

FAMILY AND DOMESTIC VIOLENCE — REFORMS

107. Mr I.M. BRITZA to the Minister for Police:

Could the minister inform the house of the family violence reforms for Western Australia that she recently announced with the Attorney General?

Mrs L.M. HARVEY replied:

I thank the member for Morley for the question. It was my privilege on Sunday to announce with the Attorney General an overhaul of the Restraining Orders Act 1997. This is part of a comprehensive reform package that we have put in place to better protect families from domestic violence in Western Australia. These changes have come from the government's response to the Law Reform Commission's report "Enhancing Family and Domestic Violence Laws".

In the first part of the package that we announced on International Women's Day on Sunday, we will introduce special family violence restraining orders. This will be a third category of violence restraining order and will remove the onus on a victim to provide evidence of an act of abuse to initiate a family violence restraining order and extend that to behaviour that is intended to coerce, intimidate or control. It is important that we give that option to victims to apply for a family violence restraining order because often coercion, intimidation and control is the first step towards an escalation to more violent relationships and family and domestic violence.

The grounds for the order will be redefined by removing the broad discretion of magistrates so that if the conditions for making the order are met, the implication will be that the order should be made. Courts will be required to adopt a risk management approach to granting family violence restraining orders. By that we mean that we will require them to consider information from WA Police and the Department for Child Protection and Family Support about the risks for the victim and other family members and also specific conditions that may be tailored to particular family circumstances, such as mandatory counselling for a perpetrator.

Victims have said that they want more support under the law. The sad fact of this issue is that last year, 44 947 instances of family and domestic violence were reported to police. That is an alarming statistic; it is two and a half times the level in 2004. We can argue that confidence in reporting has led to greater reporting and confidence in victims reporting to police. However, the numbers are still too high. One of the issues that has come out of the new move that the government is making around family and violence restraining orders is that our only response to family and domestic violence was to cut the specialist domestic violence courts. That is wrong. An evaluation of our metropolitan family violence courts and the Barndimalgu Court in Geraldton —

Several members interjected.

The SPEAKER: Members!

Mrs L.M. HARVEY: The reason that those courts no longer operate is that when we did an evaluation of the effectiveness of those courts, the court models were found, at best, to be equivocal. Domestic violence is unacceptable.

Several members interjected.

The SPEAKER: Members!

Mrs L.M. HARVEY: Our community deserves better than mediocrity and it deserves better than a court that is not functioning to —

Mrs M.H. Roberts interjected.

The SPEAKER: Member for Midland, I call you to order for the first time. Minister, I want you to wind this up, please.

Mrs L.M. HARVEY: I was attempting to address some of the mischievous information that has been put out into the community.

Point of Order

Mrs M.H. ROBERTS: The minister has been referring to a report that is allegedly a review of the function of the domestic violence courts and I call upon her to table that document.

The SPEAKER: Do you have a document?

Mrs L.M. HARVEY: I was referring to the Attorney General's review of the operation of the courts. I am not the Attorney General and I am not at liberty to table that. This is information for the Attorney General.

Mr W.J. Johnston interjected.

The SPEAKER: Member for Cannington, I call you to order for the first time.

Mrs M.H. ROBERTS: Further to my point of order, the minister is quoting from the Attorney General's report, which she has clarified is a review. I call upon her to table it and make the document publicly available.

The SPEAKER: Minister, are you referring to notes? What are you referring to?

Mrs L.M. HARVEY: I am referring to my own notes in responding to this question.

Questions without Notice Resumed

Mrs L.M. HARVEY: I know that members of the opposition do not like it. We are active in the family and domestic violence space. We are active in ensuring that we do not allow an ineffective court to continue operating under the pretence that it is actually protecting victims of family violence. We will not tolerate it. We will make moves to ensure that victims of family violence get some action under this government and get some relief from the perpetrators of family violence. We have been accused of dismantling access to —

Ms R. Saffioti interjected.

The SPEAKER: Member for West Swan, I call you to order for the first time. Minister, I am giving you 30 seconds to wind this up.

Mrs L.M. HARVEY: That is very generous of you, Mr Speaker. I will take less than that.

Our local policing teams now incorporate domestic violence specialists in their actions to ensure that they can connect victims of family and domestic violence with the support services and expert assistance that they need. Far from dismantling the system, we are improving it. We will not stand for those figures of domestic violence being reported to police. We will make a difference in this space. Members opposite did not.