

CRIMINAL LAWS (DOMESTIC VIOLENCE) AMENDMENT BILL 2016

Second Reading

Resumed from 7 September.

Point of Order

Mrs M.H. ROBERTS: Did the Leader of the House just move the order of business or is it the bill?

Mr J.H.D. DAY: Yes.

Mrs M.H. ROBERTS: Okay. Is the government responding to this? That is, essentially, what we are waiting for—the government response.

The ACTING SPEAKER (Mr I.M. Britza): The minister was just about ready to get up.

Mrs M.H. ROBERTS: Okay; that is good.

Debate Resumed

MRS L.M. HARVEY (Scarborough — Minister for Police) [4.02 pm]: I was indeed, Mr Acting Speaker (Mr I.M. Britza). Given that the Criminal Laws (Domestic Violence) Amendment Bill 2016 was put forward by the opposition, I thought there might be some other speakers. I was just giving the opposition a few minutes to see whether anybody else wanted to rise in support of its legislation.

The government will not be supporting this legislation for a range of reasons. In essence, this legislation copies legislation that has been introduced in the Queensland Parliament. As members would be aware, last weekend the government announced a suite of legislative amendments that will be brought forward and read in by the Attorney General in the other place today. That is a comprehensive response to a review into our violence restraining orders and initiatives in Western Australia to support victims of family and domestic violence. As to the legislation being read in by the Attorney General today, there has been comprehensive engagement with a range of people from the sector, including all agencies involved in responding to family and domestic violence, a range of people from not-for-profit sector and non-government organisations that respond to victims of family violence, and others. There was a comprehensive review of the restraining orders legislation a number of years ago, and in response to that, the Attorney General has come up with what I believe is an appropriate amendment to legislation to ensure that victims are adequately protected.

Our approach has been holistic, and under the government's bill victims will be able to seek a family violence restraining order if they have been subject to coercion, control and fear in a family relationship, rather than an act of abuse only, under a more modern definition of family violence. Indeed, people who work in the family violence and domestic violence area have shifted to a more holistic definition of family and domestic violence to include the word "family" to encompass more appropriately what is occurring when this criminal offending takes place in the home.

For the first time in Australia, our legislation will enable the courts to restrain perpetrators from cyberstalking and revenge porn—the distribution of intimate images without consent—that may also constitute forms of family violence. Victims will be able to seek a family violence restraining order for a period of longer than two years—for example, when the perpetrator is serving a prison sentence. The courts will be required to undertake risk assessments and take other risk-relevant information into account when deciding whether to grant a family violence restraining order. Perpetrators will no longer be able to game the system when it comes to repeated breaches of a restraining order. By that, we mean that perpetrators will delay proceedings in court to try to get around the counting rules with respect to repeated breaches of restraining orders. We are proposing to change the way that is treated by the courts to end that gaming of the system. Under our legislation, perpetrators can be required to attend mandatory behaviour change programs in conjunction with the family violence restraining order. In line with the Law Reform Commission report, the penalties for section 281 offences—the offence of unlawful assault causing death—will increase. The one-punch homicide laws will be —

Dr A.D. Buti interjected.

The ACTING SPEAKER: Member for Armadale, I understand you have questions. If you have questions, I ask that you ask the minister whether she will take an interjection. That way, we correct everything.

Mrs L.M. HARVEY: As I said, in line with the Law Reform Commission report, the penalty for section 281 offences—the offence of unlawful assault causing death, or one-punch homicide laws—will be increased from 10 years' imprisonment to a maximum of 20 years' imprisonment.

Our forthcoming government bill, which I understand will be read in within the next hour, is just one of the many fronts upon which the government is working towards tackling family violence. Others include our Freedom from Fear action plan. That plan articulates a cohesive and comprehensive set of actions right across

our government and has enabled a strengthened, more integrated and accountable approach, and certainly more effective interventions targeted at perpetrators to increase the safety of victims.

Mr J.R. Quigley: Minister, can I ask a question on that? I just have a question on that whole government thing. Are you announcing a new sort of protocol or policy in relation to government agencies outside of your proposed legislation?

Mrs L.M. HARVEY: No, I was referring to the policy we already have—the Freedom from Fear action plan.

An ongoing review is currently in train on Western Australia Police practice and policy with respect to family violence. We have developed a new court listing practice that supports the integrated service delivery of responses to family violence. That has been put in place to facilitate information sharing, particularly around the siloed agency knowledge of risk to victims. We are attempting to pool that knowledge as part of the risk assessment process to ensure that courts have all the information around the risk to family violence victims when they are considering a VRO application.

Dr A.D. Buti: Minister, will you take an interjection, please? It is in regard to your comment about section 281 offences, and that you are complying with the Law Reform Commission, if that is what you said. Actually, the Law Reform Commission recommendation is to increase the penalty for family violence offences under section 281. The Attorney General announced on the weekend that the penalty for all convictions under section 281 will be increased to 20 years. That is not what the Law Reform Commission asked. It said specifically for family violence, but the Attorney General said that across the board it will increase to 20 years. Do you know why he made that difference?

Mrs L.M. HARVEY: Not specifically why; however, the government has had a fairly strong approach to penalties around areas of extreme violence. That was one of those areas where it was deemed to roll out that increase in the penalty for section 281 offences from 10 years to 20 years as part of this suite of legislative amendments that will soon be read in in the other place.

The Premier has also committed to introducing legislation to enact the national domestic violence order scheme in Western Australia. This was agreed to at the Council of Australian Governments in November 2015, and will enable the automatic recognition of interstate restraining orders and enhanced legal protections to be provided to victims of family violence that I outlined previously. Our involvement in the national domestic violence order scheme will be greatly facilitated by the introduction of our new family violence restraining orders should they pass through both houses of Parliament. In this term of government alone, the state government has provided \$3 million to expand victims support services in regional areas of the state. We have also provided funding of \$600 000 a year to establish a metropolitan legal service for Aboriginal victims of family violence—Djinda Services.

The state government has also established the office of the Commissioner for Victims of Crime for Western Australia with the commissioner taking a lead role to ensure that the voice of victims is heard in developing our family violence laws and policies. Recently the state government committed a further \$3 million over three years to the “Safer Families, Safer Communities, Kimberley Family Violence Regional Plan 2015–20”. This was put in place to protect some of the state’s most vulnerable women and children. Significantly, the state government has overseen an overall increase in funding for family and domestic violence counselling of 57 per cent from 2008–09 to 2014–15. The overall increase for accommodation services for victims fleeing family and domestic violence has increased by 32 per cent over the same period. This government has an overall comprehensive commitment to improving the circumstances for victims of family and domestic violence in Western Australia.

I take the point raised by the member for Armadale that we have the resources of government, but we have used those resources to consult extensively across a wide range of people involved in the family and domestic violence sector, including victims of family and domestic violence. We believe that the legislative reforms that the Attorney General will read into the other place later today will address and intersect appropriately with the other legislation already in place in Western Australia. There are some issues with the legislation before the house, but I will not go into all the issues presented or why we believe the Queensland government’s legislation is not appropriate for Western Australia. That matter will be addressed with the introduction of the government’s bill, which will ensure that that legislation is contemporary within the Western Australian legislative framework.

I would like to thank members for their contribution to the debate. Many members stood up in this place and talked personally of experiences within their families and members of their community around not only violence to family members and people who they have been involved with, but, also, sadly, the deaths of many victims, mainly women, at the hands of their intimate partners in whose company they should have had a right to feel safe. This government believes that women and children have a right to feel safe and protected in their homes. With the increased reporting of instances of family and domestic violence, this government takes the issue very seriously indeed. We do not necessarily view the increased reporting of family and domestic violence incidents

as a bad thing. We are getting to a level now where we are starting to see an accurate reflection of the incidents of family and domestic violence in our community in the reporting system of and in calls for assistance to police. There is now a greater confidence in reporting these matters to police and other agencies. Although we do not get it right 100 per cent of the time, victims are certainly getting a more considered response from police officers. More domestic violence incident reports are being generated from police attendances to family and domestic violence and we have seen a more coordinated approach in the follow up for victims who report that they have been the subject of abuse in whatever form that may take. We cannot rest until we have driven down the incidents of family and domestic violence in this state.

Last week I was very privileged to attend a forum with Rosie Batty, a domestic violence campaigner and Australian of the Year 2015. I listened to the harrowing experiences that she had been subject to, which culminated finally in her former husband taking the life of her son, Luke, in very public circumstances. It was very distressing for all involved. She had some very interesting insights with respect to family violence. I was very encouraged to see the initiatives of not only our state government, but also our police officers. Presentations were made by Western Australia Police at that forum, which was hosted by the City of Gosnells. I acknowledge the member for Gosnells, who was present at that forum; Starick enterprises, an organisation that deals with victims of family violence; and the Older Women's Network, because obviously older women can often be vulnerable to not only physical and verbal abuse, but also financial abuse. The forum was incredibly well attended by a range of people from the community including people involved in counselling victims of family violence, and it was a very worthwhile experience. Rosie Batty has done a tremendous job in raising the profile of family and domestic violence in Australia. The courage with which she speaks has emboldened many victims of family violence to report the abuse and violence that they have experienced and ensure that something can be done about it and they get the assistance that they need. What was interesting was that Rosie Batty highlighted that often the time when women and their children are most at risk of violence is at that point when they seek the assistance of the police or a government agency and put a family violence restraining order in place. It is at that point that the perpetrator of the violence understands that they are then on notice and that their overbearing and bullying tactics, their control and all those manipulative practices they have had in place to try to control and coerce the victim, are no longer having an effect. It is at that point that their victims are at most risk, yet we ask victims to seek assistance. It was most insightful to hear those reflections from a very high-profile victim of family and domestic violence.

I believe that the Minister for Child Protection would like to speak briefly on this matter as well, if the opposition will indulge her. I thank members for their contribution to the debate. As I said, this is an issue that needs a bipartisan approach. I do not think anyone has the silver bullet on the answer to family and domestic violence, but I know that everybody in this chamber and the other place holds a great deal of concern for victims of family and domestic violence. They understand that steps need to be taken and that we need to get the legislative framework right, which is why I believe that the government's legislation that will be read in later today in the Legislative Council will protect victims of family and domestic violence in this state.

MS A.R. MITCHELL (Kingsley — Minister for Child Protection) [4.19 pm]: I thank members for the opportunity to say a few words on this issue. I probably come in from a slightly different pathway on domestic violence at the scene. Legislation is one aspect of how we manage this, but, at the same time, we need to address many other areas to really make a difference in this field. I do not want people to start to think that a piece of legislation will solve our issues with family and domestic violence. It may help but it will not solve it, and it is very important that we recognise that and acknowledge that this is a broader community issue that needs to be addressed on a number of levels and that by doing that, we can then make a difference.

One of the things that I am very cognisant of and very concerned about is the attitude in our community that hitting someone is acceptable. I am very concerned that young teenage girls believe it is appropriate for a boyfriend or a partner who apparently "loves" them to hit them and that that is okay and considered normal and it is the sort of behaviour that they should expect. I find that deplorable. Somehow in our society we have an attitude—whatever reason it is from—that it is perceived to be okay to be hit by someone who apparently "loves" you. I cannot believe that people can think like that, but, then again, I perhaps do not have the background that some people have. Sometimes that is all people know—I am not going to judge—and sometimes it is what they have seen and experienced, and it is what they expect; or someone says to them, "But you know I love you", so it's okay. If we have teenage girls and young women believing that that is okay, we have a major problem to deal with. I believe we have to go right back to the beginning and change behaviour.

A number of programs are out there, including respectful relationships and respectful behaviours, and a lot of things are going on, and they are absolutely vital. There is not necessarily one style that will fit all, but I really believe we have to make a significant change in how we deal with each other, how we deal with people who we care about and what is seen as apparently acceptable. A large attitudinal change needs to come through with this

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whole program of family and domestic violence prevention, and that is something we are trying to start with. We want to work with other jurisdictions and the federal government because the simple idea of young women understanding that this is not how they should not be treated or how things should happen is important. I also admire programs like the Fathering Project, which sees fathers take their daughters out on date nights to help them to understand what is acceptable and how they should expect to be treated by somebody and that normal behaviour is not just what they have heard from a couple of their girlfriends. This area really needs to be addressed, and it will take a while; it will not happen overnight, but collectively we can start to make a difference, which will fit in with reducing future demand on domestic violence services.

Domestic violence features significantly in whether children come into the care of the department. That alone makes me very cognisant that we have to do something in this area. To have domestic violence feature very prominently in police matters and in child protection matters across the board has brought to my attention that we really need to be doing something different. As I said, legislation is one way to deal with domestic violence, but, at the same time, I am about changing what is going on. I have said quite openly that if we do not do things differently and we just carry on doing the same thing, we will never be able to build the number of refuges that may be required or to cater for the children who would come into care, because of the number of people domestic violence impacts. These sorts of things are having a huge impact on people and it is important that we work at changing behaviours.

Within these programs and within the legislation the Attorney General is bringing forward is a focus on changing perpetrator behaviour. Generally, one would say that the impact on families is often from a male perpetrator. I know it is a generalisation, but let us keep it at that for the moment. What do we do at the moment? We take the family out of the home and relocate them quietly. But that disrupts the family and disrupts the children from the schools they attend and the support services around them. We go through a process of disruption. We do it for the safety of the mother and the children, and we need to do that, but I think that there is a strong case for looking at that situation differently. I admire places that are doing that. There is a great example of this in Busselton, where a program operates in conjunction with police. When a call comes in to the police station, someone from this program and police go out to the family and ask the male to come with them. He will go through a separate training program, and the family is left at home. The children are with their mother and they go to the same school; they are not relocated. That is how we start to change how we deal with this issue. It is an important change, and one that we need. Obviously, we have to do both at the moment, because we cannot tackle everything at the same time.

I do not think people realise the impact of family and domestic violence on society. There are significant impacts that are far reaching and create a lot of trauma. The trauma from these experiences, particularly in young people, takes much longer to overcome than people realise. Most people say that children get over things pretty quickly, but let me assure members that that is not the case. It is definitely not the case; a child takes quite a long time to overcome trauma. Unfortunately, quite often, what young children or even young teenagers have seen in the home is really quite significant, and would probably horrify many of us in this chamber. The work that we need to do is far reaching. Legislation needs to occur but we need to get that legislation right. I concur with the Minister for Police that we need to work with the Attorney General's legislation, but I want to reassure the chamber that this side of the house is not relying on legislation to make a difference in family and domestic violence. We will look at a number of avenues and take the people involved through a comprehensive program of counselling, training and, most importantly, building up understanding and confidence. I talk about resilience in communities and families quite a lot now—the resilience and strength of character to say, “No, that is not acceptable.” For a young lady that may mean giving her the confidence to say to her supposed partner or boyfriend or whoever else, “That's not okay; I don't need that from you. I need to have someone who makes me feel better, rather than someone who puts me down.” Building self-esteem and self-worth, and involvement in family and community will make a difference going forward.

Members will ask me: how are you going to achieve that? I will not do it on my own, but I am sure that everyone in this chamber is very cognisant of the problems associated with family and domestic violence and many have probably experienced or know people who have been through it. Members will know how silent it is because many people do not talk about it. We just start to see a pattern. We start to see people withdraw; they say that they are going to come to something and then they do not come. With children, it is often schools that give us the first indication that there may be something going on in the family. The schools report that issues are going on, because it is often reflected in children; sometimes there are physical signs, but there are also a lot of emotional signs. A lot of these things are still behind closed doors, and we need to make sure that people feel confident and safe enough to come out. Safety and support systems are invaluable. Like the minister, I applaud agencies involved in this area for the work they do and the commitment they provide to the people in their care. The refuges currently operating and the people within them are amazing. They work very hard to build resilience. I am not sure whether the minister mentioned the refuge she and I went out to where a lady had just got her first

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job after years and years of abuse. She was very excited. She was scared, but she was very excited. It was her first job in years. She first got involved with the guy when she was 13 years old and she had a few children. She really had had no life. We cannot comprehend that she had had no life except fear and being put down. People in this field are working very hard. I want to emphasise that this is the other side of this issue.

Members should not think that dealing with family and domestic violence is just about legislation and police. We need them, they are very important, but we want to change what is causing this issue in the first place, and I see that very much as my role. I will continue to work in that area, along with many other people, to make a difference and see whether we can change what is happening in our community. It goes back to a lot of other things that fit in with that as well that I also have to deal with, but this issue has become very prominent for a number of reasons. I and my staff at the Department for Child Protection and Family Support see that family and domestic violence features critically in many of the reasons children first come to the notice of the department. It is critical. It is something we have to work on. I am not waiting for legislation to come through. I will continue and will work on other ways we are going to do that. I support what the Minister for Police has said and the legislation coming from the Attorney General. I encourage every member in this place to make sure that they are cognisant of attitudes and behaviours in our society, and that when they can, as I know they do, they make a difference by helping people to understand that what has been happening in family and domestic violence is not acceptable, is not a good way of life and it does not lead to productive, healthy and safe families, which is what we need in our society today.

MRS M.H. ROBERTS (Midland) [4.31 pm]: They were a couple of interesting contributions from government ministers on the Criminal Laws (Domestic Violence) Amendment Bill 2016. The Minister for Child Protection outlined her concern for victims of domestic violence and she certainly sounded very genuine in that. Unfortunately, I did not hear anything new from her other than the fact that she is perhaps newly aware of the issues. The kinds of comments she made today are already on record in this house and the other house from people like Yvonne Henderson, Kay Hallahan and Judyth Watson—women who were in this house 20 or 30 years ago. Very little in what the minister said is new. She said very little that we are now aware of that people were not aware of back then. The fact of the matter is that 20 years ago people were talking about how wrong it was to remove women and children, rather than the men. That all started changing some 10 or 15 years ago, so that information is not actually new, but I welcome the fact that the minister said that she was very concerned and through a number of illustrative examples she showed a significant awareness of the issues.

The Minister for Police concluded by saying that she thought this should not be a political matter and that everybody in this house and the other house—both sides—was concerned about the issue of domestic violence. If that is true, why is the government not supporting this bill? Neither one of those ministers pointed out a single clause in this bill that is not worthy of support or should not be supported. All we have had is this tripe from the Minister for Police that at long last the government has a bill that is more comprehensive than this bill and that it has potentially consulted more people. This has only taken the government eight years and it does not have a snowball's chance in hell of progressing the legislation through both houses before the end of the year. It is not our fault that the government has brought in a bill at the last minute; it knows the standing orders. The government knows that a bill has to lay on the table for three weeks in the upper house. The government knows that there is a backlog of bills to deal with. The government knows it needs to bring the Loan Bill into this place, otherwise it will run out of money; it needs about \$2 billion extra. There are so many so-called pressing and urgent bills that there is no chance. It is not our fault that there are about 40 bills in the queue ahead of the government's domestic violence bill and there are only five weeks of Parliament remaining. If the government was genuine and wanted to do something real to support victims of domestic violence it would pass this bill. The opposition has a bill and it is a simple bill. There are surely other provisions that can be embraced.

This bill, brought into this place by the Leader of the Opposition, reiterates the need for Saori's law. It contains similar provisions to the 2012 domestic violence bill that the Leader of the Opposition brought into this house. In his second reading speech he noted the comments of the Director of Public Prosecutions on that issue and the suggestion that the penalty should be doubled. Why not do that? If the government supports tough penalties and if it cares about victims of domestic violence, it should do it, as well as all the other things it has that we have not seen and that nobody has seen—whatever is in the Attorney General's so-called comprehensive bill. This may well be only one small part of what is in the bill, but let us do it. Let us do something; let us show some commitment and put something into the house.

Mr R.F. Johnson: If they are really serious about this, they could let the opposition bill go into consideration in detail; they could then incorporate a lot of the stuff that we are told the Attorney General is bringing in into the bill that has been put before the house, and that would be a genuine commitment with these very serious issues. If they are serious, that is what they should allow to happen, but they will not, because it is not their bill.

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Mrs M.H. ROBERTS: That is an excellent suggestion, and if the Minister for Police is genuine in her comment about taking the politics out of this, that would be a bipartisan and ideal way to proceed.

Mrs L.M. Harvey: It is adopted from the Queensland legislation; there are a lot of flaws in it. I did not want to pull it to pieces, because we have other legislation coming through.

Dr A.D. Buti interjected.

The ACTING SPEAKER: Member for Armadale!

Mrs L.M. Harvey: I wish I had articulated it; I didn't want to embarrass you.

Several members interjected.

The ACTING SPEAKER: Members, the member for Midland has the floor, thank you.

Mrs M.H. ROBERTS: This is a very short but important bill and if there are flaws in it, if the minister is genuine in that, she can put those in the consideration in detail stage and put amendments forward. The fact is that the minister does not appear to support the provisions proposed for Saori's law. I think the minister has been exposed. If the government does not support this bill, it has been exposed as a government that has discovered the problem of domestic violence after eight long years. Let us remember what the Liberal–National government did when it first got into government: it attempted to undo, and did undo, a number of the reforms that the Gallop government brought in post the report by former magistrate Sue Gordon. We had a comprehensive strategy. She and her group were specifically dealing with domestic violence and abuse within Indigenous communities, but some of those provisions were undone within the first years of this government. The Attorney General got rid of the specialist domestic violence courts. He had a stodgy, spurious little report done up and said that the government could do better in another way. What he did was to do it cheaper, not better. He got rid of the specialist domestic violence courts. I am ashamed to say that the Minister for Police, as a female minister, got rid of the domestic violence units in every policing district. One of those Gordon report reforms was to have a specialist policing unit in every district, including country districts, headed by someone of at least the level of sergeant with a team around them. Little by little the minister has seen that dismantled. We heard some talk that there were some people who had had some training —

Mrs L.M. Harvey: No, we have not.

Mrs M.H. ROBERTS: Yes, the minister has. The minister has dismantled that and there are now general duties officers responding to victims of sexual assault. The word "rape" is not even used in reports of crimes. Everything is just a sexual assault, because the government wants to downplay it.

Mrs L.M. Harvey: That's rubbish; you know that. Don't mislead the house.

Mrs M.H. ROBERTS: The fact of the matter is that it is the truth, minister, and it hurts. The minister and her government got rid of the specialist domestic violence policing units in every district in this state. That is the record of this minister, the so-called Minister for Police; Women's Interests. She got rid of the specialist domestic violence units that were put in place post the inquiry into the death of Susan Taylor and the Gordon report. The Gallop government moved to set up multifunction policing facilities in a range of remote communities. It resulted in multifunction policing in 12 remote policing communities—a combination of a police station, accommodation for police, courthouses and support from some other government agencies. They could certainly have benefited from stronger support from some of those other government agencies, but that was testament to the commitment that the Gallop government had to dealing with the issues of domestic violence and assaults in Indigenous communities. Part of the suite of reforms also rolled out as result of that report was giving a senior officer—sergeant level or above—the job of heading up a domestic violence team in each of our policing districts. Under this government's new model, everyone is a general duties response officer, and there is not the same level of specialist response. It is really important that victims of domestic violence get officers who are specially trained and who deal with that issue all the time, so that we can deal with those problems in the way the government says it wants to.

The minister likes to use words such as "comprehensive" and say that the government is "consulting comprehensively". The minister has comprehensively failed when it comes to domestic violence. The fact is that month after month we have seen massive increases in domestic violence. Typically, throughout last year, comparing month to month, it was not just double-digit increases in domestic violence, it was 40 per cent increases in domestic violence—40 per cent!

Dr A.D. Buti: Member, there was a 100 per cent increase in domestic violence murders.

Mrs M.H. ROBERTS: There was a 100 per cent increase in domestic violence murders. I am not surprised, because when it came to domestic violence, this government was asleep at the wheel. It did not see domestic violence as an issue in those first few years. The government had the "do-nothing" Attorney General; it cut his

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budget, because year after year the government kept imposing its efficiency dividends as it spent money on other priorities. One of those efficiency dividends saw the specialist domestic violence court go—part of the so-called reform of police. Again, this was pressed because of the government’s need to return dividends to Treasury and a minister who proudly stands up and says, “Great, we’ve saved a lot of money for government. We handed back a lot of police money that was allocated in the budget. We handed that back to Treasury; we didn’t need it.” The minister should tell the community of Western Australia that the police did not need it. She should tell the community that! The real truth is exposed here.

The Criminal Laws (Domestic Violence) Amendment Bill 2016 has good provisions. It is a well-intended bill. Maybe the government’s bill has a handful of good things in it that will benefit victims of domestic violence and women in this state. We do not know because we have not seen it yet; it has yet to be introduced. Maybe the Attorney General’s bill will be much more comprehensive. Maybe it has got 20, 30 or 40 fabulous provisions in it. I do not know; I look forward to seeing them, but we will not have a chance to debate that bill in this Parliament. Let us do something. It is criminal to do nothing, minister.

MR M. MCGOWAN (Rockingham — Leader of the Opposition) [4.44 pm] — in reply: I introduced the Criminal Laws (Domestic Violence) Amendment Bill 2016 with the best of intentions and I have not heard a single speaker indicate any problem with the laws we have introduced. The laws we have introduced were largely put together by the member for Armadale, who is deeply committed to this issue and is very knowledgeable about how it is being dealt with across the country and the sorts of things that work and do not work. In introducing these laws we are trying, from the opposition benches, to do something significant to combat the scourge of domestic violence in the community of Western Australia. These are the most comprehensive set of laws on domestic violence introduced into the Parliament in the last eight years. The government has not introduced laws such as these—the opposition has. I will go through the provisions that are in the laws in a moment, but each of them targets an aspect of the scourge of domestic violence that confronts our state.

The number of reported cases of domestic violence in Western Australia is growing every year. Therefore, we need to do something more in order to combat it. Providing resources is important, and the member for Midland detailed how the government has withdrawn resources from this area. But legislation is also important. The Minister for Child Protection diminished the importance of legislation to deal with this issue. I was surprised that she did that, because there are things we can do to allow agencies of government to have better and greater capacity and power to deal with these issues. Legislation sends a message to perhaps perpetrators of domestic violence that what they are doing is wrong, and this Parliament sending a message is important. Domestic violence is a scourge in our community, and the number of reported cases is growing rapidly. I suspect there is a range of reasons behind that. Certainly the extraordinary level of drug usage, particularly methamphetamine usage, in Western Australia probably has something to do with that and the highest number of cases of serious assault, grievous bodily harm and, indeed, murder are between family members in our community. I do not have the figures to hand, but people, predominantly women, are more likely to be murdered by a family member—by a male who is either their husband or partner—than by anyone else. This issue has been brought into focus by some very shocking cases nationally and has grown in importance. The Victorian government has been the national leader in tackling domestic violence. The Andrews government was elected with a commitment to a royal commission, which it called within weeks of being elected. It received the royal commission report and responded to it; all of which occurred within maybe 18 months of the Victorian election. The Andrews government responded with a significant package comprising a significant group of laws. It has now been eight years since the Barnett government came into office. Not only has it not introduced any laws, it voted down laws that we introduced. The government voted down the law that has been termed “Saori’s law” after the shocking case of Saori Jones, who was killed by her husband. He received a very minor penalty after beating his wife to death, because the police could not work out exactly how she passed away because her body had been decomposing in the bedroom for 11 days. Mr Jones, as members recall, placed the crying infant to her breast. She was killed by him, but this was not discovered until 11 days later, after her decomposed body was found. They could not work out exactly how she had died, so he ended up with a jail term, as I recall, of four or five years and he is now out.

We brought laws into this Parliament in 2012 to double the penalty for that offence—we said that what had happened in that case was totally unreasonable—and to send a message to the courts that they could impose a much more significant penalty in such cases, but the Liberal government voted it down. As I recall, the minister described the laws we introduced as populist and mischievous. I saw on Saturday that he has now copied our laws, saying that this is something that should happen. After eight years of not doing anything, and using its numbers to vote down laws that it described as populist and mischievous, now the government is copying those laws. Imagine the reaction from the government and the press if Labor voted against the much-vaunted laws that the government is talking about introducing today, tomorrow, or whenever it is. Imagine the government’s reaction to that. It would say what an outrage it is, and it would probably get some coverage for

that. However, the current government voted down our laws to deal with the Saori Jones case with perfect impunity, and did not care. Government members did not have any great legal argument against the laws and did not identify any flaw in the legislation; they just said it was populist. That was the current government's reasoning, and now it is copying the laws. After eight years, this is the stage that the government is at in Western Australia.

Domestic violence is a scourge in Western Australia; it is shocking. We hear cases of children who observe their father beating their mother. It is shocking, and it is scarring for a child to go through that, and it is scarring for a woman to go through that. It is awful for the parents and family members of the woman involved to know that their daughter is enduring this. Often they have limited capacity to do much about it.

We all have our personal experiences. When I was 11 years old, I had a sleepover at the house of a good friend of mine from school. His name was Kevin. His mother cooked us dinner—a barbecue, as I recall. I would not remember this night at all but for something that happened. His dad was out at the pub, and we went to bed head-to-toe in his bed, lying next to each other like kids used to. About midnight, I was woken up by a loud noise. Kevin woke up the next to me and just started crying. He held his head in his hands and said, "Please don't tell anyone; please don't tell anyone." That is all he could keep saying, because his father was in the lounge room beating up his mother. I had never heard of this before. I did not know what was going on. His father was in the lounge room beating up his mother. There was lots of screaming and running around the house and all that sort of thing, and all he did was cry and just say, "Please don't tell anyone at school." I did not; I never told anyone about it, and I really have not spoken about it since. That was my one experience with this. The next morning after I went to sleep, we got up to have breakfast, and Kevin's mum had a big cut on her forehead and a big black eye. Even then I got the social etiquette right, and we pretended that nothing had happened. I looked at this woman who, when I was 11, was probably about 30, and she was all puffy, and the father was nowhere to be seen. My friend was absolutely distraught by what had gone on—absolutely ashamed and absolutely terrified that his friends at school would find out about it.

It goes on, and it is hidden, as someone said. It is scarring on children. People living in a cloistered environment in a happy family probably do not know that it goes on to the extent that it does. That was my experience, and that was when I realised that this went on in this family, in which the father was a small business man and the mother was a teaching aide or worked in a school in some capacity. It was probably what would be regarded as a middle-class family. I have realised since that maybe this goes on in more families than we know about. We know now that that is the case.

Back to our legislation. The laws we introduced contain a range of initiatives: firstly, to increase the sentence under section 281 of the Criminal Code, known as Saori's law; and secondly to enable notations to be made on people's criminal records that relate to family and domestic violence, so that courts or other agencies that access the criminal records understand that the offence, whether it is assault or anything else, is a domestic violence-related event. Therefore, the court can order a range of support services or the like around a victim of a subsequent offence, or it can be taken into account in sentencing for a subsequent offence. The bill provides the capacity for victims of domestic and family violence to be treated as special witnesses. That may mean that they have the capacity to give their evidence outside the courtroom via video link or the like, which means that they do not have to confront the alleged perpetrator of the assault. There are a few other initiatives along those lines, but this is basically about giving the courts an indication of what a person has done historically, so that, when they are dealing with a victim or perpetrator in the future, they can take that into account. Who can argue with that? Why would the government vote that down? I do not understand why anyone would argue with this. The government has even said, as I saw on Saturday, that it is now endorsing our approach to the Saori Jones case, so why would it vote this bill down again? Thirdly, this bill allows for electronic tracking —

Dr A.D. Buti: No, not in this bill.

Mr M. McGOWAN: Not here? Okay.

Mrs L.M. Harvey: Our legislation does that.

Mr M. McGOWAN: Yes. The minister knows that Labor made that commitment in the lead-up to the 2013 election, as did the government, but we have not seen it to date.

This bill contains a range of initiatives that are difficult to argue with. I suggest to the government that there is an opportunity here to pass some laws that are difficult to disagree with to deal with the domestic violence situation. The government can vote for them here today, which would mean that, before the 2017 election, Parliament would have at least done something significant on these issues. The government has five weeks to go. After eight years in office, it is saying that it is going to bring in laws, today, tomorrow or whenever it might be. The prospect of getting those laws through the Parliament is remote, considering the standing orders, the other legislation that needs to be dealt with and the valedictory speeches and the like that need to

Mrs Michelle Roberts; Mr John Day; Acting Speaker; Mrs Liza Harvey; Ms Andrea Mitchell; Mr Mark McGowan

be made. However, this legislation is at a stage at which it could quite easily be put through the Parliament, because it has now reached the second reading vote, which we will do in a moment. Here is an opportunity for something meaningful to be done, with the best of intentions from the state opposition. If the government votes this down, I and my colleagues will legitimately be able to say that the Liberal and National Parties voted against laws to assist the victims of domestic violence.

Dr A.D. Buti: And, leader, it would also be able to say they have now twice voted against Saori's law.

Mr M. McGOWAN: That is right. We will now be able to legitimately say, firstly, that the government voted against laws to assist victims of domestic violence and, secondly, that it voted against laws to toughen the penalties against perpetrators of domestic violence who kill people. If the government wants that as something the Leader of the Opposition can say, it can vote against this legislation now, because that will be a true statement. The government cannot say I am exaggerating or that I am misleading and it cannot say that what I am alleging is in any way wrong, because it is correct. The government has not been able to point out any drafting errors or other errors of that sort in this legislation, so it is on the government's head. Does it want to vote to assist victims of domestic violence or does it want to vote against assisting them? Does it want to vote for toughening the penalties for people who kill people in domestic violence situations or does it want to vote in favour of leaving the existing and clearly inadequate arrangements in place? That is the government's choice; the vote will happen now and we will see what the Liberal and National Parties do.

Division

Question put and a division taken, the Acting Speaker (Mr I.M. Britza) casting his vote with the noes, with the following result —

Ayes (19)

Ms L.L. Baker	Mr R.F. Johnson	Mr M.P. Murray	Mr C.J. Tallentire
Dr A.D. Buti	Mr D.J. Kelly	Mr J.R. Quigley	Mr P.C. Tinley
Mr R.H. Cook	Mr F.M. Logan	Ms M.M. Quirk	Mr B.S. Wyatt
Ms J. Farrer	Mr M. McGowan	Mrs M.H. Roberts	Mr D.A. Templeman (<i>Teller</i>)
Ms J.M. Freeman	Ms S.F. McGurk	Ms R. Saffioti	

Noes (33)

Mr P. Abetz	Ms E. Evangel	Mr S.K. L'Estrange	Mr J. Norberger
Mr F.A. Alban	Mr J.M. Francis	Mr R.S. Love	Mr D.T. Redman
Mr C.J. Barnett	Mrs G.J. Godfrey	Mr W.R. Marmion	Mr A.J. Simpson
Mr I.C. Blayney	Mr B.J. Grylls	Mr J.E. McGrath	Mr M.H. Taylor
Mr I.M. Britza	Dr K.D. Hames	Mr P.T. Miles	Mr T.K. Waldron
Mr G.M. Castrilli	Mrs L.M. Harvey	Ms A.R. Mitchell	Mr A. Krsticevic (<i>Teller</i>)
Mr V.A. Catania	Mr C.D. Hatton	Mr N.W. Morton	
Ms M.J. Davies	Mr A.P. Jacob	Dr M.D. Nahan	
Mr J.H.D. Day	Dr G.G. Jacobs	Mr D.C. Nalder	

Pairs

Mr P. Papalia	Ms L. Mettam
Mr P.B. Watson	Mr M.J. Cowper
Mr W.J. Johnston	Ms W.M. Duncan

Question thus negatived.

Bill defeated.