

40TH PARLIAMENT



Community Development and
Justice Standing Committee

Report 9

ANNUAL REPORT 2019–20

Presented by
Mr P.A. Katsambanis, MLA
September 2020

Committee Members

Chairman	Mr P.A. Katsambanis, MLA Member for Hillarys
Deputy Chairman	Mr M.J. Folkard, MLA Member for Burns Beach
Members	Mr D.T. Punch, MLA Member for Bunbury
	Mr S.K. L'Estrange, MLA Member for Churchlands (from 28 November 2019)
	Ms L. Mettam, MLA Member for Vasse (from 11 March 2020, co-opted from 28 November 2019)
	Mr A. Krsticevic, MLA Member for Carine (until 11 March 2020)
	Mr Z.R.F. Kirkup, MLA Member for Dawesville (until 28 November 2019)

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Report No. 9

Presented by

Mr P.A. Katsambanis, MLA

Laid on the Table of the Legislative Assembly on 17 September 2020

Chairman's Foreword

The 2019–20 financial year was busy for the Community Development and Justice Standing Committee. Our primary focus was our inquiry into the Magistrates Court of Western Australia's management of matters involving family and domestic violence. The inquiry had the Committee considering 47 submissions, and 13 supplementary submissions, and speaking with 84 witnesses at 12 public hearings and 15 briefings. It took us on a short and tightly packed trip to Melbourne, Canberra, Southport and Brisbane, where we gathered a significant amount of evidence which informed the course of the Committee's inquiry and, ultimately, the findings and recommendations made in our inquiry report this year.

As with everyone across Western Australia, the Committee's activities were impacted by the COVID-19 pandemic. Scheduled travel in early April 2020 to the Barndimalgu Aboriginal Family Violence Court in Geraldton was cancelled due to health concerns and increasing restrictions on movement. Further evidence gathering hearings were cancelled, and information instead sought in writing. As the Committee adjusted to restrictions on movement and gathering sizes, and working from home requirements, meetings were cancelled or rescheduled to be conducted remotely. These disruptions contributed to the Committee extending its inquiry tabling date from 25 June 2020 to 13 August 2020.

The pandemic also impacted our other activities. The Committee had begun considering potential new inquiries, with a scoping hearing scheduled for May 2020. This hearing was cancelled due to movement and gathering restrictions, and also in recognition of the need for government agencies to focus on service provision and their response to the rapidly evolving COVID-19 pandemic, whilst ensuring the health and safety of staff and the public. The Committee was thus unable to commence another inquiry during the 2019–20 period as we had intended.

Movement and gathering restrictions, coupled with health and safety concerns, required the Committee to change the way we operate to continue our work. The Committee held a number of meetings via Zoom, including over the winter Parliamentary recess, to adopt our inquiry report. Utilising remote conferencing technology provided flexibility for the whole Committee in allowing us to meet more regularly. It was particularly beneficial for our regional members who are not regularly in Perth during the recess, and would otherwise have been required to travel for hours to attend meetings, or missed the opportunity to take part in deliberations.

Although adopted as a necessity borne out of a challenging situation, the willingness of Committee members to embrace remote conferencing technology, and the smoothness with which our meetings ran, was encouraging. Continuing to use this technology into the future for both deliberative meetings and evidence gathering hearings, particularly with interstate and international witnesses, will provide flexibility for Committee meetings, ultimately enhancing the way the Committee conducts its activities.

The Committee looks forward to continuing its work for the duration of this Parliament and has a series of hearings scheduled for the next few months.



MR P.A. KATSAMBANIS, MLA
CHAIRMAN

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Chapter 1

Committee Activities

Introduction

This report covers the works undertaken by the Community Development and Justice Standing Committee of the 40th Parliament during the 2019–20 financial year. During the period 1 July 2019 – 30 June 2020, the Committee:

- conducted the inquiry into the Magistrates Court of Western Australia’s management of matters involving family and domestic violence
- held 22 deliberative meetings
- took evidence from 24 witnesses at 12 public hearings, and held three closed hearings
- met with 60 people at 15 briefings, including a site visit at the Perth Magistrates Court
- undertook investigative travel to Melbourne, Canberra, Southport and Brisbane as part of the inquiry into the Magistrates Court of Western Australia’s management of matters involving family and domestic violence
- tabled one report, the 2018–19 Annual Report.

Table 1.1: Summary of the activities of the Committee, 1 July 2019 – 30 June 2020

Description	Activity
Deliberative meetings	22
Hearings	15
Witnesses (public hearings)	24
Briefings	15
Reports tabled	1
Report findings tabled	0
Report recommendations tabled	0

Portfolios

The Committee is responsible for the following 21 portfolio areas:

- Aboriginal Affairs
- Attorney General
- Child Protection
- Citizenship and Multicultural Interests
- Community Services
- Corrective Services
- Culture and Arts
- Disability Services
- Electoral Affairs
- Emergency Services
- Environment
- Local Government
- Police
- Prevention of Family and Domestic Violence
- Road Safety
- Seniors and Ageing
- Sport and Recreation
- Veterans Issues
- Volunteering
- Women's Interests
- Youth

Public Hearings

Pursuant to Legislative Assembly Standing Order 264, the Committee has power to send for persons, papers and records. During the period 1 July 2019 – 30 June 2020, the Committee conducted 12 public hearings, taking evidence from 24 witnesses to assist with its investigations (Table 1.2).

Table 1.2: Public Hearings of the Committee, 1 July 2019 – 30 June 2020

Date	Name	Position	Organisation
13 November 2019	Ms Mary Corina Martin	Chief Executive Officer	Aboriginal Family Law Services
	Ms Linda Cao	Senior Lawyer	
	Ms Joanne Stampalia	Executive Director, Court and Tribunal Services	Department of Justice
	Ms Teresa Tagliaferri	Director, Court Counselling and Support Services	
20 November 2019	Chief Magistrate Steven Heath		Magistrates Court of Western Australia

Date	Name	Position	Organisation
20 November 2019	Magistrate Deen Potter	President	The Magistrates' Society of Western Australia
	Magistrate Jennifer Hawkins	Member	
27 November 2019	Ms Kedy Kristal	Acting Chief Executive Officer	Women's Council for Domestic and Family Violence Services
10 February 2020	Judge Julie Wager	President	Children's Court of Western Australia
	Magistrate Andrée Horrigan		
	Ms Katalin Kraszlan	Acting Commissioner for Victims of Crime	Department of Justice
	Mr Michael Johnson	Director, Magistrates Courts and Tribunals	
	Mr Thomas Samuels	Legal Policy Officer	
	Ms Michelle Andrews	Director General	Department of Communities
	Ms Astrid Kalders	Executive Director, Children and Families	
	Ms Tanya Elson	Director, Children and Families	
	Assistant Commissioner Kylie Whiteley	Assistant Commissioner, Operations Support	Western Australia Police Force
	Superintendent Sharron Leonhardt	Superintendent, Family Violence Division	
Superintendent Martin Cope	Superintendent, Prosecuting Services Division		
11 March 2020	Ms Ekaterini Blitz-Cokis	Chief Executive Officer	Northern Suburbs Community Legal Centre Inc.
	Mr Nicholas Snare	Senior Solicitor	
	Ms Sharryn Jackson	Executive Director	Community Legal Western Australia
	Ms Caroline Hannington	Policy and Projects Officer	
	Mr Rodney West	Executive Manager, Community Services	Centrecare Inc.

Briefings

In addition to gathering evidence during formal hearings, the Committee held one briefing with the Chief Magistrate, and attended a site visit at the Magistrates Court of Western Australia. The Committee obtained information at the briefings in relation to the inquiry into the Magistrates Court of Western Australia's management of matters involving family and domestic violence.

Investigative Travel

As part of its inquiry into the Magistrates Court of Western Australia's management of matters involving family and domestic violence, five Committee members, one co-opted Committee member and two staff members undertook investigative travel to Melbourne, Canberra, Southport and Brisbane for five days in February 2020.

The Committee's travel gave it the opportunity to explore how other state and territory court systems are structured to respond to matters involving family and domestic violence. The Committee met with representatives of magistrates' courts in Victoria, Queensland and the Australian Capital Territory to understand court processes, and toured court buildings to view infrastructure and design features implemented specifically to respond to matters involving family and domestic violence. The Committee also took the opportunity to meet with representatives of legal and support service providers to gain an understanding of how different court users experience court processes in each jurisdiction, and improvements that could be made to make processes more efficient and accessible.

The Committee gathered important evidence during its travel. This evidence was relied upon by the Committee when forming many of its conclusions and making recommendations throughout the Committee's report, *Opening doors to justice: Supporting victims by improving the management of family and domestic violence matters in the Magistrates Court of Western Australia*.

The Committee intended to visit to the Barndimalgu Aboriginal Family Violence Court in Geraldton in early April 2020. Unfortunately, the scheduled trip was cancelled due to public health concerns and increasing restrictions on movement arising from the COVID-19 pandemic.

Chapter 2

Financial Statement

The Committee does not have its own formal budget and is funded out of the budget of the Legislative Assembly. Approval for major expenditures is required on a case-by-case basis and is entirely at the discretion of the Speaker.

The Committee's expenditure for the financial year 1 July 2019 – 30 June 2020 (in accordance with Standing Order 276) is detailed below:

Table 2.1: Expenditure items of the Committee, 1 July 2019 – 30 June 2020

Expenditure Item	Amount (\$)
Inquiry Travel	54,000
Advertising	1,951
Meals	428
Couriers	302
Member and staff amenities	62
TOTAL	56,743

Notes:

- Figures are rounded to the nearest dollar.
- Salaries of committee staff and the costs of shared administrative expenses, including lease costs for committee accommodation, are excluded.



MR P.A. KATSAMBANIS, MLA
CHAIRMAN

Appendix One

Committee's functions and powers

The functions of the Committee are to review and report to the Assembly on: -

- a) the outcomes and administration of the departments within the Committee's portfolio responsibilities;
- b) annual reports of government departments laid on the Table of the House;
- c) the adequacy of legislation and regulations within its jurisdiction; and
- d) any matters referred to it by the Assembly including a bill, motion, petition, vote or expenditure, other financial matter, report or paper.

At the commencement of each Parliament and as often thereafter as the Speaker considers necessary, the Speaker will determine and table a schedule showing the portfolio responsibilities for each committee. Annual reports of government departments and authorities tabled in the Assembly will stand referred to the relevant committee for any inquiry the committee may make.

Whenever a committee receives or determines for itself fresh or amended terms of reference, the committee will forward them to each standing and select committee of the Assembly and Joint Committee of the Assembly and Council. The Speaker will announce them to the Assembly at the next opportunity and arrange for them to be placed on the notice boards of the Assembly.



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