it is a mistake on your part—that we are on the third reading so you need to restrict the contents.

Ms C.M. ROWE: I will draw my comments to a conclusion, but I simply wanted to —

The ACTING SPEAKER: I am not closing you down; I am just saying keep within the normal constraints of a third reading, thank you.

Ms C.M. ROWE: Yes, absolutely. I touched on this in my contribution to the second reading debate—that we can do a lot as a government, and I believe that the Family Violence Legislation Reform Bill is transformative in the way it gives us the ability to really protect women. It will provide tangible outcomes around preventing further murders from domestic violence. However, if we do not have attitudinal change within our society, we will never see an end to this abhorrent treatment of women and children; we will continue to see women die. I strongly implore the community and those in this chamber, as community leaders, to call out this victim blaming because it is simply not good enough. As I mentioned in my second reading contribution, there is always that comment to women, "Why don't you just leave?" We need to call it out time and again whenever we hear that.

The ACTING SPEAKER: Minister for Corrective Services, I think you are probably distracting the speaker. Thank you.

Ms C.M. ROWE: Domestic violence is incredibly complex. It is incredibly difficult for women to try to leave and it is very dangerous. This dialogue that seems to pervade our media, certainly some social services and the police force, as I have just highlighted here, around a woman's failure to protect is incredibly damaging. It makes it harder for women to take the critical step of trying to leave due to the fear that they will not be believed. "Why didn't you just leave earlier?" If a woman does not have trust in the system, and does not have trust that she will be believed, of course it is less likely that she will take those steps to try to leave and start her life again. I wanted to make that point.

Lastly, I wish to acknowledge that Hannah Clarke was desperately trying to leave, to start her life again and had moved in with her parents. Tragically, she had recently put up a social media post saying —

> "I don't respond to people who dictate to me or try to bring me down, I am a survivor, not a victim. I am in control of my life and there is nothing I can't achieve."

Sadly, that is not the case. She did not survive; she could not survive because her violent husband, who continued to breach violence retraining orders, would not allow her to make that break and start her life again, and I think that is terrible. That line, "I am a survivor, not a victim", stays with me.

We really failed Hannah. I am really proud of this legislation because I think it will save lives and I commend the bill to the house.

MR P.A. KATSAMBANIS (Hillarys) [10.45 am]: This is the third reading debate so I will limit my contributions to that. First of all, I have some comments around the consideration in detail stage. I thought that was a useful process. As I outlined in consideration in detail, the amendments to clause 6 and clause 112 of the bill arose out of some discussions we had at a briefing on this bill that had been organised by the minister's office before it was debated in this place, and I think that was a useful process. I thank the Attorney General and his office for taking on board the comments made at the briefing and amending the bill to ensure that clause 6 and clause 112 provide a fair amount of certainty, particularly clause 112. The amendment will be far more enabling than the original provision in relation to the powers of a judge in directing juries, and I think that is a good thing.

The other amendments that were passed in consideration in detail also included adding some clauses. As the Attorney General pointed out, these are precursor amendments in some ways to a process that is about to be developed to assist in electronic lodgement more generally across our court system. The Attorney General himself indicated that the new clauses that were being added were based on the wording of drafting instructions for legislation that still has not appeared before this house. Despite best endeavours, we know that during the drafting of legislation, words change, so I think we both agreed the other night during consideration in detail that it would be great if those words remained the words. If they change, we will have to revisit them. I am sure Parliamentary Counsel will understand that if they do change the wording through this drafting process of whatever bill is in train to assist with the eLodgement of court documents, the necessary amendments will be then made to the Restraining Orders Act, which is being amended by this bill before us. I see the Attorney General has his hand up.

Mr J.R. Quigley: Your other suggestion was about the numbering of those points when we took out clause 6. Do you remember?

Mr P.A. KATSAMBANIS: Yes, I do.

Mr J.R. Quigley: Clauses 5 to 7?

Mr P.A. KATSAMBANIS: Yes.

Mr J.R. Quigley: It has all been corrected.

Mr P.A. KATSAMBANIS: That will be corrected by the elves who run around and fix things up after us.

Mr J.R. Quigley: It's done now.

Mr P.A. KATSAMBANIS: That is good to know for when the bill comes out. I think we removed proposed section 300(6) of the Criminal Code. The Attorney General tells me that the numbering will simply be fixed up; we do not need to do anything procedurally. That is a good thing. I think that consideration in detail was useful. Some things came out of it in relation to reviews. There will be a review after the third year. In a lot of our processes, particularly in the area of court reform and law reform generally, too often we internally review our processes rather than shining a light on them by external review. I do not necessarily think that external review must always be built into legislation. However, in relation to some of the novel approaches that are being introduced, particularly around shuttle mediation conferencing for contested family violence restraining order matters and perhaps around some of the new offences that are being created, an independent evaluation at some point might be useful, whether that is conducted by a university or someone else. I note that the Minister for Prevention of Domestic and Family

Violence in Queensland talked about some of the changes in Queensland. The introduction of the specialist courts in Queensland has been followed up by a series of evaluations. They are on their second evaluation and are awaiting a third. They are independent evaluations; that is, someone else is looking at what the specialist courts are doing, rather than the courts simply looking at their own internal procedures. I think that is sometimes useful, so I hope the government takes that on board.

As I stressed in my contribution to the second reading debate, and as other members stressed, a lot of this depends on the resources committed to it. Family and domestic violence is a horrific and ongoing problem; it is also multifaceted. Some members explained the multifaceted nature of the violence itself, the precursors to the violence and, just as importantly, the ongoing and lasting impacts on victims. We need a whole-of-system approach rather than working in silos, and we need significant commitment to new funding. The Minister for Prevention of Family and Domestic Violence mentioned the Orange Door program in Victoria, which is a new program, so it may or may not necessarily work. The Orange Door program is part of that $1.9 billion commitment by the Victorian government, and is about providing all the wraparound services in a one-stop location, so that people are not running off to legal advice for family matters in one instance and legal advice for violence restraining orders in another, or financial advice, housing advice and the like. That is something that needs to be monitored, because perhaps those sorts of one-stop-shop processes will make our system far more client-centric and, in particular, victim-centric than it is at the moment, as it is operating in separate silos.

Government members talked about the commitment the government has made, and I acknowledge that commitment. Both the Attorney General and the Minister for Prevention of Family and Domestic Violence referred to the $53 million committed across a wide range of areas, and that is welcome. The Attorney General talked also about $52.3 million for electronic monitoring, and that is welcome too. I think we have all agreed that electronic monitoring should not be an alternative to imprisonment; it should be just one more tool in the armoury to monitor offenders when they are in the community. That is certainly welcome, but it is nowhere near the $1.9 billion that Victoria has contributed already. Especially when we consider some of the challenges in regional and remote Western Australia, we know that it costs us a lot more to deliver services.

I was moved by the member for Kimberley's recounting of her own personal experience, from both the perspective of her own family and the impact it has had on her and her family, but also on some of the broader community. She spoke about an immigrant lady and the impact that a combination of family and domestic violence and living in what to her was a completely foreign culture and foreign land had on her life and how it spiralled out of control, and how it was Aboriginal women's services that were able to pick her up. It goes to show that the problem is magnified by the distance in regional and remote communities, and it is magnified by the sheer lack of volume of services. However, that should never be an excuse for not delivering those services. Even the Productivity Commission recognises that it costs more to deliver some services in Western Australia because of its remoteness, but those communities should not be treated as second-class citizens. They should be given the same opportunity to access the services they require, especially in an area as serious as family and domestic violence.

The Attorney General in his response to the second reading debate indicated that one of the reasons police would not be able to issue more police orders is the enormous workload on police officers. The opposition acknowledges and accepts that. I point to Victoria, because a lot of experts tell us to look at what Victoria is doing. I hesitate to use this phrase, but it has been said to me by people in the sector that Victoria is introducing the Rolls–Royce model of response to the needs of victims and families who have been subjected to family and domestic violence. The Victorian government, outside of an election cycle, has announced that it will employ more than 3 000 new police officers. That is on top of the $1.9 billion that it has committed in its response to the royal commission. It recognises that the pressures on the service delivery agencies, including police, are so great and that family violence is such a core part of police work, especially frontline work, that they need more numbers. They cannot keep stressing the system and imposing more and more obligations on the same people.

There is no doubt that it is resource intensive—absolutely resource intensive. However, the alternative is worse than committing the resources. We have a bipartisan spirit on the legislation. Let us hope that we have a bipartisan spirit on committing the sorts of resources that are necessary. The budget is coming up, and I look forward to seeing what the government will commit in this space. That translates to some of the other features we talked about. The Attorney General stressed that all new courtrooms, some of which were built recently and are currently being built, will be built with victims in mind, and it will be central to the design of a court that it provides facilities for victims. That is great. That is fantastic. But do we simply wait until we need to replace the Perth Magistrates Court or courts in Midland, Rockingham, Joondalup or Mandurah? That could be decades away. That could be generations away. Apart from just ensuring that the design of all new courtrooms is appropriate, we need to look at the design of our existing courtrooms and retrofitting them. It will be expensive. We, as a society, will have to commit resources. However, if we believe that that is the best way to treat victims—and I think it is—to give them an opportunity to come to court without having to confront their perpetrators and without that added fear of re-traumatisation, then we do need to commit those resources.

I was recently at the Bunbury court, which is a good court and it is working hard. A possibility exists there for a second entry, but that second entry has not been used for a long time because it has been incorporated into office space, storage space and the like. It may well be that if an audit is done and we look to see what can be done, in some cases it may not be as expensive as we think. We might not need a whole redesign, but to just make it work for victims. I hope the Attorney General and the people in the Department of Justice keep this in mind as they implement it.

I was struck by the contribution of the member for Mirrabooka. The member for Mirrabooka is obviously well entrenched in her community. She spoke about some of the impacts that family violence had on a member of her community who unfortunately was murdered. She spoke also in glowing terms of the work that the women's refuge workers do through the City of Stirling. I do not have personal knowledge of what those refuge workers do, but I have knowledge of what other refuge workers do across the northern suburbs, and every single person who works in that space deserves enormous credit. They are wonderful professionals, but they are also empathetic professionals. These people give their heart and soul and are doing wonderful work to help rebuild the lives of traumatised and damaged people, and we need to support them.

The member for Mirrabooka focused on the issue of the hospices falling under the auspices of the City of Stirling in some way or other—perhaps the member for Balcatta would understand the arrangements better than me, given his former role as deputy mayor of the City of Stirling—and therefore the employment arrangements mean that the workers in those refuges are encompassed in the city's local government award structure and the workers have access to enterprise bargaining agreements through the City of Stirling's processes. That is fantastic. We want these people to be properly rewarded for the work they do. Again, this is bipartisan. The member for Mirrabooka stressed that these people were therefore entitled to greater pay and better conditions. It struck me that as we are having this debate about family and domestic violence, this is an example of the real impact of industrial relations decisions. The Minister for Industrial Relations has flagged, through a report he had commissioned last year, that he wants to stop local government authorities from accessing those federally controlled award systems and enterprise bargaining agreements, despite the local government authorities clearly indicating that they want to stay in the system they are in because it benefits them and their workers. The member for Mirrabooka pointed out that it benefits their workers. Local government is saying, "We're happy with our current industrial relations arrangements. They're working for us and they're working for our workers." Therefore, happy workers means better service delivery, especially in an area as important as women and children's refuges. I hope that the Minister for Industrial Relations was listening to the member for Mirrabooka's contribution—not to me—when she said how the existing industrial relations systems are working perfectly well. Not only that, they are being lauded as best practice. I do not think they need to change. It would be horrendous if we ended up removing some of the benefits that workers like the people the member for Mirrabooka was talking about are getting at the moment. We would like to see those benefits extended to more people rather than have them removed from those workers. I highlight that example because I listened intently to that third reading contribution and I picked up on that issue. Again, I make that point just to emphasise that the people working in this space are not exactly highly paid in many cases. Whether they are working as duty lawyers, support workers in courts, workers in women's refuges or anywhere across the system, or running behaviour change programs, they are not always the best-recompensed people in the world, and certainly not in our community. But they are doing magnificent work and deserve strong recognition and credit for the work they do.

I do not think this bill will be the end of the reform process required to make sure that we properly address family violence. As I indicated, my own committee is looking at this space. Our work is not running over the top of this bill; it is complementary to the work of this bill. I look forward to at some point elaborating to Parliament and the community the further steps that we can take after we implement this legislation. I am probably, at the very least, sceptical that the shuttle mediation conferencing model is the best we could have done. I want to be very, very clear that I accept that it is better than what we currently have, but I am not necessarily sure that it should be a set-and-forget model. I am happy to see it implemented and commenced, but let us perhaps independently evaluate it and then look at some of the other perhaps more radical reforms—I know the member for Mount Lawley is not in the chamber, but he is often taken aback when I use the term "radical"—that have taken place in other jurisdictions and which seem to be preferred by people in that sector to the one we are doing. With those comments, I again say that I think this has been a useful debate. I hope that the changes we are making go some way towards effecting the cultural change that many people spoke about, so that we try as hard as we can to make sure that there are no more victims, the victims who do unfortunately endure family violence in the future are dealt with in our system much better than they were in the past, and we focus on healing those victims and making them feel as though the system is working for them and not against them.

MR J.R. QUIGLEY (Butler — Attorney General) [11.05 am] — in reply: I rise to give my contribution to the third reading debate to wrap up the Family Violence Legislation Reform Bill 2019, which is like an epoch—in the sense that this is a game changer. We know it is a game changer because it has been embraced by the

sector—by those who represent women's interests and victims of domestic violence. It is long-awaited reform. As I said in my earlier speeches, the Law Reform Commission of Western Australia made recommendations as long ago as 2014, but lamentably when we came to government they had not been attended to. This latest tranche of amendments before Parliament attends to those matters, except the ones that have a policy differential between the commission and the government—for example, domestic violence courts, which we are not in the economic position to restore. I note that the former Chief Justice publicly lamented their passing when the Barnett government closed the domestic violence courts. I thought those courts had the utility that the member for Hillarys referred to; that is, dedicated magistrates in domestic violence who conducted a court exclusively for domestic violence victims. Certainly, the victims liked the court. But that moment has passed us by for the foreseeable future. Now the courts run a dedicated list for family violence, at least in the metropolitan area, but it is not a restoration of the dedicated court, which was measured on how much recidivism occurred. I do not know that that was the only measure that should have been applied, because clearly victims were much more comfortable coming forward to the dedicated domestic violence court for the very reasons that the member for Hillarys expounded in his speech.

The member for Hillarys was right in his contributions to both the second reading debate and the third reading debate when he said, "You need real resources to stem the tide." In my second reading speech, I went through some of the resources that we have activated across government. When I say across government, as I have previously referred, it is across the Western Australia Police Force and the Departments of Communities, Health, Justice and Education. Members might recall that those initiatives include the respectful relationships teaching support program in schools, which is partnered with the Department of Education. We have added two extra women's refuges to the network and a second residential behaviour change program for male perpetrators, where they can go over a time to be re-educated, and, we are establishing two domestic violence one-stop hubs. The member for Hillarys spoke about the Rolls–Royce system that is being rolled out in Victoria. As the Attorney General, I would like to see many parts of the Victorian system in Western Australia, but we have different challenges in Western Australia, not the least of which is geographical, and the second of which, at the moment, is economic. The member for Hillarys might correct me, but the Victorian Royal Commission into Family Violence reported only four years ago.

Mr P.A. Katsambanis: A bit less than four.

Mr J.R. QUIGLEY: Yes; he concurs. I read the report. I have not read it recently, but I have read it and gone through all the recommendations. It came out with, as the member for Hillarys referred to it, an optimum system, and immediately after the report was handed to the Victorian government, Premier Andrews announced an $850 million dedicated response to the findings of the royal commission, to start with.

Mr P.A. Katsambanis: Then they doubled it.

Mr J.R. QUIGLEY: Yes, it started with $850 million and then it put it up again. I know that I am making this speech next to the Treasurer, and our capacity in Western Australia to have me announce this morning a $1 billion package to deal with this is already turning him white, and he is looking up at me in wonderment.

Mr B.S. Wyatt: Wonderment!

Mr J.R. QUIGLEY: Appearing before the Expenditure Review Committee and asking for $1 billion to do this at this stage of our economic cycle is beyond our reach, and beyond our reach geographically too.

One of the features of the Victorian system, which I just referred to, is one-stop hubs. I was really attracted to this part of the royal commission report, which outlined a wraparound service. The member for Hillarys would be very familiar with the Collingwood Neighbourhood Justice Centre, which was, I think, an initiative of former Victorian Attorney-General Mr Rob Hulls—a good reforming Attorney. His government started the Collingwood Neighbourhood Justice Centre. I think it was in an old refurbished factory.

Mr P.A. Katsambanis: It had originally been a boot factory, then it had been used as part of a technical college.

Mr J.R. QUIGLEY: It is in a repurposed building on a corner in Collingwood.

Mr P.A. Katsambanis: It's not on the corner.

Mr J.R. QUIGLEY: I thought it was a corner. There goes my memory.

Mr P.A. KATSAMBANIS: It is close to the corner; next door to the Tote Hotel.

Mr J.R. QUIGLEY: Which hotel?

Mr P.A. Katsambanis: The Tote Hotel—a famous punk hangout.

Mr J.R. QUIGLEY: In any event, there are wraparound services at the Collingwood Neighbourhood Justice Centre. Housing, health and education are there. When a magistrate has a person before them, they can refer them to an agency and get a report back immediately, so that the court is getting feedback from the departments at the court.

Mr P.A. Katsambanis: I have a peer there.

Mr J.R. QUIGLEY: I trust as counsel and not as the accused, member for Hillarys!

All its services are wraparound services, and it was, I think, from the Collingwood Neighbourhood Justice Centre that the royal commission drew on the idea of having the same for its domestic violence court, where different agencies are available to draw upon and support victims of domestic violence, and to redirect perpetrators into change programs. When we think of the challenges we have in places such as Port Hedland, throughout the Pilbara and in Newman, where the Martu people are coming in from the Western Desert in the Kimberley and East Kimberley, we think of many of our Indigenous women who are subjected to domestic violence, often fuelled by alcohol, sometimes by the perpetrator, sometimes the victim imbibing as well. The community has seen the most tragic outcomes of this, most recently in the case of Ms Jody Gore, who was the subject of domestic violence for some 12 years prior to the incident in Kununurra where she tragically stabbed her perpetrator in the chest, resulting in a life sentence for murder. We have addressed that in a number of ways. I want to pause on that case for a moment, because there are a couple of things I would like to say. The bill will change what judges are required to do during a trial and what judges may do during a trial for directing a jury on the lasting impacts of domestic violence and how that may affect the accused over a time leading up to the instant at which she—because they are usually female victims—reacted at the time of a further incident of domestic violence. We all know that in Jody Gore's case, her perpetrator, a former partner, once again assaulted her a couple of times at a party before she snapped and stabbed him.

The other factor, not just the amendments we are bringing in regarding jury verdicts, is this seminal change that will require police to issue a formal offence report number to every case of domestic violence reported to them. During his contribution to the second reading debate, the member for Kalgoorlie gave us some anecdotal accounts of his time in the Western Australian police service and his attendance at domestic violence incidents. There was a disturbing element to it. I am not criticising the member, because attitudes have changed, but the disturbing element was that, he said, "Sometimes if we got a call to a domestic violence incident, we had to step in between them and calm the situation down as a police officer." That, of course, is no longer acceptable. This is why I say this is the changing of an epoch; it is no longer acceptable for the police to move into a domestic violence situation and calm the situation down. It requires the attending officer to take a formal report of domestic violence and advise the victim of the offence report number. This also came out of the Victorian royal commission. I am not being personally critical of the member for Kalgoorlie for acting in that manner. That is the way the police used to handle domestic violence—go and try to cool it down. But it did not solve the problem, and after the police withdrew, often either the next day or the next week, there would be another eruption and the victim suffered further. As I said in my second reading speech, what drove and propelled me into this space with such commitment was the Ombudsman's report on the police response to domestic violence, in which the Ombudsman—the Parliamentary Commissioner for Administrative Investigations—reported on the death of baby Charlie in Broome. That particular case was etched in my mind when drawing the drafting instructions for this bill. It is relevant in the third reading speech in that it deals with why we need to issue offence reports.

In the case of the death of baby Charlie, I remind the chamber in short form what happened. People in Broome reported that a naked Indigenous female was on a street corner screaming. Police attended and, as I recollect, four police were soon in attendance. She was taken into a neighbour's yard and offered a blanket, as I recall, to wrap around herself. At the rear of the carport down the driveway, she was interviewed by a police officer. She was hysterical. From my recollection, she had obviously consumed a portion of alcohol. I do not know how much. At the top of the driveway, other police were speaking to neighbours. A neighbour gave an officer an account of having witnessed baby Charlie's mother being assaulted outside her home by her former partner. That was an eyewitness account of an offence of assault in circumstances of domestic violence. The woman at the top of the driveway was hysterical and yelling. She was cautioned, and told that unless she cooperated, she would be arrested. She was yelling about the whereabouts of baby Charlie. The police responded by arresting her for disorderly conduct in the street, and conveyed her to the Broome Health Campus, where at least two officers stayed to guard their prisoner, their prisoner being baby Charlie's mum. Meanwhile, the grandfather attended Broome Police Station, also demanding that the police urgently find baby Charlie. He became agitated at the police's lack of response for his petition. He was threatened and told that unless he left police premises, he, too, would be arrested. He urged the police to triangulate—that was not his word—that is, to use the former partner's mobile phone in a process called triangulation, whereby three mobile towers can be used to pinpoint the location of a phone. The police declined to do that because they do it only when a life is in danger. They had no evidence, according to them, that the baby was even missing. We now know that whilst that was happening, the domestic violence offender was driving south with baby Charlie. Somewhere south of Broome—God rest the little man's soul—he murdered his son. While Charlie

was being murdered, his mother, who had been screaming and yelling for the police to locate him, was a prisoner in Broome hospital on a charge of disorderly conduct for being in the street naked and yelling for him. She fled the house because of the violence. She did not have time to put on her Broome Cup dress. She fled for safety. She was arrested and held a prisoner whilst her baby was being murdered. Then inquiries were made. What did the police think? The police were at the top of the driveway talking to neighbours who witnessed the assault. They asked those officers, "What did you do about the domestic violence? Did you put it in an offence report? You heard about it from the neighbours." They said, "No. We could see another officer interviewing the victim further down the driveway near the carport. We assumed that that officer would be taking a report of the domestic violence", so the baby's life was hanging on an assumption.

Then inquiries were made at the Broome hospital. What history did the baby's mother give the hospital staff? Lo and behold, what did she tell the nurses? She said that all her injuries were the result of an assault by her baby's father. When asked what was done about that, the staff said they treated the injuries and looked after the prisoner. They did not report it to the police because they brought her to the hospital. They assumed that police knew what had occurred as they were the ones who brought her in. A second assumption was made whilst the baby was being driven south to the destination of murder.

Let us look at this legislation. The officer at the top of the driveway, who received the report of domestic violence from the neighbour, would have been required by force of law to formally report that incident. I cannot remember the words that mum said to the officer who had her under the carport down the end of the driveway, but having received a contemporaneous complaint of domestic violence, he would have been required by force of law under this bill to formally report that incident. Whether he believed the victim or not, it is not his position to decide on the credibility of the complainant. What difference would that have made? When grandad came into the police station demanding action to look for baby Charlie, the station officer, the officer in charge, would have been in possession of information that the baby had gone missing during an incidence of domestic violence. When he asked for the police to locate baby Charlie's father by triangulating the telephone through the relay masts, there would have been a different response. There would have highly likely been a different response, because the standard criteria across all the carriers—I am not sure whether it is Optus or Telstra, as they both operate up there, and there might be a third one—is that they will not triangulate quickly in response to the police unless someone's life is in danger. Had the police at the station known, which they should have by that time, when granddad came in begging for help, that baby Charlie had disappeared in the middle of a domestic violence incident with the perpetrator of that violence, there is a high chance that baby Charlie would be alive today. I quietly weep at his demise and the circumstances of his demise, given that there were all these missed opportunities to recognise that his life was in perilous danger. It is just incredible that, from that contact, the person who was arrested was the victim. The person who was held in custody was the victim. Of course, this sort of conduct was repeated recently—I am having a senior's moment because I have forgotten the name of the victim.

Mr P.A. Katsambanis: Are you getting the dollars from the stimulus package that the Prime Minister announced?

Mr J.R. QUIGLEY: Me? I am just hoping I am not getting the bug, because I am in the drop zone, having been over the big seven 0 and having suffered pneumonia and been hospitalised. No-one is going to cough within three metres of me without trouble!

The situation is that a beautiful young pregnant woman was assaulted by her partner and complained of domestic violence. He was charged and a hearing date was set. On the hearing date, the complainant failed to appear as she was in hospital because of something to do with her pregnancy. The court was so informed; nonetheless, a bench warrant was issued against the victim. Months later, when her mother was driving along the street in her car, she was stopped and informed that her daughter had a bench warrant out for her arrest. The daughter naively went to the Armadale Police Station and said that she was in hospital on that day and they said, "We don't care; you're under arrest", and so they arrested the victim.

Mr Z.R.F. Kirkup: Is that the Ronan case?

Mr J.R. QUIGLEY: Yes, that is it. Thank you, member for Dawesville, for that assistance.

This pregnant lady was arrested, conveyed in a police vehicle and held in a lock-up. She was made to strip, squat and cough, as though she were a drug carrier. This was the victim. When she was presented to the court the next morning, represented by Legal Aid, and it was all explained, the court—I have never heard it in court before—fell over itself in apology to the victim. We raised this with the Commissioner of Police, and I am certain that under our new Commissioner of Police and the guidelines he has now issued, no victim of domestic violence who fails to appear in court will face, as a first response, an arrest. The perpetrator was on bail and the victim was in the lock-up.

This requires a great cultural shift, and this bill provides the architecture for that cultural shift, but it will require the community to come along with us and with other groups in the community to bring about this cultural shift. We feel it now when we pick up the newspaper and watch the television. With the prominence that these cases are getting and the revulsion that the community is feeling, I hope that we are at a pivotal point at which we will not

see the sorts of cases that I have referred to today and that the legal system really will work to protect victims. We have done this by allowing for electronic filings under the bill. The member for Kalgoorlie said that that is a fantastic method of substituted service for the police when they cannot find the perpetrator. The member for Kalgoorlie said that this would have saved half of his working life or thereabouts in chasing these people. We have brought into Parliament a system that should help change.

Question put and passed.

Bill read a third time and transmitted to the Council.