

LEGAL AFFAIRS — FAMILY VIOLENCE

1822. Hon Ben Dawkins to the parliamentary secretary to the Attorney General:

- (1) (1) Is the Minister aware of how woman’s refuges come to put men’s names on ‘alert lists’?
- (2) (2) Is there a process for removing said alert if the man is proved innocent by the courts or complaints about his violence are found by the police dcp or others to have no basis?
- (3) (3) Will the Minister confirm how many domestic violence offenders are women – as a percentage?
- (4) (4) Given the amount of time taken up on magistrates court with Family Violence Restraining Order (FVRO) can the Minister confirm if there is a penalty for those who make false reports of family violence?
- (5) (5) How many convictions have been made for perjury for false reporting of domestic violence via the FVRO system?
- (6) (6) Will the Minister consider dispensing with the ex parte application for FVROs to ensure that those men and women falsely accused have a chance to rebut false claims before they are thrown out of their homes and ostracised from their children?
- (7) (7) Further to above, and taking into account the damage done when children are deprived of a meaningful relationship with both parents, is parental alienation recognised in the Family Court of Western Australia (FCWA) and magistrates court as a sometimes deliberate strategy to obtain some or majority custody of children on WA?
- (8) (8) Further to above, is the Minister aware of any stats on wrongfully FVROs being used as a tactic by both men and women to obtain an advantage re possession of homes and custody of children and to therefore place the vexatious complainant in a superior position for future children and property proceedings in the family court?
- (9) (9) if yes to (8), please provide said statistics?

Hon Matthew Swinbourn replied:

- (1)–(2) The day-to-day operations of women’s refuges does not generally fall within the Attorney General portfolio.
- (3) Between 1 July 2022 and 30 June 2023, 17.8% of those individuals who had been convicted of at least one offence that was flagged by the WA Police Force as being Family and Domestic Violence were female.
- (4) A false report of family violence could amount to a criminal offence, such as perjury or attempt to pervert the course of justice. Where this is alleged and reported to the police, it is a matter for the police and/or the Director of Public Prosecutions to decide, on the available evidence, whether to prosecute. If they do prosecute, it is a matter for the courts to determine guilt.
- (5) Since the commencement of the FVRO scheme in 2016, there have been no convictions for perjury for false reporting of domestic violence via the Family Violence Restraining Order (FVRO) system.
- (6) FVROs provide critical protection for victim–survivors of family violence, and often need to be obtained urgently following an incident. Being able to apply for an Interim FVRO ex-parte can be essential for a victim–survivors safety, and victim–survivor safety is a paramount consideration for the court. Only applications for interim (temporary) FVROs are heard ex parte. The person bound by the interim FVRO then has an opportunity to object to it and have the matter proceed to a final order hearing before a magistrate.
- (7) The Family Court of WA makes decisions on the basis of children’s best interests, which includes considering the benefit of having a meaningful relationship with both parents and the need to protect children from physical and psychological harm.
- (8)–(9) No.