

COMMUNITY DEVELOPMENT AND JUSTICE STANDING COMMITTEE

Eighth Report — “Opening Doors to Justice: Supporting Victims by Improving the Management of Family and Domestic Violence Matters in the Magistrates Court of Western Australia” — Tabling

MR P.A. KATSAMBANIS (Hillarys) [9.46 am]: It is a pleasure to present for tabling the eighth report of the Community Development and Justice Standing Committee entitled “Opening Doors to Justice: Supporting Victims by Improving the Management of Family and Domestic Violence Matters in the Magistrates Court of Western Australia”. I also table the open submissions received by the inquiry.

[See papers [3562](#) and [3563](#).]

Mr P.A. KATSAMBANIS: This is a very important report. It is an absolute pleasure, on behalf of the committee, to table it and speak briefly to it. In undertaking the committee inquiry into how the Magistrates Court of Western Australia manages matters involving family and domestic violence, the committee’s intent was to identify areas for improvement in the way the court manages matters involving this important issue whilst being cognisant not to impinge on the integrity and institutional independence of the court. I think we managed that very successfully. I am extremely grateful for the cooperation and openness of the magistrates and staff of the Magistrates Court of Western Australia when they provided information and evidence throughout the course of this inquiry—in particular, the Chief Magistrate. I have seen firsthand the excellent work that the court can do, even under immense pressure and in difficult circumstances. Through the recommendations made in this report, we hope to support and improve the way the court does business and to contribute to improved outcomes for court users. Primary amongst those court users, of course, are victims of family and domestic violence.

The overwhelming evidence that the inquiry received reaffirmed the well-established fact that victims of family violence are overwhelmingly women, and that perpetrators of family violence are generally men. However, the committee acknowledges that domestic violence can occur in a broad range of relationships, including same-sex relationships, parents and children, and between siblings or extended family.

We know this but again it has been reaffirmed that, unfortunately, Aboriginal people are vastly over-represented as victims of family violence. An Ombudsman’s investigation in 2015 found that although Aboriginal and Torres Strait Islander people made up only 3.1 per cent of the state’s population, they comprised 33 per cent of victims of family and domestic violence offences. However, Aboriginal women applied for only 11 per cent of FDV-related restraining orders. It was particularly upsetting for me personally, and for every member of the committee, to hear that Aboriginal women are 45 times more likely to be victims of family and domestic violence than are non-Aboriginal women. Let that sink in for a moment. It is 45 times more likely that an Aboriginal woman is a victim of family and domestic violence than a non-Aboriginal woman.

As with every person and organisation across the state, the committee’s work was affected by the COVID-19 pandemic. The committee’s planned visit to the Barndimalgu Aboriginal family violence court in Geraldton in early April was cancelled due to legitimate public health concerns and the increasing restrictions on movement at the time. The committee was disappointed that it was not able to see the workings of this court firsthand, because we have heard very positive feedback about court outcomes and the way that the court, which is community led, is working very, very hard to combat disadvantage, particularly in the area of family and domestic violence. The committee looks forward to the outcome of the scheduled review of this court that is due to be commenced later this year. Throughout our report we have made recommendations focused on improving the justice response to family violence affecting Aboriginal people. I reiterated the importance of Aboriginal people being fully involved in all decision-making, staffing, court, legal and support services.

A key theme throughout the report is that the court can become more accessible to court users if the court itself and related and support services are appropriately resourced. The committee received consistent evidence that the court was taking too long to hear and finalise family and domestic violence restraining order matters. Delays are problematic for numerous reasons, including that court users can be put off by applying for a family violence restraining order. Both applicants and respondents can experience growing emotional distress as matters remain unresolved, and parties’ views can become entrenched, making it difficult for issues to be resolved. Obviously, the delays need to be overcome. Although there are some options to reduce delays, such as greater use of video link technology in regional areas, ultimately the court needs more magistrates and associated staff to hear matters promptly. In recent years there has been significant growth in the number of FVRO applications made to the court without a corresponding increase in resources. Increasing the number of magistrates and staff will have the biggest effect on reducing time to trial. Sufficiently resourcing legal services will also improve accessibility, reduce delays and provide much-needed support for court users. Legal representation is essential to the FVRO process, yet at present there are insufficient free or low-cost legal services available for applicants, and such services are almost completely unavailable for respondents. Appropriate legal advice can empower a person experiencing family and domestic violence to make choices and exercise their rights, improve parties’ decision-making and help

court users understand the court process. Importantly, the committee heard that making legal services available for respondents—that is, perpetrators—can potentially diffuse tension, reduce breaches of any orders that are granted against the perpetrators, help matters reach a timely resolution and break down some of the entrenchment that happens between the parties.

Similarly, support services are critically important for people affected by family violence. Not only can appropriate services support a person through court processes, but the court itself can be a touchpoint for service providers to engage with families affected by family and domestic violence and provide them with additional support to address related factors and underlying causes of FDV such as alcohol and drug abuse, mental health issues, homelessness, financial security and sometimes a combination of those factors. It is concerning that both the family violence service and victim support service in the metropolitan area, and the victim support and child witness service in regional and remote areas are underfunded and unable to provide the level of support needed, demanded and required by their clients. Family violence matters are core business for the Magistrates Court. It is one of the largest cohorts of matters that the court deals with, so it is imperative that all magistrates are knowledgeable about the dynamics of family and domestic violence, including how it may manifest in different ways, depending on the type of relationship or the victim's or perpetrator's cultural background. A lack of knowledge about family and domestic violence can lead to inconsistency in magistrates' decision-making, and that was an issue we confronted throughout the system, with people telling us that there was significant inconsistency in decision-making. Magistrates and staff need to attend ongoing training, and they need to be committed to implementing that training in their decision-making and work. I think that is a key finding—not just initial training, but ongoing training as well. There needs to be a commitment to continual improvement, so the funding needs to be made available to bring that training to fruit. We saw with the Chief Magistrate and the magistrates in the court that there is a thirst for knowledge and they just need to be able to access it. They need the resources.

In the course of their work magistrates and court staff are potentially exposed to a significant amount of traumatic information. This can lead to vicarious trauma, which can contribute to mental health issues and burnout at work. We have seen that really amplified in other jurisdictions. Thankfully, it has not been amplified in Western Australia, but precarious trauma and the associated mental and physical impacts that it can have is a real issue. It is important that magistrates and staff are supported through access to training and counselling to recognise and respond to the effects of vicarious trauma, including being able to assist some of their colleagues experiencing distress or at the very least guiding their colleagues to seek the assistance that they require. There are some recommendations made in the report around that. It is critical; we have to look after the people who are on the front line of this—Magistrates Court workers and magistrates themselves, but including the workers there on the front line. They are the front line in dealing with a lot of family and domestic violence issues, because that is where victim sometimes go for the first time to seek help.

The Western Australian Parliament has recently passed legislation that allows for the introduction of a form of alternative dispute resolution known as conferencing into the family violence restraining order process. This process is partly based on the conferencing model of the ACT Magistrates Court, which we were able to visit during our investigatory trip to the east coast in February of this year. The committee spoke with a range of stakeholders in the ACT who provided comprehensive feedback about what works well and not so well in this process. I am generally in favour of introducing an option of conferencing as one step in the family violence restraining order process, although it is important to remember that it is not a panacea and it has its own unique challenges and potential pitfalls. It is an important additional tool in the toolkit to respond to and reduce family and domestic violence, and I guess we will see how it is implemented in Western Australia now that the legislation has passed. It was passed as a suite of COVID-19 response measures, and we are obviously cognisant that the COVID-19 period and the stresses of it lead to an increase in family and domestic violence, something that obviously the Parliament and the state responded to. We will see in the implementation how that conferencing model works and the results that it has.

The committee looked at the evaluations that had been undertaken of the previous family violence court, which dealt with criminal matters involving family and domestic violence, and I have to say that we were dismayed by the lack of transparency in the evaluation process. The narrowly focused review led to the replacement of the Family Violence Court with the family violence list that we see in some of our Magistrates Courts today. It was really difficult for the committee to ascertain why there was a shift in models, and what that shift had achieved, particularly as there seems to have been no clear objectives or framework for the family violence list. The family violence list model is due to be evaluated in 2021. The committee recommends that the evaluation be used as an opportunity to set objectives, identify indicators for success and establish a clear framework to guide the family violence list's operations into the future. Without doing so, it will be difficult to identify the potential benefits of the model or any other replacement model, and, most importantly, it would also be difficult to assess the effectiveness of the model. There should be an increased focus on implementing best practice and building an evidence base for the effectiveness of court-based responses to family and domestic violence, including the family violence list model, behaviour change programs and family violence restraining order conferencing. These responses should

be independently evaluated—I stress that; the evaluation needs to be independent—with the outcomes released upon conclusion of the evaluation so that the basis of future decision-making is clear.

In our travels we saw in Queensland that the ongoing independent evaluation of its changes and the models that it is introducing are a built-in component of its framework. I think that leads to much better practice. In our travels to Melbourne, Canberra, Brisbane and the Gold Coast in February, we had the opportunity to explore how other court systems are structured to grapple with and respond to this important issue that we need to deal with of family and domestic violence in our society. Following its 2015 royal commission into family violence, the Victorian government's justice response to family violence is considered across the board by every stakeholder we have spoken to as leading the nation. Its integrated court response is aspirational, and I think that is an aspiration we should aim for. That is not the committee's view; it is my view. We should look at integrating our response as much as possible. There is a lot of commentary in the report that I think is useful to explain why that could be something that would make our system work better, particularly for victims, as well as assisting perpetrators to hopefully curb their abhorrent behaviour. It would take a significant whole-of-government approach and major expenditure to replicate this landmark systemic change in Western Australia, so we held back on saying, "You must do this, and you must do this immediately", but if it is worth aspiring to, I think it is important to put in the building blocks to get to it. In Queensland, specialist family violence courts have been established to deal with related civil and criminal family violence matters. That, I think, is a halfway step to the Victorian model and, again, it is worth looking at as a system that could be integrated into what we do here in Western Australia.

It was clear to the committee that better integration of related civil and criminal family violence matters within the Magistrates Court has significant potential to reduce re-traumatisation and improve outcomes for victims of family and domestic violence. The victim does not have to appear separately for their civil matter when seeking a family violence restraining order; they do not have to then come back and appear separately to be a witness and provide evidence for the criminal matter. That sort of integrated model could assist in the oversight and accountability of perpetrators undertaking behaviour change programs and could also provide time and cost savings within the court system. Regardless of the structure of such integration, the Magistrates Court of Western Australia should establish an overarching plan to manage all proceedings involving family violence. This plan should be developed and overseen by a strategic oversight group of stakeholders at a state level, and implemented by local oversight groups at an individual court level. Again, in that regard we saw in Queensland, at Southport Magistrates Court on the Gold Coast, how that sort of model of all the stakeholders at a local level getting together can aid outcomes, particularly for victims of family and domestic violence, and help the court processes, which is just as important.

I would like to thank current and former members of the Community Development and Justice Standing Committee for their enthusiastic and collaborative approach to the inquiry—the current members, the member for Bunbury, the member for Burns Beach, the member for Vasse and the member for Churchlands; and the previous members, the member for Dawesville and the member for Carine. I would also like to thank all the stakeholders who so willingly participated in the inquiry. As always, I offer special thanks to the committee staff, who have worked tirelessly, efficiently and effectively to help the committee throughout the entire process. I specifically thank our staff for the work that they do.

Unfortunately, the findings and recommendations of this inquiry will not stop family and domestic violence, but the implementation of the recommendations will go a long way towards opening the doors of justice to better support and protect victims of family and domestic violence as they interact with the Magistrates Court of Western Australia, and hold perpetrators accountable for their actions and support them to change their behaviour.

It has been a challenging inquiry. Some of the evidence that we have received has been heartbreaking—especially, as I said at the outset, in relation to family and domestic violence in Aboriginal communities. I hope that this inquiry is one more step towards making our system work for the people for whom it should work—the victims—and, in particular, reducing the number of victims we see in the future.

MR M.J. FOLKARD (Burns Beach) [10.06 am]: I rise to report on the eighth report of the Community Development and Justice Standing Committee, "Opening Doors to Justice: Supporting Victims by Improving the Management of Family and Domestic Violence Matters in the Magistrates Court of Western Australia". Before I speak further, firstly, I would like to thank the chair of the committee, the member for Hillarys, and the member for Bunbury, the member for Vasse, the member for Churchlands, the member for Dawesville and the member for Carine. I would also like to thank our tireless staff, Ms Alison Sharpe, Ms Catherine Parsons and Mrs Alice Jones.

The content of this report had a real and relevant effect on me. As members are all aware, I was in a past life a police officer. One of the last serious jobs I attended was a domestic violence-related homicide. The underlying cause and compelling factor was the performance of the Magistrates Court and its delays, so this report has had quite an impact on me through the journey. The report only scratches the surface of domestic violence. I have always believed that the best responses to domestic violence must be led by the community and must include the

community as a whole for those responses to be effective. I believe the McGowan government has led the way through the creation of a Minister for Prevention of Family and Domestic Violence. I think that has been a positive step forward in this space.

I note that, without fail, every witness who appeared before the committee said that they wanted more money, and I struggled with that. Not a single witness came before the committee and said, "Listen, we can improve the processes." I battled with that. I am very wary of throwing money at a problem. We need better processes, so that compelled my thoughts in relation to our findings in the report.

We also found that there was no consistency in processes or outcomes. We travelled all over Australia and met with stakeholders here in Western Australia, and in Melbourne, Canberra and the Gold Coast. When I raised with witnesses the matter of consistency of outcomes, all of them, without fail, would roll their eyes. The consistency between magistrates varied so much that it was almost as though the system has lost its sense of justice. That was interesting. We found that here in Western Australia. We also found that in Victoria when we talked to stakeholders. I also found it, I would not say invigorating, but pleasing, that one of the issues that came out consistently is that we need to look at the training of magistrates. I like the process that has been applied in Victoria through the Judicial College of Victoria. That has been reflected in our findings. I also like the idea that in Victoria, all the stakeholders in the court process receive consistent training so that a consistent message comes through. This applies not only to magistrates but perforates all the way through to even the security guards who protect the users of the court space. I found that quite compelling. We need to look at that here in the west. The Judicial College of Victoria also provides peer reviews of judgements, and mentoring. That helps enhance the process and obtain consistency, and thereby prevent frustration by the users of the court space. I thought that was interesting. It struck me that they are working to bring back a sense of justice within this space. The committee's report picks up on the need to improve things, like having a bench book for magistrates so that they have something to reflect on.

The other thing that stood out was that not only Victoria, but also the Australian Capital Territory and Queensland, have gone down the road of appointing specialist domestic violence magistrates. That is also something that we may need to consider in this state, and our report reflects that.

I note that probably one of the best courts that we saw was a small community-based court in Melbourne. It was embedded in the community. I still reflect on this, that it had a childcare centre in the court space.

Mr P.A. Katsambanis: Child-minding.

Mr M.J. FOLKARD: Yes. That provided services for not only the stakeholders in the court but also the community at large. I thought if that breaks down the stigma within the family court and the family court process, that is a positive. It even had a little coffee shop, which is an idea that is quite new. In the background, the court provided the full package of domestic violence services, both police and community services. I also noted that both parties were supported. In this state, we need to do more work in the offending space so that when offenders go to court, everyone will know what is going on and what the outcomes are. I get that we need to support the victims of domestic violence, and they need probably stronger efforts in that space, but if we do not also get to the offenders, we will create further division and further enhancement of offending.

I note that regional Western Australia effectively has these small courts. In my time as a policeman, we used to get all the services at those courts, because I used to drag them down. That seemed to work. For some reason, we have drifted away from that. If in regional WA we can embed community services within the framework of the court space, at even a small cost, the outcomes will be significant. I reflect on the chair's comments about the over-representation of Aboriginal womenfolk within the space of domestic violence. We can do positive things, at a minor cost, to change the way in which we do this. I hope that is reflected in the government's response.

I will not talk too much more about this. I would like to thank everyone who put in a submission to the committee. I hope that, going forward, some of the recommendations, if not all, will be embraced and taken forward.

MR D.T. PUNCH (Bunbury) [10.14 am]: I would like to make a brief contribution to the tabling of the eighth report of the Community Development and Justice Standing Committee and to thank all the members of the committee, past and present, and also our chair, the member for Hillarys, for his leadership in taking us through what has been a very difficult topic. I would also like to extend my deep appreciation to our staff who supported us through this process, Alison Sharpe, Catherine Parsons and Alice Jones. I also want to thank all the people who took the time to make submissions, especially those who have experienced and survived domestic violence and had the courage to tell us their stories. I also want to acknowledge the many people, especially women and children, who have not survived and who are not here to tell us about their experiences.

The Magistrates Courts of Western Australia is one part of a government justice, business and community response to family and domestic violence. Although the issues of disadvantage feature strongly in the statistics that we have heard today, it is not an issue just for the disadvantaged; it is an issue that impacts every sector of our community. The McGowan government has significantly raised the profile of family and domestic violence with the appointment of a Minister for Prevention of Family and Domestic Violence, and the development of a 10-year strategy, "Path to

Safety: Western Australia's strategy to reduce family and domestic violence 2020–2030", with the intent of providing guidance and leadership for collective action across government, community, justice services and business.

The eighth report of the Community Development and Justice Standing Committee, "Opening Doors to Justice", is one part of the changing landscape. It has been developed in a climate in which there is a real focus on family and domestic violence, not only from the point of view of the justice response, but also how we inform the community and bring the issue into our conversations, and how we target our prevention and intervention programs, as well as our justice responses. This report focuses very closely—almost with laser-like precision—on the management of family and domestic violence matters, particularly restraining orders, in the Magistrates Court of Western Australia. The words "Magistrates Court of Western Australia" roll off the tongue relatively easily. We tend to think of a building. However, it is essentially a network of justice responses that covers over one million square kilometres of the most geographically diverse state in Australia, with a large number of communities, and with a broad sweep of cultural and linguistic diversity. The Magistrates Court of WA does not operate in isolation from the programs that have been implemented by this government. Part of the strategy that I referred to is focused on how to get a synchronicity between the range of services, how they are dealt with from a community point of view, how they are dealt with within the industry and business environment, and how to respond from a judicial point of view.

Other members have spoken about the examination that the committee undertook and the places and courts that we visited. The leading edge of that was the search for best practice and better practice. The committee found that nationally, this occurs when courts that deal with family and domestic matters, particularly restraining orders, are grounded in the community, understand the community in which they operate, and are connected to a network of support services that are culturally and linguistically appropriate. Importantly, the better practice courts have buildings and systems that encourage people to feel safe and that separate perpetrators from victims; the implications of orders are fully explained to all parties; and the personal needs of, for example, parents with children are cared for with simple things like being cognisant of the need for child care. They also support the notion that people feel valued in that space and are not part of a conveyor belt going through for a justice order. Better practice presupposes that players in the system, be they magistrates, support staff or other professionals, are trained, have access to professional development and their safety and wellbeing is well supported. Better practice also demands coordination and professional case management when victims of violence are at the centre of a professional helping response.

This report sets out 78 recommendations based on 85 findings. It is a very comprehensive report of one aspect of the family and domestic violence response. Those recommendations range from training for magistrates and support staff and anybody involved in the system of care and response, information to victims and perpetrators, building design, childcare and safety. Although many of the recommendations reflect a continuing call for more funding nationally, which is a fairly important issue, it is not a reason for not examining how current resources can be used more effectively. The report sets out a guidance framework for both the Chief Magistrate and the Attorney General to think about this important issue into the future as the government strategy on family and domestic violence unfolds.

In its first three years, the McGowan government allocated over \$53 million to new programs, so significant resources have been allocated to the global view of family and domestic violence, of which this report examines one part. Those new programs include perpetrator programs, refuge expansions, services for victims, tenancy law reform and extensive law reform dealing with issues such as suffocation and strangulation, persistent family violence offending by a perpetrator and increased penalties for breaking family violence restraining orders. In light of COVID, another \$23 million in support funding has been made available to specifically address the issues that we know have arisen out of the changed circumstances and the new pressures that COVID has brought to intimate family relationships.

This report is tabled in the context of a wideranging reform agenda. It needs to be considered in the context of that wide agenda. My hope is that it will be used well to inform the future operation of our Magistrates Court by all stakeholders who have an influence in the direction and the way in which we administer justice in this respect.

Again, I would like to thank my fellow committee members and acknowledge that all of us heard some very harrowing stories. It is hard to believe that that sort of behaviour occurs in our community, but it does and we have to face up to it. I commend this report as one part of the jigsaw puzzle in the total response.

MR S.K. L'ESTRANGE (Churchlands) [10.21 am]: I, too, rise to speak on the report entitled "Opening Doors to Justice: Supporting Victims by Improving the Management of Family and Domestic Violence Matters in the Magistrates Court of Western Australia". I am pleased to be a part of the Community Development and Justice Standing Committee that tabled this report today because the terms of reference are really important to help improve the court processes and the way we support people who are suffering in situations of family and domestic violence. It is particularly important if we look at the Magistrates Court of Western Australia's management of matters involving family and domestic violence, the ease of access to the processes, the costs, the access to advice and support, and programs for the people involved and how other jurisdictions manage matters involving family

and domestic violence, including an examination of non-adversarial methods and ways to improve the efficiency and effectiveness of the Magistrates Court of WA's management of matters involving family and domestic violence.

As the chair, the member for Hillarys, pointed out, the committee travel was very interesting. It gave us a lot of insights into how other jurisdictions are dealing with the issues. One of the things that stood out was the way it is being managed in Victoria. As the chair said, the Victorian government's justice response to family violence is considered nation leading. Its integrated court response is aspirational. It would take a significant whole-of-government approach and major expenditure to replicate that landmark systemic change in Western Australia. As Western Australians, we should always aim to look for continuous improvement and how we can better manage situations so that things improve. There is no better example of why we should look for continuous improvement than in some statistics that we can all access quite freely through reports such as the "Department of Communities 2018–19 Annual Report" which includes statistics such as 47 623 family and domestic violence incidents occurred with and without children. In 2018–19, there were 15 996 cases of people receiving family and domestic violence services.

Other statistics provided by the Australian Bureau of Statistics' personal safety survey from 2016 show that 17 per cent of women, or 1.6 million, and six per cent of men, or 547 600, had experienced violence by a partner since the age of 15. One in four women, or 23 per cent or 2.2 million, and one in six men, or 16 per cent or 1.4 million, experienced emotional abuse by a partner since the age of 15. The Australian government's National Plan to Reduce Violence against Women and their Children 2010–2022 found that the total annual cost of violence against women and their children in Australia was estimated to be \$22 billion in 2015–16. These are sad statistics that point to why this report that we are tabling today is so important in helping us as a society to move forward to make this situation better.

In 2019, the Australian Institute of Health and Welfare report shows that on average one woman was killed every nine days and one man was killed every 29 days by a partner between July 2014 and June 2016. Also, as highlighted by the chair and others, we have significant issues confronting our Indigenous communities. In 2016–17, Indigenous females aged 15 and over were 34 times more likely to be hospitalised for family violence as non-Indigenous females. That was from the report "Family, Domestic and Sexual Violence in Australia: Continuing the National Story 2019".

As Western Australians, we should sit up and listen to these statistics. We should take a really keen interest in this report that this parliamentary committee is tabling today. The government would do well to look at the findings and recommendations to see where things can improve so that, for example, that example in Victoria can be looked at quite closely.

The impact on women, as I said, is of significant concern. Domestic violence itself has been under the spotlight even more so in recent times due to coronavirus. In fact, it rose by five per cent amid the COVID-19 emergency. WA Police had 2 082 reports of family-related assaults in March during the lockdown—the most for any month on record and a 17 per cent year-on-year increase. There was a 47 per cent rise in calls to the WA women's domestic violence helpline in March and April compared with the same period last year. It is an issue. It is confronting households throughout Western Australia, and it has been put under even more pressure recently due to COVID-19.

We understand that beyond those statistics I mentioned earlier, there are other effects. The Department of Communities, child protection and family support, shows the impacts of family and domestic violence on women and children in "Fact Sheet 6 Impacts of family and domestic violence on women". Apart from the obvious physical and psychological injuries, women can suffer insomnia, chronic pain, exhaustion, reproductive health problems, higher rates of miscarriage, panic attacks, phobias, anxiety and sleeping disorders, higher stress levels, obviously, and a greater risk of suicide attempts, just to name a few. The Department of Communities fact sheet 6 shows the impact on children and states that when domestic violence occurs in a family with children, the violence is a form of child abuse in itself. The report, which, as I said before, I really encourage government members to read, has 85 findings and 72 recommendations. The executive summary notes the need for an increase in judicial resourcing; the requirement—as the chair of the committee mentioned—for better training for magistrates and staff, which is integral to court accessibility; the need for access to legal and support services for the benefit of the court and its users; importantly, the need to look at alternative dispute resolution so that it can be done safely, because it offers many benefits; that the family violence restraining order process can be further improved to promote accessibility and efficiency; that specialist family and domestic violence courts need defined objectives to be truly effective; that the management of family and domestic violence criminal matters can be improved; that integrating related matters in different jurisdictions will improve consistency and minimise duplication; that improving court infrastructure will promote efficiency; and that an integrated government response is required.

As members have heard, this report is detailed. The fact that it makes 72 recommendations means that there is work that can be done. Like my colleagues on this committee, I commend the work of our principal research officer, Alison Sharpe, and research officers Catherine Parsons and Alice Jones, and thank them for their efforts in supporting the committee. I thank the former committee members, the members for Carine and Dawesville, for their efforts. I thank the member for Vasse, who joined me on this committee about a quarter of the way through the process, for her efforts. Of course, the members for Bunbury and Burns Beach have been with the inquiry

throughout. It was a fantastic effort from them. I cannot ignore the fact that the committee was motivated and inspired by our chair, the member for Hillarys, who throughout this inquiry did an outstanding job in focusing all committee members on the task at hand. He was very collegiate in making sure that we were all involved in the process and able to engage with witnesses, and ensured that we all had equal time to present our concerns and questions. His attention to detail in the writing of the report was fantastic; he was obviously supported by the staff. Maybe a plan B for the member for Hillarys when he moves on from political life could be as an outstanding magistrate, supporting the community, because he has certainly made a lot of effort here. I thank all the committee members and the staff and commend this committee report to the house.

MS L. METTAM (Vasse) [10.32 am]: I rise to make a contribution on and respond to the tabling of the report titled “Opening Doors to Justice: Supporting Victims by Improving the Management of Family and Domestic Violence Matters in the Magistrates Court of Western Australia”. As the member for Churchlands mentioned, I joined the committee partway through this inquiry. Joining this investigation and exploration of some of the challenges the Magistrates Court faces with domestic violence cases was an experience I found beneficial both professionally and personally. I certainly support and commend the 72 recommendations that were made as a result of this inquiry.

At the outset, I thank my colleagues on this committee for their contributions. The committee was led with great leadership by the chair, the member for Hillarys. I thank the deputy chair, the member for Burns Beach; committee members, the members for Churchlands and Bunbury; and former committee members, the members for Dawesville and Carine. I would also like to thank principal research officer Alison Sharpe, Alice Jones and Catherine Parsons for the significant work undertaken coordinating this inquiry and putting together and producing the body of work before us today.

Family and domestic violence is a significant and important issue, and it occurs in every section of society. As the member for Hillarys mentioned, Aboriginal people are significantly represented. Although they comprise only 3.1 per cent of the population, we see that they are over-represented when it comes to family and domestic violence cases, making up 33 per cent of cases. Sadly, only 11 per cent of Aboriginal women apply for family violence restraining orders, which is a significant concern.

The trigger for this inquiry was the resourcing of this concerning area. The most significant issue is that between 2016–17 to 2018–19 the median time to trial in the WA Magistrates Court was 25 weeks. Over this period, applications for violence restraining orders increased by 14 per cent and applications for family violence restraining orders increased by 38 per cent, which is a significant concern. This wait time and the wait time for trial in general peaked at 25 weeks in April 2018. We heard evidence of family violence restraining orders being settled three years after applications had been first made. That is obviously not good enough. It is taking too long to hear these cases. We need more magistrates. The report states —

Submissions from the Chief Magistrate, President of the CCWA and a community legal centre stated that funding for the MCWA and the CCWA has not kept pace with the increase in the number of matters ... Courts are becoming ‘gridlocked’ due to significant increases in applications for FVROs which is not simply attributable to population growth.

The committee’s recommendation 1 was around the obvious issue that there is a need for more funding for the appointment of additional magistrates. It is noted that during the inquiry, two additional magistrates were appointed in WA, but there is concern about whether these two magistrates will be able to keep up with this significant body of work that we are seeing coming through our courts at the moment. I had the benefit of catching up with representatives of the City of Karratha recently. One of the most significant issues in the local government area is the absence of a magistrate. There is a magistrate who flies in and out for only one or two days a month, and there is high demand, which puts pressure on that individual’s time. There are obvious benefits in the way in which courts are designed and we heard about the important role court infrastructure plays. In particular, we heard about the great benefits in the City of Melbourne and in Victoria in general from this working well.

Evidence taken from Sharryn Jackson, the executive director of the Community Legal Centres Association WA, referred to the value of regional court infrastructure. She talked about the challenge of addressing and dealing with family and domestic violence matters in a state such as ours in which 80 per cent of our population is in the metropolitan area. She said —

... regional courts that are in even worse states of disrepair or appropriateness than metropolitan courts ... with no breakout rooms for them to be able to consult their clients.

I note in particular Ms Jackson’s comments on the services in Bunbury. I quote —

I think the most classic example I heard when I was compiling the submission involved our South West Community Legal Centre in the member for Bunbury’s electorate. The facilities there are very poor.

Extract from Hansard

[ASSEMBLY — Thursday, 13 August 2020]

p4956b-4963a

Mr Peter Katsambanis; Mr Mark Folkard; Mr Donald Punch; Mr Sean L'Estrange; Ms Libby Mettam

There is only one waiting area and there is only one room that is available for consultations with clients. That is both for respondents as well as applicants. As you understand, lawyers take very seriously privacy and the privilege of the exchange of information, and you like to do that not in the waiting room with 30 other people who are waiting for the court list to be called that morning. On one occasion, the solicitor eventually found someone who would open the locked room so that she could have that consultation with her client. The sad thing was that they then missed the call in the waiting room for the matter that was being listed, and so an order did not issue and the process had to commence all over again. That is the kind of worst example.

That is why this sort of infrastructure is so important. We know that in the regions, the challenges for magistrates who specialise in family and domestic violence is particularly significant given the number of cases and the population challenges. We are also hearing about significant issues that relate to the delivery of infrastructure.

Victim support services were also something we heard much about. Magistrate Dean Potter raised concerns about a backward step occurring since a review had been undertaken. A review was commenced in 2016 into the way victim support services are provided to support family violence-related matters. That review was completed in 2019 and indicated that the service was not working to its full capacity but it led to a shift to a more centralised model with 1800 phone numbers and generic email addresses being utilised. Magistrate Dean Potter raised significant concerns about this model and I quote —

... the roll-back of having face-to-face contact on a daily basis at courthouses has clearly had an impact.

The committee shared those concerns. Although the department states that it is seeing an increasing number of clients and it helps, it was not reflected in the information provided to the committee at the time of this report's publication.

Finding 21 states —

Recent changes to the service delivery model of the Family Violence Service may have a negative effect on the quality and timeliness of the service provided to clients.

Recommendation 15 indicated that the Attorney General conduct an ongoing review into this area.