COMMUNITY DEVELOPMENT AND JUSTICE STANDING COMMITTEE

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

TRANSCRIPT OF EVIDENCE
TAKEN AT PERTH
MONDAY, 10 FEBRUARY 2020

SESSION TWO

Members

Mr P.A. Katsambanis (Chairman)
Mr M.J. Folkard (Deputy Chairman)
Mr A. Krsticevic
Mr S.K. L'Estrange
Mr D.T. Punch

_____

Hearing commenced at 10.46 am

Ms KATALIN KRASZLAN
Acting Commissioner for Victims of Crime, Department of Justice, examined:

Mr MICHAEL HERBERT JOHNSON
Director, Magistrates Courts and Tribunals, Department of Justice, examined:

Mr THOMAS SCOTT SAMUELS
Legal Policy Officer, Department of Justice, examined:

The CHAIR: On behalf of the committee, I would like to thank you for agreeing to appear today to provide evidence in relation to the committee's inquiry into how the Magistrates Court of Western Australia manages matters involving family and domestic violence. I would also like to thank you for your submission as well. Today we will discuss some things you raised in the submission and we may also ask you to provide comment on matters that have been raised in evidence before us already. My name is Peter Katsambanis, I am the chairman of the committee. The other members, I will introduce them briefly to you—the deputy chair, Mark Folkard; the member for Churchlands, Sean L'Estrange; the member for Bunbury, Don Punch; the member for Vasse, Libby Mettam; and the member for Carine, Tony Krsticevic. It is important that you understand that any deliberate misleading of this committee may be regarded as a contempt of Parliament. Your evidence is protected by parliamentary privilege, but that privilege does not extend to anything you say outside of today's hearing. Would you each like to introduce yourselves for the record, starting with you, commissioner?

Ms KRASZLAN: I am Katalin Kraszlan—although, I am generally called Kati. I am the Acting Commissioner for Victims of Crime in the Department of Justice.

Mr JOHNSON: Michael Johnson. I am the director of Magistrates Courts and tribunals in the Department of Justice.

Mr SAMUELS: I am Tom Samuels. I am a legal policy officer with the office of the Commissioner for Victims of Crime. I am the instructing officer on the family violence reform bill, so any particular questions about that bill, I can assist.

The CHAIR: Thank you. Before we begin our questions today, do you have any questions about your attendance?

The WITNESSES: No.

The CHAIR: Are there any opening statements that you would like to make?

Ms KRASZLAN: No, thank you.

The CHAIR: Perhaps, for context, we might start with some commentary or discussion from you as to what sort of impact the proposed amendments that are contained in the current Family Violence Legislation Reform Bill are likely to have on the operations of the Magistrates Court?

Ms KRASZLAN: I can start. We think that the shuttle-conferencing model that is proposed, which is the negotiated outcome from restraining orders, will have the most impact across the Magistrates Court in regard to restraining order matters, particularly in taking matters out of contested hearings

and allowing for outcomes that support both parties. I think the other part that the shuttle-conferencing model will support is understanding of the orders, particularly from a respondent perspective. The model gives the opportunity for the respondent to understand the order and to participate in some of the conditions of the order, which, from talking to ACT and also from discussions we have had with stakeholders, will hopefully reduce the numbers of breaches of orders and also reduce the lack of awareness that we know respondents have when it comes to orders. I think they are, to me, the restraining order matters. I think the other aspects around lifetime restraining orders at conviction, which was initially introduced in the ROAR amendments but has now extended to violence restraining orders, also reduces the impact on victims of having to come back to court post-conviction and having to apply for an order and then occasionally having a contested order. I supported a victim through one of those on Friday when they had a contested order following a childhood sex offence conviction. They are the major aspects on the court.

There are a number of procedural amendments that will create minor changes as we go through. The impact of the non-fatal strangulation is also a matter of discussion from a number of people in terms of what impact will that have on courts in terms of additional people coming into court on a non-fatal strangulation charge. We are working through that. We have looked at the data that has come through from Queensland, in particular, who has a charge, although not the same, with some similarities. The majority of non-fatal strangulations that are coming into Queensland are coming as part of a package of charges rather than new charges. So in terms of the impact on courts, we are not looking at finding new offenders; it looks like we will be adding charges to existing offenders, although there are approximately 12 per cent in Queensland that are just non-fatal strangulation, so the assumption may be that that is an additional group of offenders which may be one to two a week if you can work out their numbers. The persistent family violence offence—once again, these are people who are already coming into court, we suspect, rather than this being an additional charge. But the important part of this, as I think with the persistent family violence offence, is really recognising what occurs in a family violence relationship from a victim's perspective, but, once again, I am not anticipating that to have impacts on Magistrates Court. The serial family violence offender declaration: there has been some discussion as well about whether we will be increasing court times, but these are people who already generally have a presentence report and this will comprise part of their presentence report.

The CHAIR: Obviously, the shuttle mediation will require a number of things, including resourcing. What level of resourcing is likely to be required over and above what is currently available in the Magistrates Court?

Mr JOHNSON: The proposal that has been put forward by the department is for four extra officers, who will be registrars of the Magistrates Court, to be able to undertake those conferences in the outer metro and Perth Children's Court on a rostered basis. The initial planning for that would allow for certain days at those locations where those matters would be dealt with by the registrar. So you have four registrars at the appropriate level and training who will deal with all objected family violence restraining order applications where the parties have not objected to having a conference.

The CHAIR: And those registrars would be specialists in this particular area?

Mr JOHNSON: They will have the appropriate training, particularly around family violence and the dynamics of family violence, but also the training in mediation or facilitating a conference to get outcomes.

Mr D.T. PUNCH: Limited to the metro area or into regional areas?

Mr JOHNSON: No; at this stage, it is limited to the metropolitan area.

Mr D.T. PUNCH: Is there a reason the department did not put a proposal forward for regional WA?

Ms KRASZLAN: I think we wanted to trial the model for the first two years, which is the current proposal, and then look at expanding it into regional WA. The lack of services in regional WA can make it difficult to expand initially. We would have to recruit people as well. So the initial thought was trial and test it. It is a model that is being used in the ACT that we are basing it on, which does not have a regional component either, so we did not have any regional components to look at there. We think there are some advantages in the model for Aboriginal family violence, but we would like to trial it and then, importantly, discuss it with communities and have community input into how it would look in an Aboriginal context, rather than us impose another model without proper consultation.

The CHAIR: Is it fair to say that once this bill goes through the system, and assuming it becomes law and then we start implementing it, it will be a legislative change that will apply only to the metropolitan area, and it will be business as usual in regional areas, in relation to this mediation part, not the other parts—not the non-fatal strangulation and the like, but related solely to the mediation around family violence restraining orders? There will be no real difference in the way those matters are dealt with now in regional areas outside the Perth metro area. Is that correct?

Ms KRASZLAN: That is correct, in the short to medium term, yes.

The CHAIR: That short term is a two-year trial, followed by "to be re-assessed"?

Ms KRASZLAN: Yes.

Mr D.T. PUNCH: Just on that point, though, there is often a confusion between regional WA, remote WA and Aboriginal communities. In a place like Bunbury or Busselton, a very large urban centre, presumably there could have been an opportunity to look at trialling it within that sort of urban setting?

Mr JOHNSON: The model that was proposed was for the metropolitan area. I do not know the reason for that.

Mr D.T. PUNCH: Okay. Thank you.

The CHAIR: In relation to the metro area, I assume it covers all metro courts?

Ms KRASZLAN: Yes.

The CHAIR: Are the physical facilities, the separation and everything else, available in all those courts to actually allow this mediation to occur?

Mr JOHNSON: We believe that all the courts, other than Armadale at this stage, would be able to cater for separation of the parties. You would be aware that the Armadale court and police complex is under construction and due to be completed and start operations in, I think, around early March 2022. In that building, there are suites for victim support, and also interview rooms and other areas where the parties can be appropriately separated. In the other areas, we believe we can separate. In some cases, we will use procedures to be able to cater for that, where people are summonsed at slightly different times. Say, for argument's sake, a matter is to come on at 9.30 in the morning, we might summons somebody at quarter past nine and somebody at nine so that we can put them in the various areas so they do not come across each other. The whole purpose of the conferencing is to separate the parties so that they do not come into contact with each other. The registrar will move from room to room in conferencing.

The CHAIR: I understand that. So there will be some logistical issues?

Mr JOHNSON: Yes.

The CHAIR: Do all of our metro courts have two separate entries for the public?

Mr JOHNSON: I am not sure on that. The design of court buildings at some stage —

The CHAIR: I am sure probably not!

Mr JOHNSON: I cannot remember the six or seven courts. The design of court buildings at one stage was that you should only ever have one entrance for a court building for security and all those things, but now, with the later designs, if you look at the design of our buildings at Kalgoorlie, Kununurra and Carnarvon, we cater specifically for that, where we have separate entrances, particularly for victim support, where they come into an area where the others do not have to come. All future planning will cover that. But I think the majority only have the one entrance.

[11.00 am]

The CHAIR: Hence the separate summoning at 9.00 and 9.15.

Mr JOHNSON: Yes. We have to take in business processes to be able to cater for that.

The CHAIR: Without being overdramatic, we have to be cognisant of the fact that we are dealing with a real issue. We saw a real issue that ended up in tragedy not so long ago, so it is in the front of mind of everybody, which is why we as a committee are asking these sorts of questions.

Mr JOHNSON: And, Mr Chairman, particularly since that tragic incident, we have been very cognisant of that as well. We have introduced procedures, in relation to all civil matters, where parties come to the court. In every matter where a civil matter is to go before the court, there is now a notice on the bottom of that form that if they have any issues about safety or concerns for their safety, contact the court. The registrar then will assess and, if necessary, get back to that person. We will then liaise with our court risk assessment directorate to be able to put the appropriate procedures in place to cover any perceived or any real risk.

The CHAIR: Sure. As we understand, it is a dynamic environment and the perception may sometimes not necessarily be there.

Mr JOHNSON: Yes.

The CHAIR: We understand all that.

Ms KRASZLAN: Also, from my office, which will be working with courts in the implementation, we are very clear from our perspective that the standing agenda item across the implementation is victim safety. So that has to be addressed at each decision point around ensuring and articulating what are the victim safety issues around coming into court, what are the victim safety issues during the negotiation and what are the victim safety issues about leaving court. We are always talking about coming to court, but we have to remember that sometimes the riskiest part for the victim is actually leaving court.

The CHAIR: So what are the current issues that you believe need to be addressed in either the short or medium term generally across our jurisdiction in relation to safety for victims?

Ms KRASZLAN: As I said, I think for me, one of the issues is the post-court appearance—the follow-up around whether it is from refuges or victim support workers or counsellors or whoever has been involved—to make sure that the victim gets notification of the service of the order as quickly as possible. I think the bill is looking to address that, because we know that victims are waiting a considerable period of time to know that the order has been served. At the moment, it is a paper-based process where the police get the order, they then serve the order, the paperwork then comes back and then that paperwork is sent to courts and the courts then notify the victim, which can take time. The process, I think, now that we would like is for it to be electronic so that the victim gets

notification, where they have indicated that they wish the notification, through an SMS or electronic notification.

The CHAIR: Is there a best practice time frame for that to happen post-service? I ask post-service specifically because that other piece between the making of the order and the service has so many variables. So, should services be affected, what is the best practice time frame that you would like to see in place, even if it is aspirational, for a notification of a victim?

Ms KRASZLAN: For me, the notification best practice would be police serve the order, they then notify on their systems electronically that they have served the order, that electronic notification goes straight back to ICMS, the court's database, where the victim has indicated how they would like to be contacted and, where possible—I know that there will be people who do not have mobile phones, but we get our hairdressing appointments now on SMS—where we can notify via SMS, that is an instant SMS notification. You would have the order served and the electronic ping effectively back to courts. Courts then sends an automatic SMS to the victim.

The CHAIR: So it is almost instantaneous.

Ms KRASZLAN: Almost instantaneous.

The CHAIR: What we would say contemporaneously.

Ms KRASZLAN: Yes, and using best practice electronic methods to do that.

Mr M.J. FOLKARD: Could I intervene in that?

The CHAIR: Do we have that?

Mr JOHNSON: Yes, we do. We SMS various parties to proceedings now, particularly with bail, reminding people of their obligation to turn up to court.

The CHAIR: But do we have that ability at the moment?

Ms KRASZLAN: We are currently developing that ability.

The CHAIR: You are developing that? Yes; I have seen the new police technology that has been rolled out, and that always had to have been a precursor to achieving this. That is there now, so it is being implemented.

Ms KRASZLAN: My understanding is we have legislation that we require for certain aspects, but we have some of the IT being developed.

Mr M.J. FOLKARD: I was a copper for a very long, long time, so some of the holes in what you have said to me sort of just open up. One of the key issues in that space is the inability of the courts and the police to actually communicate properly, having served countless of these VROs, and I mean countless ones, and then having to manage them in that space and the difficulty of contacting complainants and all that sort of stuff in the meantime. Where possible, I have always gone there. I would like to wind it back a little bit. With the proposal of these shuttle courts, how will that affect the efficiency of the courts? Is there an anticipation that it will improve?

Mr JOHNSON: Yes. We are hoping that it will have a very positive impact not only for the victims, because they will not be subject to the re-traumatisation of going to a final hearing, but we are hoping to be able to reduce significantly the time to trial for defended hearings. Also, that will then allow the magistrates to get on and hear other matters, particularly those matters where defendants are in custody or accuseds are in custody awaiting hearings or final hearings. Also, it will hopefully reduce the degree and number of breaches of final violence restraining orders. From what we hear from the ACT, it will be the ability of the registrar to explain to both parties what their rights and obligations are under the order. That role is crucial, I believe, for the registrars to be able to give

that knowledge and understanding to the parties, because anecdotally we hear, "We didn't understand that we couldn't do that or we couldn't do this." It will be the obligation of the registrar to say, "If you breach, do you realise that you could be charged with a criminal offence?" and that might mean texting or whatever it might be.

The CHAIR: So that relies on the training to be an important component and the resourcing generally, including the training, of those people who are resourced in order to deliver that.

Mr JOHNSON: Yes, and part of the funding includes funding for the appropriate training to take place.

Mr M.J. FOLKARD: Before leaving and coming into this place, one of the last jobs I was in was homicide related to domestic violence and service of orders. The motive driven behind homicide was the distance between having an interim order served before the order goes into full effect. That time length was unacceptable in any person's language. Here I ask the question: in that space about taking out the animosity through the shuttle, will that have an impact in that space and will the time frames actually come back to be more realistic?

Mr JOHNSON: In both cases yes, particularly in the time frame for hearings. Normally, if you get a respondent objecting to a family violence restraining order now, the matter gets listed either for a mention hearing, which would take place with a magistrate who will decide how many witnesses there are, is there a chance to settle et cetera, and then set it down for hearing, which can be, as you would have heard from others, anything up to five months to be heard.

Mr M.J. FOLKARD: Try eight.

Mr JOHNSON: Once a matter is objected to, we are hoping that we will be able to list between two and four weeks—closer to two—to be heard by the registrar and if the registrar is able to negotiate an outcome there and then, the matter is finalised. That could be quite a substantial saving not only for the court, but, more importantly I believe, for the parties.

Mr M.J. FOLKARD: De-weaponising it, for want of a better way of putting it.

[11.10 am]

The CHAIR: Can I ask a couple of questions in relation to the shuttle mediation? First of all, does it differ substantially from the ACT model; and, if so, in what way?

Ms KRASZLAN: It does not differ substantially from the ACT model. It will follow it to a large extent, except in the ACT it is a mandatory process but we have introduced the ability for the victim to say, "I don't want to do it", because we feel it is important that the decision is the victim's decision.

Mr JOHNSON: I shadowed a registrar in the ACT over two years ago before we proposed this new change to the legislation. When I explained our process where an interim order is served and then the respondents got 21 days to respond to either object, or, if they do not object, the order becomes final. The ACT's system is that if an interim order is made, everyone has to come to court, irrespective, but they do not have the objection side of it. When they heard that, they said, if they had the objection side of it, it would improve their system because it gets those ones where the parties or the respondent agrees, yes, hands up, the person needs to be protected or, do not object to the hearing. So we are dealing with only those matters where it is the objection and they are the ones that we have to focus on.

The CHAIR: Jurisprudentially, we could argue whether the non-response to an interim order is an acceptance of the order or some other thing, and we can argue whether mandating attendance at least acts as some sort of filter to understand what the lack of response was about. We will leave that for another day. I am not suggesting I prefer one construction to another. I think from a court

efficiency point of view, our system is significantly better, as you have outlined. But I think, as the commissioner would recognise, victims are still out there wondering what is happening.

We have the shuttle mediation. It requires funding for a registrar. We know in this jurisdiction there are a lot of unrepresented victims. It is a civil jurisdiction. Access to legal aid is either non-existent or extremely limited. There are some specific Aboriginal services that do have a little bit of funding, then they stretch that funding in the way that all these systems do. There might be some community legal centres doing exactly the same thing—stretching out funding. But in the main, there is no funding for any of this. What is going to be put into place when the shuttle mediation happens? Are we going to have funding for all parties; is it going to be available to everyone; is it going to be means tested; is it going to be capped? How will it work?

Ms KRASZLAN: We have requested a funding package, so at this point we await the outcome of that particular funding package, which includes funding for legal aid and community legal centres. And then their use of that funding would be dependent on their own processes that they currently have.

The CHAIR: What would that funding look like? What are we talking about? Are we talking about millions and millions of dollars; are we talking hundreds of thousands of dollars; are we talking specific funding for specific services for specific courts?

Ms KRASZLAN: We would be talking about legal representation funding for both applicants and respondents in the mediative process.

The CHAIR: Would we expect that every party who appears would have access to that at least to the advice if not representation or to representation as well?

Ms KRASZLAN: We would hope that every person would have access to some form of advice.

The CHAIR: That would be the standard that you would want to apply as to whether this would be —

Ms KRASZLAN: Yes; which is similar to the ACT where people are entitled to advice. Not all matters are represented in person at the time but everybody gets some form of advice.

The CHAIR: Legislatively, is that mandated in the bill?

Ms KRASZLAN: No.

The CHAIR: No? Okay. But you would expect that the funding would be made available to do that?

Ms KRASZLAN: We have asked for a particular funding package. I could not say today what that amount would be but the amount would be to cover representation and advice for both applicants and respondents during the process.

The CHAIR: I will get to Mark in a minute, but just to conclude in this area around the shuttle mediation, do you have any—I hesitate to use the word "target"—expectation at this stage of how many matters that currently end up in contested hearings would not end up in contested hearings with the introduction of this service, albeit just in the metro area—a percentage figure?

Mr JOHNSON: All we can go on is the ACT. Again, they are a different model from ours, but of all the matters they say that come before them, 95 per cent do not end up in a final hearing. If we work on the same model where ours is different because it is only the objected to matters that are being heard, we would be hoping for a similar result. Although —

The CHAIR: What is the percentage of objected matters that we get at the moment?

Mr JOHNSON: About a third.

The CHAIR: A third. They do not get objected to. Two thirds go through to final order without a hearing?

Mr JOHNSON: Or other —

The CHAIR: Or other, withdrawn, some sort of consent agreement or something happens and they do not go to final order. We go through this mediation and 95 per cent get mediated. There is an agreement of sorts in many cases. In some cases, there might not be. Parties might choose to walk away, but let us say, garden variety, there will be some sort of agreement in place. What are the enforcement mechanisms for that agreement?

Mr JOHNSON: Because under the act, the agreement that is signed by the registrar will become an order of the court, so it would be no different from an order made by a magistrate. So it is enforceable as a final violence restraining order. If the conditions of the order are breached, they can be prosecuted.

Mr M.J. FOLKARD: Through the shuttle process, are either party able to bring in their own lawyers as part of that shuttle process? We have seen historically over here those with the thickest wallet tend to get the better justice. Does it alleviate that? Is that the experience in the ACT?

Ms KRASZLAN: We have not discussed that with the ACT about private representation. Everybody is entitled to bring their own lawyer in if they have it. I think that comes back to the comment that we have made around ensuring greater awareness of issues of family violence across the legal profession not just in select groups, but they are entitled to bring their own lawyer in.

Mr JOHNSON: Part of the role of the registrar, and in my role in a previous position that I held under the old legislation as clerk of the local court, I conducted pre-trial conference hearings. The role of the registrar is to ensure you do not get that power imbalance, if you like. On many occasions, if a lawyer came with a party and the other person was unrepresented, I might separate them and talk to them separately as a mechanism to be able to give some comfort to the other person that they are being heard and not being overpowered by the other party. That will be a similar role and it is a role that all registrars undertake in any pre-trial conference or conference.

Ms KRASZLAN: The register also will have the ability to call a halt to the conference it they feel that the victim or whoever has brought their own private lawyer is badgering.

The CHAIR: You have two checks then, do you not? The first check is that they are not in the same room.

Ms KRASZLAN: Yes.

The CHAIR: That is a significant check. The other one, of course, is as we know with representation, knowing the jurisdiction is sometimes much, much better than the power of the credentials of the amount being charged at the time.

Mr JOHNSON: One of the other points that I would like to make, Mr Chair, is that if the registrar is not happy with what is being proposed, the registrar does not have to make the order.

The CHAIR: Yes. Can I move you to some of the comments you made, commissioner, referring to your submission, in relation to case management information sharing? You spoke about the need for a better case management and information sharing system. What would that look like and what would that take to implement?

[11.20 am]

Ms KRASZLAN: I think, going to the information sharing, importantly what we hear a lot is around the Family Court/criminal court information sharing; that when people come into court that there

is understanding and knowledge of Family Court matters as well. We tried to address that in the bill by allowing the Family Court to do ex parte hearings and about making sure that it is mandatory to find out if there are Family Court matters as well. What would be best is if people can see the systems, and that is outside my capacity—to have one single court IT system—and the commonwealth is currently making recommendations on that. Case management for me is wider than just talking about courts, because what women come into in a family violence matter is there is Family Court, there is child protection, there is tenancy, there is change of name, there is criminal injuries compensation applications—we know family violence victims do not put in criminal injuries applications necessarily at the same rate as others. We know a large number of people do not have birth certificates. I think the last I heard was 13 per cent, something around that number; I can get a better number. But making sure all the children have birth certificates —

The CHAIR: Is that 13 per cent of the clients of the court system or 13 per cent more generally?

Ms KRASZLAN: No. Is it 13 per cent? I would have to check the number, sorry. The driver's licence issue, making sure people are on fine repayment and that they have a driver's licence. What we know is there is a chaotic world and case management needs to look at that whole world of the victim, not just today's restraining order matter, and we have a tendency to pull it back to simply the court matters.

The CHAIR: In relation to that broader case management, we have heard evidence that there has been a significant rollback of the victim support service that has been available in the metropolitan Magistrates Courts. Obviously, that limits case management and the sort of support that victims can get. Have you had any issues in relation to the lack of such services at courts?

Ms KRASZLAN: I think the term rollback is probably not—it is a change in its focus rather than a rollback in that it is still providing family violence support services across the courts but from a centralised model rather than from a court-based model. My view on that is that we will need to see through a review, after a period of time, what the impact of that change has been. At the moment the numbers of people being assisted appears to be consistent, but it is not just the numbers; we will need to review people's experiences of the process and find out. But we have not actually spoken—I have not spoken—to victims. I think we can talk to support agencies, but the people who we need to talk to are the actual victims who are accessing the service.

The CHAIR: What brought that change about? Was it funding or was it just simply some sort of review that decided to change to a different model?

Ms KRASZLAN: My understanding, because it was not done by my office, is that a review was undertaken about the service, and then those decisions were made based on that review.

The CHAIR: In relation to case management and information sharing, it currently occurs partly through the family violence list model and then the support comes to victims from the family violence service. Does this model, in your opinion, adequately provide support for victims or could more be done in that space?

Ms KRASZLAN: You are talking to the Commissioner for Victims of Crime—I think more could be done for victims everywhere. I am never going to say we have enough support for victims. We work within a constrained funding environment and we provide the services that we provide in that constrained funding. If we could have trauma recovery centres, victim hubs outside of courts that provide holistic overarching victim services, that would be a different world for victims. But it is, you know, a different world there in that service.

The CHAIR: Sure; I understand that. In relation to the training and accreditation that you spoke about, is there any sort of accreditation system that exists nationally or in other jurisdictions?

Ms KRASZLAN: Social workers have some form of accreditation to be a family violence practitioner. I do not like to call myself a psychologist anymore, but when I was a psychologist, there is no accreditation for psychologists to have family violence expertise. There is no accreditation for lawyers to necessarily have it. Nothing is done at an undergraduate level on family violence in any consistent manner, and also it is across the whole sector; it is not just the legal system, but I would say that most managers have no understanding of family violence and the impact on their staff in any environment—justice is one of them. So I think accreditation is saying that family violence has some very specific nuances and we need to be better at teaching people what they are, particularly coercion and control.

The CHAIR: The legal profession has its own highly prized accreditation system; perhaps they can pick up from this transcript and put into place something around family violence. But since we have you here, Mr Johnson, what sort of training, or training and/or accreditation—but let us limit it to training because there is no really formal accreditation—do court staff, beyond the judicial officers, receive in relation to family violence? What is available to them?

Mr JOHNSON: I cannot remember whether there is an online module for family violence, but I will check on that. Other than that, there would be very little specific training in relation to family violence.

The CHAIR: If we can perhaps take that on notice and see what you can bring back to us on that. Following on from that, what mental health or other support is available to court staff generally, including but not limited to magistrates, but the whole gamut of staff from the level 1s and 2s at the front desk all the way through? What sort of mental health support is available to them generally, and then specifically in relation to the issues of family violence that some of them confront on a daily basis?

Mr JOHNSON: There is no specific availability of services other than the employee assistance program, which is provided to all public servants, and managers, when discussing issues with their staff, are made aware of the services that are provided by the provider, which includes mental health, and other support services within that framework. Other than that, there is no specific training, other than to encourage the staff, if they are having issues or if managers are noticing any issues, to raise that with them through the normal management process.

Ms KRASZLAN: The Office of the Commissioner for Victims of Crime does a fair amount in vicarious trauma across the office. We deal with the National Redress Scheme as well, which is a major concern to me for staff—to make sure they are able to read those applications as well as talk to victims daily—so we get people in to do vicarious trauma training with staff. We encourage people to do a variety of different projects as well so that you have breaks from direct contact or from that type of work. We talk very strongly about the EAP and mental health care plans as well. If you have used six sessions of your EAP, then talk to me and we will get exemptions for you to get more, given the nature of the work. We also have one of the best trauma specialists in WA, who is actually on our staff, who also coordinates other forms of trauma training for her team.

The CHAIR: Sorry to delve into this point, but I think this is really critical and this is an area we have not addressed, whether it is at court level or any level. I know members of Parliament in other jurisdictions have done reviews into serious violence around children, particularly sexual violence, and they are still traumatised about it 25 or 30 years later, so it goes right across the board. Would you say that through your own experience as an office and through having to deal with some of those issues, you may have developed a better understanding of the pressures staff face and, therefore, have ended up providing better support services for those staff than in other places throughout our system?

Ms KRASZLAN: I think in terms of this particular office, given I have been in Justice in various mental health roles for 20-odd years, it was one of the priority issues that I took on board when I came into the office, particularly with the redress scheme, that we needed to develop a vicarious trauma plan for our staff. I would encourage any office that deals with the types of information that we deal with, whether it is a committee or an inquiry, to actually address it at the very beginning: what is your vicarious trauma plan? It should be part of your strategic planning for the year. Your business plan should include it.

[11.30 am]

The CHAIR: We have asked these questions in various ways in many forums. Well done on implementing that. I think that is a really, really big step forward. A lot of people, from first responders on, could learn from that. Well done.

Mr M.J. FOLKARD: Commissioner, could I ask the question, from your perspective as the Commissioner for Victims of Crime, in relation to quality assurance of actual performance of our magistrates in the family and domestic violence space. What are your thoughts on that? Are you aware of anything that is going on in that space? I am interested in your comments.

Ms KRASZLAN: I am not going to comment on judicial decision-making, because that is —

Mr M.J. FOLKARD: No, no.

Ms KRASZLAN: I think, in terms of increasing knowledge of family violence, that is something that happens as an ongoing basis with magistrates. The bench book is a really important part of that— the new family violence bench book, which is quite a comprehensive document for magistrates. Also, the other part is, as you would have noticed, the new advertisements for magistrates now have as selection criteria an understanding of family violence, which was a recommendation of the Law Reform Commission. I was very happy to see it in the latest advertisements. I think, in terms of magistrates' understanding of family violence and understanding of victim trauma, it is an ongoing process for everybody.

The CHAIR: Is there anywhere that does better? If we are looking to improve, where would we look?

Ms KRASZLAN: Victoria, obviously, is where we all go to for improvements in family violence, following the royal commission and the billion dollars of funding that they put into the system. But Victoria also has its own problems; Victoria is the only state that allows cross-examination of victim impact statements. So, there is a positive side to things that they do and there is negative. I think we all need to pick up bits from everybody rather than look at one jurisdiction and say, "That's the best." I think there is best practice in every jurisdiction.

The CHAIR: If members do not have any other questions, we will thank you for your evidence before the committee today and your submission as well. We will send you a transcript for correction of any transcription errors. Those corrections need to be made and sent back to us within 10 days. If you think the transcript is fine as it is, you do not have to send it back. As you would understand, you cannot use the process to alter the nature of your evidence, but if there is anything else you want to tell us, we are happy to hear it, so feel free to send in a supplementary submission; do not wait for us to ask you. We will also write to you about that matter, Mr Johnson, that you took on board to get back to us about. We are very, very grateful for your involvement in this process; we are grateful for the work you do. We are all keen to see how the new reform bill progresses. Firstly, it will progress legislatively and then be implemented. We appreciate the time that you took to talk to us today. We will conclude today's hearing. Thank you.

Hearing concluded at 11.33 am

_____