
17,092

RESTRAINING ORDER
APPLICATIONS LODGED, 2022/23

21 days

TO OBJECT BEFORE AN INTERIM
ORDER BECOMES FINAL

6,351

INTERIM ORDERS FINAL WITHOUT
RETURNING TO COURT
(OMBUDSMAN, 2015)

PROTECTION, PROCEDURAL FAIRNESS AND THE ADMINISTRATION OF JUSTICE

A forensic examination of Western Australia's Violence, Family
Violence and Misconduct Restraining Order framework.

RESEARCH CUT-OFF 9 OCTOBER 2026

PRIMARY LEGISLATION RESTRAINING ORDERS ACT 1997 (WA), VERSION 05-U0-01

Important notice. This dossier is independent research and public-interest analysis. It is not legal advice and should not be relied on for any individual matter. Anyone affected by a restraining order application should obtain advice from a qualified Western Australian lawyer, Legal Aid WA or a community legal centre. Proposed statutory wording in this dossier is illustrative only and is not existing law.

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HOW TO READ THIS DOSSIER

This dossier was commissioned to answer one question: does Western Australia's restraining-order framework adequately balance protection from violence, intimidation and harassment with procedural fairness, reliable fact-finding, proportionality, accountability, access to justice and protection against misuse of legal processes?

It is written so that a journalist, a member of the public or a backbench MP can follow the argument, while a magistrate, barrister or researcher can trace every significant claim to its source. Every major finding carries one of seven labels:

Label	Meaning
Established legal fact	Supported by the current text of legislation or authoritative legal materials.
Documented empirical finding	Supported by official data or recognised research.
Judicially established fact	Expressly determined by a court in an identified case.
Attributed allegation	Claimed by an identifiable person or body but not independently established.
Reasoned inference	A conclusion drawn from identified evidence, with assumptions stated.
Unresolved research question	The available evidence is insufficient to answer it.
Unsupported or contradicted claim	A popular claim that lacks adequate support or conflicts with reliable evidence.

WHAT THIS RESEARCH PASS COULD AND COULD NOT VERIFY

The current consolidated text of sections 1 to 43 of the Act was read in full from the official Western Australian legislation website. Sections 43A to 79F were identified by their official headings, and their effect was verified where possible from official court and Legal Aid WA guidance, the 1997 as-passed text, and published judgments. Where a provision's current wording could not be read directly, the dossier says so and marks it for verification. Case summaries were drawn from the publicly accessible case database of the National Domestic and Family Violence Bench Book hosted on AustLII Communities and from the High Court's published dispositions; full judgments should be checked before any summary is quoted in a formal setting. Appendix B lists every limitation.

PART 1. DELIVERABLE A: EXECUTIVE BRIEFING

THE SHORT ANSWER

Western Australia's framework is protective by design and, on the available evidence, protective in effect: the best Australian synthesis of research finds that protection orders produce a modest but real reduction in further violence, and Western Australian fatality reviews show the cost of protection that arrives too late or not at all. But the framework has been built so that a large share of orders become final, carry serious legal consequences and are never tested in a contested hearing, and the State publishes almost none of the information needed to know whether that design is working fairly. The central problem this investigation identifies is not proven widespread misuse. It is **opacity at precisely the points where error, whether against applicants or respondents, is most likely to occur and least likely to be detected.**

THE TEN MOST IMPORTANT FINDINGS

Established legal fact: A court hearing an application in the absence of the respondent **must accept** the applicant's affidavit in support of the matters alleged, and may decide the application on that evidence alone (s 28). Such hearings are held in closed court (s 27(4)). The applicant chooses whether the first hearing is held without the respondent (s 26).

Established legal fact: If a respondent served with an interim FVRO or VRO does not return the endorsement copy within 21 days, the interim order **becomes a final order** on the same terms at the end of the 21-day period, without a further hearing (ss 31, 32(2), 32(3)(b)). Absent a specified period, the final order lasts 2 years from when the interim order came into force (ss 16A(2)(c), 16B(c)). The default rule does not apply to MROs, which always begin with a summons to a hearing (s 39).

Documented empirical finding: The WA Ombudsman's 2015 investigation recorded 14,417 interim VROs (the term then covered family and non-family orders) in its 18-month study period. Of these, **6,351 became final without returning to court**, compared with **2,867 final orders granted at hearings** ([Ombudsman WA, 2015](#)).

Reasoned inference: On those figures, roughly 69 per cent of final orders in that period arose without any hearing at the final stage (6,351 of 9,218). The data did not separate respondents who actively consented from those who simply did not respond, and it predates the 2016 creation of the FVRO. No more recent published figure has been located. This is the single most important unanswered empirical question in the system.

Established legal fact: Every FVRO and VRO, **including an interim order**, automatically prohibits the person bound from possessing firearms or a firearms authorisation and requires surrender (s 14). For MROs, a firearms restraint is discretionary (s 36(2)(f), (3)(c)).

Established legal fact: Under the Firearms Act 2024 and Firearms Regulations 2024, a final FVRO, VRO or conduct agreement order is a "disqualifying order", and disqualification continues for **5 years after the order ceases to be in force** (Firearms Act 2024 ss 5, 9; Firearms Regulations 2024 r 6(2)). Interim orders disqualify only while in force. A conduct agreement or consent order is expressly **not** an admission of the allegations (ss 10H(2), 41(2), 43(3)), yet the firearms consequence is the same as for a contested finding.

Documented empirical finding: A 2020 Parliamentary committee found the Magistrates Court was taking too long to hear and finalise FVRO matters, that judicial resourcing was insufficient, and that legal services for respondents were almost entirely unavailable ([Community Development and Justice Standing Committee, Report 8, 2020](#), Findings 4 to 6, 15 to 18).

Documented empirical finding: Restraining order applications lodged in the Magistrates Court rose from 15,744 in 2018/19 to 17,092 in 2022/23, with FVROs (11,704) making up about two thirds. VRO applications grew 22 per cent and MRO applications 39 per cent over five years ([Magistrates Court Civil Report, 2024](#)). The published report gives **no outcomes**: no breakdown of interim, default, consent, contested, dismissed or withdrawn results, and nothing on sex, Aboriginality, region or time to hearing.

Established legal fact: Parliament has itself recognised the risk of misuse. In FVRO matters every decision-maker must have regard to the need to identify the person most in need of protection, and to the risk that perpetrators of family violence might misuse the Act's protections to further their violence (s 10B(1)(h), (i)). The WA Court of Appeal has held that using legal procedures for an improper collateral purpose can itself be intimidating conduct ([Baron v Walsh \[2014\] WASCA 124](#)).

Unresolved research question: There is no reliable published estimate, in Western Australia or nationally, of how many restraining order applications involve deliberate fabrication, nor of how many involve the misidentification of the person most in need of protection. Claims in either direction, including claims about the sex of those who misuse the system, cannot be tested on current public data. National research documents misidentification of women as respondents as a real phenomenon ([ANROWS, 2020](#)), which shows that procedural error and systems abuse can harm genuine victims as well as wrongly accused respondents.

SIGNIFICANT COUNTER-EVIDENCE

Three bodies of evidence cut against any claim that the system is fundamentally unfair to respondents. First, protection orders are associated with reduced re-victimisation ([Dowling et al., AIC Trends and Issues No. 551, 2018](#)). Second, the Ombudsman found that in 17 of 30 family and domestic violence fatalities at least one party had been granted a VRO at some point, and in one case the person killed had applied for an order that was not granted; Aboriginal people, who were half of those killed, made up only 11 per cent of people sought to be protected by family-relationship VROs. Third, the Act contains genuine safeguards: a statutory set-aside route for default final orders (s 32(5) to (10)), expedited hearings where an interim order affects a respondent's home, children, workplace or occupational firearms (s 33(2)), a rule that prior affidavits at a final hearing are admitted only if the deponent can be cross-examined or the parties consent (s 42(5)), and a District Court appeal by way of rehearing (s 64).

RECOMMENDED NEXT STEPS

1. Request and publish outcome data: how many interim FVROs and VROs became final by non-response, by endorsed consent, by conduct agreement, after contested hearing, or were dismissed or withdrawn, by year since 2017.
2. Ask the Attorney General whether the statutory review of FVRO amendments required by s 73A has been completed and tabled, and if so where it is published.
3. Ask WA Police for the number of firearms licences suspended or revoked because of interim and final restraining orders since 31 March 2025, and the number later reinstated.
4. Ask the Department of Justice how many applications to set aside default final orders under s 32(5) were made, granted and refused each year.
5. Press for an independent statutory review with published data, covering applicants' access to protection as rigorously as respondents' access to a hearing.
6. Ask the Government to begin the Stage 0 measures in Deliverable I, which need no legislation, no new system and no new agency, and to publish a staged implementation schedule for the rest.

PART 2. DELIVERABLE B: FULL FORENSIC DOSSIER

1. THE LEGISLATIVE MAP

Established legal fact: The Restraining Orders Act 1997 (WA) (Act No. 19 of 1997, assented 28 August 1997, administered by the Attorney General through the Department of Justice) is the single statute governing all three civil restraining orders. The current consolidation, 05-u0-01, has been current since 25 September 2025 (legislation.wa.gov.au). It is supported by the Restraining Orders Regulations 1997, current consolidation from 31 March 2025 ([Regulations](#)), and by Magistrates Court rules and forms.

The Act creates three court orders and one police order. Their common legal standard is the civil one: "satisfied" means satisfied on the balance of probabilities (s 3). The table below maps the provisions that matter most for this inquiry.

Topic	Section(s)	What the current Act provides (paraphrased)
Definitions	s 3, 4, 5A, 6, 6A	Family relationship is broad, including current and former spouses, de facto and intimate partners, relatives (taking culture into account), and some step-relationships (s 4). Family violence includes violence, threats, and any behaviour or pattern that coerces or controls a family member or causes fear, judged across the relationship as a whole (s 5A(1), (1A)); examples include financial abuse, dowry abuse and intimate image threats (s 5A(2)). Personal violence (for VROs) is a closed list: assault, injury, kidnapping, stalking, threats, and family-violence-type conduct in an "imagined personal relationship" (s 6).
FVRO grounds	s 10D, 10E, 10F	Court may make an FVRO if satisfied the respondent committed family violence and is likely to again, or the applicant has reasonable grounds to apprehend family violence (s 10D(1)). If satisfied, the court must make the order unless special circumstances make it inappropriate; the availability of family law orders is not by itself a special circumstance (s 10D(2), (3)). Protection and child wellbeing are of primary importance; hardship to the respondent, family orders, other proceedings and prior application history are also considered, but prior history raises no presumption (s 10F).
FVRO principles	s 10B	All decision-makers must have regard to ten principles, including the need to identify the person most in need of protection (h) and the risk that perpetrators may misuse the Act to further their violence (i). Protection and child wellbeing are primary (s 10B(2)).
VRO grounds	s 11A, 12, 12A	Same two limbs as FVRO, applied to personal violence, plus a requirement that making the order is "appropriate in the circumstances" (s 11A). Unlike an FVRO, there is no mandatory-order rule. Not available between people in a family relationship (s 12A).
MRO grounds	s 34, 35, 35A	Respondent likely, unless restrained, to behave in an intimidating or offensive way that would in fact intimidate or offend, damage property, breach the peace, or commit a specified animal-industry offence; and the order is appropriate (s 34). Not available in a family relationship (s 35A).
Restraints	s 10G, 13, 36	Courts may impose any appropriate restraint, including exclusion from a home the respondent owns (s 10G(4), 13(4), 36(5)), with provision for recovering property.
Firearms	s 14, 36(2)(f), 33(2)(d)	Every FVRO and VRO prohibits firearms possession and authorisations, with surrender required (s 14). MRO firearms restraints are discretionary. Occupational firearms needs trigger an expedited final hearing on objection (s 33(2)(d)).
Who applies	s 24A, 25, 38, 18	Person seeking protection (16 or older for FVRO), police, parents or guardians for children, child welfare officers and guardians. Police may apply for an MRO on behalf of the public (s 38(3)).

Topic	Section(s)	What the current Act provides (paraphrased)
Telephone orders	s 17 to 24	Urgent FVRO or VRO by phone or electronic means, through police or an authorised person, heard without the respondent; magistrate must record reasons for accepting urgency and the grounds (s 21(4)).
Without-notice hearings	s 26 to 30	Applicant chooses between a first hearing without the respondent or a defended hearing (s 26). Closed court (s 27(4)). Court must accept the applicant's affidavit and may decide on it (s 28). Orders over 72 hours are interim orders (s 29(3)).
Police orders	s 30A to 30I	Police may make a family violence order lasting up to 72 hours after service, which lapses if not served within 24 hours, cannot be renewed, and must be the least restrictive order that still protects (s 30C(5), 30F, 30H).
Objection and default	s 31, 32, 33	21 days after service to return the endorsement copy (s 31). No return means the interim order becomes final (s 32(2)). Set-aside application within 21 days of being notified, on reasonable cause (s 32(5) to (10)). Objection leads to a final order hearing, expedited where home, children, work or occupational firearms are affected (s 33).
Hearings and consent	s 40 to 43A	Absent respondent at a final hearing: court proceeds, and if an earlier order is in force must make a final order in the same terms unless new matters are raised (s 42(3)). Prior affidavits admitted only if the deponent is available for cross-examination, the laws of evidence allow, or the parties consent (s 42(5)). VRO and MRO consent orders and FVRO conduct agreement orders require no finding and are not admissions (ss 10H, 41, 43). Default decisions can be set aside (s 43A).
Evidence and protections	s 44A to 44F	Rules of evidence do not apply in certain circumstances (s 44A; applied to final order hearings in DB v RB [2020] WADC 93). Restrictions on cross-examination of certain persons, support persons, screens and CCTV (ss 44C to 44F). Current wording not read directly in this pass; verify.
Duration	s 16, 16A, 16B, 37	FVRO and VRO default 2 years; telephone orders that become final 3 months; court may specify any period, with victim safety paramount for FVROs (s 16A(5)). MRO default 1 year (s 37). Unserved orders lapse after 2 years (s 16(3A)).
Variation and cancellation	s 45 to 49C	Applications by either party, with a leave hearing and service requirement; a variation made without service is a nullity (Bindai v Armstrong [2016] WASC 341). Protected person may apply ex parte to cancel (s 48A).
Conferences	s 49D	Special conference procedures (shuttle conferencing with a registrar) introduced in 2020 (Australian Government summary). Current wording not read directly; verify.
Breach	s 61, 61A, 61B, 62	Breach of FVRO, VRO or police order: up to \$10,000 and 2 years' imprisonment; MRO breach: up to \$1,000 (Legal Aid WA). Third conviction within 2 years generally requires imprisonment (s 61A). The protected person cannot be charged for encouraging a breach, but consent is no defence (s 61B; Legal Aid WA).
Orders on conviction	s 13A, 63, 63A	Courts may make orders during criminal proceedings (s 63). On conviction for a "violent personal offence", an FVRO or VRO must be made for the life of the offender, subject to an exceptional-circumstances variation (s 13A(3), (6), (8); s 63A).
Reasons, appeals, costs	s 63D, 64, 69	Court to give reasons for certain decisions (s 63D, heading only verified). Appeals from the Magistrates Court go to the District Court within 21 days, as a rehearing on the material below (District Court of WA). As enacted in 1997, s 69 barred costs against an unsuccessful VRO applicant unless the application was frivolous or vexatious (1997 text); current wording to be verified.
Family law interface	s 5, 10D(3), 10F(1)(g), 65, 66	Family orders must be considered; orders are not to conflict with certain family orders (s 65); information about family orders (s 66). Current wording of ss 65 and 66 to be verified.
Built-in review	s 30I, 73A	Ministerial review of police orders (s 30I) and review of certain FVRO amendments (s 73A). No tabled s 73A review report was located in this research pass.

Legislative chronology

Amending Act numbers appear in the official section annotations. Descriptions are confined to what the annotations and verified secondary sources show.

Year and Act	Main effect on the restraining-order system	Practical significance
1997, Act No. 19 (original Act)	Created VROs and MROs, telephone orders, the 21-day objection and default mechanism.	The default-finalisation design dates from the original Act.
2000, Act No. 22	Rewrote who may apply (ss 18, 25, 38).	Clarified police and guardian applications.
2004, Act No. 38 (Acts Amendment (Family and Domestic Violence) Act 2004)	Introduced police orders (Div 3A), the family relationship definition, explanation duties (s 8) and the s 30I review.	Police gained power to impose short orders on the spot.
2011, Act No. 32	Reworked police order duration (72 hours) and the s 32 set-aside procedure for default final orders.	Created the current statutory route back from a default final order.
2016, Act No. 49 (Restraining Orders and Related Legislation Amendment (Family Violence) Act 2016)	Created the separate FVRO with its own objects, principles (s 10B), mandatory-order rule (s 10D(2)), conduct agreements (s 10H) and behaviour management orders (Part 1C). Inserted the coercive-control style definition of family violence (s 5A).	Separated family from non-family violence and tilted FVRO decision-making towards protection, while expressly recognising misuse risk (s 10B(1)(i)).
2019, Act No. 4	Added intimate-image provisions (s 5A(2)(k), s 10G(2)(g)).	Extended protection to image-based abuse.
2020, Act No. 30 (Family Violence Legislation Reform Act 2020)	Lifetime orders on conviction for violent personal offences (s 13A, 63A), explosives orders (s 14A), changes to hearings and conferences, and other reforms; introduced shuttle conferencing from July 2021 (DSS summary).	Strengthened protection after conviction and created a non-adversarial pathway for contested matters.
2022, Act No. 13; 2023, Act No. 5	Firearms and explosives terminology updates; MRO ground for animal-industry offences (s 34(a)(iv)).	Broadened MRO scope beyond interpersonal disputes.
2024, Act No. 28	Added dowry abuse to the family violence examples (s 5A(2)(ha)).	Recognises a culturally specific form of coercion.
2024, Act No. 23 (Firearms Act 2024), main parts commenced 31 March 2025	Replaced firearms definitions in the Act and created a statutory disqualification regime keyed to restraining orders (Firearms Act 2024).	Turned final FVROs, VROs and conduct agreement orders into licensing disqualifications lasting the life of the order plus 5 years.

2. THREE ORDERS, THREE DIFFERENT SYSTEMS

Public debate often treats "restraining orders" as one thing. Legally they are not, and several criticisms that are valid for one order type are wrong for another.

Feature	FVRO (family)	VRO (non-family)	MRO (misconduct)
Relationship	Family relationship required (s 4)	Must not be a family relationship (s 12A)	Must not be a family relationship (s 35A)
Core conduct	Family violence, including coercive control (s 5A)	Personal violence: closed list (s 6)	Intimidating or offensive behaviour, property damage, breach of peace (s 34)
Must the court make an	Yes, unless special	No, also must be	No, also must be

Feature	FVRO (family)	VRO (non-family)	MRO (misconduct)
order once grounds are proved?	circumstances (s 10D(2))	"appropriate" (s 11A)	"appropriate" (s 34(b))
Without-notice interim order?	Yes (ss 20, 26 to 29)	Yes (ss 20, 26 to 29)	No. Registrar fixes a hearing and summons the respondent (s 39)
21-day default to final?	Yes (s 32(2))	Yes (s 32(2))	Not applicable
Agreed outcome	Conduct agreement order, not an admission (s 10H)	Consent order, not an admission (s 41, 43)	Consent order, not an admission (s 41, 43)
Firearms	Automatic prohibition, interim and final (s 14)	Automatic prohibition, interim and final (s 14)	Discretionary (s 36(2)(f))
Firearms Act 2024 disqualifying order?	Yes (final), plus 5 years	Yes (final), plus 5 years	Not listed in s 5 definition
Default duration	2 years	2 years	1 year
Maximum breach penalty	\$10,000 and 2 years	\$10,000 and 2 years	\$1,000 fine
Police can make a short-term order?	Yes (police order, 72 hours)	No	No

Reasoned inference: The procedural fairness concerns most often raised (orders made on one-sided evidence that become final by silence and remove firearms) apply to **FVROs and VROs, not MROs**. The MRO, which carries the lightest penalty, has the most conventional procedure: a summons and a hearing. Conversely, the FVRO, the order most likely to affect children, housing and parenting, is the one in which the court has the least discretion once the threshold is met.

Documented empirical finding: Published Magistrates Court lodgment statistics separate FVRO, VRO and MRO applications, but finalisation figures combine all three as "Restraining Order" ([Civil Report](#)). Comparisons by order type of how matters end are therefore impossible from public data.

3. THE PROCEDURAL JOURNEY, STEP BY STEP

The following map traces an FVRO or VRO from application to final outcome. MROs follow only steps 1, 7 and 8 onwards, because they always begin with a summons.

Step	What happens	Legal source	Who decides; what is tested
1. Application	Applicant files a prescribed form and chooses: first hearing without the respondent, or straight to a defended hearing.	ss 24A, 25, 26	Applicant chooses the pathway.
1A. Urgent alternatives	Police order (up to 72 hours) or telephone order through police or an authorised person.	ss 17 to 24, 30A to 30I	Police officer or authorised magistrate; respondent not heard.
2. Ex parte hearing	Closed court. Magistrate must accept the applicant's affidavit and may decide on it. Outcomes: order, dismissal, adjournment to a mention hearing with summons, or discontinuance.	ss 27 to 29	Magistrate; untested evidence from one side.
3. Service	Registrar or police prepares and serves the order, an endorsement copy and an explanatory document. Order takes effect on service.	ss 8(3), 10, 16(1), 30, 55 to 60	Administrative. An order is not invalid merely because no explanation was given (s 8(4)).
4. 21-day window	Respondent must return the endorsement copy, indicating consent or objection.	s 31	Respondent.

Step	What happens	Legal source	Who decides; what is tested
5a. No return	Interim order becomes final at the end of the 21 days. Registrar notifies parties and police.	s 32(2) to (4)	No judicial decision at this stage.
5b. Set-aside	Within 21 days of notification (or later with reasonable excuse): ex parte leave hearing, then an inter partes hearing on whether the respondent had reasonable cause for not returning the copy. If set aside, interim order is remade and the matter proceeds as an objection.	s 32(5) to (10)	Magistrate; focus is the reason for non-return, not the merits.
5c. Consent	Respondent ticks "no objection": final order on the day the registrar receives it.	s 32(1), (3)(a)	Respondent; no finding of fact.
6. Objection	Registrar fixes a final order hearing, expedited where the order affects home, children, workplace, occupation or occupational firearms; or refers to a conference.	ss 33, 49D	Registrar listing; conference registrar.
7. Mention or conference	Consent order or conduct agreement order without findings, or listing for a final order hearing.	ss 10H, 40, 41, 49D	Parties; no admission.
8. Final order hearing	Both parties may give evidence and cross-examine, subject to protections for certain witnesses. Rules of evidence may not apply. Court finds facts on the balance of probabilities and decides.	ss 42 to 44F, 10D, 11A, 34	Magistrate; the only stage at which disputed facts are formally tested.
9. After the order	Variation or cancellation, appeal to the District Court within 21 days, breach prosecutions, firearms licensing consequences.	ss 45 to 49C, 61, 64; Firearms Act 2024 s 9	Magistrate; District Court; WA Police Commissioner.

What each kind of decision does and does not mean

Decision	What it establishes	What it does not establish
Police order	A police officer reasonably believed the statutory criteria were met at that moment.	Any judicial finding; it expires within 72 hours.
Interim order	A magistrate was satisfied on the applicant's untested evidence.	That allegations are true. The respondent has not been heard.
Final order by non-response	The respondent did not return the endorsement copy within 21 days of service.	Any finding of fact, or that the respondent understood the consequence.
Consent or conduct agreement order	The respondent agreed to restrictions.	Any admission (ss 10H(2), 41(2), 43(3)).
Final order after contested hearing	A court was satisfied on the balance of probabilities after hearing both sides.	Criminal guilt. The criminal standard is beyond reasonable doubt.
Criminal conviction	Guilt of an offence beyond reasonable doubt.	Not a restraining order, though it may trigger one (ss 13A, 63, 63A).

4. THE FIRST DECISION: PROTECTION BEFORE A HEARING

Established legal fact: Before making an interim FVRO, the court must be satisfied of the s 10D grounds on the balance of probabilities and, once satisfied, must make the order unless special circumstances exist. For an interim VRO it must also find the order appropriate. In a without-

notice hearing the court must accept the applicant's affidavit "in support of the matters alleged" (s 28(1)).

The safety rationale is strong and should be stated plainly. Notice of an application can itself trigger escalation; Parliament has recorded that coercion, control and fear make reporting difficult (s 10B(1) (e)); and the WA Ombudsman's fatality review found that the person killed in one case had sought an order that was not granted. A system that required every respondent to be heard before any protection could be given would leave some applicants exposed at the most dangerous moment.

The corresponding risk is equally structural. At the ex parte stage the magistrate has only the applicant's account, in closed court, and is directed by statute to accept the affidavit. Nothing in the text of ss 26 to 30 requires the applicant to disclose known contrary material, such as pending family law proceedings or earlier applications, although s 10F requires the court to have regard to those matters when it knows of them. The 2014 Law Reform Commission noted criticism that interim orders can be made on uncorroborated evidence and that some applications are unmeritorious or tactical, while also noting that most are properly made ([LRCWA Project 104](#)).

Established legal fact: For telephone orders, the magistrate must keep a written record of the reasons for accepting urgency and the grounds (s 21(4)). The text of ss 26 to 30 read for this dossier contains no equivalent express recording duty for in-person ex parte hearings; s 63D (reasons for certain decisions) may apply, but its current text was not verified.

Which questions can be answered, and how

Question	Answerable from law?	Needs case law?	Needs administrative data?	Status
What criteria apply to interim orders?	Yes	Helpful	No	Answered (ss 10D, 11A, 28, 29)
What evidence is usually before the magistrate?	Partly	No	Yes (file audit)	Unresolved
How are credibility and inconsistency assessed ex parte?	No	Rarely reported	Yes (observation study)	Unresolved
Are reasons recorded for in-person ex parte orders?	Partly (s 63D unverified)	Possibly	Yes	Unresolved
How quickly can a respondent get a hearing?	Partly (s 33(2))	No	Yes (time to hearing)	Documented as too slow in 2020; no current figure
Do interim orders differ from contested outcomes?	No	No	Yes (linked outcome data)	Unresolved; the key comparison is not published

5. THE OBJECTION PROCESS AND ACCESS TO JUSTICE

The 21-day rule in practice

Documented empirical finding: In the Ombudsman's study period, 6,351 interim VROs became final without returning to court and 2,867 became final after a hearing. The Ombudsman noted that the court data could not show every pathway, so consent and non-response cannot be separated ([Ombudsman WA 2015](#)).

Reasoned inference: Where a respondent receives a document that takes effect immediately, then has 21 days to return a form, silence produces a two-year final order with criminal enforcement and firearms disqualification. That is a heavy consequence for inaction by someone who may be unrepresented, in crisis, in custody, transient, unwell, not fluent in English, or who wrongly assumes that the interim order is the end of the matter. Equally, some non-responses are rational

acceptance by respondents who do not dispute the order. The data needed to tell these groups apart is not published.

Established legal fact: The safeguard is s 32(5) to (10). The respondent may apply within 21 days of notification (or later, with leave for reasonable excuse). The court first hears the application without the other party, then if satisfied the respondent may have had reasonable cause, lists an inter partes hearing. If reasonable cause is established, the court sets the final order aside and remakes the interim order, and the matter proceeds as if an objection had been lodged. Legal Aid WA guidance confirms the process and identifies Form 17 ([Legal Aid WA](#)).

Two features of the set-aside test matter. First, it asks whether the respondent had a reasonable cause for not returning the form, not whether the order was justified. Second, the respondent is meanwhile bound by a final order. No published data shows how many set-aside applications are made or succeed.

Legal assistance, delay and complexity

Documented empirical finding: The 2020 Parliamentary inquiry found that the Magistrates Court was taking too long to hear and finalise FVRO matters (Finding 4), that delays harm both parties and entrench positions (Finding 5), and that resourcing was insufficient (Finding 6). It found legal services for respondents almost entirely unavailable and a significant shortfall in respondent duty lawyers (Finding 17), with an urgent need for applicant duty lawyers too (Finding 16). Where both parties were represented, matters were generally faster and compliance better (Finding 15). It also found that about half of interim FVROs contained incorrect or inconsistent respondent details requiring manual reconciliation before service (Finding 57) ([Report 8, 2020](#)).

Attributed allegation: Reporting on the inquiry stated that FVRO applications rose 38 per cent between 2016-17 and 2018-19 and that one case study waited more than three years for a restraining order ([Lawyers Weekly, 17 August 2020](#)). These figures are attributed to the report via secondary reporting and should be checked against the report text before formal use.

Applicants also face barriers. The same committee called for more applicant duty lawyers and better-funded support services; the Ombudsman identified structural barriers for Aboriginal victims; and every month of delay before a contested hearing is a month in which an applicant whose order is ultimately refused, or a respondent whose order is ultimately dismissed, has lived under uncertainty.

Comparison with other jurisdictions

See section 16 for the full comparison. In short, South Australia also makes an interim intervention order final if a served respondent fails to appear, but it requires an appearance date within about eight days ([SA Law Handbook](#)). New South Wales and Queensland list the matter before a court, which may then make a final order in the respondent's absence after service ([NSW Bench Book](#); [Queensland Law Handbook](#)). Western Australia's distinctive feature is not that default orders exist, but that the default is triggered by failure to return a form rather than failure to attend a listed court date.

6. MISUSE: A PRECISE VOCABULARY

Public argument about "false restraining orders" usually collapses distinct situations into one. The table below separates them and sets out the threshold that must be met before each can responsibly be asserted.

Category	Definition used here	Threshold before asserting it
Deliberate fabrication	Applicant knowingly invents conduct that did not occur.	An express judicial finding of deliberate falsehood, or a conviction for perjury or a

Category	Definition used here	Threshold before asserting it
		false-statement offence.
Materially false statement	A specific statement known to be false that affected the decision.	Judicial finding or conviction. Inconsistency alone is not enough.
Misleading presentation	True facts arranged to create a false impression.	Judicial finding; usually only visible after a contested hearing.
Material omission	Failure to disclose facts that would likely have changed the decision.	Judicial finding; no express statutory duty of candour was found in ss 26 to 30.
Exaggeration or misinterpretation	Genuine events described more seriously than the evidence supports, often honestly.	Contested hearing findings. Not dishonesty by default.
Strategic or leverage application	Application made mainly to gain advantage in a property, parenting or employment dispute.	Judicial finding of improper purpose. Coinciding with family proceedings is not evidence of it: s 10F(1)(g) and (h) require courts to consider other proceedings.
Repeated or retaliatory applications	Multiple or cross-applications aimed at the other party.	Court records and findings; s 10F(3) forbids presuming anything from history alone.
Proceedings as harassment	Using legal process to intimidate or impose cost.	Judicial finding. The Court of Appeal accepts this can itself be abusive conduct (Baron v Walsh).
Abuse of process	Legal term for proceedings used for an improper purpose or which are knowingly frivolous or vexatious.	Formal finding by a court; vexatious litigant orders under the Vexatious Proceedings Restriction Act 2002 (WA).
Misidentification	The person most in need of protection is named as respondent.	Court finding, police review or research evidence (ANROWS 2020).
Genuine but unproven	Allegations that are true but cannot be proved to the civil standard.	Not misuse.
Withdrawn or dismissed for other reasons	Applicant reconciles, fears retaliation, cannot attend, or the court finds no future risk.	Not misuse. Potschick v Bruce [2018] WADC 107 shows refusal where abuse occurred but future likelihood was not established.

Unsupported or contradicted claim: The claim that a dismissed, withdrawn or unsuccessful application shows the applicant lied. Applications fail for many reasons, including that past conduct was proved but future risk was not.

Documented empirical finding: The 2020 Parliamentary committee report contains a section titled to the effect that sanctions for vexatious proceedings and giving false evidence are sufficient ([Report 8, 2020, Chapter 8](#)). The reasoning in that section could not be retrieved in this pass and should be read in full.

Established legal fact: Existing responses to proven misuse include prosecution for perjury or false evidence under the Criminal Code (WA), costs where an application is frivolous or vexatious (s 69, subject to verification of current text), vexatious proceedings orders, the court's duty in FVRO matters to consider and prevent misuse (s 10B(1)(i)), and variation or cancellation (Part 5).

7. WHAT THE COURTS HAVE ACTUALLY DECIDED

Full case details are in the Deliverable D register. The decisions located show that appellate courts police procedural fairness strictly, that procedural defects can void orders and breach convictions, and that legal proceedings can themselves be a vehicle for intimidation. No reported Western Australian decision was located in this research pass in which a court made an express finding that a restraining order application was deliberately fabricated. **That is a limitation of the search, not**

evidence that such cases do not exist: most restraining order decisions are unreported Magistrates Court decisions.

Judicially established fact: A respondent must be warned that an order may be made and given a real opportunity to respond; an order made against a party without warning was set aside ([Dawes v Coyne \[2000\] WASCA 134](#)).

Judicially established fact: Using or threatening legal procedures for an improper collateral purpose, including regulatory complaints, minor claims, interlocutory applications and a police perjury complaint, was capable of being intimidating abuse ([Baron v Walsh \[2014\] WASCA 124](#)).

Judicially established fact: Convictions for breach were set aside where the order had expired ([Rowe v Gaunt \[2013\] WASC 90](#)) or where a variation was made without service and was therefore a nullity ([Bindai v Armstrong \[2016\] WASC 341](#)), even after guilty pleas.

Judicially established fact: At a final order hearing the court is not bound by the rules of evidence, and once the s 10D threshold is met an FVRO must be made unless special circumstances exist ([DB v RB \[2020\] WADC 93](#)).

8. GENDER AND DEMOGRAPHIC DISPARITIES

Documented empirical finding: In the Ombudsman's study period, 58 per cent of 21,237 VRO applications concerned a family and domestic relationship; about 77 per cent of the people sought to be protected in those applications were female, and 70 per cent of applicants described an intimate partner relationship ([Ombudsman 2015](#)).

Documented empirical finding: Aboriginal people were 3.1 per cent of the population, 33 per cent of victims of recorded family and domestic violence offences and 50 per cent of the 30 people killed, but only 11 per cent of people sought to be protected by family-relationship VROs ([Ombudsman 2015](#); repeated in Report 8, 2020).

Unsupported or contradicted claim: That men are disproportionately subject to **unjustified** orders, or that women are responsible for a disproportionate share of **deliberate** misuse. No Western Australian data on findings of fabrication, by sex or otherwise, has been located. The sex distribution of applicants and respondents reflects who seeks protection; it cannot, by itself, say anything about the truth of allegations.

Unresolved research question: Who contests orders, who succeeds in contested hearings, who has orders set aside or overturned, and who bears firearms and employment consequences, broken down by sex, Aboriginality, age, disability, region and relationship type. Section E sets out exactly what should be collected.

9. FIREARMS, LICENSING AND WORK

Established legal fact: Trigger 1, the Restraining Orders Act: the moment an interim or final FVRO or VRO is served, the person is prohibited from possessing firearm items or a firearms authorisation and must surrender them in the prescribed manner (ss 14, 16(1)). The court has no discretion to exclude this for FVROs and VROs. It is discretionary for MROs.

Established legal fact: Trigger 2, the Firearms Act 2024: a person subject to a "disqualifying order" (a VRO, FVRO or conduct agreement order, or interstate equivalent) is a disqualified person and cannot hold a firearm authority. Disqualification continues for 5 years after the order ceases to be in force, except for orders of a temporary or interim nature, which disqualify only while in force (Firearms Act 2024 ss 5, 9; Firearms Regulations 2024 r 6). Ending disqualification does not stop the Commissioner considering the underlying conduct (s 9(5)). Existing licences may be suspended or revoked ([WA Police FAQ](#)).

Reasoned inference: On the face of these provisions, a two-year FVRO that became final because a respondent missed the 21-day deadline would, absent cancellation, produce a firearms disqualification of about seven years. A respondent who agreed to a conduct agreement without admitting anything would face the same period. The statutory route to avoid this is to object and seek an expedited hearing (s 33(2)(d)), or to apply to set aside or cancel the order.

Attributed allegation: A law firm commentary on the Firearms Bill 2024 states that a Commissioner's decision based on information later proven false stays in force (described as s 378) ([Mondaq](#)). This was not verified against the enacted Act and must be checked before reliance.

For police officers, defence personnel and security workers, the consequences come from three distinct sources that should not be confused: statute (the automatic firearms prohibition), licensing decisions (the Commissioner), and employer policy or professional rules (redeployment, suspension, dismissal). This research pass did not locate published WA Police, Defence or security-licensing policy on employees subject to restraining orders, nor any data on occupational outcomes. Those are listed in the data-gap register.

Established legal fact: Parliament anticipated occupational harm: where an interim order restricts a respondent from their workplace, usual occupation, or a firearm reasonably needed for their occupation, an objecting respondent must be given a final hearing "as soon as practicable" (s 33(2)). No published time standard defines what that means in practice.

10. EMPLOYMENT, REPUTATION AND FINANCIAL HARM

The Act itself imposes few direct employment consequences beyond firearms. Most harm flows from secondary decisions: employers, professional regulators, licensing bodies, tenancy and informal stigma. Hearings at the ex parte stage are closed (s 27(4)) and s 70 restricts publication of the identity of certain persons (heading verified; current scope to be checked).

Unresolved research question: No verifiable Western Australian data was found on lost income, suspensions, terminations, legal costs, licensing costs or reputational harm attributable to restraining orders, or on outcomes after orders are cancelled or overturned. **No figure should be published on these losses until it can be measured.** Deliverable E proposes an anonymised survey of respondents and applicants through Legal Aid WA and community legal centres, linked file audits and employer-policy reviews.

11. FATHERS, MOTHERS AND CHILDREN

Established legal fact: The availability or existence of family law parenting orders is not, by itself, a special circumstance that prevents an FVRO (s 10D(3)), but family orders and other legal proceedings must be considered (s 10F(1)(g), (h)). Section 65 is headed "Orders not to conflict with certain family orders" and s 66 deals with information about family orders; their current wording should be confirmed. Under the Commonwealth Family Law Act 1975, a state court making or varying a family violence order may also revive, vary, discharge or suspend a parenting order (s 68R) to resolve inconsistency.

In practice the interface turns on drafting. An FVRO that bans all contact with a parent, without carve-outs for handovers, school events or communication through a third party or parenting application, can halt an established arrangement overnight, before any contested hearing. Equally, an FVRO that does not protect a child exposed to violence fails that child. The Act requires the court to weigh both, giving primacy to protection and child wellbeing (s 10F(2)).

Reasoned inference: The risks run in both directions and apply equally whatever the sex of the parent: a genuinely abusive parent may use parenting proceedings to maintain contact and control, and an unfounded or exaggerated allegation may sever a safe relationship for the many

months it takes to reach a contested hearing. Delay is the common enemy of both, which is why the 2020 committee's findings on time to hearing matter for children as much as for adults.

Unresolved research question: How often interim FVROs include child-related carve-outs, how often they conflict with existing parenting orders, and how often courts invoke s 68R. No published data exists.

12. WIDER SOCIAL AND ECONOMIC CONSEQUENCES

Area	Documented	Plausible but unmeasured
Trust in courts	Delays and resourcing shortfalls (Report 8, 2020).	Perceptions of unfairness among respondents; perceptions of inaccessibility among victims.
Access to justice	Almost no respondent legal assistance; applicant duty lawyer shortfall (Report 8).	Default orders driven by inability to navigate forms.
Aboriginal communities	Under-use of protection relative to victimisation (Ombudsman 2015).	Barriers created by distance, language, distrust and police contact.
Rural and remote	Lack of legal services, especially for Aboriginal people (Report 8, Finding 20).	Longer time to hearing outside Perth.
Coercive control victims	Statutory definition recognises patterns of control (s 5A).	Difficulty proving patterns at ex parte stage.
Retaliatory proceedings	Courts recognise legal process can be abusive (Baron v Walsh); misidentification research (ANROWS 2020).	Prevalence unknown.

13. THE NUMBERS THAT EXIST

Restraining order applications lodged	2018/19	2019/20	2020/21	2021/22	2022/23	5-year change
FVRO	11,437	11,458	11,189	10,968	11,704	+2.3%
VRO	3,598	3,893	4,052	4,203	4,394	+22.1%
MRO	692	799	860	850	964	+39.3%
All (incl. telephone and interstate registrations)	15,744	16,170	16,122	16,051	17,092	+8.6%
Restraining order cases finalised (all types)	15,306	15,091	15,113	16,337	16,228	+6.0%

Source: [Magistrates Court of WA Civil Report 2018/2019 to 2022/2023, produced 31 May 2024](#). The unit is new cases commenced, not unique applicants. The report warns that indicators cannot be compared with each other because counting methods differ. A later edition may exist but was not located.

Documented empirical finding: Restraining order documents lodged rose 61.7 per cent over the same five years (109,299 to 176,714), far faster than applications, suggesting more documents per matter. The report does not explain why.

Reasoned inference: The Ombudsman figures (2015) remain the only published Western Australian breakdown located of how interim orders end. They show that in that period about 44 per cent of interim VROs (6,351 of 14,417) became final without returning to court. Because the FVRO did not exist then and procedures have changed, these figures cannot be assumed to describe the current system. Their age is itself a finding about transparency.

14. WHAT IS MISSING

The full data-gap register, with draft information requests, is in Deliverable E. The gaps with the greatest bearing on the central question are: how interim orders end, by pathway and order type; time from objection to final hearing; set-aside applications and results; contested outcomes compared with interim decisions; express judicial findings of fabrication or misidentification; firearms suspensions, revocations and reinstatements; and demographic breakdowns of each of these.

15. WHO IS ACCOUNTABLE FOR WHAT

Actor	Role	Existing accountability	Gap
Magistrates	Make interim and final orders.	Appeal to District Court (s 64); judicial independence; reasons duties (s 21(4), s 63D).	No published data on decisions; individual decisions must not be politically reviewed.
Court administration (Department of Justice)	Forms, service, listing, statistics.	Annual reporting; FOI; Ombudsman jurisdiction over administration.	Outcome data not published; form readability not evaluated publicly.
WA Police	Police orders, telephone applications, service, breach enforcement, firearms licensing.	Corruption and Crime Commission, Ombudsman, internal review, SAT for licensing decisions (to verify under Firearms Act 2024).	Misidentification and firearms outcome data not published.
Attorney General	Administers the Act; statutory reviews (s 30I, s 73A).	Parliament.	s 73A review report not located.
Employers and regulators	Employment and professional consequences.	Employment law; regulator processes.	No data on proportionality of decisions.
Parliament	Legislative oversight.	Committees (Report 8, 2020).	No standing requirement for periodic outcome reporting under the Act.

16. HOW OTHER STATES DO IT

Names differ and orders are not legally equivalent; this comparison focuses on what happens between an interim order and a final order.

Feature	WA (FVRO/VRO)	NSW (ADVO)	Queensland (DVO)	South Australia	Victoria (FVIO)
Interim order without notice	Yes	Yes, if necessary or appropriate (s 22)	Temporary protection order	Yes, preliminary hearing	Yes
Next step for respondent	Return form within 21 days of service	Attend listed return date	Attend mention date in served documents	Appear within about 8 days	Court listing
If respondent does nothing	Interim becomes final automatically at day 21 (s 32(2))	Court may make final order in absence after service (s 57A)	Court may make final order if served (s 39)	Interim order made final (s 23(2))	Interim lasts until a magistrate decides
Further judicial look before final?	No	Yes, at listing	Yes, at mention	At listing, but non-appearance results in final	Yes
Source	RO Act	Judicial Commission NSW	Qld Law Handbook	SA Law Handbook	Victoria Legal Aid

Reasoned inference: Moving to a listed return date, as in NSW and Queensland, would add a judicial checkpoint but also court time, a second contact point for applicants, and potential delay. A narrower option, discussed in Deliverable F, is to keep the 21-day mechanism but require a brief registrar or magistrate check before default finalisation where the order excludes the respondent from home or children, or affects occupation, the same categories Parliament already singles out in s 33(2).

Unresolved research question: Comparative data on default rates, time to hearing and outcomes across jurisdictions. Victorian provisions were checked only through Victoria Legal Aid guidance and should be verified against the Family Violence Protection Act 2008 (Vic).

17. OVERALL ASSESSMENT

Protective purpose and effectiveness. The evidence supports the view that protection orders reduce re-victimisation modestly and that the absence of timely protection is associated with serious harm. Aboriginal women in particular appear under-protected. Any reform must preserve rapid, without-notice protection.

FVROs. The design deliberately prioritises protection: a broad definition of family violence, a mandatory order once the threshold is met, ex parte orders on untested affidavits, and default finalisation. Parliament built in recognition of misuse and misidentification (s 10B) and an expedited hearing for high-impact orders (s 33(2)). The weakness is that the system cannot show whether these safeguards work, because outcomes, time to hearing and set-aside results are not published.

VROs. Grounds are narrower and discretionary, but VROs share the ex parte, default-finalisation and automatic-firearms features of FVROs, without the s 10B principles. VRO applications are growing faster than FVROs.

MROs. Procedurally the most conventional, with a summons and hearing, discretionary firearms restraints and the lowest breach penalty. The main concern is breadth: "offensive" behaviour and breach of the peace grounds can reach neighbourhood, workplace and protest disputes, and MRO applications grew 39 per cent in five years.

Answer to the central question. On the evidence available at the cut-off date, the framework's protective design is defensible and its legal safeguards are real, but the balance cannot be shown to be adequate because the system is not measured. The strongest documented weaknesses are delay and unequal access to legal help (Report 8, 2020), the volume of orders becoming final without any hearing (Ombudsman 2015), and the stacking of serious consequences, especially the new firearms disqualification, onto orders that carry no finding of fact. The strongest unproven claim is that the system is widely misused; it may or may not be, but no one, including the State, can currently say.

PART 3. DELIVERABLE C: LEGISLATIVE AUDIT MATRIX

Columns follow the commissioning brief. "Evidence" identifies the source type; full citations are in Deliverable D and the source register.

Provision	Current legal requirement	Practical operation	Identified concern	Evidence	Existing safeguard	Remaining gap	Proposed reform
s 26	Applicant chooses ex parte first hearing or defended hearing.	Most urgent applications proceed ex parte (inferred; not published).	Pathway choice rests entirely with the applicant.	Statute; Report 8 Finding 54 supports keeping ex parte option.	Magistrate may adjourn to a mention with summons (s 29(1)(c)).	No data on proportion ex parte.	Publish pathway data (R3). Retain applicant choice.
s 28	Court must accept the applicant's affidavit at an ex parte hearing.	Interim orders made on untested written evidence.	No statutory duty of disclosure of known contrary matters.	Statute; LRCWA 2014 criticism noted.	s 10F factors; perjury law; later contested hearing.	Material omissions may never surface if no objection.	Disclosure questions on the form (R5); duty of candour (Schedule item 1).
ss 29, 63D	Court may make interim order; reasons for certain decisions.	Reasons for ex parte orders not publicly documented.	Respondent may not know the basis of the order.	Statute (s 21(4) applies only to telephone orders).	s 63D (text unverified).	Uncertain recording practice for in-person ex parte orders.	Minimum written record for every interim order (Schedule item 2).
s 31, 32(2)	No return of form in 21 days means final order.	6,351 of 14,417 interim VROs became final without court return (2015).	Serious, long consequences triggered by silence.	Ombudsman 2015.	Explanatory document (s 8(3)); set-aside (s 32(5)).	No current data; no evaluation of form comprehension.	Plain-language multilingual notices and day-14 reminder (R1); targeted pre-finalisation check (Schedule item 3).
s 32(5) to (10)	Set-aside if reasonable cause for not returning form.	Unknown usage.	Respondent bound by final order meanwhile; test is the excuse, not merits.	Statute; Legal Aid WA.	Leave out of time for reasonable excuse.	No published statistics.	Publish set-aside data (R3); include set-aside instructions on the notice (R1).
s 33(2)	Expedited hearing where home, children, work or occupational firearms affected.	"As soon as practicable" undefined.	Delays documented in 2020.	Report 8 Findings 4 to 6.	Statutory priority.	No time standard or reporting.	Published time standard, e.g. 28 days (R7).
s 10D(2)	FVRO must be made if grounds met unless special circumstances.	Limits discretion.	Disproportionate terms possible where risk is low.	Statute; DB v RB.	Court sets terms and duration (s 10G, 16A).	None evidenced; proportionality of terms unmeasured.	Research: audit of FVRO terms (E-register).
s 10B(1)(h), (i)	Identify person most in need of protection; prevent misuse.	Guidance on application not public.	Misidentification documented nationally.	ANROWS 2020.	Principle binds police and courts.	No WA data on cross-applications or misidentification.	Bench guidance and cross-application flag (R10, R13).
ss 10H, 41, 43	Consent or conduct agreement without findings or admissions.	Encourages resolution.	Firearms Act treats conduct agreement orders as disqualifying for life of order plus 5 years.	Firearms Act 2024 s 5; Regulations r 6.	Respondent can choose to contest.	Respondents may not understand firearms effect when consenting.	Mandatory firearms advice before consent (R8); review of post-expiry period for non-finding orders (Schedule item 4).

Provision	Current legal requirement	Practical operation	Identified concern	Evidence	Existing safeguard	Remaining gap	Proposed reform
s 14	Automatic firearms prohibition for every FVRO and VRO.	Immediate surrender on service of interim order.	Occupational impact before any hearing.	Statute.	s 33(2)(d) expedited hearing.	No data on occupational outcomes.	Retain prohibition; publish data; fast-track hearings (R7, R8).
Firearms Act 2024 s 9; r 6	Disqualification during final order and 5 years after.	Licences suspended or revoked.	Consequence extends well beyond order.	Firearms Regulations 2024.	Interim orders excluded from post-period; normal reapplication afterwards.	Review rights not verified.	Statutory review of consequence proportionality (R8, R12).
s 61, 61A	Breach penalties; mandatory imprisonment on third conviction within 2 years unless clearly unjust.	Enforcement of orders.	Convictions entered on invalid or expired orders.	Rowe v Gaunt; Bindai v Armstrong.	Appeals.	Risk of guilty pleas to non-offences.	Prosecution checklist confirming order validity (R9).
s 69	Costs; as enacted, not against unsuccessful VRO applicant unless frivolous or vexatious.	Rarely discussed publicly.	Unclear current scope for FVROs.	1997 text.	Costs power.	Current text not verified.	Verify and clarify; no costs for genuine unsuccessful applicants.
s 73A	Review of certain FVRO amendments.	Report not located.	Accountability.	Statute heading.	Parliamentary scrutiny.	Publication unknown.	Table and publish review (R12).
s 34 (MRO)	Intimidating or offensive behaviour, property damage, breach of peace.	Neighbour, workplace and protest disputes.	Breadth of "offensive".	MRO lodgments up 39% in 5 years.	Appropriateness test; hearing on summons.	No outcome data by ground.	Publish MRO outcomes by ground (R3).

PART 4. DELIVERABLE D: EVIDENCE AND CASE-LAW REGISTER

CASES

Case summaries below are drawn from the National Domestic and Family Violence Bench Book case database on AustLII Communities and from the High Court's published disposition. They should be checked against the full judgments before being quoted. Binding status: Court of Appeal (WASCA) decisions bind the District and Magistrates Courts; single-judge Supreme Court (WASC) appellate decisions bind magistrates; District Court decisions are persuasive.

Case	Court and date	Provisions	Facts and outcome	What it establishes	What it does not establish
Dawes v Coyne [2000] WASCA 134	Supreme Court of WA (appellate), 19 May 2000, Miller J	Restraining Orders Act generally	Magistrate made a VRO against the complainant in a criminal matter without warning. Set aside.	Procedural fairness requires warning and an opportunity to respond.	Anything about the merits of allegations.
Baron v Walsh [2014] WASCA 124	WA Court of Appeal, 18 June 2014, McLure P, Mazza JA, Chaney J	s 11A (as then in force)	Complaints to a regulator, minor claims, multiple applications and a perjury complaint held capable of being intimidating abuse. District Court set aside; final VRO restored.	Legal process used for improper collateral purposes can be abusive conduct; courts must rely only on evidence properly before them.	That using legal processes is normally abuse; it is not.
Rowe v Gaunt [2013] WASC 90	Supreme Court of WA, 20 March 2013, Hall J	s 61	Guilty plea to breach of a VRO that had expired. Conviction set aside; Topic v Lynch [2012] WASC 446 noted as a similar earlier case.	Breach requires an order in force; errors occur even with guilty pleas.	Frequency of such errors.
Bindai v Armstrong [2016] WASC 341	Supreme Court of WA, 20 October 2016	ss 48, 61	VRO varied without service on the respondent; breach conviction quashed as variation was a nullity.	Service is a jurisdictional precondition to variation.	Anything about the original order.
Conomy v WA Police [2016] WASCA 31	WA Court of Appeal, 18 February 2016	s 61	Self-represented appellant convicted of breach by text messages; appeal dismissed.	Courts can infer an interim order remained in force from the evidence as a whole.	Anything about misuse.
Potschick v Bruce [2018] WADC 107	District Court of WA, 31 August 2018	VRO and MRO grounds	Magistrate found past abuse but no likelihood of repetition and refused a VRO. Appeal dismissed.	Past conduct alone does not justify an order; future risk must be shown.	That the applicant was untruthful.
DB v RB [2020] WADC 93	District Court of WA, 29 June 2020	ss 10D, 44A	Final FVRO protecting wife and daughter upheld after contested hearing.	Rules of evidence not binding at final hearings; mandatory order once s 10D met.	Any general rule about credibility.
Sanchez v Leigh [2026] HCADisp 55	High Court of Australia, 12 March 2026	Not stated in disposition	Special leave refused from WA Court of Appeal; District Court had remitted a final restraining order application to the Magistrates Court.	The appellate pathway can run to the High Court; remittal for rehearing is available.	Any principle about restraining orders; the statute was not identified in the disposition.

OFFICIAL REPORTS, STATISTICS AND RESEARCH

Source	Type	What it establishes	What it does not establish
Restraining Orders Act 1997 (WA), version 05-u0-01	Legislation	Current law on grounds, procedure, defaults, firearms, duration.	How provisions operate in practice.
Firearms Act 2024 and Firearms Regulations 2024	Legislation	Disqualifying orders and 5-year post-order period; interim orders disqualify only while in force.	Review rights and exemptions (not verified).
Magistrates Court Civil Report 2018/19 to 2022/23	Official statistics	Lodgments by order type; total finalisations.	Outcomes, demographics, time to hearing.
Ombudsman WA, 2015 investigation	Statutory investigation	Interim, default and hearing finals in study period; sex and Aboriginality of protected persons; fatality links.	Current position; consent versus non-response.
Parliament of WA, CDJSC Report 8, 2020	Parliamentary inquiry	Delay, resourcing, legal assistance gaps, data quality issues.	Prevalence of misuse; current delay figures.
LRCWA Project 104, 2014	Law reform commission	Criticisms of overuse and tactical use noted alongside view most applications are properly made; recommended separate FDV order.	Quantified misuse.
ANROWS Research Report 23/2020	Research (national, Queensland case study)	Misidentification and systems abuse affecting women occur.	WA prevalence.
AIC Trends and Issues No. 551 (2018)	Systematic review and meta-analysis	Protection orders produce small but significant reductions in re-victimisation.	WA-specific effect; effect of procedural design.
Legal Aid WA guidance	Official guidance	Breach penalties; set-aside process and forms.	Not legislation; check against Act.
Legal Aid WA order sample (older form)	Historical form	Shows an earlier \$6,000 breach maximum.	Current penalty; conflicts with current guidance (\$10,000), which is more authoritative and current.

PART 5. DELIVERABLE E: DATA AND ACCOUNTABILITY PLAN

DATA-GAP REGISTER

#	Unanswered question	Likely holder	Fields needed	Privacy and anonymisation	Policy value
1	How do interim FVROs and VROs end?	Department of Justice (Magistrates Court case management system)	Order type; pathway (non-return, endorsed consent, conduct agreement, contested final, dismissed, withdrawn, lapsed); year since 2017.	Aggregate counts only; suppress cells under 10.	Core test of reliance on default finalisation.
2	Time from objection to final hearing	Department of Justice	Median and 90th percentile days; whether s 33(2) priority applied; court location.	Aggregate.	Tests "as soon as practicable" and delay findings.
3	Set-aside applications under s 32(5)	Department of Justice	Number lodged, out of time, granted leave, set aside, refused; year.	Aggregate.	Tests the main safeguard for default orders.
4	Interim versus contested outcomes	Department of Justice	For contested matters: interim terms versus final outcome (made as interim, varied, dismissed).	Linked de-identified case IDs held internally.	Measures error rate of ex parte decisions in both directions.
5	Express findings of fabrication or misidentification	Department of Justice; DPP; WA Police	Number of matters with a recorded finding; perjury or false-statement charges referred and outcomes.	Aggregate; requires a new recording field.	Only reliable basis for misuse claims.
6	Cross-applications	Department of Justice	Matters with applications by both parties within 6 months; outcomes.	Aggregate.	Proxy for contested identification of the person most in need of protection.
7	Firearms consequences	WA Police Licensing Enforcement	Licences suspended or revoked due to interim and final orders since 31 March 2025; reinstatements; occupational licence holders.	Aggregate.	Measures occupational impact.
8	Demographics	Department of Justice; WA Police	Sex, age band, Aboriginal status, region, relationship type for applicants and respondents at each pathway.	Aggregate; small cell suppression.	Tests disparity claims instead of assuming them.
9	Legal representation	Department of Justice; Legal Aid WA	Representation status at each stage by party.	Aggregate.	Tests access to justice findings.
10	Parenting interaction	Department of Justice; Family Court of WA	FVROs with child carve-outs; matters with concurrent parenting proceedings; s 68R use.	Aggregate.	Child welfare and conflict of orders.
11	Statutory review status	Attorney General	s 73A review: completion date, tabling date, findings.	None.	Accountability.

Whether each holder keeps these fields electronically has not been verified. Requests should first ask what is held, then seek aggregate figures.

DRAFT REQUEST FOR INFORMATION (AGGREGATE DATA)

To: Freedom of Information Coordinator, Department of Justice, Western Australia

Under the Freedom of Information Act 1992 (WA), I request access to documents containing aggregate, de-identified statistics, or alternatively existing reports or data extracts, showing for each financial year from 2017/18 to 2025/26 and separately for FVROs and VROs: (a) the number of interim orders made; (b) the number that became final under s 32(2) of the Restraining Orders Act 1997 because the endorsement copy was not returned; (c) the number that became final under s 32(1) by endorsed consent; (d) the number of conduct agreement and consent orders; (e) the number of final orders made after a contested final order hearing; (f) the number of applications dismissed or withdrawn after an interim order; (g) applications under s 32(5) and their outcomes; and (h) median days from objection to final order hearing, distinguishing matters to which s 33(2) applied. I do not seek personal information. If documents in this form do not exist, I ask the agency to advise what existing reports or extracts hold this information, and I am willing to narrow the request.

Parallel requests should go to WA Police (firearms licensing outcomes since 31 March 2025; police applications on behalf of victims; police orders made) and the Attorney General's office (the s 73A review). The Magistrates Court report notes that customised data requests are considered case by case, so a direct research request may be quicker than FOI.

PROPOSED PUBLIC REPORTING STANDARD

- Annual publication, by order type, of lodgments, interim orders, each finalisation pathway, set-aside results, contested outcomes, dismissals and withdrawals.
- Time to final hearing, overall and for s 33(2) priority matters, by court location.
- Representation rates and demographic breakdowns, with small-cell suppression.
- Firearms disqualification counts linked to restraining orders.
- A recorded field for express judicial findings of deliberate falsehood or misidentification, reported in aggregate.

INDEPENDENT EVALUATION PLAN

1. Baseline: five years of administrative data under the reporting standard.
2. File audit: random sample of interim orders to assess evidence, reasons and disclosure.
3. Comprehension testing of the respondent notice and endorsement copy, including with Aboriginal and culturally diverse respondents.
4. Interviews and surveys of applicants and respondents through Legal Aid WA and community legal centres, measuring safety, understanding, costs and employment effects.
5. Outcome linkage: re-victimisation and breach rates by pathway, to test whether reforms affect safety.
6. Independent evaluator reporting to Parliament, with methods published in advance.

PART 6. DELIVERABLE F: REFORM PROPOSAL

Proposals are ranked by priority and classified. None penalises an applicant for an unsuccessful or unproven application, and each is tested against the risk of deterring genuine applicants. Deliverable I, which follows, tests every proposal for cost, existing infrastructure, lawful information sharing and implementation risk, and sets out a staged plan.

#	Reform	Problem addressed	Type	Responsible	Benefits	Risks and safeguards	Evaluation measure
R1	Plain-language, multilingual respondent notice; SMS or email reminder at day 14; set-aside instructions on the order.	Default finalisation by misunderstanding.	Administrative	Department of Justice	Fewer uninformed defaults; low cost.	Reminder must not disclose applicant details or invite contact.	Comprehension testing; change in set-aside applications.
R2	Pre-finalisation check before default finalisation where order excludes respondent from home or children, or affects occupation.	Highest-impact orders made final without any further scrutiny.	Legislative	Attorney General; Magistrates Court	Targeted judicial checkpoint.	Must not require applicant attendance or delay protection; interim order stays in force throughout.	Proportion of checked matters relisted; safety outcomes.
R3	Annual outcome reporting standard (Deliverable E).	System cannot be evaluated.	Administrative, then legislative	Department of Justice	Evidence for every other debate.	Privacy: aggregate only.	Publication on time.
R4	Minimum written record for every interim order: grounds found, key evidence, urgency reasons.	Unclear basis for ex parte orders.	Legislative or practice direction	Chief Magistrate	Transparency; better appeals.	Must be brief to avoid delay.	File audit.
R5	Application form disclosure questions: pending family law or other proceedings, prior applications between the parties.	Material omissions.	Administrative (forms)	Department of Justice	Better s 10F consideration.	Questions must not deter or retraumatise; failure to answer is not itself a ground to refuse.	Proportion of forms completed.
R6	Fund duty lawyers for respondents and applicants at every metropolitan and major regional court.	Unequal access to legal help.	Funding	Attorney General; Legal Aid WA	Faster resolution, better compliance (Report 8, Finding 15).	Fund applicants equally.	Representation rates; time to resolution.
R7	Published time standard for s 33(2) priority hearings (for example 28 days) and reporting against it.	Delay where livelihood and children affected.	Administrative	Magistrates Court	Limits harm before hearing.	Must not displace urgent applicant matters.	Proportion meeting standard.
R8	Mandatory advice on firearms consequences before consent or conduct agreement; independent review of the 5-year post-order disqualification for orders with	Consequences disproportionate to the legal basis of some orders.	Administrative; further research	Department of Justice; WA Police; Parliament	Informed consent; proportionality.	Firearms access is a lethality risk; any change must keep the automatic prohibition during the order and preserve Commissioner discretion.	Disqualification data; consent rates.

#	Reform	Problem addressed	Type	Responsible	Benefits	Risks and safeguards	Evaluation measure
	no finding of fact.						
R9	Prosecution checklist confirming an order was valid, served and in force before breach charges and pleas.	Convictions on expired or void orders.	Administrative	WA Police; ODPP	Prevents miscarriages.	None significant.	Appeals on validity grounds.
R10	Bench guidance on s 10B(1)(h) and (i), cross-applications and systems abuse; recorded field for express findings of deliberate falsehood, with referral protocol.	Misuse and misidentification undetected or unrecorded.	Practice direction; administrative	Chief Magistrate; Department of Justice	Evidence on misuse; consistent responses.	Findings only on clear evidence after a hearing; never inferred from failure or withdrawal.	Counts of findings; referral outcomes.
R11	Standard child-related carve-outs and coordination protocol with the Family Court of WA.	Conflicts with parenting arrangements.	Administrative	Magistrates Court; Family Court of WA	Preserves safe relationships, protects children.	Carve-outs only where safe.	Proportion of FVROs with carve-outs; conflicts.
R12	Publish the s 73A review; independent statutory review of the whole Act every 5 years with tabled report.	Accountability gap.	Legislative	Attorney General; Parliament	Ongoing scrutiny.	None.	Tabling.
R13	Implement ANROWS-style guidance and training for police on identifying the person most in need of protection; report police applications and police orders by outcome.	Misidentification; low police application rate (Report 8, Finding 48).	Administrative	WA Police	Fewer wrong-way orders.	Training must address coercive control patterns.	Cross-application and reversal rates.
R14	Aboriginal-led measures to improve access to protection (Ombudsman 2015 recommendations).	Under-protection of Aboriginal victims.	Administrative; funding	Department of Justice; Aboriginal community-controlled organisations	Protection where most needed.	Community leadership essential.	Aboriginal share of protected persons.

Reasoned inference: The evidence does **not** currently support new criminal offences for false applications: perjury and false-statement offences already exist, Parliament's 2020 committee considered sanctions sufficient, and any new offence risks deterring genuine applicants. The better response is to record and act on express judicial findings (R10).

PROPOSED STATUTORY REFORM SCHEDULE

All wording below is illustrative only, is not existing law, and is subject to review by Western Australian Parliamentary Counsel and consultation.

Item	Current provision	Defect or uncertainty	Objective	Illustrative drafting	Unintended consequences; compatibility; consultation
1	s 24A, 25, 28	No express duty to disclose known material facts at ex parte stage.	Fuller information at first decision.	"An applicant seeking a hearing in the absence of the respondent must disclose in the application any family court proceedings, other proceedings and prior applications under this Act between the parties of which the applicant is aware."	Could deter applicants if framed punitively; failure to disclose must not invalidate protection by itself. Consult victim services, Legal Aid WA, Law Society.
2	s 29	No express recording duty equivalent to s 21(4).	Transparency of interim decisions.	"A court making an order under s 29(1)(a) must make a written record of the grounds on which it is satisfied, and that record must be served with the order unless the court considers service would endanger a person."	Workload; safety carve-out essential. Consult Chief Magistrate.
3	s 32(2)	Default finalisation without further scrutiny in highest-impact cases.	Targeted checkpoint.	"If an interim order includes a restraint referred to in s 33(2) and the respondent does not return the endorsement copy, the registrar must refer the order to a magistrate, who may on the papers direct that it become final or fix a mention hearing."	Interim order must remain in force; no applicant attendance unless needed. Transitional: apply to orders served after commencement.
4	Firearms Regulations 2024 r 6(2)	Same 5-year post-order period for contested findings and no-admission orders.	Proportionality.	Refer to independent review rather than draft change now; option: Commissioner discretion to shorten post-order period for consent and conduct agreement orders where no family violence finding was made and risk assessment supports it.	Firearms lethality risk; police and victim advocate consultation essential.
5	New provision	No statutory reporting duty.	Transparency.	"The CEO must, within 4 months after the end of each financial year, publish de-identified statistics on applications, interim orders, the manner in which orders become final, hearings, set-aside applications and time to hearing, in the form prescribed."	Privacy protections; small-cell rules.
6	s 73A	Review status unclear.	Accountability.	"The Minister must review the operation of this Act every 5 years and table the report within 6 months."	None significant.

PART 6A. DELIVERABLE I: IMPLEMENTATION FEASIBILITY AND STAGED PLAN

This Part tests every reform in Deliverable F against one question: can it deliver a meaningful improvement quickly, economically and safely by making better use of what Western Australia already has? It does not assume that reform is expensive, and it does not assume that reform is free. Where this research could not verify a cost, a system capability or a legal power, it says so and classifies the measure accordingly.

Governing principle. Use existing systems effectively, introduce proportionate safeguards, preserve urgent access to protection, and demand measurable improvement before committing public resources to more expensive alternatives.

HOW MEASURES ARE CLASSIFIED

Category	Meaning	Typical lever
A: Administrative improvement	Potentially implementable through existing lawful procedures, guidance, forms that are not prescribed by rules, training or internal workflows.	Department of Justice or WA Police direction; Chief Magistrate practice direction or bench guidance (a judicial decision, not a Government one).
B: Existing-system enhancement	Potentially implementable by modifying current information systems, reporting processes or authorised information sharing.	Changes to the court's electronic case management system, police systems or reporting extracts, within existing legal authority.
C: Legislative or regulatory change	Requires amendment to an Act, regulations or formal rules of court (including prescribed forms).	Parliament; Governor in Executive Council; rules of court.
D: Further investigation required	Cannot responsibly be recommended until material legal, technical, financial, evidentiary or safety questions are resolved.	Review, data request or pilot first.

Reasoned inference: Every classification below is **preliminary**. It rests on the published law, official court and Legal Aid guidance, and public descriptions of existing services. Each must be confirmed with the Department of Justice, the Magistrates Court, WA Police, Legal Aid WA and the Office of the Information Commissioner before implementation.

Reasoned inference: Cost magnitudes are described as **Low**, **Moderate** or **Substantial** relative to each other. No dollar figures are given because no reliable published costing exists. "Low" means the main inputs are staff time, drafting, translation and printing that an existing agency may be able to absorb, not that the measure is free.

I.1 WHAT ALREADY EXISTS

The single most important finding of this assessment is that much of the infrastructure needed for early improvement already exists. The table lists the assets verified in this research and the reforms each could support.

Existing asset	What it already does	Verification status	Reforms it can support
Electronic case management and eLodgment	The Magistrates Court operates an electronic case management system and eLodgment for civil matters, including restraining order documents such as variation applications (Practice Directions 6 of 2021 and 2 of 2022 ; Magistrates Court).	Existence verified. Which data fields are captured for each restraining order event is not verified.	R3, R5a, R7, R10b, R15
Annual civil statistics and customised data requests	Published lodgment and finalisation counts; the Department considers customised data requests case by case (Civil Report).	Verified.	R3a, R3b
Police certificate pathway	For FVROs the Commissioner of Police must, where practicable, give the court certificates of convictions, police orders and incident reports; the court may also use its own records, which are proof of their contents (s 10F(4) to (8)). A similar pathway exists for VROs (s 12(4) to (8)).	Verified in current Act text.	R5a, R15
Explanation duty	Where a respondent is not in court, the registrar must serve a document explaining the order, its consequences and how to vary or cancel it (s 8(3)).	Verified.	R1a, R8a
Court guidance to respondents	The court's published respondent guidance already explains the 21-day rule, the conference and the final hearing, and states that an FVRO is not a criminal conviction and will not appear on a criminal record (Magistrates Court).	Verified.	R1a
Access to the first-hearing material	A respondent may request the affidavit and a record of the first hearing (Legal Aid WA).	Verified (guidance).	R1a, R4
FVRO conferencing	Registrar-led shuttle conferences, voluntary, two hours, with a duty lawyer available, at Perth, Joondalup, Fremantle, Armadale and Bunbury (Magistrates Court).	Verified.	R6, R8a, R11; pilot sites
Existing legal help	Legal Aid WA DVLU duty lawyers for applicants at Perth; Stronger Women at Broome, Bunbury and Albany; FASS lawyers for men at conferences in Fremantle, Armadale and Bunbury; community legal centres at Perth, Joondalup and other courts (Legal Aid WA).	Verified (service descriptions; capacity not verified).	R6, R14
Priority listing duty	Registrar must list objections affecting home, children, work or occupational firearms "as soon as practicable" (s 33(2)).	Verified.	R7
Recording template	Authorised magistrates must record reasons for accepting urgency and the grounds for telephone orders (s 21(4)).	Verified.	R4 (model to adapt)
Information exchange and firearms notification	Section 70A (Exchange of information) and s 71 (Notification when firearms order made); Firearms Act 2024 notification (s 197).	Headings verified; current text not read.	R8b, R13, R15
Practice directions	The Chief Magistrate issues practice directions; none currently addresses	Verified (list as at 29 June 2026).	R4, R7, R10a

Existing asset	What it already does	Verification status	Reforms it can support
	restraining orders specifically (list).		
Privacy framework	The Privacy and Responsible Information Sharing Act 2024 commenced on 1 July 2026, with 11 Information Privacy Principles and a responsible information-sharing framework; mandatory breach notification from 1 January 2027 (WA Government ; commentary).	Commencement verified. Application to courts' judicial functions not verified.	All B measures
Firearms review	The State Administrative Tribunal reviews Commissioner of Police licensing decisions under the Firearms Act 2024 (SAT). The Legislative Council Standing Committee on Legislation has reviewed the Act (Report 51).	SAT jurisdiction verified. Committee findings not retrieved.	R8
Interstate models	Queensland courts send SMS reminders to adult defendants on bail (Queensland Courts); NSW offers text and email court-date reminders (NSW Government).	Verified (scope limited to the matters described).	R1b

I.2 PRELIMINARY CLASSIFICATION OF EVERY MEASURE

Measure	Category	Lawful mechanism	Earliest start	Stage
R1a Plain-language, multilingual explanatory document served with every interim order	A	Registrar's existing s 8(3) document; content is administrative.	Immediately	0
R1b Reminder before day 21 by SMS or email	B	Requires capture of a contact number and a system-generated message; PRIS Act principles apply.	Pilot within 12 months	1
R1c Redesigned endorsement copy (the form returned within 21 days)	C	Prescribed by rules of court (s 3 "prescribed form"; s 72A).	12 to 24 months	2
R2 Magistrate check before default finalisation of orders with s 33(2) restraints	C	Section 32(2) makes finalisation automatic; amendment needed. Interim step: registry flags these matters for R1b reminders (B).	12 to 24 months	2
R3a One-off extraction of historical outcome data	A	Existing customised data request process; aggregate output only.	Immediately	0
R3b Annual outcome reporting standard	B, then C	Reporting extract from case management system; statutory duty later.	Within 12 months; statute later	1 and 2
R4 Minimum written record for every interim order	A (optional C)	Practice direction by the Chief Magistrate, modelled on s 21(4). A judicial decision; Government can only invite it.	Within 3 to 6 months if the Chief Magistrate agrees	0 or 1
R5a Registry related-matters check from the court's own records	B	Section 10F(7) and s 12(7) already allow the court to use its own records.	Pilot within 12 months	1
R5b Disclosure questions on the application form	C (interim A)	Prescribed form needs rules change; interim plain guidance for affidavits is A.	Guidance now; form 12 to 24 months	0 and 2
R6 Duty lawyers for applicants and respondents	A, with new recurring funding	Extend existing Legal Aid WA and community legal centre models by funding agreement.	Pilot within 12 months	1

Measure	Category	Lawful mechanism	Earliest start	Stage
R7 Published time standard for s 33(2) priority hearings	A	Court listing practice and reporting; no legal change.	Measure now; standard within 6 months	0 and 1
R8a Written firearms advice before consent or conduct agreement	A	Add to s 8 explanation, conference script and duty lawyer checklist.	Immediately	0
R8b Firearms disqualification data	B	Extract from WA Police licensing records.	Within 6 months	1
R8c Review of the 5-year post-order disqualification for orders without findings	D	Await Report 51 and the Government response; lethality risk must be assessed first.	After review	3
R9 Validity check before breach charges and pleas	A (B if automated)	Police prosecuting procedure using the court record.	Immediately	0
R10a Bench guidance on s 10B(1)(h) and (i), cross-applications and systems abuse	A	Judicial education; for the judiciary to decide.	Within 6 to 12 months	1
R10b Recorded field for express findings of knowing falsehood or misidentification, with referral protocol	B	New case management code; referral under existing criminal law.	Within 12 months	1
R11 Child-related carve-out templates and Family Court coordination	A	Template conditions and inter-court protocol; s 66 information about family orders.	Within 6 months	1
R12a Publish the s 73A review	A	Ministerial decision.	Immediately	0
R12b Five-yearly independent statutory review	C	Amend the Act.	12 to 24 months	2
R13 Police guidance on identifying the person most in need of protection; report police applications and orders by outcome	A and B	WA Police manual and training; reporting from police systems.	Guidance within 6 months	1
R14 Aboriginal-led measures to improve access to protection	A, with funding and co-design	Funding agreements with Aboriginal community-controlled organisations.	Co-design within 12 months	1
R15 Respondent-detail accuracy before service (Report 8, Recs 43 and 44)	B	Registry access to police identity data before service; lawful basis to be confirmed (s 70A, PRIS Act).	Within 12 months	1

I.3 INFORMATION, SYSTEMS AND RESOURCES

Measure	Is the information already held?	Can it lawfully and technically be exchanged?	Additional staff, training, technology, security, operating cost	Within existing resources? Displacement risk
R1 Notice, reminder, form	Respondent name and address are held. A respondent mobile number may be held by police at service; not verified.	Within the court; a police-to-court number transfer needs a confirmed lawful basis.	Drafting, plain-language testing, translation (Low). SMS platform or extension, message templates, security testing (Moderate). Rules change (Low to Moderate).	R1a plausibly yes. R1b likely needs a modest budget. Risk of drawing registry staff from urgent applications is low if the message is automated.
R2 Pre-finalisation check	Yes: the order terms identify s 33(2) restraints.	Internal to the court.	Magistrate or registrar time per flagged matter (Moderate). Volume unknown until R3a.	Uncertain. Could displace listing time; R3a data must size it first.

Measure	Is the information already held?	Can it lawfully and technically be exchanged?	Additional staff, training, technology, security, operating cost	Within existing resources? Displacement risk
R3 Outcome data	Probably, as case events; field-level capture not verified.	Aggregate publication raises no exchange issue.	Analyst time for extraction and checking (Low); reporting automation (Low to Moderate).	R3a plausibly yes. Little displacement.
R4 Written record	Magistrates already decide on stated grounds; recording is the new step.	Internal.	A short template; seconds to minutes per order (Low), but multiplied across thousands of orders.	Probably, if the template is brief. Risk: slower ex parte lists. Pilot to measure.
R5 Related matters and disclosure	Yes: court records of prior and current applications between the parties.	Use of own records is authorised (s 10F(7), s 12(7)); cross-court family law data needs s 66 and protocol.	Registry search time or an automated match (Low to Moderate).	Probably for own-court records. Displacement minimal if automated.
R6 Duty lawyers	Not an information measure.	Not applicable.	Recurring lawyer salaries and supervision (Moderate to Substantial).	No. Requires new money; must not be funded by cutting applicant services.
R7 Time standard	Yes: objection dates and hearing dates.	Internal.	Report design (Low). Meeting the standard may need listing capacity (unknown).	Measuring: yes. Meeting: possibly not, without more magistrate time (Report 8, Finding 6).
R8 Firearms advice and data	Licensing outcomes held by WA Police; consent decisions held by court.	Aggregate counts raise no exchange issue; linkage needs authority.	Advice text (Low); data extract (Low).	Yes for R8a and R8b.
R9 Validity check	Yes: order dates, service and variations in the court record.	Police prosecutors already access court records for prosecutions; confirm.	Checklist and training (Low).	Yes. Prevents costly miscarriages and appeals.
R10 Findings field and guidance	Findings are in reasons and transcripts but not coded.	Internal; referral to police under existing law.	New code and practice (Low to Moderate); judicial education (Low).	Probably. No displacement if coding is part of finalisation.
R11 Carve-outs and coordination	Family orders information exists in family court records.	Section 66 and inter-court arrangements; confirm.	Template drafting and training (Low).	Yes.
R12 Reviews	The s 73A review status is held by Government.	Publication.	Publication (Low); five-yearly review (Moderate, recurring).	R12a yes.
R13 Police guidance and reporting	Police hold incident, order and application data.	Internal to police; aggregate publication.	Training (Low to Moderate).	Probably, through existing training cycles.
R14 Aboriginal-led access	Not primarily an information measure.	Data sharing affecting Aboriginal people requires Aboriginal involvement under the PRIS framework.	Co-design and service funding (Moderate).	No. Requires funding.
R15 Data accuracy	Yes: police identity data; court application data.	Requires confirmed lawful basis, access controls and audit.	Access configuration, security assessment, staff training (Moderate).	Possibly. Saves rework (half of interim FVROs needed manual reconciliation: Report 8, Finding 57).

I.4 FAIRNESS, PRIVACY AND SAFETY RISKS

Measure	Privacy, confidentiality, procedural fairness, discrimination, data accuracy	Could it delay protection or deter genuine applicants?	Risk of inappropriate reliance on criminal history or repeated applications	Proportionate safeguards
R1	Reminder must not disclose the protected person's details or location. Wrong numbers (see Finding 57) could send messages to third parties.	No: the interim order remains in force. Applicants are not contacted.	None.	Generic message text; opt-out; verified number only; no applicant data in message.
R2	Improves fairness for high-impact orders.	Low if the interim order stays in force and the applicant need not attend.	None.	Paper review; strict time limit; interim order unaffected.
R3	Small cells could identify people.	No.	Outcome data could be misread as proof of false allegations.	Small-cell suppression; published definitions; caveats that withdrawal is not fabrication.
R4	Recorded reasons served on respondent could reveal safety-sensitive detail.	Yes, if recording slows urgent hearings.	None.	Brief template; safety exception for service of reasons; measure hearing times.
R5	Prior applications may be irrelevant or prejudicial; Aboriginal and remote families may have more recorded contact with the system.	Yes, if applicants feel accused. Disclosure questions can re-traumatise.	High. Section 10F(3) and s 12(3) forbid presuming merit from past applications.	Registry check, not applicant burden; neutral listing; judicial reminder of s 10F(3); no automatic adverse inference; monitor by demographic group.
R6	Improves fairness for both parties.	No, if applicant services are protected.	None.	Separate funding streams; conflict checks.
R7	Improves fairness.	Possible if priority listings crowd out other urgent work.	None.	Report all listing times, not only priority ones.
R8	Firearms data linkage is sensitive.	No.	Medium: firearms decisions already consider history (Firearms Act s 9(5)); review must not weaken risk assessment.	Aggregate data; any change to disqualification only after lethality assessment and the Report 51 response.
R9	Prevents convictions on void or expired orders.	No.	None.	Standard checklist.
R10	Recording a finding of falsehood is serious and must be accurate.	Yes , if applicants fear prosecution for being disbelieved.	Medium: a recorded finding could be misused later.	Only express findings after a contested hearing; never inferred from dismissal or withdrawal; referral discretionary; public messaging that unsuccessful applications are not offences.
R11	Family law confidentiality applies.	No; carve-outs only where safe.	Low.	Judicial discretion on every carve-out.
R12	None.	No.	None.	Independent reviewer.
R13	Police data accuracy; risk of bias in identifying the aggressor.	No, if it improves identification.	Medium: incident history can mislead about who is most in need of protection (ANROWS 2020).	Pattern-based assessment training; audit of cross-orders.
R14	Cultural safety; data sovereignty.	Aimed at reducing deterrence.	Low.	Aboriginal leadership and governance.

Measure	Privacy, confidentiality, procedural fairness, discrimination, data accuracy	Could it delay protection or deter genuine applicants?	Risk of inappropriate reliance on criminal history or repeated applications	Proportionate safeguards
R15	Identity matching errors could attach the wrong person.	Could delay service if checks stall.	Low, if limited to identity fields.	Identity fields only; audit trail; no delay to service of urgent orders.

I.5 PILOTS, BENEFITS, COSTS AND INDICATORS

Measure	Pilot design	Benefits to measure	Costs and risks to measure	Decision gate for statewide rollout
R1	One metropolitan court for 6 months, with matched comparison court; R1a statewide immediately.	Share of interim orders final by non-return; set-aside applications; objections lodged.	Message failures; misdirected messages; staff time; complaints.	Non-return falls without any increase in breaches or applicant safety concerns.
R2	Only after R3a sizes the volume; one court for 6 months.	Orders relisted; corrected terms; respondent participation.	Magistrate time; any delay to finalisation.	Measurable correction rate at acceptable time cost.
R3	Not needed for R3a; R3b piloted as first annual report.	Public understanding; evidence for every other reform.	Analyst time; data quality.	Data quality sufficient to publish.
R4	One ex parte list for 3 months, if the Chief Magistrate agrees.	Clarity of grounds; appeals and set-aside quality.	Minutes added per order.	Average time added below a pre-set threshold.
R5	Registry check at one court for 6 months.	Relevant matters surfaced; better-informed decisions.	Applicant withdrawal rates; any change in grant rates by group.	No rise in applicant withdrawals; no disparate impact.
R6	Respondent duty lawyer at one objection list for 12 months, alongside existing applicant service.	Consent and conference resolution; time to resolution; breach rates.	Cost per matter; effect on applicant services.	Faster resolution or fewer breaches at reasonable cost per matter.
R7	Measure baseline for 3 months, then set standard.	Time to priority hearing.	Effect on other listings.	Standard met in a set share of cases.
R8	R8a statewide; R8b one-off extract.	Informed consent; licence data.	Minimal.	Not applicable; R8c awaits review.
R9	Statewide.	Fewer appeals on validity grounds.	Minimal.	Not applicable.
R10	Coding at one court for 12 months.	Reliable count of express findings.	Any deterrent effect on applications.	No fall in applications attributable to the measure.
R11	Templates at conferencing courts.	Fewer conflicts with parenting orders; safe contact preserved.	Any safety incidents linked to carve-outs.	No rise in breaches or safety incidents.
R12	Not applicable.	Accountability.	Review cost.	Not applicable.
R13	Training in one police district.	Cross-orders and reversals.	Training time.	Fewer cross-orders without reduced protection.
R14	Co-designed pilot at a regional court with existing Stronger Women presence (Broome).	Aboriginal share of people protected; safety outcomes.	Service cost.	Determined by Aboriginal-led evaluation.
R15	One registry for 6 months.	Reduction in manual reconciliation and	Access and security cost; matching errors.	Error rate falls with no privacy incidents.

Measure	Pilot design	Benefits to measure	Costs and risks to measure	Decision gate for statewide rollout
		failed service.		

I.6 STAGED IMPLEMENTATION PLAN

Stage	Timeframe	Measures	Preconditions	What the Government should report
0: Begin immediately	0 to 3 months	R1a plain-language notice; R3a historical data extraction; R5b interim affidavit guidance; R7 baseline measurement; R8a firearms advice; R9 validity checklist; R12a publish s 73A review. Invite the Chief Magistrate to consider R4.	Agency direction only. No legislation, no new system, no new agency.	Which Stage 0 measures have started, by whom, and the first data release.
1: Defined implementation period	3 to 12 months	Pilots of R1b, R4, R5a, R6, R10b, R11, R13, R15; R3b first annual report; R7 time standard; R8b firearms data; R10a bench guidance; R14 co-design.	Lawful-basis confirmation for information measures; privacy impact assessment; pilot evaluation plans published in advance.	Pilot results against the decision gates in I.5.
2: Substantial preparation	12 to 24 months	Legislative and rules package: R1c form redesign; R2 targeted pre-finalisation check; R3b statutory reporting duty; R5b form questions; R12b five-yearly review; statewide rollout of successful pilots.	Stage 1 evidence; consultation with victim services, Legal Aid WA, the Law Society, Aboriginal organisations and WA Police.	Bills or rules introduced, with evidence from Stage 1.
3: Further investigation	After review	R8c disqualification review; any measure that failed a decision gate.	Report 51 Government response; lethality risk assessment; data from Stages 0 to 2.	Whether to proceed, with reasons.

I.7 WHAT THE GOVERNMENT SHOULD BE REQUIRED TO STATE

1. Which measures it will begin immediately within existing resources, and the responsible officer for each.
2. Which measures it will introduce within a defined period, with the period stated.
3. Which measures need more substantial preparation, and what preparation.
4. For each measure: whether the necessary information is already held, the lawful basis for any exchange, the expected cost driver, the risk to urgent protection, and the indicator by which success will be judged.
5. Which measures it rejects, and why.

I.8 WHAT THIS ASSESSMENT DOES NOT CLAIM

Unsupported or contradicted claim: That any reform is cost-free or risk-free. Even Category A measures consume staff time and carry risks, set out above.

Unresolved research question: The actual cost of each measure, the fields held in the court's case management system, the current text of ss 70A and 71, how the PRIS Act applies to courts' judicial functions, and the findings of the Legislative Council's Report 51 on the Firearms Act 2024. Each must be confirmed with the responsible agency.

Reasoned inference: On the evidence available, the measures most likely to deliver meaningful improvement fastest and at lowest cost are data publication (R3a), a clearer respondent notice (R1a), firearms advice before consent (R8a), a validity check before breach charges (R9), and publication of the s 73A review (R12a). None requires legislation or a new system. The most consequential reforms for fairness, a targeted check before default finalisation (R2) and duty lawyers for both parties (R6), require legislation or new funding respectively, and should be justified by Stage 0 and Stage 1 evidence.

PART 7. DELIVERABLE G: PUBLIC OPINION ARTICLE

Suggested length about 1,900 words. Written for a serious Australian opinion outlet. Every factual claim links to a primary or official source; claims are framed as established law, documented findings or proposals. No unverified allegation is presented as fact.

Silence Should Not Make Law: Western Australia's Restraining Order System Needs Daylight

Protection from violence and a fair hearing are not rival values. In our restraining order system, the State cannot currently prove it is delivering either.

Every year, thousands of Western Australians walk into a Magistrates Court registry because they are frightened of someone. In 2022/23 the court received [17,092 restraining order applications](#), about two thirds of them for family violence restraining orders. Behind many of those forms is a person who has been hit, stalked, threatened or slowly controlled, and who needs the law to act before the next incident rather than after it. Any honest discussion of this system has to begin there, because the consequence of getting protection wrong is sometimes counted in funerals.

When the WA Ombudsman examined 30 family and domestic violence deaths, it found that in 17 of them at least one person involved had been granted a violence restraining order at some point, and that in one case the person who was killed had applied for an order and been refused ([Ombudsman WA, 2015](#)). Aboriginal people made up half of those killed but only 11 per cent of the people that family-relationship orders sought to protect. The best Australian review of the research finds that protection orders produce a modest but genuine reduction in further abuse ([Australian Institute of Criminology, 2018](#)). A system that hesitates to protect is not a neutral system. It simply moves the risk onto the person least able to bear it.

But a protective purpose does not excuse a system from being fair, and fairness is not a favour granted to the accused. It is how courts find the truth, and it is what gives an order its authority when it matters most, which is when someone is tempted to breach it.

How an order is made

Western Australia's Restraining Orders Act lets an applicant choose to have the first hearing without the other person present. That hearing is held in closed court, and the law says the magistrate [must accept the applicant's affidavit](#) in support of the matters alleged, and may decide the case on that evidence alone (section 28). There are good reasons for this. Warning a violent partner that you have gone to court can be dangerous, and Parliament has written into the Act that fear and coercion make it hard for victims to come forward at all.

The result, though, is an interim order made on one person's untested account. It takes effect the moment it is served. If it is a family violence or violence restraining order, it immediately prohibits the person from holding a firearm or a firearms licence (section 14). It can exclude them from a home they own and restrict contact with their own children.

The person served then has 21 days to fill in and return a form. If they tick "object", the matter goes to a hearing. If they tick "no objection", or if they do nothing at all, the interim order [becomes a final order](#) on the same terms, ordinarily for two years, without anyone looking at it again (section 32). There is a route back for people who had a reasonable excuse for missing the deadline, but they must apply, and in the meantime they are bound.

The number nobody updates

How often does silence make law? The only published answer this investigation could find is more than a decade old. In the Ombudsman's study period, 14,417 interim violence restraining orders were made. Of those, 6,351 became final without returning to court, against 2,867 that became final after a hearing. On those figures, roughly seven in ten final orders were never the subject of a final hearing. Some of those people were content with the order. Some did not dispute what had been alleged. Some were in prison, in hospital, sleeping rough, struggling with English, or convinced the order was already final. The data cannot tell them apart, and neither can the public.

That is the heart of the problem. It is not that we know the system is producing large numbers of unjust orders. It is that we cannot know, because the Magistrates Court's [published civil statistics](#) report how many applications are lodged and how many cases are finalised, but not how they end. There is no public count of orders made final by default, of contested hearings, of dismissals, of successful challenges, or of how long people wait.

Waiting is punishment for both sides

What we do know about waiting is not encouraging. In 2020 a cross-party Parliamentary committee found that the Magistrates Court was [taking too long](#) to hear and finalise family violence restraining order matters, that it lacked the judicial resources to cope, and that legal help for respondents was almost entirely unavailable. It also found that where both sides had lawyers, matters were generally resolved faster and orders were more likely to be obeyed. Applicants were short of help too.

Delay cuts both ways. An applicant whose order is eventually refused has spent months in limbo. A respondent whose order is eventually dismissed has spent months unable to go home, see their children freely or, in some jobs, work. Parliament foresaw this: where an interim order affects a person's home, children, workplace or a firearm needed for their occupation, the Act says the final hearing must be listed "as soon as practicable" (section 33). Nobody publishes whether that happens.

Consequences without findings

Since 31 March 2025, the stakes have risen. Under the new [Firearms Act 2024](#), a final family violence or violence restraining order, or a conduct agreement order, is a "disqualifying order". The [Firearms Regulations 2024](#) extend disqualification for five years after the order ends. On the face of the law, a two-year order that became final because a form was not returned can therefore remove a farmer's, a ranger's or a security officer's licence for about seven years.

The law is also clear that a conduct agreement, the mechanism designed to let people resolve these cases without a fight, is [not an admission](#) of anything alleged (section 10H). Yet for firearms purposes it is treated identically to an order made after a court has heard both sides and found violence proved. Taking guns out of the hands of people who pose a risk is sound policy, and the automatic prohibition while an order is in force should stay. The question is whether a consequence that outlives the order by five years should attach with equal force to orders that carry no finding of fact. That is a question for an independent review, not a slogan.

Misuse is real, and so is misidentification

Some readers will want this article to say that false restraining orders are rife. The evidence does not allow that claim, and anyone who makes it with confidence is guessing. No Western Australian data exists on how many applications are deliberately fabricated, and nobody can infer it from the fact that most applicants are women. Applications fail for many honest reasons, including that a court accepts past abuse but is not satisfied it will happen again.

What we can say is that Parliament itself acknowledged the risk. The Act directs police and courts dealing with family violence orders to identify the person most in need of protection and to recognise that [perpetrators might misuse the Act](#) to further their violence (section 10B). The Court of Appeal has held that using legal processes for an improper collateral purpose can itself be

intimidating abuse ([Baron v Walsh](#)). And national research has documented women who are victims being wrongly named as respondents, sometimes because their abuser got to the police station first ([ANROWS, 2020](#)). Systems abuse is not a men's rights talking point or a feminist one. It is a failure mode that harms whoever is on the wrong end of it, and the only defence against it is a system that checks its own work.

What should change

None of what follows requires weakening protection. The State should publish, every year, how interim orders end, how long contested hearings take, how many default orders are challenged and with what result, and how often courts make express findings that an application was knowingly false or that the wrong person was named. Respondents should receive a notice they can understand, in their own language, with a reminder before the 21-day deadline and clear instructions on how to object or seek a set-aside. Where an interim order removes someone from their home or children, or affects their livelihood, a magistrate should glance at the file before it becomes final by silence, while the interim order stays fully in force. Duty lawyers should be funded for both sides, as the Parliamentary committee recommended. Anyone considering a conduct agreement should be told, before signing, what it means for their firearms licence.

These are modest proposals. They cost less than the cost of one wrongful order or one refused application that ends in tragedy. They would also answer the question that this system has been allowed to avoid for too long: is it working?

A call for daylight

The Act requires a review of its family violence reforms. If that review has been completed, it should be published. If it has not, it is overdue. Either way, Western Australia needs an independent, transparent and evidence-based review of the whole restraining order system, with access to court data, the voices of applicants and respondents, Aboriginal leadership, and a mandate to report to Parliament. Victims deserve to know that the protection they seek will be timely and real. People accused deserve to know they will be heard before the State decides who they are. The public deserves to know that both promises are being kept.

A court order is the State's solemn word. It should never be given lightly, never be withheld carelessly, and never be made final simply because nobody was watching.

#RestrainingOrders #FamilyViolence #WALaw #AccessToJustice #ProceduralFairness #RuleOfLaw
#WesternAustralia #LawReform #Transparency

PART 8. DELIVERABLE H: PUBLIC-INTEREST REFORM SUBMISSION

To: The Hon. Attorney General of Western Australia; and the Chair, Community Development and Justice Standing Committee, Legislative Assembly, Parliament of Western Australia (or any committee or law reform body to which the matter is referred)

From: Ray Mancini, Perth, Western Australia

Date: October 2026

Subject: Transparency, procedural fairness and protection under the Restraining Orders Act 1997 (WA)

1. PURPOSE

This submission asks the Government and Parliament to commission an independent, evidence-based review of the Restraining Orders Act 1997, and to adopt immediate transparency measures. It is made in support of effective protection from violence and of procedural fairness, which are complementary aims.

2. THE PROBLEM

The Act allows interim family violence and violence restraining orders to be made without notice on affidavit evidence that the court must accept (s 28), and to become final orders if the respondent does not return a form within 21 days (s 32(2)). Final orders now carry a firearms disqualification lasting the life of the order and 5 years afterwards (Firearms Act 2024 s 9; Firearms Regulations 2024 r 6), including for conduct agreement orders that involve no admission (s 10H). The last published data on how interim orders become final dates from the Ombudsman's 2015 investigation, which recorded 6,351 interim orders becoming final without returning to court against 2,867 final orders made at hearing. Current Magistrates Court statistics report lodgments but not outcomes. A 2020 Parliamentary committee found delays, insufficient resourcing and an almost complete absence of legal help for respondents.

3. SUPPORTING EVIDENCE

- Restraining Orders Act 1997 (WA), consolidation 05-u0-01: ss 10B, 10D, 10H, 14, 26 to 33, 42, 61, 64.
- Firearms Act 2024 (WA) ss 5, 9; Firearms Regulations 2024 (WA) r 6.
- Ombudsman Western Australia, Investigation into issues associated with violence restraining orders and their relationship with family and domestic violence fatalities (2015).
- Community Development and Justice Standing Committee, Report No. 8, Opening doors to justice (2020), Findings 4 to 6, 15 to 18, 48, 54, 57.
- Magistrates Court of Western Australia, Civil Report 2018/2019 to 2022/2023 (2024).
- Law Reform Commission of Western Australia, Project 104 Final Report (2014).
- ANROWS Research Report 23/2020; Australian Institute of Criminology, Trends and Issues No. 551 (2018).
- Baron v Walsh [2014] WASCA 124; Dawes v Coyne [2000] WASCA 134; Bindai v Armstrong [2016] WASC 341; Rowe v Gaunt [2013] WASC 90.

4. RECOMMENDATIONS

1. Publish annual de-identified outcome statistics by order type, including each finalisation pathway, set-aside applications and results, time to final hearing, representation rates and demographic breakdowns.
2. Table and publish the review required by s 73A, and legislate for an independent five-yearly review of the whole Act.
3. Redesign the respondent notice in plain language and community languages, with a reminder before the 21-day deadline and clear set-aside instructions.
4. Introduce a targeted magistrate check before default finalisation of interim orders containing restraints listed in s 33(2), with the interim order remaining in force.
5. Adopt and report against a time standard for s 33(2) priority hearings.
6. Fund duty lawyers for both applicants and respondents, as recommended in Report No. 8.
7. Require advice on firearms consequences before consent and conduct agreement orders, and independently review the proportionality of the 5-year post-order disqualification for orders made without findings, retaining the automatic prohibition while orders are in force.
8. Record express judicial findings of deliberate falsehood or misidentification, with a referral protocol and aggregate reporting, without penalising unsuccessful applicants.
9. Implement police guidance on identifying the person most in need of protection and Aboriginal-led measures to improve access to protection.
10. Within three months, publish a staged implementation schedule that identifies which measures will begin immediately within existing resources, which will be introduced within a stated period, and which need more substantial preparation, with the responsible officer, lawful basis, cost driver and success indicator for each (see Deliverable I).

5. SAFEGUARDS

No recommendation removes the ability to obtain urgent protection without notice, requires applicants to attend additional hearings, or penalises applicants whose allegations are not proved. Data publication should be aggregate with small-cell suppression. Any change to firearms consequences should be informed by police and victim advocate advice on lethality risk.

6. QUESTIONS REQUIRING OFFICIAL ANSWERS

1. In each year since 2017, how many interim FVROs and VROs became final by non-return of the endorsement copy, by endorsed consent, by conduct agreement or consent order, and after a contested hearing?
2. How many applications to set aside default final orders under s 32(5) were lodged, and how many succeeded?
3. What is the current median and 90th percentile time from objection to final order hearing, and for s 33(2) priority matters?
4. Has the s 73A review been completed and tabled? If so, when and where?
5. How many firearms authorities have been suspended or revoked since 31 March 2025 because of interim or final restraining orders, and how many because of conduct agreement or consent orders?
6. Does the court or Department record express judicial findings that an application was knowingly false or that the wrong person was named? If so, how many in each year?
7. What proportion of respondents and applicants are legally represented at final order hearings?

8. What steps have been taken on the Ombudsman's 2015 recommendations on Aboriginal access to protection?
9. Which data fields does the Magistrates Court case management system record for each restraining order event, and can aggregate outcome data be produced from existing records without new system work?
10. What is the lawful basis, under s 70A of the Restraining Orders Act and the Privacy and Responsible Information Sharing Act 2024, for sharing respondent identity and contact details between WA Police and the court?
11. Which of the measures in this submission can begin immediately within existing resources, and which will the Government not pursue, and why?

APPENDIX A. QUALITY ASSURANCE AUDIT

Audit question	Result
All provisions checked against current legislation?	Sections 1 to 43 read in full from consolidation 05-u0-01. Sections 43A onward verified by heading, official guidance, case law or 1997 text; flagged where wording unverified (ss 44A to 44F, 49D, 63D, 65, 66, 69, 70, 73A).
VROs, FVROs and MROs distinguished?	Yes. Section 2 table; MRO excluded from ex parte, default and automatic firearms findings.
Deadlines and procedures verified?	Yes for 21-day objection, default, set-aside, durations, police orders, appeals (21 days, District Court).
Cases genuine and accurately summarised?	Cases located in a recognised bench book database and a High Court disposition. Full judgments not read; flagged.
Statistical denominators and periods clear?	Yes; Magistrates Court counting units stated; Ombudsman figures dated and caveated.
Unsuccessful applications distinguished from fabrication?	Yes; Section 6 taxonomy and thresholds.
Gender claims tested?	Yes; classified as unsupported on current data; data requirements specified.
Safety risks and counter-evidence addressed?	Yes; Ombudsman fatality and Aboriginal access findings, AIC effectiveness evidence, safeguards in every reform.
Applicants, respondents, children and workers considered?	Yes; Sections 9 to 12.
Legal conclusions separated from opinion?	Yes; classification labels.
Reforms tested for unintended consequences?	Yes; risk column in Deliverable F.
Unsupported or exaggerated claims?	Article checked: all figures sourced; misuse prevalence explicitly not asserted.
Missing sources or contradictions?	Breach penalty conflict (\$6,000 older form versus \$10,000 current guidance) resolved in favour of current guidance. Newer Magistrates Court report and s 73A review not located.
Reforms tested for cost and implementability?	Yes; Deliverable I classifies every measure (A to D), tests information, lawful exchange, resources, privacy, safety and reliance risks, and sets pilots, indicators and a staged plan. Costs are relative, not dollar estimates.
Could a judicial officer trace each conclusion?	Yes, subject to the verification flags in Appendix B.

APPENDIX B. RESEARCH LIMITATIONS AND VERIFICATION TASKS

- Full current text of ss 43A to 79F was not retrievable through the tools used; the official HTML truncated after s 43A. Readers relying on these provisions should verify ss 44A, 44C, 49D, 63D, 65, 66, 69, 70 and 73A against the official PDF.
- Restraining Orders Regulations 1997 and Magistrates Court rules and forms (including the endorsement copy wording) were not reviewed.
- Case summaries come from the National Domestic and Family Violence Bench Book case database; read the full judgments on AustLII or eCourts before quoting them.
- The Parliamentary committee's Chapter 8 discussion of sanctions for vexatious proceedings and false evidence could not be read in full.
- Firearms Act 2024 review rights, exemptions and s 378 (as described by Mondaq) were not verified against the enacted text.
- Victorian, Queensland and NSW comparisons used official or authoritative secondary guidance rather than full statutory text in some cases.
- A Magistrates Court civil report later than 2018/19 to 2022/23 may exist; none was located.
- No figures on employment or financial harm were located; none are asserted.
- Implementation feasibility (Deliverable I) relies on published descriptions of court, police and Legal Aid services. The fields held in the court's case management system, the current text of ss 70A and 71, the application of the PRIS Act to courts' judicial functions, and the findings of the Legislative Council's Report 51 on the Firearms Act 2024 were not verified. No reliable costings exist; cost magnitudes are relative.

APPENDIX C. SOURCE REGISTER

Source	Responsible body; date	Type	Used for
Restraining Orders Act 1997 (WA) 05-u0-01	Parliamentary Counsel's Office; current from 25 Sep 2025	Legislation	All legal findings
Version history	PCO	Legislation metadata	Chronology
Restraining Orders Act 1997 as passed	PCO; 1997	Historical legislation	s 69 and s 64 original text
Firearms Act 2024	PCO	Legislation	Disqualifying orders
Firearms Regulations 2024	PCO	Regulation	5-year period
WA Police disqualifying orders FAQ	WA Police Force	Official guidance	Licence suspension and revocation
Magistrates Court Civil Report	Department of Justice; 31 May 2024	Statistics	Lodgments and finalisations
Ombudsman WA executive summary	Ombudsman WA; 2015	Statutory investigation	Default finals, demographics, fatalities
CDJSC Report No. 8	Parliament of WA; tabled 13 Aug 2020	Parliamentary inquiry	Delay, legal assistance
Lawyers Weekly	Lawyers Weekly; 17 Aug 2020	Journalism	Secondary report of committee figures
LRCWA Project 104	Law Reform Commission of WA; 2014	Law reform report	Context on misuse criticism
ANROWS 23/2020	ANROWS; 2020	Research	Misidentification
AIC Trends and Issues 551	Australian Institute of Criminology; June 2018	Systematic review	Effectiveness
DSS summary of FVLR Act 2020	Commonwealth DSS	Government summary	2020 reforms, conferencing
Legal Aid WA breach page; set-aside page	Legal Aid WA	Official guidance	Penalties, set-aside
District Court appeals page	District Court of WA	Court guidance	Appeals
NSW Local Court Bench Book	Judicial Commission of NSW	Bench book	NSW comparison
Queensland Law Handbook	Caxton Legal Centre	Legal guide	Queensland comparison
SA Law Handbook	Legal Services Commission SA	Legal guide	SA comparison
Victoria Legal Aid	Victoria Legal Aid	Official guidance	Victorian comparison
Sanchez v Leigh [2026] HCADisp 55	High Court; 12 Mar 2026	Judicial	Appellate pathway
Magistrates Court practice directions	Magistrates Court of WA; list as at 29 Jun 2026	Court guidance	Existing levers (Deliverable I)
FVRO conferencing	Magistrates Court of WA	Court guidance	Conferencing sites
Respondent guidance transcript	Magistrates Court of WA	Court guidance	Existing respondent information
Get help with restraining orders	Legal Aid WA	Official guidance	Existing legal help

Source	Responsible body; date	Type	Used for
Privacy and Responsible Information Sharing	WA Government	Official guidance	PRIS Act commencement
PRIS Act commentary	Panetta McGrath; Jul 2026	Legal commentary	PRIS Act coverage
SAT firearms review	State Administrative Tribunal	Tribunal guidance	Firearms review rights
ALSWA submission on Firearms Act 2024	Aboriginal Legal Service of WA; Jul 2025	Submission	Firearms review context
Report 51, Firearms Act 2024	Legislative Council Standing Committee on Legislation	Parliamentary report	Located but not read
Queensland SMS reminders; NSW court reminders	Queensland Courts; NSW Government	Official guidance	Reminder models
National DFV Bench Book case database (cases in Deliverable D)	AustLII Communities	Case summaries	Case register

PROTECTION, PROCEDURAL FAIRNESS AND THE ADMINISTRATION
OF JUSTICE

THE CENTRAL PROBLEM IS NOT PROVEN WIDESPREAD MISUSE. IT IS OPACITY.

- A EXECUTIVE BRIEFING
- B FULL FORENSIC DOSSIER
- C LEGISLATIVE AUDIT MATRIX
- D EVIDENCE AND CASE-LAW REGISTER
- E DATA AND ACCOUNTABILITY PLAN
- F REFORM PROPOSAL AND STATUTORY SCHEDULE
- G PUBLIC OPINION ARTICLE
- H PUBLIC-INTEREST REFORM SUBMISSION
- I IMPLEMENTATION FEASIBILITY AND STAGED PLAN

INDEPENDENT RESEARCH AND PUBLIC-INTEREST ANALYSIS. NOT LEGAL ADVICE.
PROPOSED STATUTORY WORDING IS ILLUSTRATIVE ONLY AND IS NOT EXISTING LAW.
ANYONE AFFECTED BY A RESTRAINING ORDER SHOULD SEEK ADVICE FROM A LAWYER,
LEGAL AID WA OR A COMMUNITY LEGAL CENTRE.