



LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

STANDING COMMITTEE ON JUSTICE AND COMMUNITY SAFETY
Mr Peter Cain MLA (Chair), Dr Marisa Paterson (Deputy Chair),
Mr Andrew Braddock MLA

Submission Cover Sheet

Inquiry into the Justice and Community Safety Bill 2022

Submission Number: 001

Date Authorised for Publication: 14 December 2022

Our Ref: CM:22103

2 December 2022

[REDACTED]
Standing Committee on Justice & Community Safety
ACT Legislative Assembly
GPO Box 1020
Canberra ACT 2601

By email: lacommitteejcs@parliament.act.gov.au

Dear Committee Members

RE: Justice and Community Safety Legislation Amendment Bill 2022 (No. 2) – Amendments to the *Evidence (Miscellaneous Provisions) Act 1991*.

Thank you for the invitation to make a submission on these reforms. The Women's Legal Centre ACT ('the Centre') applauds the ACT Government for their continued initiatives to improve the experience of victim-survivors in the criminal justice system, and we support the proposed amendments to the Evidence (Miscellaneous Provisions) Act 1991.

About the Women's Legal Centre ACT

The Women's Legal Centre is a specialist community legal centre. We serve women who generally cannot access legal advice or support through any other means. Our main legal practice areas are family law, family violence, migration, employment, discrimination, sexual harassment, and victims of crime.

The Centre provides legal assistance across the spectrum of activities, including legal information and referral, legal advice and representation, and litigation. The Centre provides legal services within a multi-disciplinary and trauma-informed practice model that incorporates social work, cultural supports, and collaborative service models to provide wrap-around support to those most affected by systemic disadvantage and at-risk clients.

The Centre also provides community legal education and input on law and policy development to build government and community capacity to work towards deeper



legal and cultural change to redress power imbalances and address violence and gender inequality.

The Proposed Amendments

The Women's Legal Centre ACT is supportive of the proposed amendments to admit evidence recorded in a court room, with a witness' consent. This is one step closer to making our criminal justice processes more trauma-informed, by:

- Optimising choice for victim-survivors when they have such limited choice in this process; and
- Mitigating trauma risks of having to provide evidence again in circumstances where a trial has been affected due to actions beyond the witnesses' control. This process can be highly triggering for victim-survivors, where victim-survivors may opt-out of pursuing or defending appeals and/or engaging in a retrial if they have 'to start all over again'.

This process may also provide some efficiencies to the courts by streamlining these processes.

Services for Victim-Survivors

However, victim-survivors should also have access to legal advice about making this choice, and about the process more generally noting there is currently no dedicated legal service to provide legal advice to victim-survivors about criminal justice processes. Whilst there are victim-survivor support services, they are unable to provide legal and strategic advice about optimising engagement in the criminal justice system and this is a known gap in this space.

The Centre would welcome the opportunity to discuss this submission and the Centre's front-line experience with victim-survivors seeking legal advice about judicial processes. Please contact us if you wish to discuss further.

Yours sincerely,



Claudia Maclean

Principal Solicitor

