



WESTERN AUSTRALIA POLICE FORCE

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(OPERATIONS)**

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Hon Dr Sally Talbot MLC  
Chair  
Standing Committee on Legislation  
Parliament House  
4 Harvest Terrace  
WEST PERTH WA 6005

Dear Dr Talbot

Thank you for your letter dated 25 October 2018 regarding the proposed new section 71AB(2)(d)(iv) of the *Residential Tenancies Legislation Amendment (Family Violence) Bill 2018*, which will require a Family Violence Report Form to be completed by police officers.

The Western Australia Police Force would manage the completion of the Family Violence Form in accordance with internal policy and guidelines.

The legislation suggests a prescribed person is a police officer who has worked with the tenant, therefore only a police officer attending an incident, involved in the investigation or a member of a Family Violence Team who has knowledge of the relationship/family violence would be in a position to complete the prescribed form.

A person attending a police station should be referred to the attending/investigating officer. In the absence of an attending/investigating officer, a police officer from the Family Violence Teams (Metropolitan) or the Family Violence Co-ordinator (Regional WA) would be authorised to make an assessment and complete the prescribed form.

A police incident report (family violence incident report, incident report, or CAD attendance report) would be required to ensure the veracity/need for the certified family violence report form to be completed.

If a police incident report has not been created, a report by the tenant to police would be taken and an investigation commenced. This is to ensure police comply with their legislative obligations under the *Restraining Orders Act 1997* (s.62A) and mitigate police certifying a vexatious report by the tenant. There is potential the signing of the prescribed form may be delayed while police conduct an investigation.

The police officer will be required to certify they have determined the tenant or their dependants 'has been or is likely to be subjected or exposed to family violence during the

tenancy period'. Therefore, some evidence of the existing tenancy arrangements will be required to be produced by the tenant, along with the potential/nominated perpetrator's details.

A copy of the signed prescribed form should be scanned and attached to the individual person profile of the tenant on the police Incident Management System database. Where the police officer declines to sign the certificate, this should be recorded in the last investigation file relating to the relationship. Court appearances by police officers for disputed certificates will be conducted in work time, and potentially subject to cost recovery.

The WA Police Force consider this form will be a useful, additional safety management mechanism during investigations. Police will use this to help victims and as a victim safety/management tool to manage premises where they are co-tenants.

As the WA Police Force policy position will be that only a police officer who has worked with the tenant or an officer from the Family Violence Teams will be able to declare the prescribed form, this will negate the potential for 'shopping around'.

Yours sincerely



GARY DREIBERGS APM  
DEPUTY COMMISSIONER (OPERATIONS)

8 November 2018