



## **Acts Amendment (Domestic Violence) Bill 2004**

It is hoped that Members of Parliament will take note of these brief comments when considering the Acts Amendment (Domestic Violence) Bill 2004.

The comments relate to the Bill itself plus the general public policy approach to family and domestic violence.

The Men's Advisory Network (MAN) is the peak body for service providers, organisations and individuals concerned with men's health, wellbeing and other issues affecting males of all ages in Western Australia.

MAN deplors the use of violence by anyone. The government is to be commended on taking a strong stance against family and domestic violence. However, the government apparently does not acknowledge that both men and women are capable of using violence and therefore both men and women are the victims of violence.

The Bill is gender neutral. However, the current public policy and practices assume that all perpetrators are males and all victims are females.

### **Comments on the Bill**

The separation of powers doctrine implies that the three arms of government (executive, legislative and judicial) are separate and that their respective functions and powers are mutually exclusive. In the enforcement of the Bill it appears that police will be given drastically increased powers, which were previously in the domain of magistrates and judges. The proposed new powers seem manifestly excessive and the rhetoric of a police state.

Procedural fairness appears to be severely diminished for a person on the receiving end of the proposed legislation. It is highly likely that there will be instances (if the Bill becomes Law) where people can be summarily removed from their own homes on the basis of fabricated and connived complaints. Such false claims are not uncommon in family law disputes.

In such instances MAN questions what arrangements would be made to temporarily house a person removed from their home? Will they be evicted into the street or forced to live in their car? Perhaps hostels and other suitable emergency accommodation should be established if the government pursues this course of action.

There obviously needs to be an increase in court resources to deal with cases in the domestic violence area - eg magistrates rostered for sitting in night and weekend courts to hear these cases; and proper legal representation available to defend action being taken.

There is a danger that when some accused persons become the subject of the proposed action under this Bill, there may be an increase in the incidence of both suicide and murder.

### **Public Policy**

The Bill is gender neutral. However, the current public policy and practices assume that all perpetrators are males and all victims are females. Hence, the need for a review of public policy so that services are provided to reduce the incidence of women using violence against their partners and children, plus increase the services that are available to support male victims.

The attached submission by the Lone Fathers Association on the ACT Protection Orders legislation provides a comprehensive analysis of the shortcomings of the current family and domestic violence practices in the ACT. Much of the material is directly relevant to the situation in Western Australia. It states that:

*The myth that domestic violence is “overwhelmingly perpetrated by males” leads to a general suspicion and lack of sympathy for men involved in domestic violence as victims, and also a great reluctance on the part of men to declare their victimhood, for the reason that they expect that they will receive little help and may even be automatically blamed for the violence.*

*That then leads to the suppression of information about domestic violence against men and violence against children by their mothers, leading to further distortion of both administration and policy.*

This submission contains a detailed analysis of the issues that is beyond the resources of MAN to undertake. It contains a summary of studies of violence between partners undertaken in Australia, New Zealand, Canada, United Kingdom, United States of America, South Africa and Hong Kong.

I trust that you will consider these issues when debating the Bill.

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