

DOMESTIC VIOLENCE ORDERS (NATIONAL RECOGNITION) BILL 2017

Second Reading

Resumed from 15 August.

MS C.M. ROWE (Belmont) [12.37 pm]: I rise today to speak on this very important bill, the Domestic Violence Orders (National Recognition) Bill 2017. As we know, the bill will facilitate Western Australia's participation in the scheme and will remove one of the burdens on victims who are fleeing domestic violence, which was a previous need to register domestic violence orders across jurisdictional boundaries. Without this bill, an order made in one state or territory does not automatically operate within Western Australia.

When I gave my inaugural speech a few months ago, I said that I wanted to make a difference in the area of domestic violence. It was an issue that I felt at the time, and still feel today, the McGowan government will make a real difference in. I am pleased that another step in the right direction is being taken here today. We must make things easier for victims. The inconsistent system that existed prior to the Council of Australian Governments' agreement had placed too high a burden on victims in the time and effort associated with having multiple orders in multiple states. We know that victims of abuse often have to move long distances away from former workplaces, family supports and friends to build a violence-free life, often to a new state or territory. Also, the system simply did not hold perpetrators to account across jurisdictions. This change, in particular, will ensure that an order put in place in New South Wales or Victoria, or anywhere else in the country for that matter, is also recognised in Western Australia, thereby enhancing victim safety and perpetrator accountability by providing consistent, instantaneous legal protection across the country.

This change puts victims at the centre and helps make just that little easier what are often difficult and traumatic transitions. It will unburden victims by providing seamless nationwide protection without more effort on their part, allowing them to concentrate on building their lives rather than spending more time in a courthouse. This change facilitates the shift of enforcement from the victim to the state, where we know and recognise it should be. The Attorney General rightly pointed out that in the long term this system will only be as good as the information sharing arrangements that support it. I hope that the dedicated information sharing platform due to come out in 2019 will receive proper attention from the commonwealth and will deliver the ready access that our police and courts need to effectively implement this important change. I want to reiterate how important it is to keep working on these changes to remove the barriers for victims and their families. Although women often feel ashamed for not leaving a violent partner, we know that the barriers to leaving a violent home are often truly enormous. They include dealing with homelessness, problematic child custody arrangements or fear of losing custody of children altogether, financial insecurity and the very real threat of further violence or reprisal. These issues would be hard for the average person to deal with, let alone someone who may have had their supporting circle curbed or removed entirely and may be suffering from sustained coercive behaviour and violence targeted at them and their children. Despite all of these mammoth roadblocks, statistics from 2014 from the Australian Institute of Health and Welfare show that women leaving partners who perpetrate domestic violence make up nearly one-third of the recorded homeless population. That is a really harrowing statistic. We need to ensure that legacy issues—ineffective legislation, older and more casual attitudes towards family violence, and historically poor standards of enforcement—are at every turn challenged and fundamentally changed so that victims as much as possible can avoid the very real social and economic consequences of escaping violence. These include homelessness, disconnection from the community and unemployment, and the list goes on and on.

A clear area that has seen the thinking about domestic violence policy shift in other jurisdictions, as well as in WA, is the mechanisms that support not only women who choose to flee violence, but also those who choose to stay at home, recognising that the cost is borne by the victim when they have to abandon their life, work and home to relocate to escape violence. This is obviously a complex area of change and without a proactive and reliable support system, including policing and court action, these arrangements are more open to breaches of intervention orders than those that involve relocation. But again, it is important that the cost of family violence is not waged on the victim. These strategies argue that the victim, not the abuser, should be entitled to stay in their home should they choose to do so, and in the right framework they can be an effective way of limiting the social and economic consequences of family violence. A broader range of interventions reflecting this diverse cross-section of women need to be available. The biggest issue determining the effectiveness of protection orders has always been enforcement. Great strides have been made since the days when victims were largely ignored and disbelieved, and perpetrators shielded from the law, but more can always be done. We should always look for improvement, because if legal interventions are to be most effective, they need to be timely, graduated and consistent.

I would like to raise the issue of children and the effect that domestic violence has on them. Australian research published in the *Journal of Family Violence* in 2013 showed that in approximately 44 per cent of all reported cases of domestic violence within Australia, parental incidents of adult-on-adult abuse are witnessed by their children.

Ms Cassandra Rowe; Mr David Michael; Ms Simone McGurk; Mr Colin Barnett; Mr Tony Krsticevic; Mr John Quigley

That is a staggering statistic. The paper titled “Lifting the domestic violence cloak of silence: Resilient Australian women’s reflected memories of their childhood experiences of witnessing domestic violence” outlined some of the coercive behaviours and violence that children are exposed to on a daily basis in domestic violence situations. They include physical abuse, verbal abuse; emotional abuse; sexual abuse, including rape; financial abuse; and social abuse. I quote from that paper —

A definition that captures the entirety of the childhood experience of hearing violence; seeing violence, being forced to spy on a parent; being made to participate in an assault; being used as a weapon or hostage; attempting to intervene in order to defend a parent and/or to stop an assault. In addition, in the aftermath of the abuse, patching up an injured parent’s wounds, having to telephone for emergency assistance, and dealing with the abuser’s oscillation between a caring parental role and a perpetrator role.

Just imagine what these children are going through on a daily basis; it is absolutely harrowing. Even after all this, if they do flee the abuse, they are then often separated from family and friends, and they miss school, much more so than children who are not victims of domestic and family violence. It is clear that this is having a truly profound effect on children across the country. That same paper goes on to discuss the fact that despite this widespread occurrence, we know little about the long-term impacts on children who witness domestic violence in the home, but obviously what we do know is extremely chilling. Findings from various studies show that children who come from homes experiencing violence usually experience their first incident whilst they are under the age of five. Again, this study and other research indicates that this early age witnessing of violence places children at a prolonged risk of negative cognitive, behavioural and emotional developmental outcomes. I quote from the article —

Characteristically, these negative developmental outcomes manifest themselves in young children as the overt signs of distress. For example, excessive or atypical patterns of acting out, bedwetting, clinginess, sleep disturbance, disordered eating, moodiness, irritability, school/social withdrawal, aggression and, in adolescents, as excessive risk-taking and feelings of terror, shame, angst, confusion, self-blame, insecurity, powerlessness, hopelessness, loneliness, fear and anxiety.

That is a very troubling list. We also know that children experiencing violence are much more likely to have other situational risk factors, such as insecure attachments with parents, distant parenting, parental mental health issues, parental substance abuse, inter-parental hostility, breakdowns in relationships, circumstantial poverty, repeated relocations to shelter housing and new schools, as well as issues with peer acceptance. As adults, they seem to be at much higher risk of poor psychological adjustment and functioning, resulting in increased incidence of depression, antisocial behaviours and, indeed, suicide. The long and the short of it is that they face profound challenges because of their exposure to domestic violence, and they are often hidden victims.

In my first few months as a member of Parliament, I have been visiting local schools in my area and speaking directly with principals. I was particularly horrified when I went to one school and the principal said that one of the big challenges is when children present to the school with post-traumatic stress syndrome. I was absolutely gobsmacked; I could not believe that children could be presenting with such serious stress and anxiety disorders. At another school in my electorate, as I was walking to the principal’s office, I walked past the sick bay and saw a very, very small child crying his eyes out all alone. I asked the principal whether that boy was okay and the principal replied that the boy was there every morning. He needed time to recover because there was so much violence going on at home. The principal said that the child was allowed to stay in the sick bay until he had recuperated enough to attend class. In the words of the principal, the school was a safe place for that child. It is truly unacceptable in this day and age that children present to classrooms with symptoms of post-traumatic stress syndrome and high levels of anxiety. I was saddened to hear that these were not isolated incidents just at one school in my electorate. These children are experiencing unfathomable traumas and are simply unable to cope, and I worry about the future that they might have.

The study I referred to previously included some interviews with women who had experienced violence as children. I would like to share the experience of participant 2. She clearly articulates the experience that these young children are possibly not able to articulate at the time. I quote —

He knocked mum to the ground and she couldn’t even, she couldn’t even breathe, and I was just standing there staring at her and thinking, What the? You know helpless, helpless to do anything. She was trying to look at me and say: It’s okay. And you know ... you could see the fear in her eyes when she was lying there on the ground.

The participant witnessed this attack on her mother when she was only seven years old.

In the same study, another woman called participant 3 talked about the effect that domestic violence had on her schooling. Again, I quote —

Extract from Hansard

[ASSEMBLY — Wednesday, 16 August 2017]

p2896b-2907a

Ms Cassandra Rowe; Mr David Michael; Ms Simone McGurk; Mr Colin Barnett; Mr Tony Krsticevic; Mr John Quigley

I don't think I was learning much (at school). Like I might have been smart, but I wasn't learning anything. And, because I suppose, you know, you try to be brave and you try and you try to get through the day, but at the end of it you know you've gotta go home to the house and you know that anything could have happened. You just know because he was home during the day and you don't know what he could have done to mum.

[Quorum formed.]

Ms C.M. ROWE: We cannot turn away from people who experience this trauma on a daily basis. As I said in my inaugural speech, we do not need to start conversations; we need action. We know what a lot of the issues are and we have piles of reports on them. We now need to simply take action. We need to start valuing the lives of women and children who are in danger in their own homes every day. That is why I am really proud of the Labor government's leadership on this issue. We took substantial policy around this issue to the election and we have already made way with many of these issues. As well as the commitments we are discussing today in this bill, I am particularly proud of our commitment to establish two additional women's refuges because it is absolutely clear that women's refuges save lives.

The first women's refuge in Australia, Elsie, was set up in New South Wales in the mid-1970s by a university student by the name of Anne Summers and 14 other women. They had no money and no experience dealing with victims of domestic violence. In an article in *The Sydney Morning Herald* on 12 April 2014 titled "40 years of Elsie", Dr Anne Summers, AO, is asked whether violent behaviour has changed in the last 40 years. Her response was, I quote —

"It hasn't changed at all," she says. "In fact, it's worse!"

The article identifies that use of contemporary drugs, such as crystal methamphetamine, is one of the major contributing factors to the increase in domestic violence rates in this country. It was pretty much non-existent 40 years ago and obviously those types of drugs can trigger aggressive and psychotic episodes. In the same article, the journalist, Mandy Sayer, recalls her own traumatic experience, which is rather harrowing, but I would like to share it with the house today. I quote —

My stepfather used to beat my mother and me so badly that she tried to commit suicide three times. The last attempt landed her in intensive care. By that time, we'd been abused for three years and there had been nowhere to turn: neighbours, clergy and even the police refused to get involved in what they considered mere domestic disputes.

As my mother was recovering, she read an article in *The Australian Women's Weekly* about a woman's shelter called Elsie in Sydney's inner west. A few nights later, after my stepfather went into yet another violent rage, threatening to drop my baby brother into boiling water, my desperate mother dragged us in our pyjamas out into a thunderstorm, hailed a cab, threw us in, and told the driver to step on it. An hour later we were sitting in the living room of Elsie, weeping with relief.

The article also recounts the plight of another victim staying in Elsie in 2014. Her name is Marie. I quote —

"I've been bitten, had my ribs broken, and my back's been kicked so badly I can't feel my spine." ...
"It started on our honeymoon and lasted all of 22 years."

The article also shares Polly's harrowing story. I quote —

"As soon as he moved in with me, after the birth, that's when the abuse began. He's six foot four. I'd come out of hospital, right after surgery, already with internal injuries, and he'd hold me down on the floor and restrain me, and then he'd rape me—repeatedly—and I was still wearing a colostomy bag."

I think it is really important to share these horrific, real-life stories. They speak to the terror that women and children face, often in silence, behind closed doors, all across this country. They also highlight the fact that this is not a new crime. I think it is important that we acknowledge it is a gendered crime; it overwhelmingly happens to women. Women die every single week in this country and we must take dramatic measures to stop this vile crime.

I would like to take this opportunity to acknowledge the work of women's refuges. Each and every day, they save lives. I would especially like to acknowledge those in my electorate and its surrounds.

[Member's time extended.]

Ms C.M. ROWE: Firstly, I acknowledge Nardine Wimmin's Refuge, which is on the edge of my electorate. It provides refuge accommodation for women with or without children who experience or are at-risk of homelessness due to domestic violence. The fantastic staff also provide vital information and emotional and practical support to the victims and their families.

Extract from Hansard

[ASSEMBLY — Wednesday, 16 August 2017]

p2896b-2907a

Ms Cassandra Rowe; Mr David Michael; Ms Simone McGurk; Mr Colin Barnett; Mr Tony Krsticevic; Mr John Quigley

Starick is another important provider across many of our electorates in the south east metropolitan area, including mine. Starick provides support services to women and children who experience family domestic violence. It has two refuges for women with children and it provides counselling, court support and other absolutely crucial services. I would like to acknowledge the hard-working chief executive officer, Leanne Barron, for her dedication.

Western Australia's eastern corridor has one of the highest rates of domestic violence in our country. I think it is time we all put our shoulder to the wheel and work towards making violence against women history. In closing, I am very proud to support the Domestic Violence Orders (National Recognition) Bill 2017.

MR D.R. MICHAEL (Balcatta) [12.57 pm]: I will rise briefly today. A lot of members have spoken about the need for the Domestic Violence Orders (National Recognition) Bill 2017 and the reason it has been brought forward as an urgent bill. I agree with those reasons. I am proud that the bill has come to the house to create a nationally consistent framework to deal with domestic violence orders. It is very important to allow victims of domestic violence to be able to go anywhere in Australia and for those orders to continue. As a councillor for the City of Stirling for the past almost 12 years, up until March, I have always been very proud that the city was one of a few local governments with a women's refuge, which is now called the Stirling Women's Centre. Over the years, the centre has had support from the former state government, which went a great way to help provide women's refuge services in the northern suburbs of Perth. It was not only for people in Stirling—sometimes for people not in Stirling—but also people in the regions. Currently, the city receives about \$950 000 annually to provide the service. The former government should be congratulated for continuing its funding. The centre has operated for 38 years as a crisis accommodation and outreach service for women and children who experience family and domestic violence. They come from all parts of Western Australia and a lot of them who do not come from the City of Stirling, once their issues are dealt with, end up finding their own accommodation and a life in the City of Stirling, which I have always been proud of. A high proportion of those women have Aboriginal or culturally diverse backgrounds and language and cultural barriers. Others have drug and alcohol issues. Mental health issues are also very common.

The Stirling Women's Centre provides basic homewares to assist in the set-up of a new home, including furniture and kitchenware items that reduce the expenses faced by women who have had to leave their homes and find a new home. This is very much supported by the local community, which donates a lot of goods and funds to aid those vulnerable families.

The Stirling Women's Centre also runs the Safe at Home program to provide support for women and children, enabling them to be safe in their home. Staff conduct assessments to establish the safety and risk factors for women and, if it is safe to do so, provide assistance and enable them to stay in their home through case management, safety planning and provision of improved security measures. I am told that in the first six months of this year, 89 women were referred to the Stirling Women's Centre, 23 of whom were provided accommodation, along with 46 children.

I asked for a case study of a typical example of someone whom the very hardworking and dedicated staff at the centre deal with. They gave me one example of a lady who arrived with her two sons, aged two and three months, by a taxi arranged by Crisis Care. They were referred by their child health nurse after the mum called and disclosed that she had been hit on her face by her husband the night before. An investigation found that she was from Asia and had met her husband online. They got married and she came to live in Australia. During the three-year relationship that she had with her husband, there were numerous occasions of physical and sexual violence. He made threats to kill her and the children if they attempted to leave and would lock them in the house for hours at a time. She was not allowed a bank account or access to money. She received ongoing emotional and psychological abuse during those three years and was not allowed any supports or friends in Perth and was not able to leave the house without him. Some of the services that the centre provided included case management; court support for the violence restraining order application for her and her two children; police support to report assault and breaches of the VRO; and some domestic violence education, which covered cycles of violence, forms of abuse, and healthy and unhealthy relationships. Many members spoke about some of those issues yesterday and this afternoon. The centre also assisted with child care and organised Centrelink payments. That is something that can be provided for someone who is not in the system or someone not used to being in that system. The centre also assisted with access to public transport; opening a bank account; cultural competence for people from overseas; financial assistance; reading material; safety planning; risk assessment; financial counselling and simple things like obtaining a tax file number; advocacy for the police, courts, lawyers and immigration; assistance to get a driver's licence; education and training resources; respect and confidentiality; tools to empower and promote self-determination and resilience; and emotional support. The centre also offers referrals to direct services such as legal aid, domestic violence advocacy services, and humanitarian services, including immigration support, psychology and medical doctors.

I am told that the women's centre assisted in reporting the abuse that this woman had experienced the night before. She was successfully granted a VRO, which unfortunately was breached. The centre then helped her report those breaches. She was very isolated here in Perth so without those services, she would not have had anywhere to turn and probably would still have been locked into the awful situation that she experienced in her home.

Ms Cassandra Rowe; Mr David Michael; Ms Simone McGurk; Mr Colin Barnett; Mr Tony Krsticevic; Mr John Quigley

I want to put on the record the fact that groups such as the Stirling Women's Centre do an absolutely amazing job and are deserving of continued funding from government. As the member for Belmont said, the staff who work at these centres deserve high commendation for their compassion, commitment and dedication to helping these women and their families through these tough times.

I was not going to go over the operation of the bill, as many members have, and why it is needed. I think that has been made pretty clear from the great speeches that we have heard. I commend this bill to the house. I am very proud to be part of a government that is continuing to look at this very important issue and doing all that it can to reduce domestic violence and hopefully end it in our community.

MS S.F. MCGURK (Fremantle — Minister for Prevention of Family and Domestic Violence) [1.04 pm]: I, too, rise to make a contribution to the Domestic Violence Orders (National Recognition) Bill 2017. I do so with a significant amount of pride as the inaugural Minister for Prevention of Family and Domestic Violence in the McGowan Labor government and, in fact, in this state. The importance of that portfolio cannot be understated. The many contributions that we have heard from members across the chamber on this issue relate to the human price that has been paid to date across our community for unacceptably high levels of violence, particularly inflicted on women and children, but also the many elements and dimensions of that violence and the particular circumstances of violence perpetrated by one's most intimate partner—someone that we trust. Some speakers have spoken about that. That violence has an effect on children, who are at important developmental stages. They rely on security and comfort and that is stripped away from them in an atmosphere of fear and uncertainty. It also has an effect on women who are unsure of their cultural connections. They may have no real skills to find services that are available or, if they do have the skills, are ashamed or not confident to go out and seek help.

Underpinning all of this is an attitude in our community that we have to challenge. We need to make sure that the message is clear that violence and violence against women and children is not acceptable in our community. That is an attitude that must change. That might sound like an obvious statement to make or even a trite statement to make. I am reminded of a conversation that I had last weekend. I set up one of the mobile offices that many members have in our local parks. One of the people who came to see me was a Maritime Union of Australia member named John. He came with one of his friends. His friend was telling me that his friend's niece and her little girl had been trying to get help from a women's shelter and were having trouble finding accommodation. This was a few months ago. John started to say that over his life attitudes to violence and violence against women have changed but we need to go further. He was saying that he was brought up in the north of England, where there was a very violent culture—violence was accepted. There was a strong drinking culture. He said that that was the norm; people would hit each other and there was a lot of violence at home in front of the children and between couples. He said that slowly that had changed. Although there was still a way to go, he understood now that that was not acceptable. Underpinning that change is the need for men like him, his friends, his colleagues and his sons to understand that we have to respect women, that women are equal partners in our community and that underpinning the challenge to violence is an attitude of respect generally in our community. That is the challenge that we have as a government. Successive governments face this challenge and this is the one upon us today.

The effect of family violence is so pervasive. We know the statistics. I can talk a bit more about the statistics that members have quoted. WA has high levels of family violence; we cannot get away from that. We have the second highest rate in the country—second only to the Northern Territory. In the 2015-16 figures, 53 000 cases were reported. Out of those cases that were then triaged—the former police minister, the member for Scarborough, spoke about this last night—between the police and child protection, about half of that number, or 65 per cent of those cases, involved children. So in 65 per cent of those recorded family and domestic violence cases, children either witnessed that violence or experienced it themselves. That has an enormous impact on their development and their confidence in important growth stages—their emotional, physical, cognitive and behavioural development. We have an obligation to not only adult members of our community but also future communities to do something about this. The member for Belmont, who spoke just before me, spoke very eloquently about that.

The McGowan WA Labor team took a policy to the state election with a raft of different initiatives that acknowledged the extent of this problem and the need for a coordinated, concerted effort to reduce the level of family and domestic violence. Many other speakers today have acknowledged the different elements of that policy. It is about keeping victims safe, holding perpetrators to account, making sure that the justice system is responsive, and working on prevention and early intervention, so that we change the culture in our community that says that violence against women and children is okay—it is not. The bill before the house today, which will enable Western Australia to participate in the National Domestic Violence Order Scheme, fits into a number of those categories. It means that victims will be safer, that perpetrators will be held to account and they will understand unequivocally that they cannot get around the system by moving to other states, and that our government and other governments in this country take this matter very seriously. It brings our justice system into the modern era. So much of our justice system is simply not suited to the particular circumstances of family violence, and that needs

Extract from Hansard

[ASSEMBLY — Wednesday, 16 August 2017]

p2896b-2907a

Ms Cassandra Rowe; Mr David Michael; Ms Simone McGurk; Mr Colin Barnett; Mr Tony Krsticevic; Mr John Quigley

to change. I know that the Attorney General is aware of this. Other states, as well as the commonwealth, have done a lot of work on this. Frankly, Western Australia is behind the game in these efforts, and it must do better. This bill is being debated as an urgent bill because Western Australia is the only jurisdiction that has not passed legislation to come into the national scheme.

The domestic violence restraining order scheme—a very important change to definitions, and an acknowledgement of the very particular circumstances of family violence—was introduced in the dying days of the previous government. We were debating that legislation on the last day of sitting in the previous Parliament. We agreed with that legislation. It was good legislation. It broadened the definition of restraining orders and the understanding of family violence. We were not able to debate that bill to the extent that we should have. For instance, I moved an amendment to give witnesses in family violence restraining order proceedings more protection, and that was defeated. We can continue to do more work on those sorts of changes. I look forward to continuing the work that my office has done with the Attorney General, and the resources that he has at his disposal, and also the Minister for Police and other senior ministers in this government, to make sure that we start to bring the justice system into line with what is needed and send a very clear and unequivocal message to our community that domestic violence will not be tolerated.

A number of speakers, including the Attorney General, have talked about the technicalities of the scheme, so I want to talk about some other areas on this issue. I give credit to Western Australia Police. They have asked for an exception to the national scheme so that they can ensure that people affected by family violence are given the maximum amount of protection possible. The police will be able to, if you like, override a FVRO if they do not have the full details of the restraining order that may have applied in another state. They will then be able to apply their own order to ensure that the victim receives the maximum amount of protection. I understand that some of the systems underpinning this national scheme are still being developed, and I thank the people who are doing that work in Western Australia and across the country. The back systems, the information technology and the sharing of information seem like things that should have happened a long time ago, considering the communication systems we have at our disposal, but they are welcome nevertheless.

As I said before, we have not only a dedicated minister but also an acknowledgement of a coordinated response that is required across government. People experiencing family violence will come into contact with the police system and then have interactions with the justice system. Women's refuges are funded by the child protection system, which is under my portfolio responsibility. They may have interactions with the Housing Authority about tenancy issues or they may need financial counselling. A lot of work needs to be done across government. This goes to the question of how we provide services for people in need in a much more coordinated and client-centred, or victim-centred, approach. The people we are trying to serve—the people in need—are subject to the Westminster system, under which portfolios and the work of departments will determine how they receive services. People are often having to navigate a lot of different and often very uncoordinated systems. We need to bring our best efforts of coordination together to serve vulnerable families; in this case, people experiencing family violence. In the human services area, we can do a lot better as a state government, working with all layers of government, federal and local, and not-for-profit service providers.

As I said, this government took a raft of different policies to the election, and I am proud to say that we are getting on with the job of meeting those election commitments. We have introduced paid family and domestic violence leave for public sector employees. There has been some interest from a number of private sector employers in sending the message to their workforce that if people experiencing family and domestic violence need help, they can come forward and ask for it, and it will be there. It also shows that it is okay to talk about family and domestic violence, perhaps starting a conversation in those workplaces. I am glad that the government has instigated that, as the largest employer in Western Australia. We have joined Our Watch, the national primary prevention organisation—a significant contribution and another one that is long overdue. We know that it is important to invest in prevention and early intervention if we are to achieve long-term change. Other members have spoken of our commitment to the Pets in Crisis program, so that people are given the sort of practical support that they need. If they need to leave the family home, what are the logistics of doing that, if they need someone to look after their pet? As we know, and as the current family violence restraining order definitions acknowledge, violence or the threat of violence against pets is an indication of an escalating situation that has to be acknowledged.

There is still so much more work to do. We committed to a number of other services, including more refuge spaces, and to trying to bring together hubs for service delivery. This has worked very well, for instance, in the area of a much more coordinated response to child sex abuse. Western Australia's work in that area has been acknowledged nationally, in the discussions before the royal commission. We have a joined-up approach so that victims and families can come to one place. They can see police and support workers, obtain legal advice and, if

Ms Cassandra Rowe; Mr David Michael; Ms Simone McGurk; Mr Colin Barnett; Mr Tony Krsticevic; Mr John Quigley

necessary, some financial advice—whatever is required—and perhaps some child therapy work as well to provide some assistance to children.

We need to do a lot more in bringing our services together, as I said. We have committed to more work in perpetrator programs and in Respectful Relationships training in schools. We are supported in other states and nationally in some of these efforts. I want to acknowledge the work of Australia's National Research Organisation for Women's Safety, which was established in 2013. It works on delivering relevant and translatable research so that we have evidence-based policy and practice in our efforts to reduce the levels of violence against women and their children. What are the practices? What are the interventions that are actually working? How are women going in six months or 12 months? How are those women getting back on their feet? Are they going back to the same relationship and have the dynamics changed? Are they going to a different relationship that is also violent? What are the other interventions and services that those women need to get them and their children onto a stable footing so that they can lead happy and healthy lives, as they should do? ANROWS is leading important research to inform that policy and practice. In fact, a number of Western Australian women participate in that, including Dr Vickie Hovane, who serves on the board of ANROWS.

If we are going to be effective in our response to family and domestic violence, our responses have to be tailored and targeted. Examples of where that is necessary are no more obvious than in culturally and linguistically diverse communities and in Aboriginal communities.

[Member's time extended.]

Ms S.F. McGURK: I have had cause to visit a number of the services, particularly in the northern suburbs, that are operated through some of the women's health services and also a range of refuges. They do a fantastic job of bringing in, for instance, CALD women and giving them a safe place in which to live. It might happen initially through seeing a doctor and then through other services where they can get behind closed doors, away from their family, and take the steps they need to take in the time that they need. I want to acknowledge the need for us to better understand some of the cultural inhibitors that might be stopping women from seeking help and the changes in conversation that need to happen in communities to establish a violence-free future.

Shamefully, there is an over-representation of Aboriginal women in the family violence sphere. In 2014–15, hospitalisation rates for Aboriginal family violence victims was 32 times the rate for non-Indigenous women. Indigenous people are between two and five times more likely than non-Indigenous people to experience violence as victims or perpetrators. Various inquiries have linked the over-representation of Aboriginal people and increased interpersonal violence to the impacts of white colonisation and dispossession of land. This acknowledgement also includes an understanding of intergenerational trauma, the forced removal of children and interrupted cultural practices. We know that Aboriginal children, too, are grossly over-represented in the child protection system, for which I have ministerial responsibility. In out-of-home care, 54 per cent of the children are Aboriginal.

It is my strong belief that if we can work together with the Aboriginal community to build healthy communities and families—if that can be done—we will keep children together with their parents, where they should be, in strong, healthy families built on respectful relationships and who celebrate Aboriginal culture. That is our task with the Aboriginal community. When we have discussions about child sex abuse in some of those communities, the over-representation of children in out-of-home care and the disproportionate number of Aboriginal women experiencing family and domestic violence, we must work together with Aboriginal leaders to reach a solution that encompasses their culture and acknowledges the interruptions to their culture and the disruptions to their family.

The paternalistic or external imposition of policies and practices has failed before and I know that it will fail in the future.

In that effort, I would like to acknowledge considerations by a number of senior Aboriginal women who are trying to look at what the solutions might be, particularly in the family violence area. I mentioned Dr Vicky Hovane. I have just finished reading Dr Hannah McGlade's book, which was very insightful about child sex abuse in the Aboriginal community. Dorinda Cox, June Oscar, Mary Cowley, Glenda Kickett and Corina Martin are women who are working hard to come up with a genuine voice for Aboriginal women and a link of their culture to the solutions of the trauma that faces their communities.

Some members may have seen an opinion piece in *The Weekend West* just a few weeks ago on the weekend of 29 and 30 July by Senator Pat Dodson headed "I hope you feel well in your heart". Senator Dodson talked about the number of suicides, particularly youth suicides, in the Kimberley. Some of the themes in this article and the themes that have been picked up in the current coronial inquiry into the suicides of young people in the Kimberley area could also apply to this discussion of family and domestic violence in our Aboriginal communities. In that article, Senator Dodson talks about—I hope I pronounce this correctly—liyan. The article states —

Liyan is a Yawuru concept and hard to explain in English. It describes the interconnectedness between the self, the wider community and the land. For Yawuru people, *mabu liyan* is at the heart of what it is to have and to know a good life. The closest English translation would perhaps be “wellbeing”, but *mabu liyan* is different from the Western concept of wellbeing.

Liyan is individual spiritual wellbeing. But it is more than that. *Liyan* recognizes the continuous connection between the mind, body, spirit, culture and the land. *Liyan* is about relationships, family, community and what gives meaning to people’s lives.

I suspect that some of those sorts of concepts will be at the heart of our work when we try to engage with communities in general, but particularly with the Aboriginal community as we work through closing the gap and trying to build healthy communities with community-led organisations and leaders in that community.

Just quickly, I acknowledge that in terms of the discussion that we are having in this Parliament, we stand on the shoulders of many advocates of women who have for decades been calling for more, and more effective, action on family violence. Some speakers have acknowledged Pat Giles, her passing last week and her advocacy in the northern suburbs, in particular. She was a woman who was active first of all in the community. She was a community activist. She spoke out for families and she spoke out about women. It was pointed out to me that a number of the contributions to this debate were made by women representing the seats of Belmont, Wanneroo, Morley, Kingsley, Bicton and Joondalup, who may not have been in this chamber if it had not been for the advocacy of people like Pat Giles. She advocated for affirmative action. She advocated for Parliaments to not only look like their community, as I have said in the past, but also start to take up the issues of women and families in a more effective and determined way. Of course, we know that there is a women’s refuge in the northern suburbs named after Patricia Giles. Many women could be named in acknowledgement of the work that they are doing today.

Since taking up this portfolio, I have visited over 16 refuges in this state, from the Kimberley to Albany. I have not visited them all, but they all bring incredible dedication and commitment and have varying specialty areas. It is heartening to see the respect and dignity that they give to the women and children who come through their doors in need of a safe place.

I want to acknowledge someone else. After a meeting that was held in May 1974 between members of the Women’s Electoral Lobby and the women’s liberation group, the result was to establish the Women’s Centre Action Group, which had the aim of setting up a women’s health and community centre. That included a women’s refuge that went on to become Nardine, which was mentioned by the member for Belmont. The health service that was set up through that group was Women’s Health Care House. It was the fourth women’s refuge set up in Perth and has worked continuously since 1974. The inaugural chair of that refuge was Lois Gatley, who was my stepmother. She passed away last year but it would have been her birthday just the other day. I acknowledge Lois, who I know will be looking down at me and probably ticking me off for something—an added extra that I should advocate for, for women, their children and this area. We should always ask for more and never stop in our efforts to give women and children a safe place and to make sure that our systems are effective.

Similarly, Rosie Batty needs to be acknowledged. Many advocates have taken these issues into the public arena. Rosie Batty’s tireless advocacy was driven by the grief over the death of her son and the passion in her heart that said that his was an unnecessary death, like so many deaths, whether it be Saori Jones, Andrea Pickett or Luke Batty. Those were unnecessary deaths that we can stop. In 2017 violence is not acceptable in Western Australia. Violence against women and children is not acceptable. We have to change the conversation in our community and we all have a role to play in that. This Parliament, in particular, has a responsibility to send the unequivocal message to our systems of government and our community that the violence must stop.

MR C.J. BARNETT (Cottesloe) [1.32 pm]: I want to make a couple of comments about the Domestic Violence Orders (National Recognition) Bill 2017. It has the support of all members of Parliament and is a sensible improvement to the system. I think that most people recognise that it is not as though domestic violence has just been discovered, but until 20 years ago or so it was largely ignored by most of the community. Successive governments have made progressive investments in support for refuges; a series of legislative changes, particularly relating to restraining orders; and the establishment of a Victims of Crime Commissioner to give women, in particular, a voice. I recognise that more needs to be done.

Quite a bit has been said about Western Australia being the last state to implement this legislation; that is true and I do not deny it. However, this is the easy part. I want to make a little observation about the way the Council of Australian Governments works. I have been to quite a few COAG meetings and have experienced working with five Prime Ministers during that time. For a start, my observation is that on issues such as this, health, education, drugs and elsewhere, the states—of all political persuasions—tend to be very cooperative with the commonwealth. The commonwealth takes a leadership role, and it can be said that it has done so on this, but it does so from a fairly aloof environment. It is a reality that the commonwealth performs its functions under the Constitution, but it has

very little practical experience on the ground in difficult areas such as this. It probably has more experience in the area of drugs because it has a role in customs and so on.

Although COAG decided in late 2015 that it would do this, that agreement was a matter of principle. The major issues were in those states that have borders and are not, in effect, separated by deserts. Members can imagine the cross jurisdictional issues on the New South Wales–Victoria border or the New South Wales–Queensland border. That is where this was a real issue and those states tended to take the lead in this. I would also like to make the point that it is not new. Police services, justices, attorneys general and others have worked together for a long time in this area, sharing information and acting on each other's behalf and the like. But this is a good way forward.

As I said at the beginning, the legislation is the simple part of it. Implementing this and making it work more effectively will be difficult, and that is where the commonwealth has no experience. If members think that I am just taking an anti-commonwealth position, I am not. I will give a couple of practical examples of the reality of COAG and the different experiences and capabilities of the states versus those of the commonwealth. Members might remember that a few years ago it was proposed that the commonwealth take over public hospitals. From my observation, all the public hospitals have been built by state governments, whether they are managed by the state or by independent groups such as St John of God. In one of the COAG discussions, the move of the commonwealth was to introduce efficient pricing. The idea was that hospital funding would be related to the procedures undertaken and the cost of those procedures. Victoria had been doing that for years and Western Australia had largely—not totally—implemented that system. However, everyone went along with it. The highlight—or the lowlight—was when it emerged during the COAG meeting that the commonwealth did not know that even the full implementation of efficient pricing would fund only half the cost of a public hospital. It was not aware of that because it is an on-the-ground issue. It does not run public hospitals and has no experience of hospital reality.

More recently, the National Disability Insurance Scheme was a commonwealth initiative that all the states agreed to in principle. The states, with their different experiences, pointed out the complexities of that scheme. The lowlight of that particular COAG meeting was when the then Prime Minister did not realise or, in fairness, had not been told by the commonwealth bureaucracy, that it was the states that funded 80 per cent of disability services. He was unaware of that. Again, that is the difference between taking a policy decision from above and doing something on the ground. The same thing has happened in education and the like.

The point I am making with those anecdotal examples is that the real success of this will not be about this legislation. This formalises something that was happening informally and will hopefully allow it to be improved. If this succeeds in making a difference, and I sincerely hope that it does, it will be because of the state jurisdictions working together. The commonwealth will put out the press release, get the national media onside and claim a great advance in dealing with domestic violence, but it will only be a reality if the state police services and the state judicial services and the like work effectively to do it. That will not be easy—not through any lack of preparedness to do it, but because it will be incredibly complicated. Some of the contributions that we have heard in this debate, including from former police officers, bear that out. It is good that Western Australia has now got there, but this is not the critical step at all. The principle of this legislation is very simple but the implementation of it will take time and be very difficult. I sincerely hope that it works.

MR A. KRSTICEVIC (Carine) [1.38 pm]: I also put on the record my support for the Domestic Violence Orders (National Recognition) Bill 2017 and acknowledge the Council of Australian Governments' 2015 decision to implement this initiative so that we have a national database that records domestic violence orders and allows them to be enforced anywhere in Australia so that when people, unfortunately, have to move interstate because of their circumstances, they will not have to go through the heartache and pain of getting a new order in that state.

It has been sad listening to the stories told by people in this chamber who in some cases have frontline experience of, and have been directly involved in, family and domestic violence and dealing with the effects of that on women and children. As I am sure everybody would agree, the family home is our sanctuary. It is the place where we should feel safest and loved, and where we should feel comfortable to be ourselves and flourish. Many people in our community do not have that opportunity. It is with a heavy heart that, in 2017, we reflect on the statistics of the last financial year, with 53 000 reported cases of domestic violence, of which we heard that at least 65 per cent involved children, knowing that that is only the tip of the iceberg. The problem is much bigger than that; that is just what we know about. When we reflect on those statistics and we think about all the damage that has been done to those families, we realise that it affects not only those women and children personally and directly, but also future generations within those families. People take it with them through their journey in life and in some cases the suffering and pain that they have gone through is passed on to their children. It has an impact for a long time to come. It is quite distressing to have to go through that.

I was one of the lucky ones. We did not have any fighting or arguing in our house. The only arguing and fighting that occurred was between my brother and me, but that was expected between two young boys. But our parents

Extract from Hansard

[ASSEMBLY — Wednesday, 16 August 2017]

p2896b-2907a

Ms Cassandra Rowe; Mr David Michael; Ms Simone McGurk; Mr Colin Barnett; Mr Tony Krsticevic; Mr John Quigley

offered us a safe and loving environment and I am very grateful for that. When I see things on the news, read articles in the paper and hear people's stories, to be honest, I could not even imagine what it would be like to live through that. We look at it and it is shock-horror. We feel distressed, but at the same time we do not really appreciate what it is like unless we have lived through it ourselves. We do not appreciate the heartache and pain that people go through.

Domestic violence takes many forms. There is the physical, which is shocking, but then there are also the mental and financial sides of it. Domestic violence takes place for many different reasons, which we have heard in this place, whether it be because of drugs, alcohol, mental health issues or, as we said, financial issues. Different stressors and different things lead to domestic violence and, of course, the financial cost to the community is huge. It is one of the biggest contributors to homelessness; women and children flee the home and look for support. The reality is that there is no silver bullet for this because every single situation and group needs different sorts of support. We need targeted and specific strategies for Aboriginal communities. We talked about culturally and linguistically diverse communities and new migrants. Every single grouping of migrants has a different perspective on their family unit and what it means to walk away from the family unit. Each ethnic group and culture requires different sorts of strategies to help them through that process. Again, there is not one answer.

It is fantastic that we have a minister now who will be focusing on this and I wish the Minister for Prevention of Family and Domestic Violence every success in trying to continue to put a dent in this area. I hope that she gets all the financial and moral support from the government that is needed in this area. I look forward to supporting her cause in working through that. It is very, very important to ensure that we all give her that support. It is very difficult for people to walk away from their families. Women, especially, feel an obligation to their children and to their partner. They are able to endure a lot. People always have excuses for why they should give the offender another chance or why they are going to change or why they should still be in that relationship. I do not think anybody gets into a relationship expecting to experience domestic violence, or has children and expects their children to be subjected to domestic violence. Our starting point is that it is not anyone's intention to end up in this situation, but through circumstances invariably beyond their control, they end up in this situation. We need to look more closely at understanding. I have no doubt that the corporate knowledge about why these things occur and what strategies need to be put in place is out there in both the public and private sector.

Maybe it is just that we have not put enough money, energy or thought into this area. Maybe we are putting in the money and the resources, but we are just not coordinating things properly. I am not an expert in this area. Many people are more qualified than I am to examine the approach and the strategies that we are taking and whether they are the right ones. Ultimately, I do not think anyone would disagree that early intervention by government agencies and family members is critical. In a lot of cases when domestic and family violence is occurring, the extended family members are probably aware that there are issues and concerns and things going on. I cannot speak from experience, but I would assume that in a lot of cases family members would encourage the wife to stay in the marriage to try to work through it or to stay for the sake of the kids. There may be all sorts of reasons why people are encouraged to try to work through that. We need more expert intervention, rather than just family and social intervention, because sometimes we just cannot work through these issues; it is too difficult and there is no easy solution, particularly if we are dealing with mental health issues. That is very complicated at the best of times, let alone in the worst situations.

It is great that we are heading down the path of acknowledging this. It is fantastic that we are doing something here today. A lot more needs to be done and we need to start bringing down these figures and doing more to support families in our community. We need to do more to support these victims and children. I have no doubt that we can do a lot more. It is a matter of deciding that it is something that we are going to get rid of or at least reduce. We have the expertise and the knowledge. If the machinery of government was to pick this up and say, "We are going to fix this and we are going to make a difference", I have no doubt that a big dent could be made in this area. Of course, the benefit to the community, future generations and the state is immeasurable.

Sometimes we look at the financial cost of our decisions and what it will cost today to do this, but we do not look at the benefits in the future. We do not look at the money we could save by having fewer people in our hospitals and mental institutions, fewer drug and alcohol issues in the community, and reducing homelessness. We need to look beyond the dollars and cents and we need to value life and people in our community. It is not that we do not value them, but we need to raise the bar. I am sure that if we turned our minds to this and said that we really want to reduce this, we really want to get rid of it and we are committed to this more than anything else in this term of government, we can have a significant impact on this.

I am sure everybody here would agree with me that we are looking at this in a more holistic way, working with the not-for-profit sector, which has the experience here, and the multicultural and Aboriginal communities. I hope that all that combined will make a difference. I support this bill. I agree with my parliamentary colleagues in terms of the debate here today and yesterday, and with their issues and concerns. We need to find a way forward and

Extract from Hansard

[ASSEMBLY — Wednesday, 16 August 2017]

p2896b-2907a

Ms Cassandra Rowe; Mr David Michael; Ms Simone McGurk; Mr Colin Barnett; Mr Tony Krsticevic; Mr John Quigley

work together. I think it is great when this Parliament works together and talks as one voice. That makes a difference because it shows the community that we are able to find a common voice, and with a common voice we are able to work better at developing a solution.

I look forward to this bill going through Parliament as quickly as possible, and I also look forward to the Attorney General introducing many more initiatives and programs and consulting with stakeholders so that we can really make a difference in the future.

MR J.R. QUIGLEY (Butler — Attorney General) [1.50 pm] — in reply: I thank all members of this chamber who have contributed to this debate. Of course, the debate is about the Domestic Violence Orders (National Recognition) Bill 2017 and we are at one in this chamber on the necessity that this bill go forward. We have heard the many speeches given in this chamber that are not directly on point of the national registration scheme but have been on domestic violence and the terrible havoc and destruction that it brings. And, of course, in a second reading debate it is appropriate that members do not stick narrowly to the confines of the legislation but address what is behind the legislation which, in this case, is the tragedy of domestic violence.

The words “domestic violence” in themselves are a euphemism. The member for Cottesloe spoke second last on the bill this morning, and he pointed out that, say, 20 years ago there was an acceptance of domestic violence and that there has been an evolution in community attitudes towards domestic violence, and part of that evolution is the recognition. But the words themselves are a euphemism. They are a euphemism for a serious criminal offence. That is what assaulting an intimate partner is—a serious criminal offence. We all use the term “domestic violence”; indeed, the bill uses that term in its title, but none of us in this Parliament or the community should forget that it is a euphemism for a serious criminal offence. In her speech yesterday, the member for Vasse said that during an investigation into domestic violence, the priority should be to bring the perpetrators to account. Of course, that is very important because it is a serious criminal offence. Once a crime has been committed, there are often many hurdles to prosecuting that crime and pursuing the perpetrator. Of course, identification in these cases is easy because the victim knows the perpetrator. The location of the perpetrator can be somewhat problematic. But domestic violence orders were introduced, of course, to offer protection to victims to try to stop serious criminal offences occurring.

I will depart here for a moment and reflect on a briefing given here by the Ombudsman on the Ombudsman’s investigation into the police response to domestic violence. The Ombudsman took the year 2015 and whilst I do not have the Ombudsman’s report with me—it was delivered in the afternoon tearoom; I can remember the briefing—it pointed out that in 2015, from my recollection, there were 42 murders in Western Australia. The Ombudsman pointed that out of those 42 murders, 22 were intimate partner murders; and, of those 22, about 95 per cent of the victims were female. There were a couple of exceptions but apart from that they were female. Of those 22 murders, just over half of them—12 by recollection—were intimate partner murders. Might I suggest to the chamber that if 12 Western Australians died per annum at the hands of terrorists, we would call in the Army; it would be a national crisis. But because of the historical acceptance of domestic violence, it does not get the prominence in the media and elsewhere that it deserves.

Domestic violence restraining orders are taken out to try to prevent domestic violence by making a perpetrator subject to orders of the court, but there has been difficulty enforcing those orders across borders. I take the member for Cottesloe’s point that the passage of this legislation through this chamber is the easy part—and made all the easier by the opposition’s intention to support it—and that the hard part will come later. Whilst not wanting to be too political, I could ask, if it is so easy, why are we dealing with it as an urgent bill and why was it not done in a timely manner before? However, we will have this in position by White Ribbon Day, 25 November, if, if, if, if our parliamentary colleagues in the upper house do not delay it. As I said, I appreciate the support for the bill indicated by the shadow Attorney General’s spokesperson in this chamber, the member for Hillarys, who raised some valid points during his second reading contribution. I will touch upon those in my response and of course in further detail during consideration in detail.

The member for Hillarys raised concerns about information sharing and the infrastructure that will support it. I will turn to that issue shortly. The house also had the benefit of speeches by the members for Kalgoorlie and Burns Beach, who are both experienced police officers who have had to deal with domestic violence in a practical manner. Those second reading contributions were complemented by the contribution of the member for Bunbury, who talked about the expectation that support services alert the perpetrator when a victim seeks to move. On the subject of regional and remote Western Australia, I acknowledge the contribution of the member for Warren–Blackwood on behalf of the National Party. He highlighted the reality, rooted in Western Australia’s unique geography, that the justice process that looks equal on paper does not often feel that way in regional and remote areas. I am pleased to say that we have responded to this reality by preserving the existing powers of WA police officers to issue police orders, even when a court order is already in place. This required us to depart from the model law framework. That was done in order to preserve the power of the local police down there, member.

Extract from *Hansard*

[ASSEMBLY — Wednesday, 16 August 2017]

p2896b-2907a

Ms Cassandra Rowe; Mr David Michael; Ms Simone McGurk; Mr Colin Barnett; Mr Tony Krsticevic; Mr John Quigley

The contributions from government members are symbolic of the priority that this government is affording the issue of family violence. We heard from the member for Armadale. If anyone doubts the member's passion for tackling family violence, his enthusiasm was such that he could not resist —

Debate interrupted, pursuant to standing orders.

[Continued on page 2918.]