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20th October 2016

Department of Justice and Attorney General

State Law Building

50 Ann Street

Brisbane QLD 4000

Attention: Review Body

Via email transmission: VOCAAReview@justice.qld.gov.au

ATSILS' (Qld) Ltd. Submission to DJAG on The Consultation Draft of Victims of Crime Assistance and Other Legislation Amendment Bill 2016.

Dear colleague,

The Aboriginal and Torres Strait Islander Legal Services (QLD) Ltd (ATSILS) welcomes and appreciates the opportunity to make a submission on the Consultation Draft of Victims of Crimes Assistance and Other Legislation Amendment Bill 2016 (the Bill).

ATSILS provides legal services to Aboriginal and Torres Strait Islander peoples throughout Queensland. Our primary role is to provide criminal, civil and family law representation. We are also funded by the Commonwealth to perform a State-wide role in the key areas of Community Legal Education and Early Intervention and Prevention initiatives (which include related law reform activities and monitoring Indigenous Australian deaths in custody). As an organisation which for over four decades has practised at the coalface of the justice arena, we believe we are well placed to provide meaningful comment. Not from a theoretical or purely academic perspective, but rather from a platform based upon actual experiences.

COMMENTS ON THE BILL

ATSILS is pleased to provide our support to the Bill.

ATSILS supports the Sexual Assault Counselling Privilege (SACP) amendments which has been based on Recommendation 130 of the, *Not Now, Not Ever: Putting an End to Domestic and Family violence in Queensland Report*. These amendments ‘broadly restrict the release of communications involving a victim, or alleged victim, of a sexual assault and a counsellor’¹. The amendments ‘strike a balance between the right to a fair trial and the public interest in preserving the confidentiality of counselling communications, but allowing access to, or disclosure of, protected communications, only if the court is satisfied certain criteria are met and the disclosure is in the public interest’². Maintaining confidentiality may aid the sexual assault victim, to seek counselling, as the risk of what they say to the counsellor, being disclosed to the accused or the court, is reduced.

Additionally, ATSILS supports the *Victims of Crime Assistance Act 2009* amendments, which have been based on the Recommendations from *the Final Report on the review of the Victims of Crime Assistance Act 2009* (VOCA Review Report). These amendments propose changes to: the eligibility for financial assistance; enhances the approval of applications by streamlining processes and improving operational efficiency; enlarges recognition of the rights of victims of domestic and family violence and how they are treated; and increases information sharing with Victim Assist Queensland, before a decision about an application for financial assistance, is made. The said changes are a welcomed approach to provide a victim focussed process.

The draft amendments also include financial assistance changes: to increase funeral assistance from \$6,000 to \$8,000; remove prescribed minimum and maximum amounts of special assistance, to be replaced with one amount ranging from \$1,000 to \$10,000 over 4 categories; and remove the pools of assistance which capped the overall amount that could be claimed by a group of people, for one act of violence, to individual applications

¹ Queensland Government, *Sexual Assault Counselling Privilege (SACP) amendments* (Fact Sheet) (2016)1.

² Special Taskforce on Domestic and Family Violence in Queensland, Parliament of Queensland, *Not Now, Not Ever: Putting an End to Domestic and Family Violence in Queensland* (2015), 317.

determined on their merits. The draft amendments are supported in that, they improve the timeliness and reduce the complexity of applications, while allowing individual circumstances to be taken into account.

In closing, once again our thanks for this opportunity to provide feedback on the Consultation Draft of Victims of Crime Assistance and Other Legislation Amendment Bill 2016.

Please do not hesitate to contact us at our head office in Brisbane should you have any questions or require any clarification.

Yours faithfully,

A handwritten signature in black ink, appearing to read "Shane Duffy". The signature is written in a cursive, flowing style with a large initial 'S' and 'D'.

Shane Duffy

Chief Executive Officer