




Speech By
Jennifer Howard

MEMBER FOR IPSWICH

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VICTIMS OF CRIME ASSISTANCE AND OTHER LEGISLATION AMENDMENT BILL; BAIL (DOMESTIC VIOLENCE) AND ANOTHER ACT AMENDMENT BILL

 **Ms HOWARD** (Ipswich—ALP) (10.15 pm): Tonight I rise to speak in support of the Victims of Crime Assistance and Other Legislation Amendment Bill 2016. I am not going to say too much about the Bail (Domestic Violence) and Another Act Amendment Bill 2016, other than to say that I know that this government will be making some amendments to the private member's bill to ensure that the outcomes are effective and workable. I support that, because the issue of domestic violence and protecting victims is far too important to play games or politics with. As a government, we have a duty of care to the communities that we represent. It is our responsibility not only to represent the interests of our constituents but also to ensure that there are systems in place that will assist people in their time of need. Victims of crime, particularly sexual assault, are such people. They are placed in an incredibly difficult situation and need the assistance of the state to ensure that the best outcomes are available to them. I am very proud to be speaking on this amendment bill, as it will assist in ensuring that our citizens are protected in times of need and have a simplified system at their disposal.

The bill as represented here has three main objectives. The first is to implement all 15 recommendations of the final report on the review of the Victims of Crime Assistance Act 2009, the VOCA Act, and ensure that that act continues to provide an effective response to assist victims of crime. The second objective is to implement the government's commitment to establishing in Queensland a sexual assault counselling privilege, a SACP, in response to recommendation 130 of the special task force on domestic and family violence in Queensland report. Finally, the bill will provide that the victims or alleged victims of a sexual offence who are to give evidence in a criminal proceedings against the accused will be automatically classified as a special witness.

Many victims of a sexual offence are reluctant to seek assistance after experiencing such a cruel act. It may be that it was caused by a close friend, a relative or a complete stranger, but the pain is neither worsened nor lessened depending on the perpetrator. Unless one of us here has been the victim of such an act, it can be almost impossible to know the trauma that they have undergone. As representatives, we need to ensure that we take every step possible to assist victims in coming forward. Even if we cannot punish the perpetrators, we have a responsibility to people to ensure that they can come forward to seek assistance.

I am pleased that we have made the decision to implement a sexual assault counselling privilege. As it stands in Queensland, when a victim of sexual assault seeks counselling regarding quite possibly the worst event in their lives, that communication can be disclosed to the court without the victim's consent. This is a massive slap in the face to those victims. Already they have experienced a violent attack that has irreparably damaged their right to consent and, as a state, we cannot condone that action any further. Encouraging a victim to seek counselling following a sexual assault is important to the recovery process, providing an invaluable safe space that ensures victims can express the hurt and pain that they may be suffering, while developing the skills and the tactics they need to come to terms

with and to defeat the act. I am very proud to be a part of the Palaszczuk government and I make particular mention of the Attorney-General, Yvette D'Ath, and Minister Shannon Fentiman who have taken this important step in ensuring Queenslanders seek and receive the assistance they need.

The amendment to the Evidence Act will ensure, among other things, that the SACP will apply to an oral or written communication made in confidence by a victim to a counsellor, by the counsellor to or about the counselled person, or by a parent, carer or other support person. This privilege will be an absolute privilege, so a person will not be able to access the protected counselling communication unless the privilege is waived or lost. In other criminal proceedings, be it a trial or sentence and proceedings under the Domestic and Family Violence Protection Act 2012, a qualified privilege will apply.

This means that if a privilege is not waived or lost, the accused can access the protected counselling communication if the court grants leave having regard to specified criteria. If the victim so chooses, the SACP can be waived to ensure that if they are comfortable their confessions can be used to assist courts and police. Finally, in civil proceedings the SACP will apply where a court has determined that it applies in a criminal proceeding and the same facts are in issue in the civil proceedings. This rigorous framework will ensure that our constituents are provided with an initial stress free environment and will hopefully encourage them to come forward and find the assistance that they may require.

I would also like to bring attention to the change that will allow victims and alleged victims of a sexual offence who are to give evidence in a criminal proceeding against the accused to be automatically classified as a special witness. To me this is one of the strongest elements of the bill.

Every type of trauma affects people differently and it should never be the responsibility of the victim to prove that this incident has affected them more greatly than it has any other. By providing these victims with an automatic classification as a special witness, those who live daily with the deep and undying fear of the perpetrator can come forward and provide the critical evidence needed to hopefully prosecute these individuals.

We as a state have been saying for years that sexual violence is not on, that it is one of the most heinous acts that can be committed. With one in five Australian women reporting having experienced sexual violence it is imperative that we get as many women as possible coming forward and telling their stories and getting the assistance that they desperately need.

This bill has provided the foundations necessary to ensure that no matter the case, victims can feel safe and secure coming forward with information that they may never have wanted to share. We can be proud today as Labor politicians and members of the Palaszczuk government to have fought for these individuals and potentially ensure happiness and wellbeing for generations to come.