



# FURTHER INFORMATION

## Community Development and Justice Standing Committee

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### INQUIRY INTO THE MAGISTRATES COURT OF WESTERN AUSTRALIA'S MANAGEMENT OF MATTERS INVOLVING FAMILY AND DOMESTIC VIOLENCE

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#### The Committee's Terms of Reference

We will consider numerous questions within our *terms of reference*, including:

1. ***The challenges experienced by the Magistrates Court of Western Australia and court users in matters involving family and domestic violence, including:***
  - a. ***Ease of access***
  - b. ***Cost of access***
  - c. ***Access to advice, support and programs***
  - What challenges are faced by the Magistrates Court of Western Australia in exercising both its civil and criminal jurisdictions in matters involving family and domestic violence? For example:
    - Limited resources
    - Geographical limitations
    - Technological barriers
    - Knowledge and experience of court users
    - Interactions with other courts or government agencies
  - What barriers prevent people from accessing the Magistrates Court of Western Australia? For example:
    - Cost
    - Lack of understanding about court processes, and how and when they can be accessed
  - What challenges are faced by court users when participating in a civil or criminal matter involving family and domestic violence in the Magistrates Court of Western Australia? For example:
    - The adversarial nature of some processes
    - Timeliness
  - What types of advice, support and programs are available to court users? For example:
    - Advice and support for a person seeking a Family Violence Restraining Order
    - Offender focused programs
  - What financial burden is incurred by court users participating in matters involving family and domestic violence? For example:
    - legal advice and representation
    - accessing support services or programs
2. ***How other jurisdictions manage matters involving family and domestic violence, including examination of non-adversarial models.***
  - How do other jurisdictions manage matters involving family and domestic violence?
  - Do any other jurisdictions have court processes that vary significantly from the Magistrates Court of Western Australia? What are the advantages and disadvantages of these processes?
  - Are there any non-adversarial or non-litigious ways to manage matters involving family and domestic violence? Are these efficient and effective?

**3. Ways to improve the efficiency and effectiveness of the Magistrates Court of Western Australia's management of matters involving family and domestic violence.**

- How are efficiency and effectiveness measured?
- How can the Magistrates Court of Western Australia improve the timeliness of court processes?
- What additional advice, support or programs should be available to court users?
- Are any legislative, regulatory or procedural changes required?

**Note:** The Committee is aware of the important role the Family Court of Western Australia has in dealing with family law matters involving family and domestic violence. Earlier this year the Australian Law Reform Commission reported on its review of the family law system, and in late 2017 the House of Representatives Committee on Social Policy and Legal Affairs completed its inquiry into a better family law system to support and protect those affected by family violence. In recognition of these significant inquiries, and that family law is made by the Commonwealth Government, the Family Court of Western Australia is not a direct focus of this inquiry. Its operations may be considered to the extent they interact with and affect the Magistrates Court of Western Australia.

**The Committee is not reviewing the decisions of Magistrates. The Committee will not consider individual matters before the court, the application of law in particular matters, nor the conduct of individual Magistrates.**

The Committee plans to report on its findings by 30 April 2020.

### Your submission

The Committee would welcome your submission addressing the issues raised generally, or one or all of the terms of reference more specifically. Submissions must include the submitter's full name and contact details.

Submissions should be received by the Committee no later than Friday, 11 October 2019. Submissions can be sent electronically to [lacdjsc@parliament.wa.gov.au](mailto:lacdjsc@parliament.wa.gov.au) or by post to:

The Principal Research Officer  
Community Development and Justice Standing Committee  
Parliament House  
4 Harvest Terrace  
WEST PERTH WA 6005

All submissions become property of the Committee. Unless the Committee decides otherwise, submissions are part of the Committee's public record. This means that your submission may be published on the Parliament's website, disclosed for the purposes of the Committee's enquiries, referred to in public hearings and, at the end of the inquiry, referred to in the Committee's published report and tabled as a public document in the Legislative Assembly.

If you would like the Committee to consider a request for your correspondence to be accepted as a confidential submission please include that request with your submission. The Committee will consider any request you make, but ultimately it is the Committee's decision about how it uses the information it receives. Please seek further information from the Committee's Principal Research Officer prior to making your submission if you have particular concerns.

Until such time as your submission is published by the Committee you should not share it with others. If you publish or disclose the content of your submission, you may not be protected by parliamentary privilege.

For questions about the terms of reference or the inquiry process, including the preparation of submissions, please contact the Principal Research Officer, Alison Sharpe, on 9222 7394 or [lacdjsc@parliament.wa.gov.au](mailto:lacdjsc@parliament.wa.gov.au).