



Youth Parliament of Western Australia

Family and Domestic Violence Protection and Enforcement Act 2025

Explanatory Memorandum

This Act proposes a comprehensive response to family and domestic violence in Western Australia, structured around the four key principles of prevention, preparation, prosecution, and protection.

This Act aims to address the root causes of family and domestic violence by introducing targeted education and skills development programs. These measures focus on supporting victims and survivors to attain financial independence through employment pathways and training.

This Act reforms how government agencies prepare and respond to family and domestic violence. It includes mandatory trauma-informed training for police officers and judicial staff. Additionally, the adoption of victim advocates in the form of counsellors to guide any person stepping forward will make the process less daunting.

This Act ensures access to 24/7 court services for urgent protection matters to guarantee availability of remote or in person hearings at all times while expediting handling of expiring police orders and FVROs.

This Act tightens bail laws for individuals accused of family and domestic violence offences. Notably, bail may only be granted where electronic monitoring is guaranteed.

The Act assigns clear lines of accountability to avoid the administrative grey areas that have hindered past reforms. Provisions ensure that implementation is enforceable, continuous, and monitored.

Western Australia

Family and Domestic Violence Protection and Enforcement Act 2025

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Youth Parliament of Western Australia

Family and Domestic Violence Protection and Enforcement Act 2025

No. 4 of 2025

An Act for

An Act —

- **to define a framework of prevention, preparation, prosecution, and protection; and**
- **to provide for the prevention of and a response to family and domestic violence in Western Australia; and**
- **for related purposes.**

[Assented to 08 August 2025]

The Youth Parliament of Western Australia enacts as follows:

Part 1 — Preliminary

1. Short Title

This is the *Family and Domestic Violence Protection and Enforcement Act 2025*

2. Commencement

This Act comes into operation on the day on which this Act receives the Youth Governor's Assent.

3. Terms used

In this Act —

Accredited Training Program means a training course developed in consultation with survivor advocates and trauma specialists required for pre-existing TAFE liaison officers or case-workers, required for officers involved in DVRSS application or delivery of support;

ATAR means Australian Tertiary Admission Rank falling between 0 and 99.95 indicating a student's achievements in comparison with other Australians in Year 12;

CEO means the chief executive officer of the public sector agency principally assisting the Minister administering an action;

Chief Justice of the Courts means the Chief Justice of the Magistrates Court, District Court, Supreme Court, and other relevant WA Courts;

child means an individual under the age of 18;

counsellor means a person trained to give guidance on personal or psychological problems;

Criminal Code refers to the *Criminal Code Act Compilation Act 1913*;

custody means full legal guardianship, meaning who the child lives with and who takes care of them;

DVRSS refers to the Domestic Violence Survivor Reskilling and Retraining Scheme, as outlined in Part 3 of this Act.

DVRSS Entry Pathway means an admissions process (see Clause 8) distinct from standard TAFE entry requirements;

DVRSS Liaison Officer means a TAFE staff member trained in trauma-informed care, responsible for supporting DVRSS participants with enrolment, study options and financial assistance;

DVRSS Participant means a person who has been accepted into the DVRSS Scheme and meets eligibility criteria under Division 2;

exception-based qualification means a non-priority qualification permitted under Clause 9(3) subject to formal approval based on alignment with DVRSS objectives;

family violence means as defined in section 5A(1) of the *Restraining Orders Act 1979*;

family and domestic violence means violence by an intimate partner or family member.

FDV means Family and Domestic Violence;

financial hardship means circumstances indicating economic vulnerability;

FVIR means family violence incident report;

FVRO means family violence restraining order;
High-Risk Family Violence Monitoring Framework refers to the meaning given to it, as outlined in Part 6, Division 2 of this Act (HRFVMF);

intersectional means consideration given to all groups in society;

MRO means misconduct restraining order;

priority qualification means a qualification identified by the Department of Training and Workforce Development as meeting criteria under Clause 9 (1) (2) including workforce shortage relevance and community service impact;

trauma-informed means awareness and understanding about how trauma can negatively impact individuals and situations and taking that into consideration when performing duties;

recommencement stream means a stream allowing re-entry into a qualification previously abandoned due to FDV;

SCSA means the School Curriculum and Standards Authority responsible for curriculum development, assessment, and certification of student achievement in Western Australia;

TAFE means a government-funded vocational education and training provider operating within Western Australia;

trauma-informed practice means a care approach recognising the psychological impact of trauma;

TRBWA means the Teacher Registration Board of Western Australia, the statutory body responsible for the registration and regulation of teachers in Western Australia;

VRO means violence restraining order;

WACE means Western Australian Certificate of Education, the certificate issued by the School Curriculum and Standards Authority to signify that a student has met the prescribed requirements for senior secondary education in Western Australia.

Part 2 — Prevention: Curriculum Reform On Family And Domestic Violence Education

Division 1 — Compulsory provision of FDV education

4. Revision of Health and Physical Education curriculum to include FDV

- (1) The School Curriculum and Standards Authority (SCSA) will revise the Health and Physical Education curriculum to include a specific and mandatory section on FDV.
- (2) This section will be of an appropriate age for the student and cover the following—
 - (a) recognising types and signs of FDV, including coercive control;
 - (b) healthy and respectful relationships;
 - (c) cultural and intersectional aspects of FDV experiences.
- (3) Schools must seek a minimum of 8 hours of FDV-related education in an academic year for students in Years 5–10.
- (4) Every Year 11 and Year 12 student must undertake and pass a one-term FDV elective or module before being eligible for their WACE. The module may be delivered by—
 - (a) special class time (a minimum of 1 period per week); or
 - (b) pastoral care, study times or integrated wellbeing programs.
- (5) Content should include but not limited to—
 - (a) legal definitions and penalties for FDV and coercive control;
 - (b) traveling through support networks, reporting procedures and court procedures;

- (c) media literacy and myths surrounding domestic violence;
- (d) bystander intervention strategies.

5. Establishment of List C: Personal Safety and Community Wellbeing

- (1) A new breadth and depth category entitled 'List C: Personal Safety and Community Wellbeing' is to be proven in the WACE requirements.
- (2) All students must gain at least one combination of Year 12 units from List C in order to become graduation eligible under the Western Australian Certificate of Education.
- (3) List C will contain General and ATAR subjects focused on social, emotional, physical and legal health.
- (4) List C subjects will include but may not be limited to:
 - (a) 'FDV Aftermath Studies' – healing for victims, rehabilitation for perpetrators;
 - (b) 'Health and Relationships Education' – domestic violence, respectful relationships, reproductive health, body autonomy;
 - (c) 'Legal and Justice Responses to FDV' – examining the justice sector's role in protection, prosecution and rehabilitation;
 - (d) 'Women's Rights and Advocacy' – a social sciences field that examines the history, development, and policy matters of gender equity.
- (5) Subjects will be offered as:
 - (a) ATAR and General streams;
 - (b) semester-long or full-year units; or
 - (c) made after consultation with the Department of Education, SCSEA, and relevant academic and community interests.

Division 2 — Minimum school implementation requirements

6. Training requirements

- (1) TRBWA must ensure that each school staff member – teachers, relief teachers, education assistants, and executive staff – participates in at least one professional development day every two years with a specific focus on FDV training and response.
- (2) FDV training must cover—
 - (a) identification of signs of abuse and coercive control;
 - (b) classroom strategies that are informed by trauma;
 - (c) referral pathways and legal obligations; and
 - (d) cultural competence and intersectionality sensitivity.
- (3) The Department of Education must provide subsidies and accredited course options to enable schools to comply with this requirement.
- (4) On account of staff shortages, rollouts or exemptions on a phased basis may be permitted for schools with less than five full-time staff, provided alternative arrangements or e-learning are made accessible.
- (5) At least 5% of the annual funds provided for pastoral care and student wellbeing in all public schools must be utilised for FDV-specific educational programs.
 - (a) This may include but is not limited to—
 - (i) guest speaker programs;
 - (ii) resource development and classroom toolkits;
 - (iii) partnerships with community organisations; and
 - (iv) school-wide initiatives promoting respectful relationships.

Division 3 — Reporting and accountability

7. Reporting requirements

- (1) WA public schools must submit an annual FDV Education Implementation Report to the Department of Education WA that details—
 - (a) the number of hours allocated to FDV education per year group;
 - (b) teaching staff qualifications and relevant professional development; and
 - (c) resources and external providers utilised.
- (2) Schools failing to meet the minimum FDV education requirements may be issued formal improvement notices or may have funding redirected until compliance is achieved.
- (3) The Minister of Education will have the independent review conducted every five years in order to assess—
 - (a) whether or not FDV education is effective in raising awareness and changing attitudes;
 - (b) school compliance with implementation and challenges;
 - (c) sufficient teacher training and access to resources;

Part 3 — Preparation: Establishing A Domestic Violence Survivor Reskilling and Retraining Scheme

Division 1 - Establishment and purpose

8. Establishment of the DVRSS

- (1) The Domestic Violence Survivor Reskilling and Retraining Scheme is established as a state-based initiative to support the educational empowerment of women who have—
 - (a) experienced FDV; and
 - (b) their ability to participate in education has been severely disrupted, delayed or prevented as a result.
- (2) The DVRSS shall be administered and overseen by—
 - (a) the Department of Training and Workforce Development;
 - (b) the Department of Communities; and
 - (c) the Department of Education.

9. Purpose of the DVRSS

The DVRSS is designed to—

- (a) enable survivors of domestic violence to re-enter the workforce with qualifications suited to in-demand fields;
- (b) remove structural and financial barriers to further education or vocational training;
- (c) acknowledge and accredit survivors informal learning experiences (such as unpaid caring roles);
- (d) foster a flexible and accessible learning environment that responds to the unique psychological and logistical needs of DFV survivors; and
- (e) restore economic independence, social confidence and long-term wellbeing for survivors, empowering them to break cycles of abuse and regain control over their lives.

Division 2 — Survivor access to TAFE courses and entry pathways

10. Eligibility for the DVRSS Entry Pathway

- (1) A person is eligible for access to the DVRSS Entry Pathway if they;
 - (a) have experienced FDV; and
 - (b) have had their educational or employment participation significantly interrupted, delayed or prevented as a result of the FDV experience.
- (2) Eligibility may be established through;
 - (a) a statutory declaration;
 - (b) referral or confirmation from a registered FDV service provider or caseworker; or
 - (c) documentation of prior support through FDV-related services, such as but not limited to crisis accommodation, safety planning or legal intervention.
- (3) Once deemed eligible, the participant may access tailored admission processes and supports under the DVRSS Entry Pathway to pursue—
 - (a) a priority qualification under section 13; or
 - (b) the recommencement of a previously interrupted qualification under section 14; or
 - (c) a non-priority qualification under an approved exception under section 15.

11. DVRSS Entry Pathway

- (1) Where a DVRSS participant is unable to gain admission to a TAFE qualification through standard admission processes, they must be assessed through a DVRSS Entry Pathway.
- (2) The DVRSS Entry Pathway is designed to implement the objectives of the DVRSS established under section 9.

- (3) The DVRSS Entry Pathway may consider a diverse range of evidence for applicant eligibility for TAFE courses including but not limited to—
- (a) a written personal statement; or
 - (b) support letters from service providers or caseworkers; or
 - (c) the Recognition of Prior Learning principles, assessing relevant skills, knowledges and competencies gained through—
 - (i) responsibilities undertaken in long-term caregiving (including for children, elders, people with disabilities); or
 - (ii) Volunteer or community advocacy roles; or
 - (iii) household, budgeting or organisation skills developed through survivor experiences; or
 - (iv) any other relevance deemed relevant and appropriate by the Department of Training and Workforce Development, in consultation with the administering TAFE institution.
- (4) DVRSS Entry Pathways may apply to applications for—
- (a) a priority qualification; or
 - (b) the recommencement of a previously interrupted qualification; or
 - (c) a non-priority qualification under an approved exception.

Division 3 — Eligible TAFE qualifications under the DVRSS

12. DVRSS Enrolment

DVRSS Participants may be enrolled in a TAFE qualification under one of three streams.

13. Priority qualification stream

- (1) Public TAFEs must reserve a minimum of 10% of total available placement intake for designated priority qualifications.
- (2) To be eligible under this stream, the qualification must be identified by the Department of Training and Workforce Development as a priority qualification, meaning—
 - (a) a qualification that addresses a recognised workforce shortage in Western Australia; and
 - (b) a qualification that prepares students for employment in essential community support services; and
 - (c) a qualification delivered by a public TAFE institution in Western Australia
- (3) Priority qualifications include but are not limited to—
 - (a) teacher’s assistants;
 - (b) community support officers and social workers;
 - (c) domestic and family violence service workers; and
 - (d) disability and aged care workers.
- (4) The workforce shortage areas will be subject to periodic review by the Department of Training and Workforce Development, in consultation with relevant government agencies and industry stakeholders.

14. Recommencement stream

- (1) This stream applies to DVRSS participants seeking to recommence a qualification outside of the formal priority qualification list that was—
 - (a) previously commenced prior to, or during, the experience of domestic or family violence; and
 - (b) abandoned or deferred as a direct consequence of that experience.
- (2) Applicants must submit documentation demonstrating—

- (a) the original enrolment period; and
- (b) the reason for discontinuation being linked to FDV experience.

15. Exception-based qualification stream

- (1) This stream permits access to DVRSS-funded education for qualifications that—
 - (a) are not designated as priority qualifications; and
 - (b) have not been previously commenced.
- (2) To be eligible for a formal exception application must include—
 - (a) a written statement demonstrating how the qualification meaningfully supports the objectives of the DVRSS; and
 - (b) any relevant documentation indicating prior experience, demonstrated interest, or personal aptitude in the proposed area of study.
- (3) Exception-based Qualifications must be approved by the Department of Training and Workforce Development in consultation with the Department of Communities and the Department of Education.

16. Management of oversubscription

- (1) Where the number of eligible DVRSS applicants exceeds the number of available placements in a given intake for a particular qualification, the administering TAFE must prioritise applicants using a fair and transparent process, including—
 - (a) primary consideration given to the earliest submission of a completed application, subject to eligibility verification; and
 - (b) give secondary consideration to factors such as, but not limited to—
 - (i) receipt of income support payments, including but not limited to JobSeeker, Parenting Payment,

- Youth Allowance, or Disability Support Pension;
or
- (ii) documentation of housing insecurity or unstable accommodation; or
 - (iii) evidence of limited access to technology, transport or childcare; or
 - (iv) low or no current income; or
 - (v) any other relevant indicators of financial hardship.
- (b) demonstrated alignment with the objectives of the DVRSS; and
 - (c) capacity or readiness for transition into the workforce..
- (2) Applicants who are not allocated a place must be offered the opportunity to—
- (a) defer their application to the next available intake of the same qualification; or
 - (b) transfer their application to a comparable application aligning with the DVRSS objectives and available in the current or upcoming intake period.

Division 4 — DVRSS Funding

17. Access to funding

- (1) A participant may only be eligible for DVRSS funding after they have been accepted or conditionally accepted into an eligible TAFE program under the DVRSS Scheme.
- (2) Funding under the DVRSS Scheme shall provide full subsidisation of tuition and course fees for eligible participants enrolled in approved DVRSS qualifications, including—
 - (a) tuition fees for accredited units or modules; and
 - (b) course materials where not already supplied by the TAFE; and

- (c) additional learner support services where relevant and available.
- (3) Participants shall only be eligible for fully subsidised education and training under this Scheme if the qualification constitutes—
 - (a) their first formal post-secondary qualification; or
 - (b) their first return to education following an extended interruption due to family or domestic violence.
- (4) Funding will be granted once—
 - (a) the participant has been formally accepted into an eligible DVRSS qualification by a public TAFE provider; and
 - (b) the Department of Training and Workforce Development has assessed and approved the participant’s application for financial support under this Division.

18. Application process

- (1) All participants seeking access to subsidised TAFE training under the DVRSS must submit an application to the Department of Training and Workforce Development.
- (2) For applicants seeking subsidised enrolment in TAFE Qualifications under the DVRSS Scheme the application must—
 - (a) confirm that the participant is applying for their first formal post-secondary qualification; or
 - (b) their first return to education following an extended interruption due to family or domestic violence; and
 - (c) clarify which qualification they are interested in enrolling in.
- (3) Applications for all funding schemes for Priority TAFE Qualifications must be assessed by the Department of Training and Workforce Development within 30 days of submission.

- (4) Where additional information is requested, the Department of Training and Workforce Development may extend the assessment period by up to 15 business days.
- (5) Applications for subsidisation for the Recommencement Stream must be assessed by the Department of Training and Workforce Development, in consultation with the Department of Communities and the Department of Education.
- (6) Applications for subsidisation for the Exception Based Qualification Stream must be applications must be assessed by the Department of Training and Workforce Development, in consultation with the Department of Communities and the Department of Education.
- (7) The Department must issue a decision on applications under section 18 within 45 business days of receiving a complete application, unless an extension is granted.

19. Outcome notification and review rights

- (1) Applications under all streams of the Scheme must be notified of the outcome of their application.
- (2) The outcome must include—
 - (a) the decision;
 - (b) reasons for the decision; and
 - (c) information about the right to request an internal review.
- (3) Applicants may request an internal review of a decision within 20 days of receiving the outcome.
- (4) The Department must issue a final decision within 30 business days of receiving the review request.

Division 5 — Trauma-informed application process

20. Trauma-informed processes

All applications made under the DVRSS, including applications for entry into TAFE qualifications and funding support must be processed in accordance with principles and be accessible, inclusive, and survivor-centred.

21. Establishment of trauma-informed processes

- (1) The Department of Training and Workforce Development must establish and maintain a trauma-informed application process, which includes—
 - (a) publicly available eligibility guidelines in plain language;
 - (b) availability of application methods suitable for those with limited digital access or disrupted living arrangements;
 - (c) supported from trained caseworkers/liaison officers for application preparation and submission; and
 - (d) secure, confidential handling of personal and sensitive information across all stages of application and assessment process.
- (2) To ensure the consistent application of trauma-informed principles, all pre-existing liaison officers or caseworkers involved in DVRSS application processes must undertake a short, accredited training program developed in consultation with trauma specialists and survivor advocates.
- (3) This training must include—
 - (a) an introduction to trauma-informed care and its relevance in service delivery;
 - (b) strategies for supporting applicants with lived experience of family or domestic violence;

- (c) communication techniques that minimise re-traumatisation and respect autonomy; and
 - (d) best practices for handling sensitive information securely and respectfully.
- (4) Completion of this training must be required within six months of the officer's involvement in DVRSS-related duties, with refresher training offered annually or in response to changes in best practice.

Division 6 — Study support and flexibility provisions

22. Financial support

- (1) Participants admitted into a TAFE program under the DVRSS Scheme must be eligible for targeted financial assistance outside of the provisions in Division 4, including, but not limited to—
- (a) DVRSS-specific bursaries or book allowances, to cover essential study costs such as textbooks or materials; or
 - (b) technology access support, including access to laptops or data subsidies for participants engaged in remote learning; or
 - (c) other forms of identified support determined by the Department of Training and Workforce Development in consultation with the relevant TAFE institution and the DVRSS Liaison Officer(s). This may include assistance tailored to;
 - (i) participant learning needs;
 - (ii) accessibility requirements; or
 - (iii) financial circumstances.
- (2) Each TAFE must assign a designated DVRSS liaison officer or student support contact, trained in trauma-informed practice, to coordinate and monitor access to these financial supports.

23. Flexible study options

- (1) Public TAFEs must ensure that DVRSS participants have access to flexible learning arrangements, including but not limited to—
 - (a) part-time and online delivery modes for qualifications offered under the DVRSS; or
 - (b) alternative assessment schedules or deadline extensions, where a participant experiences instability related to housing, health, legal matters, or parenting responsibilities; or
 - (c) interruption and re-entry mechanisms, such as allowing a participant to pause and recommence their studies without penalty in the event of acute personal or safety-related disruption.
- (2) Each TAFE must assign a designated DVRSS liaison officer or student support contact, trained in trauma-informed practice, to coordinate and monitor access to these provisions.

Part 4 — Protection: Establishment of Mandatory Training for First Responders

Division 1 — *Police Force Regulations 1979* amended

24. Act amended

This Division amends the *Police Force Regulations 1979*.

25. Regulation 606A inserted

In regulation 606, insert:

606A. Mandatory review of active duties

- (1) Where a serving officer is formally charged with—
- (a) physical, sexual, or any form of violence;
 - (b) excessive use of force, or;
 - (c) any other criminal or civil offence—

a review of the officer's active duty status must be conducted by the Professional Standards Division within 7 days.

- (2) If, following the review, there are reasonable grounds to believe the officer's continued active service may pose a risk to public confidence or safety, the Commissioner or their delegate may—
- (a) reassign the officer to non-operational duties; or
 - (b) place the officer on temporary suspension, in accordance with the *Police Act 1892*.
- (3) The reassignment or suspension must be subject to regular review at intervals determined by the Commissioner but not exceeding 90 days.
- (4) Nothing in this regulation limits the powers of the Commissioner to act in accordance with existing

disciplinary provisions under law, including the *Police Act 1892*.

26. Regulation 621A inserted

In regulation 621 insert:

621A. Non-violent manner

A member shall not act in a violent member to any individual outside of their capacity as members of the Force where violence is used only if deemed absolutely necessary.

Division 2 — Mandatory Training Requirements

27. Physical, sexual, emotional, financial, and family violence education and reporting training

- (1) A physical, sexual, emotional, financial, and family violence response training shall be a formal training requirement that must be completed by all—
 - (a) recruits undertaking training in the WA Police Academy;
 - (b) current officers, regardless of rank and seniority; and
 - (c) first responders who will respond to any FDV incident.
- (2) The training must be completed within 12 months of the assent date.
- (3) If the training is not completed in the timeframe as per subsection (2), the officer shall be removed from active duty until they have completed this training, where they will be restricted to administration and station work during this time.
- (3) The training will consist of five short online learning modules, which are self-paced, followed by one compulsory in-person

training day at the WA Police Academy or regional training hub.

- (4) The training package will have input from—
 - (a) the Minister for Women;
 - (b) the Minister for the Prevention of Family and Domestic Violence;
 - (c) counsellors specialised in the effects of violence and domestic violence;
 - (d) the Family and Domestic Violence Lived Experience Advisory Group;
 - (e) the Western Australian Police Commissioner; and
 - (f) other parties with lived experience.
- (5) The training will provide evidence-based education on physical, sexual, emotional, and financial violence and its impacts on the livelihood of the victims.
- (6) At least one in-person module must be on how best to tackle responding to incidents of violence in a trauma-informed manner.
- (7) Training is subject to updates and additional information on advice of the contributors.
- (8) Officers must be informed of updates to the training as and when they occur.
- (9) All officers shall be remunerated for their participation in the program as per their award and position.
- (10) The in-person training shall be run by counsellors, lived experience advisors, and senior officers on agendas and topics decided by the contributors.
- (11) Individuals may make submissions to the contributors on what should be included or advised in the training.

(12) Once every two years, officers shall be discreetly shadowed to observe their compliance to FDV policies and expectations.

(13) Failure to comply shall result in a week-long refresher course

28. Ongoing training

(1) All online training modules must be completed within three months of assignment.

(2) All online training modules must be revisited at least once every 12 months.

(3) Failure to revisit the module will require the officer to be removed from active duty until it has been revisited, where they will be restricted to administration and station work during this time.

29. Reporting procedures

(1) The Commissioner of Police, or their delegate, may, at their discretion, grant a written exemption to an officer from completing or refreshing any component of the required training within the prescribed timeframe if—

(a) there are extenuating personal, medical, or operational circumstances; and

(b) the exemption is not deemed to comprise public safety or the officer's capacity to perform their duties responsibly.

(2) Any exemption granted under this clause must be—

(a) documented in writing with a detailed justification; and

(b) reviewed within three months from the date it is granted.

Part 5 Prosecution: Proposed Amendments to Enable 24/7 Court Access for FDV Protection in Western Australia

Division 1 — *Magistrates Court Act 2004* amended

30. Act amended

This Division amends the *Magistrates Court Act 2004*.

31. Section 8 amended

(1) After section 8(1), insert:

- (1A) The court shall enable sittings to occur outside ordinary business hours and on weekends and public holidays, by physical, electronic or remote means, as necessary to ensure timely access to justice in urgent matters.
- (1B) The Chief Magistrate shall establish and maintain a roster to ensure that, when necessary, magistrates are available to hear and determine time-sensitive FDV matters.

(2) After section 8(3), insert:

- (4) Rules of court or practice directions made under this Act must provide, as far as practicable, for the administrative and technological facilitation of out-of-hours proceedings, including service, filing and remote hearings, for urgent judicial matters.

Division 2 — *Restraining Orders Act 1997* amended

32. Act amended

This Division amends the *Restraining Orders Act 1997*.

33. Section 16 amended

In section 16(2)—

delete “If a telephone order or an order made under section 29(1)(a) is specified to have a duration of 72 hours or less and is not served on the respondent within 24 hours of the order being made, the order lapses.” and insert:

"If it is not served within 12 hours, upon service of the order, the respondent must be apprehended by police as soon as practicable, the specified duration of the order commences from the time of service, not the time of issue."

34. Section 23 amended

In section 23, delete “telephone” (each occurrence) and insert:

“remote electronic means, including but not limited to telephone or video link”

35. Part 2A, Division 3A amended

In Division 3A delete “family violence” (each occurrence) and insert:

"family violence or violence”

36. Section 30 amended

In section 30 insert:

- (1) If a telephone order or an order made under section 29(1)(a) is not served on the respondent within 12 hours of the order being made—
 - (a) the respondent must be apprehended by police as soon as practicable;
 - (b) the respondent must be required to give cause for their unavailability or evasion;

- (c) if there is reasonable suspicion that the failure to be served was due to deliberate evasion, the respondent may be charged with an offence of obstructing justice or another applicable offence under this Act or the Criminal Code;
- (e) upon service of the order, the specified duration of the order commences from the time of service, not the time of issue.

37. Section 30A amended

In section 30A delete “may” (each occurrence) and insert:
“must”

38. Section 50 amended

In section 50 delete “6 months” and insert:
“12 months”

39. Section 61 amended

In section 61 insert:

- (1B) A child who is bound by a FVRO or a VRO and who breaches that order, commits an offence.
Penalty for this subsection: community service and counselling of a duration to be determined by the magistrate.

40. Section 60A inserted

After section 60 insert:

- 60A. Reporting breach of restraining order

All breaches of FVRO, VRO or MRO must immediately be reported to the courts by—

- (a) the parties involved;
- (b) police officers made aware of a breach; and
- (c) parties not bound to or protected by the order who are made aware of a breach

41. Section 61A amended

After subsection (8) insert:

- (9) Breaches of restraining orders, if the magistrate sees fit, will result in re-evaluation of the terms of the order including, and can change to include—
 - (a) prohibited areas
 - (b) distance requirements
 - (c) contact limitations

42. Section 50AB inserted

After section 50A insert—

50AB. Boundaries to be imposed on bound child

- (1) Children bound by the Orders may not be—
 - (a) enrolled at the same place of education; or
 - (b) an employee at the same place of employment; or
 - (c) in any environment that would require them to be in close quarters;as the individual protected by the Order.
- (2) All necessary steps must be taken to ensure these provisions are followed in a timely manner with little disruption to the individual being protected.

Division 3 — *Bail Act 1982* amended

43. Act amended

This Division amends the *Bail Act 1982*.

44. Section 6 amended

After section 6(4) insert:

- (5) The courts shall be available, as far as practicable, by physical or remote means, to consider such matters in a timely manner, including outside of standard court hours when necessary to avoid any period of unprotection for individuals affected by the applicant.

45. Schedule 1, part C, clause 3F amended

After clause 3F(2) insert:

- (3A) A judicial officer must, as far as practicable, be made available to exercise this function outside of ordinary business hours and days; and when not physically available, remote appearances, remote appearance by audio or video link shall be used.

Division 4 — Enable 24/7 court access for family and domestic violence protection

46. Court establishment

- (1) The State shall ensure that timely access to courts, including outside of standard court hours as practicable and necessary, is provided for the purposes of—
- (a) issuing Family Violence Restraining Orders (FVROs);
 - (b) conducting bail hearings in cases involving family and domestic violence; and
 - (c) hearing urgent applications relating to protection, risk mitigation, and monitoring.

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- (2) This may be facilitated through the provision of—
- (a) remote electronic appearances for involved parties;
 - (b) the on-call magistrates' system;
 - (c) expanded court services on weekends and public holidays; and
 - (d) other services deemed necessary by the Chief Justices of the Courts.
- (3) Courts shall ensure, as far as practicable, applications relating to FDV protection, risk mitigation, and monitoring are heard prior to the expiration of Police Orders or elapsing protection orders.

Part 6 — Prosecution: Proposed Amendments to Enhance Monitoring and Oversight of Persons Accused of Family and Domestic Violence Upon Release from Custody in Western Australia

Division 1 — *Bail Act 1982* amended

47. Act amended

This Division amends the *Bail Act 1982*.

48. Part 2, section 6A amended

After section 6A(5) insert:

- (6) A person accused of a family and domestic violence offence must not be granted bail unless the court is satisfied that—
 - (a) an electronic monitoring condition is able to be imposed and actively enforced; and
 - (b) the responsible authority has confirmed the immediate availability of a device, personnel, and monitoring infrastructure.
- (7) Where electronic monitoring is not available or enforceable at the time of the bail decision, bail must be refused.
- (8) A person must be refused bail if—
 - (a) the person has previously been convicted of a violent offence, as defined under section 6B; or
 - (b) the person has previously been charged on two or more occasions in the past 10 years with family and domestic violence-related offences, regardless of whether those charges resulted in a conviction.
- (4) For the purposes of subsection (7), the court must not proceed to grant bail unless the Department of Justice confirms the activation and enforcement of electronic monitoring in writing.

- (5) This section applies in addition to any other bail criteria or presumptions under this Act.

49. Section 6B inserted

After section 6A, insert:

6B. Meaning of a relevant violent offence

- (1) For the purposes of this Act, a “relevant violent offence” means any of the following—
- (a) an offence under Chapter XXVIII or XXXI of the Criminal Code, involving—
 - (i) assault, grievous bodily harm, wounding or deprivation of liberty;
 - (ii) choking, suffocation or strangulation under section 298; or
 - (iii) an act that resulted in physical injury or substantial risk thereof to another person.
 - (b) an offence under Part V, Division 3 of the Criminal Code involving sexual assault or indecent assault;
 - (c) an offence under section 338E or section 338EAA of the Criminal Code involving stalking or persistent family violence behaviour;
 - (d) an offence that forms the basis of—
 - (i) a current or previous Family Violence Restraining Order;
 - (ii) a Police Order issued under the *Restraining Orders Act 1997*.
- (2) For the purposes of assessing bail eligibility under section 6A(3)(b), a person is taken to have a history of relevant violent offending if they have been—

- (a) convicted of a relevant violent offence; or
 - (b) charged with a relevant violent offence on two or more separate occasions in the past 10 years, whether or not those charges resulted in conviction.
- (3) The Minister may, by regulation, prescribe additional offences to be included as relevant violent offences for the purposes of this section.

50. Section 7CA inserted

After section 7C, insert—

7D. Person accused of an offence involving family or domestic violence

Where the offence involves family or domestic violence, and the accused is released on bail, the judicial officer must consider electronic monitoring, including but not limited to GPS tracking, as well as one if not more of the following;

- (a) curfew restrictions with location verification;
- (b) mandatory check-ins with police or court-designated services;
- (c) exclusion zones to protect the victim; and
- (d) participation in behavioural intervention programs as a bail condition.

51. Schedule 1, part E, clause 1 amended

Insert subclause (2) and renumber accordingly:

- (2) Where the accused is subject to a monitoring condition under section 11(2A), the judicial officer must—
- (a) direct that the monitoring authority provide real-time alerts to police where breaches occur; and

- (b) require written risk assessments to be submitted to the court by a relevant authority prior to any bail variation.

52. Section 50PA inserted
After section 50O, insert—

50PA. Requirements of electronic monitoring

Where a judicial officer imposes a condition of electronic monitoring, including but not limited to GPS tracking, as part of a bail determination in relation to a family or domestic violence offence—

- (a) the CEO of the Department of Justice must ensure that—
 - (i) the person is fitted with an approved electronic monitoring device prior to release from custody;
 - (ii) the monitoring is continuous and actively supervised by a designated Monitoring and Compliance Unit within the Department;
 - (iii) a Community Corrections Officer is assigned to oversee all aspects of compliance, including monitoring data, location violations, and risk indicators; and
 - (iv) real-time breach alerts are transmitted directly to WA Police Force for immediate response.
- (b) An electronic monitoring device must not be removed, deactivated, or modified without—
 - (i) a judicial order; or
 - (ii) authorisation in writing from the CEO or a designated senior officer within the Department.
- (c) The Department of Justice must maintain a dedicated Monitoring and Compliance Unit responsible for—
 - (i) technical maintenance, installation, and removal of devices;

- (ii) breach detection and data review;
- (iii) issuing immediate notifications to police and Community Corrections Officers upon detection of non-compliance or geographic exclusion zone breaches.
- (d) The CEO must ensure data collected through monitoring is—
 - (i) stored securely and available for use in subsequent legal proceedings;
 - (ii) subject to regular audit to ensure operational integrity and lawful use.
- (e) The Department must publish an annual report detailing—
 - (i) the number of persons monitored under this section;
 - (ii) incidents of breach and police response times;
 - (iii) any resourcing or technology gaps identified during the reporting period.

Division 2 — Establishment of High-Risk Family Violence Monitoring Framework

53. High-Risk Family Violence Monitoring Framework

- (1) The State shall establish a High-Risk Family Violence Monitoring Framework to ensure individuals accused of family and domestic violence offences are supervised in accordance with assessed risk levels.
- (2) The Framework must include—
 - (a) a centralised digital risk and compliance register;
 - (b) protocols for real-time information sharing between police, courts, corrective services, and victim support services;

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- (c) mandatory risk assessment tools to be used by judicial officers when granting or reviewing bail; and
- (d) funding for electronic monitoring infrastructure, including installation and compliance staff.

54. Legal priority

- (1) Where any provision in this Part is inconsistent with another written law, this Part prevails to the extent of the inconsistency.
- (2) These provisions must be interpreted in accordance with the paramount consideration of the safety of victims and the community.

Division 3 — Establishment of a safe-parent housing and custody protection scheme

55. Act amended

This section amends the *Children and Community Services Act 2004*.

56. Section 31 inserted

After section 30 insert:

- 31. Care of the child in FDV cases
 - (1) Where a parent or guardian of a child reports an incident of family and domestic violence, and that parent is not reasonably suspected of posing a risk to the child, including but not limited to circumstances described in section 28(2) of this Act, the CEO of the Department of Communities must take all reasonable steps to—
 - (a) facilitate the continued care of the child by that parent;

- (b) ensure the provision of temporary housing and associated support services to enable safe co-residence of the parent and child;
 - (c) within 7 days of the report's completion, conduct a preliminary assessment of:
 - (i) the risk to the child;
 - (ii) the circumstances of the report; and
 - (iii) the parent's capacity to provide safe care.
- (2) The CEO may decline to provide support or housing under subsection (1)(b) if satisfied on reasonable grounds that the report was made primarily to prevent the child from having contact with the other parent, and not out of concern for the safety or wellbeing of the child or the reporting parent. The CEO must consider this evidence in light of—
- (a) any findings of fact by the Family Court of Western Australia or a relevant authority regarding prior false or malicious reports by the same parent; and
 - (b) corroborated information from statutory agencies indicating a pattern of intentionally misleading or vexatious conduct in family violence reporting.
- (3) In performing functions under this section, the CEO may—
- (a) consult with the Family Court of Western Australia, the Commissioner of Police, or any other relevant body; and
 - (b) access and consider any available information relating to past allegations or findings of family and domestic violence made by or against either parent; and
 - (c) refer the matter to appropriate legal or child protection authorities if there is evidence the

reporting parent has made a malicious or intentionally false report.

57. Act amended

This section amends the *Housing Act 1980*.

58. Section 60 inserted

After section 59, insert and renumber accordingly:

60. Housing provisions for children in FDV situations

(1) The CEO must take all reasonable steps to ensure that, where a request is made under section 31 of the Children and *Community Services Act 2004*, the Department provides temporary or transitional housing to enable co-residence of a non-offending parent and their child to ensure children are not needlessly separated from parents.

(2) Housing provided under this section—

(a) may be located in community-based or supported accommodation facilities; and

(b) must be made available for an initial period of up to 6 months, with extensions subject to review; and

(c) must be means-tested within 14 days of occupancy to determine continued eligibility.

(2) The Department may enter into arrangements with community housing providers or non-government organisations to deliver housing and related support services under this section.