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25 November 2018

The Committee Secretary
Legal Affairs and Community Safety Committee
Parliament House
George Street
BRISBANE QLD 4000

By email: LACSC@parliament.qld.gov.au

Dear Committee

RE: HUMAN RIGHTS BILL 2018

knowmore legal service supports the enactment of a Human Rights Act in Queensland. We commend the introduction of the Human Rights Bill 2018 to achieve that outcome, and we thank the Committee for the opportunity to contribute to its inquiry into that Bill.

We endorse the submission of Women's Legal Service Queensland, particularly in relation to the position of victims of criminal offences. As a legal service providing support to survivors of child abuse, we are particularly concerned to see their rights recognised in Queensland's Human Rights legislation.

Our service

knowmore is a nation-wide, free and independent community legal centre providing legal information, advice, representation and referrals, education and systemic advocacy for victims and survivors of child abuse. Our vision is a community that is accountable to survivors and free of child abuse. Our mission is to facilitate access to justice for victims and survivors of child abuse, and to work with survivors and their supporters to stop child abuse.

Our service was initially established in 2013 to assist people who were engaging with or considering engaging with the Royal Commission into Institutional Responses to Child Sexual Abuse ('the Royal Commission'). knowmore was established by and operates as a program of the National Association of Community Legal Centres (NACLC), with funding from the Australian Government, represented by the Attorney-General's Department.

From 1 July 2018 NACLC has been funded to operate knowmore to deliver legal support services to assist survivors of institutional child sexual abuse to access redress under the National Redress Scheme ('the NRS'). knowmore assists survivors by providing information and advice about the

options available to them, including claims under the NRS, access to compensation through other schemes or common law rights and claims.

knowmore operates as a national community legal centre, using a multidisciplinary model to provide trauma-informed, client-centred and culturally safe legal assistance to clients. knowmore has offices in Sydney, Melbourne and Brisbane and brings together lawyers, social workers, counsellors and Aboriginal and Torres Strait Islander engagement advisors to provide coordinated support to clients.

In our Royal Commission related work, from July 2013 to 31 March 2018 knowmore assisted 8,954 individual clients. The majority of those clients were survivors of institutional child sexual abuse. 24% of the clients assisted during our Royal Commission work identified as Aboriginal and/or Torres Strait Islander peoples.

In undertaking this work, we assisted 2,571 clients living in Queensland. 29% of those clients identified as Aboriginal and/or Torres Strait Islander peoples.¹

In our work relating to the NRS, from 1 July to 31 October 2018 knowmore has completed intake processes for, and has assisted or is currently assisting, 2,703 clients. 56% of these clients are people who have previously engaged with knowmore, and 44% are new clients.²

Survivors of child abuse and the criminal justice system

The Royal Commission into Institutional Responses to Child Sexual Abuse (the Royal Commission) released its Criminal Justice report in August 2017. The Royal Commission found that changes to criminal justice responses were essential in helping survivors of sexual abuse to access justice for past abuse and in preventing child sexual abuse in the future.³

In this report, the Royal Commission made numerous recommendations in response to findings that the criminal justice system is often seen as not being effective in responding to crimes of sexual violence, including adult sexual assault and child sexual abuse, both institutional and non-institutional. Total conviction rates for child sexual assault offences are lower than most other offence categories. Research identified the following features of the criminal justice system's treatment of these crimes:

- Lower reporting rates
- Higher attrition rates
- Lower charging and prosecution rates
- Fewer guilty pleas
- Fewer convictions.⁴

¹ See knowmore, Service Snapshot (Infographic to 31 March 2018), attached to this submission, for further information about our clients residing in Queensland

² See knowmore, Service Snapshot (Infographic 1 July to 31 October 2018), attached to this submission, for further information about our NRS related service delivery

³ Commonwealth, Royal Commission into Institutional Responses to Child Sexual Abuse, *Criminal Justice Report*, (2017) 8.

⁴ Commonwealth, Royal Commission into Institutional Responses to Child Sexual Abuse, *Criminal Justice Report*, (2017) 9.

The Royal Commission found that the following issues were hurdles to a more effective criminal justice system for victims of childhood sexual abuse:

- The method in which police ask questions and the sort of details they seek from complainants. These often make cross-examination confusing for complainants and may inadvertently damage their credibility.
- A lack of understanding about court procedure and evidence-giving by the complainants. This includes knowing the purpose of evidence in chief and cross-examination, the detail of evidence required, difficult forms of questions used in cross examination.
- The need to repeatedly give evidence in subsequent trials or retrials which subjects the complainant to emotional burdens.
- A lack of schemes which help complainants with communication difficulties in interviews and trials.⁵
- The difficulty in convincing a jury beyond reasonable doubt where the only evidence of child sexual abuse is the complainant's evidence - thus the need for tendency and coincidence evidence and joint trials.⁶

Consistent with the observations made by Women's Legal Service in its submission, the Royal Commission's report also noted the importance of police responses to complaints of child sexual abuse in the criminal justice process, finding that police responses are particularly important because the way that police respond to people who report child sexual abuse can have a significant impact on the reporters' willingness to participate in the criminal justice system and their satisfaction with the criminal justice response.⁷ For this reason, recommendations 3-15 of the report focussed on making police more responsive, understanding and helpful to victims of childhood sexual abuse.

The first recommendation made by the Royal Commission in its Criminal Justice report was that the criminal justice system should be reformed so that the following objectives were met, being:

- the criminal justice system operates in the interests of seeking justice for society, including the complainant and the accused;
- criminal justice responses are available for victims and survivors; and
- victims and survivors are supported in seeking criminal justice responses.⁸

The above findings of the Royal Commission make it clear that an essential component for making reporting of child abuse easier and preventing its occurrence is reform to the criminal justice system. This is necessary as there are structural issues which make childhood sexual

⁵ Commonwealth, Royal Commission into Institutional Responses to Child Sexual Abuse, *Criminal Justice Report: Improvements for complainants in court factsheet*, (2017) 1-2.

⁶ Commonwealth, Royal Commission into Institutional Responses to Child Sexual Abuse, *Criminal Justice Report: Tendency and coincidence evidence and joint trials factsheet*, (2017) 3.

⁷ Commonwealth, Royal Commission into Institutional Responses to Child Sexual Abuse, *Criminal Justice Report*, (2017) 17.

⁸ Commonwealth, Royal Commission into Institutional Responses to Child Sexual Abuse, *Criminal Justice Report*, (2017) 14.

abuse an under-reported and under-prosecuted crime. A Human Rights Bill which enshrines the rights of defendants in criminal trials, but does not do the same for victims, may adversely impact upon the potential implementation of the structural reforms needed to afford improved access to justice for victims of child abuse.

For these reasons, we support and endorse the amendments suggested by the Women's Legal Service in its submission to the Committee.

Thank you again for the opportunity to make this submission. If you have any queries, please contact me.

Yours faithfully

A handwritten signature in black ink, appearing to read 'W. Strange', written in a cursive style.

WARREN STRANGE

Executive Officer

knowmore

Data Snapshot – Queensland

as at 31 March 2018

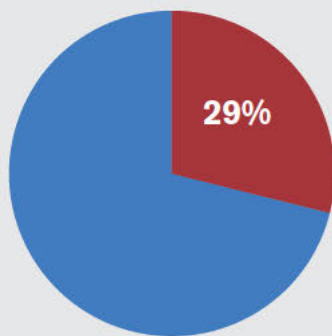


knowmore is an independent service giving free legal advice to people who are considering telling their story or providing information to the Royal Commission into Institutional Responses to Child Sexual Abuse.

This snapshot provides data about our clients living in Queensland

Our clients

knowmore began providing services to the public on 8 July 2013 – as at 31 March 2018, we've helped:



2571

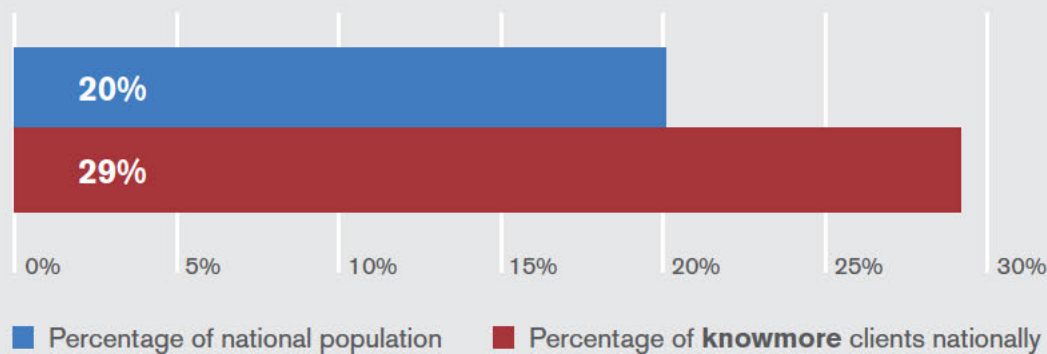
knowmore Queensland clients



8954

Total number of knowmore clients

State representation



Percentage of national population living in QLD

Against

Percentage of knowmore clients living in QLD

■ Percentage of national population

■ Percentage of knowmore clients nationally



30%

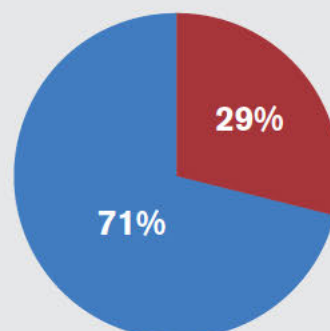
Identified as female



70%

Identified as male

Aboriginal and Torres Strait Islander clients



■ Identify as Aboriginal or Torres Strait Islander People

Brisbane office

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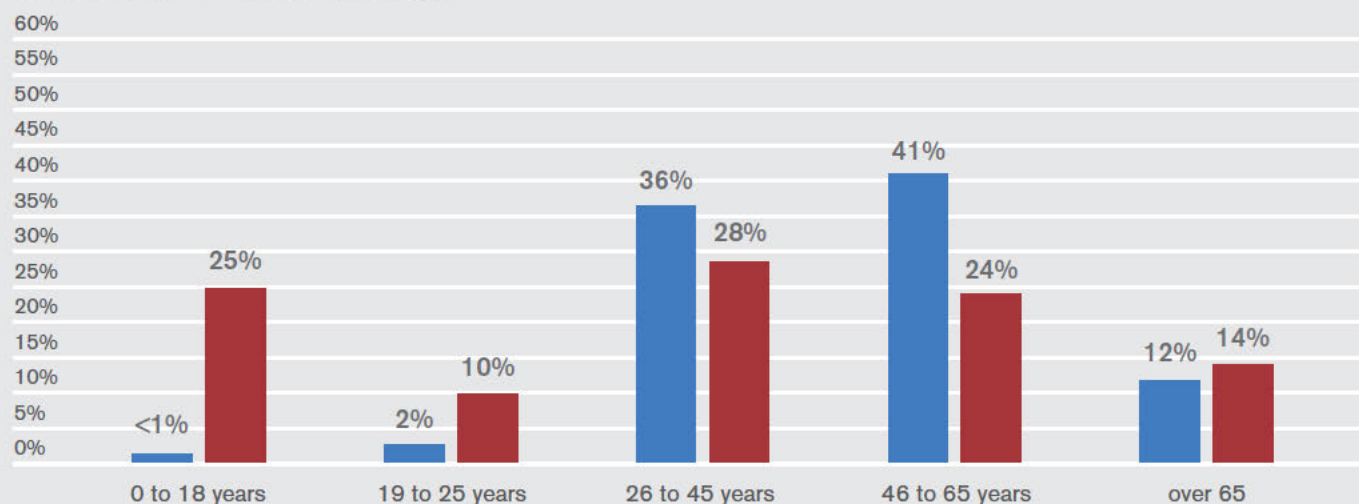
knowmore

Data Snapshot – Queensland

as at 31 March 2018



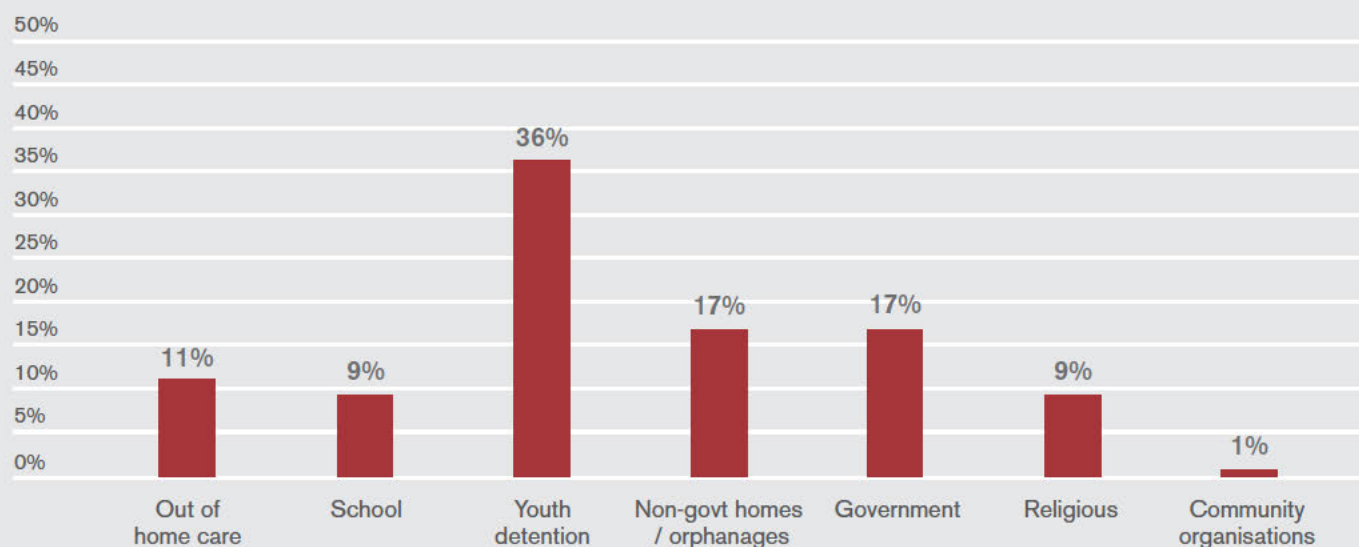
Our clients – Age groups



Percentage of Queensland based **knowmore** clients per age group

Against percentage of Queensland population per age group

Institutions in Queensland where our clients report experiencing childhood sexual abuse



Out of home care: care provided to children who could not be cared for by their parents, including foster care

School: State and private primary and secondary schools

Youth detention: facilities run by the state government for people under 18yrs

Non-govt homes/orphanages: homes run mainly by religious organisations

Government: Government departments and agencies

Religious: Religious settings including churches and church run activities such as camps

Community Organisations: Organisations providing recreational activities to children

knowmore

Free legal help to navigate
the Royal Commission

knowmore

National Redress Scheme

1 July 2018 – 31 October 2018

Total calls and clients



7843

Total 1800 calls nationally (637 in first two days)



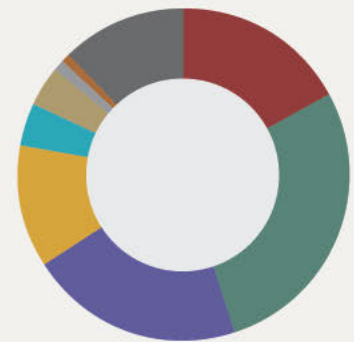
2703

clients (intake completed)

44%

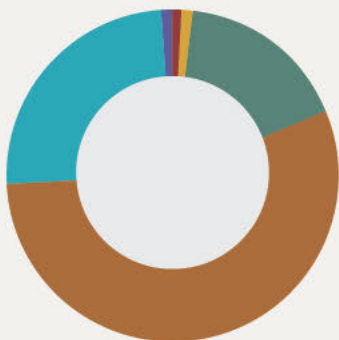
new clients

Calls came from



NSW	17%
QLD	28%
VIC	21%
WA	12%
SA	5%
TAS	3%
ACT	1%
NT	1%
International/Other	12%

Age As at 16 October 2018



0-18	<1%
19-25	1%
26-45	17%
46-65	56%
66-85	25%
86+	<1%

Our clients



12%

priority clients



23%

identify as Aboriginal and/or Torres Strait Islander



32%

identified as female



68%

identified as male

knowmore free legal help for survivors

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* Notes re Priority Clients

Clients are allocated priority where they are of advanced age, and/or have identified immediate and serious health concerns such as a diagnosis of terminal cancer or other life-threatening illnesses.

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National Redress Scheme

1 July 2018 – 31 October 2018

Service delivery

Lawyers and paralegals



37

Social workers/counsellors



6

Aboriginal and Torres Strait Islander engagement advisors



6

Intake and client services staff



11

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knowmore free legal help
for survivors

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knowmore is a program of National Association of Community Legal Centres ABN 67 757 001 303 ACN 163 101 737.

NACLC acknowledges the traditional owners of the lands across Australia upon which we live and work. We pay deep respect to Elders past and present.

Image inspired by original artwork by Dean Bell depicting knowmore's connection to the towns, cities, missions and settlements within Australia.