

The Law Reform Commission of Western Australia is pleased to announce that the Commission's Final Report on Family and Domestic Violence Laws has been tabled in Parliament.

In December 2013, the Law Reform Commission released a Discussion Paper on the State's Family and Domestic Violence Laws, making 53 proposals for reform and posing 29 questions for consideration, after consulting widely. The Commission received 43 written submissions in response, many of which were very detailed, and conducted further consultations.

The Commission has now made 73 final recommendations for law reform, including that there be separate legislation concerning family and domestic violence restraining orders, distinct from restraining orders in other contexts. The Report recommends that the proposed new legislation would include:

- recognition of the key features of family and domestic violence;
- a new definition of family and domestic violence which includes specified conduct which causes a person to reasonably apprehend that his or her safety or well-being will be adversely affected;
- the grounds for making a family and domestic violence protection order;
- all court processes dealing with applications for and hearings of family and domestic violence protection orders including applications for variation or cancellation of such orders;
- police powers of investigation and responsibilities in relation to family and domestic violence;
- provisions dealing with the making of family and domestic violence protection orders during other proceedings; and
- that the legislation be reviewed after a period of five years has elapsed since its introduction.

The Commission formed the view that the separate legislation should relate to family and domestic violence restraining orders only, and that criminal offences which relate to family and domestic violence should continue to be administered under the general criminal law.

Among the other recommendations made in the Final Report are recommendations relating to protecting children from domestic violence, sentencing of offenders, reducing duplication in court and administrative processes, making better information available to judges, and education and training on family and domestic violence for police, judicial officers and legal practitioners.

Copies of the Report can be downloaded from the Commission's website at www.lrc.justice.wa.gov.au.