FAMILY VIOLENCE LEGISLATION REFORM (COVID-19 RESPONSE) BILL 2020

Receipt and First Reading

Bill received from the Council; and, on motion by **Mrs M.H. Roberts (Minister for Police)**, read a first time.

Explanatory memorandum presented by the minister.

Second Reading

MRS M.H. ROBERTS (Midland — Minister for Police) [1.10 pm]: I move —

That the bill be now read a second time.

The government recognises that the current crisis creates a situation of heightened risk for victims of family and domestic violence. Key amendments in the existing Family Violence Legislation Reform Bill 2019, which were passed in this house on 11 March 2020, will provide enhanced safeguards for victims of family violence. We know that victims are at increased risk when they are isolated from family and the community, and are unable to leave or put in place other protective measures. These concerns have been raised by national and international experts and the family violence sector.

We have seen reports coming out from overseas and interstate jurisdictions that not only are victims at increased risk of family violence during this pandemic, but perpetrators of family violence are using the virus as a method to control and coerce victims. The COVID-19 pandemic has already resulted in a rise in the number of incidents of family violence across Australia. I urge the public to be patient and to consider those around them. In difficult times, stress can in some cases cause people to act in unacceptable ways. Let me be very clear: no matter what is going on in the world, violence is never acceptable. Our state's domestic violence helplines and crisis care are equipped to respond to families experiencing family and domestic violence and will continue to support them especially with emergency refuge and crisis accommodation.

The pandemic is also likely to have implications on the capacity of our justice system to employ its normal in-person and manual methods of operation, such as lodging of restraining order applications and serving orders. This new bill amends the Sentencing Act 1995, the Sentence Administration Act 2003, the Bail Act 1982 and the Restraining Orders Act 1997 to implement reforms that will assist in the justice system's preparedness and response to the spread of the coronavirus.

I turn now to the details of the amendments. Amendments to the Sentencing Act 1995 and Bail Act 1982 are introduced as part of the government's commitment to expand the availability of location tracking of offenders and accused persons in the community. Amendments to the Sentencing Act 1995 will permit the court to impose a primary requirement that the offender be subject to electronic monitoring to enable their location to be tracked. This requirement will be available under conditional suspended imprisonment orders and intensive supervision orders.

An electronic monitoring requirement will only be imposed when the offender presents a high risk to a person, a group of persons or the community more generally. An electronic monitoring requirement will only be imposed when the court has received a report from corrections as to the suitability of the offender for electronic monitoring. Electronic monitoring is an additional tool with which to keep offenders under supervision by tracking their movements.

These amendments will provide corrections officers with additional flexibility to remotely monitor offenders. The coronavirus pandemic may compromise the ability of corrections officers to utilise current in-person methods of contacting, monitoring and supervising offenders in the community. Electronic monitoring provides an additional opportunity for corrections officers to require offenders to remain at home, or refrain from particular locations, which can then be monitored remotely and responded to when necessary. Further electronic monitoring amendments are proposed to the Bail Act 1982, which will permit a judicial officer to include, as a home detention bail condition, a direction that an accused be subject to electronic monitoring. I have already outlined the benefits of electronic monitoring in the current environment, and these amendments will similarly ensure that corrections has appropriate tools available with which to keep offenders under remote supervision.

Amendments to the Sentence Administration Act 2003 are made under the bill to ensure consistent terminology and application of penalties in relation to electronic monitoring provisions across the relevant acts. The Bail Act will also be amended to enable police officers to grant bail to an accused person arrested for breach of a restraining order in an urban area. Police officers are currently prohibited from doing so except in regional areas. This is an inefficient use of resources when the accused could otherwise be granted bail, subject to the normal bail considerations, including the safety risk for victims. Further, in its 2014 report, the Law Reform Commission of Western Australia noted that an unintended consequence of this provision was that police would issue a summons rather than arresting the accused and bringing them before a judicial officer for bail consideration.

In the current context, it is relevant to note that there is a heightened risk of infection in places of detention and police and health officials would be required to use valuable health resources to ensure that these offenders do not infect the wider detainee population.

A number of amendments to the Restraining Orders Act 1997 will be made to improve access to restraining orders, ensure that victims are not exposed to risk and hold perpetrators to account. These include —

> enabling restraining order applications to be lodged online;
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> requiring that interim orders remain in place until cancelled;
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> enabling substituted service without the order of the court when personal service has not been achieved. This new provision will ensure that personal service remains the primary method of service, while allowing for regulations to prescribe what constitutes reasonable attempts to personally serve an order; the manner in which the substituted service is permitted after those reasonable attempts have been made; and who may permit the substituted service—for example, that substituted service may occur only with the documented approval of a person of a prescribed class or holding a prescribed office;
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> enabling an applicant to be notified electronically by the registrar that a restraining order has been served;
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> creating a separate offence for breach of a family violence restraining order, increasing the penalty to $10 000 from $6 000 and extending the limitation period for prosecuting breach of restraining order offences to two years; and allowing the Family Court and Children's Court to issue interim restraining orders on an ex parte basis in the same way as the Magistrates Court is permitted to do so.

The amendments in this bill will assist in holding perpetrators to account, keeping victims safe, ensuring a responsive justice system and improving the Restraining Orders Act 1997. These amendments will enable us to better respond to the challenges faced by the justice system and the risk to victims of family violence in the context of the coronavirus pandemic.

I commend the bill to the house.

MR P.A. KATSAMBANIS (Hillarys) [1.18 pm]: I rise to speak as the lead speaker for the opposition. I will say at the outset that the Liberal Party supports this bill. This is a pared down version of the Family Violence Legislation Reform Bill 2019 that was introduced into this place late last year by the Attorney General in conjunction with the Minister for Prevention of Family and Domestic Violence. We debated it on 10 and 12 March in this place, and I spoke at length about the provisions. We supported the bill, we supported its passage and we sent it to the upper house. Between then and now, we have had the escalation of issues in relation to the pandemic that we are all facing, so both chambers essentially are trying to deal with urgent legislation that is required for meeting the challenges our society faces in the interim period as we try to combat the pandemic before us. In that context, it was determined that whilst the original legislation was sitting in the upper house, there were aspects of that legislation that would be absolutely necessary in this period, and I will get to the reasons for that in a minute. It was then determined to remove those clauses from that bill and collate them into a new bill that could, of course, be considered in the first instance in the upper house and then sent to us for our consent, and that is what we are doing today.

I said that I would get to the reason that a family violence legislation reform bill would be necessary in the context of the pandemic we are facing, and the minister highlighted it as well in her second reading speech. Unfortunately, with people having to restrict their movements to prevent the spread of the disease, we are seeing people forced to coexist, sometimes against their will. We are already hearing reports, both here in Western Australia and in other places, that reports of family violence to our police have escalated. As we have all said before, unfortunately, responding to family violence issues has become core business for our police force. It is terrible and unfortunate, but it has become core business, and it is escalating during this pandemic. Unfortunately, we are also hearing reports that perpetrators of family violence are using this period—not just the threat of infection during this period, but the broader period more generally—to implement aspects of coercion and control that constitute in themselves family violence. I want to spell it out to everyone out there, all those perpetrators and potential perpetrators: violence is not a solution in any circumstance. Family violence is not a solution—not now, not ever. I know that people are facing many challenges—economic challenges, proximity challenges, having to coexist in sometimes very cramped quarters—but they are not excuses to resort to violence and, in particular, family violence. People should try not to indulge in escalating factors such as drug or alcohol abuse. By all means, they can have a glass of wine or a beer, but they should not reach a tipping point at which they turn into an animal. I mainly direct my comments to males. We know there are minority instances of females being perpetrators of family violence, including, but not limited to, same-sex relationships, but we also know that the vast majority of perpetrators of family violence are men. Men, stand up and take some ownership of the situation. We are in difficult times—do not resort to family violence. It is as simple as that. For those who do, we need to urgently update our legislation to provide our justice system, our police and our court system with some tools that are absolutely necessary to deal with family violence.

In that context, there were 10 parts to the original bill. The first part was the preliminary part and the other nine parts were operative parts that made changes to nine separate pieces of legislation. Now, part 2 of the original bill that we passed in this place in March, which made changes to the Criminal Code, has been removed from this bill. Parts 7 to 10 have also been removed. Changes to the Police Act, Road Traffic (Administration) Act, Dangerous Goods Safety Act and the Evidence Act have all been removed. We have ended up with a bill before us that has only five operative parts, the first one being the preliminary part, part 2 dealing with changes to the Sentencing Act, part 3 dealing with changes to the Sentence Administration Act, part 4 dealing with changes to the Bail Act and part 5 dealing with changes to the Restraining Orders Act. I note that in each of those parts, we have not simply lifted the provisions that were in the original legislation and mirrored them in this new bill. We have done that with part 2. We have listed some of the clauses that were in the original part 3, which were changes to the Sentencing Act. We have missed out a whole heap of clauses. I am just looking at what I have been given and I am trying to compare it as I go, because, remember, this is the first time I have had the complete bill. Earlier today, the Minister for Prevention of Family and Domestic Violence kindly, through her office, provided me with a copy of the bill. Again, as we have done with other legislation, we are really looking at it for the first time. We have taken out some of the clauses. I believe we have added a clause that may not have been in the original bill that we considered in March. Clause 13 may be new. Again, we have brought in most of the changes to the Sentence Administration Act that were in the original bill. I think we have left one out. The old clause 45 does not seem to have been replicated here, and that is probably because it related to the other parts that have been pulled out. There are 11 clauses from the old bill that related to changes to the Bail Act, as I can see, that have not been brought across here, and again, that is because they were doing other things. Similarly, it appears that we have brought over only a few of the clauses relating to changes to the Restraining Orders Act. We have brought over about 12 clauses, but have left out about 27 clauses. It seems to me that the new clauses 31, 32, 35 and 36 were not included in the previous bill. That is just on my quick assessment. Perhaps in her summing up or maybe in consideration in detail, the minister may like to give us an explanation about why those new clauses have been added—I think five in total that I have identified anyway. Maybe I have got it wrong, but, again, we are doing this on the fly. The explanation may simply be that when we pulled out the other clauses, we just needed these for inherent consistency of the legislation, and the people who look at these things thought it was the right thing to do to make sure the primary legislation being amended flows once we make these amendments. I point it out because it seems to me that they are new clauses, so we may as well let the Parliament and the public know.

The minister spelt out pretty clearly in her second reading speech what each part of the bill does, so I do not need to repeat that. Some of the changes to the Sentencing Act 1995 and the Bail Act 1982 allow for an expansion of location tracking of offenders and accused persons in the community through electronic monitoring. I made some comments in my contribution to the second reading debate on the original bill about making sure that electronic monitoring becomes an additional tool. There is a fear in the community that electronic monitoring might become a substitute for other penalties, including imprisonment. The government has indicated it does not intend to do that; I am happy to take it at its word. It is an additional tool that should not be seen as a substitute for imprisonment. If imprisonment is the right way to go, it should be the right way to go for a perpetrator, particularly in an area such as family violence.

I do not have the case before me, but I read a brief article in this morning's daily newspaper about the sentencing of a perpetrator of family violence who had repeatedly breached the order taken out against him by his ex-partner. Included in one of his breaches was attaching a monitoring device to the ex-partner's vehicle. It is horrific, really horrible stuff. I see the minister shaking her head, as I shake my head. The reason I raise the matter in today's paper—I do not have it before me; I was reading it over breakfast early this morning—and what shocked me about that very tiny article was that that perpetrator escaped a jail term. He was given a suspended sentence. I am not questioning the judge or the individual circumstances of the case in any way, but there is a perception in the community that some elements of our judicial system do not take family violence as seriously as they would do other matters. I spoke about that in my contribution to the second reading debate on the original bill, and it is coming through loud and clear in the Community Development and Justice Standing Committee inquiry, which I chair. It goes to that other broader question about consistency and training our judiciary, be they in the Magistrates Court, the District Court or the Supreme Court, about family violence, making sure their knowledge is current and that they have an understanding of how pervasive, dangerous and horrific family violence really is. It ought to be considered on the worst scale of offences, not on the lower scale. It should be considered on the upmost highest scale. I will use gendered language here for a very good reason, because the vast majority of perpetrators are of one gender, and the vast majority of victims are of the other gender. It is males perpetrating violence against females that we are really talking about in the absolute majority of cases. Theoretically, as a society over thousands of years, the concept of the male head of the family was as a protector and a provider, not as a perpetrator of family violence. In the historical context of our civilisation, a male who transgresses that accepted role of being a provider and a protector for their family ought to be considered the highest level of offender, not the lowest. It is as simple as that. It gets me really angry when I read reports like today's. Again, I am not passing judgement on the individual case or that sentence, I am talking about the perception out there that as a class, our judiciary seems a little out of

touch. I cannot hammer home that point enough. Perpetrators of family violence are seriously bad and their actions have enormous intergenerational consequences. We know that. All the learning tells us that. Members of my committee on both sides of the chamber are learning. Some of the things we are learning as we go along are extraordinarily confronting. We are educating ourselves, too. I want our judiciary to get that message loud and clear, so I took the opportunity to say that. I know we are trying to get through this legislation as quickly as possible, but I think it is an important message to send out there.

Mrs M.H. Roberts: It is a very important message.

Mr P.A. KATSAMBANIS: Yes, minister. I agree; it is a very important message that we should send loud and clear. I think at the crux of it, from everything that I am learning, a level of deep understanding across the judiciary as a class is not as strong as it should be, with some great exceptions, which points us down the pathway of specialisation, as other states have done. If someone wants to drag out my contributions to the debate on 10 and 12 March, they are free to read those. But I think I have made my point.

The changes to the Sentencing Administration Act 2003 are more perfunctory, in the sense that they ensure there is consistent terminology and application of penalties in the electronic monitoring provisions across the relevant acts that they apply to. They were uncontroversial then and they are uncontroversial now.

We discussed the changes to the Bail Act at quite some length. The changes in the original bill were broader than the changes in this bill, but irrespective, we discussed those at quite some length. The changes that are being brought in here will allow police officers to grant bail to an accused in an urban area, whereas before they had to bring them in and haul them before a judge. They can do that in regional areas; it is considered to be a waste of resources. As was highlighted in the Western Australian Law Reform Commission report that was delivered in 2014—there has been a number in this area—it was noted that there is an unintended consequence of police not being able to issue bail for breaches of restraining orders in urban areas, and instead of arresting the person, they would issue a summons and that way, avoid bringing them before a judicial officer. I want to make a couple of comments around that. I made them last time; I want to make them again. The ability for police to issue bail should not be used as a way of avoiding bringing certain perpetrators before a judicial officer when bail is not appropriate. We do not want bail to become a default, especially for those people who ought not be bailed, those repeat offenders or offenders who are grave threats and provide an unacceptable risk to victims and victims' families. I hope and trust that our police officers will exercise due caution and good judgement in these cases, and the cases that need to be brought before a judicial officer, because bail ought not be given, should be brought before a judicial officer. The other comment, which is broader, and again I elaborated on it in my contribution to the second reading debate on the original bill, is a concern that the Western Australian judicial system often relies on using bail conditions in place of restraining orders. I note that in this particular case, we are dealing with an issue in which there is a restraining order already in place, but, again, we are going to trust our police to make that call. If there is an order in place that needs to be toughened up, the way to go is to get that order toughened up, rather than try to do it ad hoc through a series of bail conditions that police impose on the run.

I have great faith in our police officers. They are overworked and underpaid. They are being asked to step up again, and they are doing it. Our police officers across the state, from command all the way down to the most junior of officers and all the way through the ranks, are stepping up to help our community again. Unfortunately, one of the issues that they have to confront is the escalation in family violence that I spoke about so passionately earlier.

I noted that in the second reading speech, referring to the amendments to the Bail Act, the minister highlighted that in the current context, there is a heightened risk of infection in places of detention, and we do not want our police and health officials to be using valuable health resources to ensure that offenders do not infect the wider detainee population. As a broad concept, I understand that and I accept that. I think it is an issue for the cohort of existing prisoners, but I think it is an issue that can be managed within a prison. We do not want to see prisoners released into the community if they should not be there. But in the context of bail that I was talking about, which is bail in relation to restraining orders, I think it is a reasonable consideration to give police the power to issue bail. Police officers have great experience in this area. They know who is likely to get bail; they know who is likely to not get bail. There are a few on the margin, but in the majority of cases, they know who will and will not get bail. The process of bringing someone in, processing them in a police station, processing them in the lock-up, bringing the transport people out to transport them to court and interacting with the court system results in major, major risks. If the outcome at the end of the day was going to be bail anyway, then we need to avoid those risks. Again, we are asking our police to make some judgement calls. They are well trained and well resourced. A lot of them are pretty experienced in this area—not all of them, but most of them. Unfortunately, for police on the beat, family violence has become the number one or two issue that they deal with, so they gain experience very, very quickly. They will make the right judgement call. In this case, if the offender is going to get bail anyway, let us deal with the bail and stop the potential spread of any type of infection.

Again, the changes to the Restraining Orders Act proposed by this bill are not all the originally proposed changes, but they will ensure that the system works better. The changes will enable the online lodgement of restraining

orders that we spoke about at length with the Attorney General. That is a good thing, particularly in this context. Again, we do not want people interacting when they can avoid it. Online lodgement is a wonderful thing. I think we have a wonderful integrated court management system here in Western Australia that is the envy of other states. Our committee members have discovered that as we travel around the states. Unfortunately, we have not done the front end as well as other places have. We are doing it now, and I say all power to it.

Supporting online lodgement should be a bipartisan thing, and we see how crucial it is going to be in the next few months. Again, the requirement that interim orders remain in place until they are cancelled makes eminent sense.

We spoke about substituted service. On balance, I do not have a problem with it. The new provision will ensure that personal service remains the primary method—the minister spells that out—but some situations require substitute service. Some of the members spoke about it, including the member for Burns Beach in his contribution, from memory. I am a little bit concerned about the issues that are likely to be prescribed by regulations, such as what constitutes reasonable attempts to personally serve, the manner in which the substitute service is permitted after the reasonable attempts, and who may permit the substituted service. For instance, the substituted service may only occur with the documented approval of a person of a prescribed class or holding a prescribed office. I would have preferred that to be in the primary legislation. At least it will be in the regulations; it can be considered and disallowed by the other place. That is better than nothing. But I think that is the sort of stuff we are talking about. Substituted service means that if a person cannot find someone and serve an order on them personally, there is going to be a method of substitution. Clearly, people have thought about who might be these people of a prescribed class or holding a prescribed office. It may well have been just as easy to include it in the legislation. We are not going to hold the legislation up. It is a personal preference of mine that where we can do things by primary legislation, we do. It helps everyone, particularly non-legal users of the legislation; they pick it up and they know what is happening, rather than having to trawl through regulations. But we will live with it, and, as I said, it can be looked at; it can be disallowed.

Another proposed change will enable an applicant to be notified electronically by the registrar that a restraining order has been served. That is really crucial. I am glad that this has been brought into this expedited bill. That is really, really crucial. We are talking here about victims. Often, they do not know when an order has been served, and they are very anxious. The ability to be notified electronically by text message or email, or perhaps even by phone call, will give them significant peace of mind, knowing that the order has been served and they can action any breaches because it has been served. That is critical, as I said.

We support the increases in penalties. We support allowing the Family Court or the Children's Court to issue restraining orders on an ex parte basis in the same way as happens in the Magistrates Court; that is all well and good, too. We supported those in the original bill; we support them now.

Barring the issues I raised around the new clauses, which I am sure have a rather technical and simple explanation, and I am sure the minister could cover that off in her second reading reply—if she does not, then we will drop into consideration very quickly—otherwise, we support this bill. This is bipartisan. Protecting families and protecting victims or potential victims of family violence is one of the most important things that we can do in this society. In the context of the circumstances that we are living through, with increased restrictions on travel, increased demands for us to not interact in the general public, and, essentially, to stay at home as much as we possibly can, we are seeing increases in family violence. I will not repeat what I said before, but I reinforce it. I say to perpetrators and potential perpetrators to man up—become real men and stop this violence. In the meantime, there will be a small cohort—and it is a small cohort—a minority of men who do this. They are a majority of perpetrators, but they are a minority of men, and we have to remember that. Most men do step up and do the right thing. But for those men who do not step up to the plate, we are going to continue to introduce tougher and tougher restrictions until they get it, until it gets through into their heads and into their actions that this sort of violence will not be tolerated in our society. I urge all Western Australians to stay safe, continue to stay safe, do not go down this pathway, and they will never have to interact with this sort of legislation.

Again, I repeat that the Liberal Party fully supports the passage of this bill.

MS M.J. DAVIES (Central Wheatbelt — Leader of the Nationals WA) [1.48 pm]: I rise on behalf of the Nationals WA to make a brief contribution to the debate on the Family Violence Legislation Reform (COVID-19 Response) Bill 2020 and to make sure that our comments and concerns are on the record. I would like to say at the outset that we received a briefing from the Western Australian Commissioner of Police on Monday, for which we were very grateful. One of the first things he said in the briefing was that, as one would expect, the police are monitoring very closely the crime statistics here in Western Australia as we deal with these very challenging times.

He said that crime was slightly down across the state, which was heartening to hear, but that family and domestic violence was ever so slightly up, so they were keeping a very close eye in relation to that. I can only assume that as a result of those statistics being fed into the many meetings that cabinet and government must be having at the

moment, this is a bill that we have seen slightly changed to come back to this place for us to deal with as urgently as we can in the context of COVID-19. It is timely that we deal with it because that advice is very recent and I am sure the Minister for Police gets those updates on a regular basis.

I note that this legislation is an extraction of the Family Violence Legislation Reform Bill 2019 that we have already debated in this place. The member for Geraldton made a contribution on behalf of the Nationals WA when it was in this house previously. I understand, and perhaps seek some clarification on this, that that legislation remains on the notice paper in the Legislative Council and that we are dealing with amendments to just four of the statutes for the purposes of expediting new legislation so that we can respond to the challenges that have arisen as a result of COVID-19. They are the most urgent of the changes that were canvassed in that broader legislation, albeit slightly changed as my learned friend outlined in his contribution just prior to me. I understand that the measures that are brought forward are supported by industry and advocacy groups and I presume the minister can clarify the advice and consultation process for that prioritisation, if that is to hand, for those amendments that have been brought forward or whether it is simply in the context of the WA Police Force and giving them some additional tools as we go forward over the coming months.

I understand that in the circumstances in which we find ourselves, particularly with rapidly rising unemployment and changing personal circumstances—what we call situational distress for many families—some individuals already in the system would be well known to the authorities. I do not doubt that a huge number of people will find themselves under stress that they have never experienced before. The only thing I can liken it to, from my own personal experience, is dealing with members of our electorates in times of drought, when it is a circumstance completely beyond their control. They term it “situational distress”. It is otherwise ordinary individuals who are robust enough to deal with changes, but when there is a compounding effect from something that is beyond their own control, they start to see their normal ability to deal with daily challenges pulled out and they disintegrate somewhat. If they are in circumstances like that as a result of this in a household or family, I suspect that the reason we are dealing with this is that we know there will be increased pressures and certainly behaviours that we in this place, and right across Western Australia, Australia and the globe, do not approve of and cannot support or condone. Anything that we can do to support the police to manage this, and any other authorities that support people in these circumstances, should be expedited.

The Nationals WA support this legislation. The only question I have specifically is whether the minister anticipates any challenges from a regional context as this is rolled out. If so, what might they be and what measures are being considered to address those challenges? They might be obvious—I ask indulgence from the minister if they are—but as with all the other COVID-19-related legislation that we have dealt with, there has been very little time for me to get across it. As I said, the member for Geraldton was our spokesperson on this previously, and we are limited to the two MPs we have in the house today. A matter that was raised in the other place, and that has been drawn to my attention by some of our colleagues, is in relation to the electronic lodgement of restraining orders, which was obviously making it somewhat easier from a regional perspective. I understand that the initial rollout of online restraining orders and applications will be limited to applications made with the assistance of organisations such as Legal Aid Western Australia or the Aboriginal Legal Service, or community legal services or refuges. My question is: what happens if they do not exist, as they do not in some of our communities? From a bigger regional centre perspective, we have those services in Northam, but I seek some clarification about the smaller communities: can they phone in and can that be done electronically with the support of that organisation? Are other entities being contemplated in the event that that cannot be done? That is probably the only new measure that we are putting in place that we had any questions or concerns about.

The Nationals WA have no hesitation in supporting this bill. As everyone else, we want to ensure that we have as many protections in place as possible for our vulnerable and to make sure that police have the tools at their disposal to ensure that in the event there are circumstances that these penalties or situations need to be applied, they have them at their disposal at this most challenging time.

MRS M.H. ROBERTS (Midland — Minister for Police) [1.56 pm] — in reply: I thank the member for Hillarys for his excellent contribution. He raised a number of key issues that we are clearly in full agreement on. I thank also the Leader of the Nationals WA for her sensible and supportive contribution. The member for Hillarys asked me to clarify a number of things, particularly any differences between this bill and the bill that was previously passed in the Legislative Assembly on 11 March 2020, which he spoke extensively on and participated in the committee stage. I acknowledge that the member for Geraldton on behalf of the National Party participated when the original bill went through this house in March.

There are no new policy proposals in the Family Violence Legislation Reform (COVID-19 Response) Bill 2020 when compared with the Family Violence Legislation Reform Bill 2019, the latter of which passed this house on 11 March 2020. Although Parliamentary Counsel’s Office made a couple of minor drafting changes for clarity when splitting the bill, there is no significant effect.

Clause 13 of the bill, which was highlighted by the member for Hillarys, amends part 2 of schedule 1A of the Sentencing Act 1995. Part 2 of schedule 1A sets out the relevant simple offences for the purposes of part 2, division 2A, of that act, which deals with sentencing where declared criminal organisations are involved. This is a consequential amendment arising from the creation of a separate offence of breach of family violence restraining orders under section 61 of the Restraining Orders Act 1997. It will simply ensure the continued application of the existing schedule.

Further, in the previous bill, sections 24A(3) and 25(3) of the Restraining Orders Act 1997 were proposed to be amended to provide for applications to be made in accordance with the rules of the court, using the prescribed form, if the regulations so require. That is contained in clauses 78 and 79 of the bill that was previously passed in the Legislative Assembly and in clauses 34 and 35 of the bill before the house.

The member for Hillarys asked a question about whether there would be a potential conflict around the rules of court and the prescribed forms in the regulations. I can confirm that the prescribed form is defined in section 4 of the Restraining Orders Act to mean "a form prescribed in rules of court". It is not a form prescribed in regulations. Accordingly, there would not have been any conflict between the regulations and the rules of court. However, the provision as it was drafted would have required the provisions to require applications to be made in accordance with the form specified in the rules of court. This minor adjustment provides for the relevant procedural information to be co-located in the same form of delegated legislation—namely, the relevant rules of court. It was a good point, member for Hillarys.

Mr P.A. Katsambanis: I am glad to have been of assistance.

Mrs M.H. ROBERTS: The point the member made back then has certainly added clarity to that provision. So I think that is helpful all the way around. I am told that there are no other changes to the previous bill that was passed by this house. I highlight that clauses 31 and 32 were not in the original bill, but that was because of amendments made in the Legislative Assembly. It was part of the bill when it went to the Legislative Council. Clauses 35 and 36 were taken from the Legislative Council bill but with minor technical change to reflect the changes that were raised by the member for Hillarys in the Legislative Assembly. Hopefully, I have covered off the key points. I am quickly looking at my notes to see whether there was anything else I wanted to comment on.

The member for Hillarys also talked about police bail and so forth and made some general comments about the seriousness with which courts do or do not take matters of family and domestic violence. Whilst not commenting on the courts, I can certainly comment on behalf of police. In recent years it has come from the top down and the bottom up in the police. There is now a real awareness by police officers that family and domestic violence is not to be tolerated. To assault someone to whom someone is related in their own home is more abhorrent, in my view, and clearly the member for Hillarys' view, than assaulting someone randomly in the street or at some other venue. We should feel safe in our homes and it is totally abhorrent that so much violence can be perpetrated in households. Assault is assault wherever it occurs. I find assaulting a partner, potentially a vulnerable person, in their own home, more abhorrent than assaulting someone who is not related at another location.

Unfortunately, in many years gone by there was a view that what happened behind the closed doors of a family home was no-one else's business. When people are assaulted and have lacerations, bruises and bones broken, when there is attempted strangulation and a range of other shocking assaults, it is assault—plain and simple. I heard a speech at an afternoon tea organised by Tony Buti a couple of years ago because he is one of the key participants in the Ride Against Domestic Violence and it really surprised me that one of the guest speakers there turned out to be a highly intelligent girl whom I had gone to school with. In our era, not many girls did maths 2 and 3 and physics and chemistry and the like and Judith and I did those subjects; we had been part of a very small cohort in years 11 and 12 and she went on to become a veterinarian. She is a highly intelligent girl. She graduated as a vet; she was working in that area and it took, as she explained in her speech, a number of years of truly shocking violence before someone said to her, "You have been assaulted, you should report it to police." And she felt stupid afterwards that right from the beginning she had not really realised that what she had been subjected to was plain and simple assault and, of course, she should have reported it to police. I think part of that is the attitudes of yesteryear; probably when we were children in the 1960s and 1970s, there was a very different attitude and shocking things happened in the home that were not to be disclosed to police and when they were disclosed to police or the courts, effectively nothing happened.

Mr P.A. Katsambanis: The perniciousness in the way that some of these perpetrators act in family violence we simply do not see in other elements of assault.

Mrs M.H. ROBERTS: That is right.

Mr P.A. Katsambanis: It is mind-boggling the extent and depth they go to over a significant time.

Mrs M.H. ROBERTS: Because of that familial and close, personal relationship in the family home, it is much more than just a physical injury if someone gets assaulted in another context by someone to whom they are not related, the physical assault and potentially the fear of going out and so forth is the big impact. But the psychological

damage that it does when someone in is in a relationship with someone who assaults them in that way just makes the offence of so much greater magnitude. I commend the comments made by the member for Hillarys and, of course, it is hard now to imagine the kind of community attitude that existed 40 or 50 years ago compared with today, but I am pleased to say that by and large I am impressed by our current-day police officers and the attitude that they take towards family and domestic violence. Of course, there has been numerous changes in state law to reflect the seriousness of this over time.

The Leader of the National Party also asked whether there would be any issues with this legislation in the regional context. I have to say from my reading of it, all I can see are benefits. Being able to do things remotely and electronically is generally of great assistance to regional areas, so I can really see only enhancements in accessibility to the support that victims in regional areas need.

Mr P.A. Katsambanis: One of the areas of benefit, apart from the ones the minister mentioned, is substituted service.

Mrs M.H. ROBERTS: Absolutely.

Mr P.A. Katsambanis: Because of the ability for people to travel long, long distances.

Mrs M.H. ROBERTS: That is an excellent point, member for Hillarys. Clearly, the electronic lodgement of restraining orders will be of key benefit in those regional areas. I commend this legislation to the house. Like most legislation of this nature, it would be great if it were not necessary, but we have to do our best as legislators to protect the vulnerable people in our community.

Question put and passed.

Bill read a second time.

Third Reading

Bill read a third time, on motion by **Mrs M.H. Roberts (Minister for Police)**, and passed.

Sitting suspended from 2.08 to 7.32 pm