

RESTRAINING ORDERS ACT

442. Hon CHARLES SMITH to the Leader of the House representing the Attorney General:

The current three strikes breach of violence restraining order legislation is rightly perceived as weak by many campaigners against domestic violence, as magistrates can and do deal with multiple breaches over a short time frame as one offence, thus avoiding any custodial sentence.

- (1) Does the minister have any plans to stop this weak legislation and introduce new amendments to the Restraining Orders Act that will make persistent perpetrators of domestic violence fully accountable?
- (2) If not, why not.

Hon SUE ELLERY replied:

I thank the honourable member for some notice of the question.

- (1) The Restraining Orders Act 1997 creates a rebuttable presumption of imprisonment for a third or subsequent breach of a family violence restraining order or police order. Of course, any breach of a restraining order, even a first or second breach, can and should lead directly to imprisonment if the conduct is sufficiently serious. In line with its election commitment to address the recommendations of the Law Reform Commission of Western Australia's 2014 report "Enhancing Family and Domestic Violence Laws", the government is actively considering whether further amendment of section 61A of the Restraining Orders Act 1997—the so-called three strikes restraining order provision—is required, including whether current penalties are appropriate.
- (2) Not applicable.