



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

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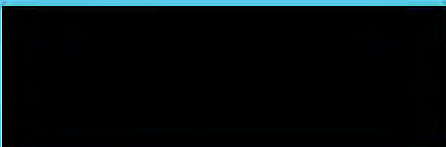
AFPA

Australian Federal
Police Association

***Inquiry into Justice and Community Safety
Legislation Amendment Bill (No 2) 2022***

Standing Committee on Justice and Community Safety

Submission by the Australian Federal Police Association



Email: afpa@afpa.org.au

Acknowledgments

The AFPA welcomes and thanks the Standing Committee on Justice and Community Safety (**the Committee**) for the opportunity to provide a submission for the *Inquiry into Justice and Community Safety Legislation Amendment Bill (No 2) 2022*.

As part of the inquiry into the *Justice and Community Safety Legislation Amendment Bill (No 2) 2022*, the AFPA acknowledges that the Committee is only inquiring into the *Evidence (Miscellaneous Provisions) Act 1991* section.

The AFPA approves this submission to be made public at the discretion of the Committee.

Overview of the AFPA

The AFPA is a registered organisation and an autonomous sub-branch of the Police Federation of Australia. The AFPA represents the industrial, political, and professional interests of members of the Australian Federal Police (**AFP**) and ACT Policing (**ACTP**), law enforcement officials in the Australian Criminal Intelligence Commission, and members of the Department of Parliamentary Services.

Our members provide an essential service to Australia and the Australian Capital Territory (**ACT**). They are the backbone of the ACT and the Commonwealth's principal law enforcement agency, performing crucial investigative, intelligence and national security functions.

The AFP is responsible for:

- providing community policing services to the Australian Capital Territory and other territories, including Christmas Island, Cocos (Keeling) Islands, Norfolk Island and Jervis Bay,
- enforcing Commonwealth laws that combat complex, transnational, serious and organised crime, child exploitation, fraud, corruption, and cybercrime,
- protecting Australians and Australian interests from terrorism and violent extremism,
- removing illegally obtained assets and property from criminals,
- protecting Commonwealth infrastructures such as designated airports, Parliament House, and embassies,
- protecting domestic and foreign dignitaries, including the Governor-General, Prime Minister, and ambassadors,
- protecting at-risk individuals,
- representing Australian policing and law enforcement at an international level, and
- developing unique capabilities and employing advanced technology to support Australia's national interests.

Justice and Community Safety Legislation Amendment Bill 2002 (No 2)

The AFPA has reviewed the *Justice and Community Safety Legislation Amendment Bill (No 2) 2022* (**the Bill**), in particular *Part 3 – Evidence (Miscellaneous Provisions) Act 1991*.

The AFPA supports the draft bill as it would amend the *Evidence (Miscellaneous Provisions) Act 1991*: if the Court allowed a vulnerable witness to give evidence under *section 68(3)* of the Act, that evidence would then be audio-visually recorded (under the consent of the complainant) and the recording would be admissible in any related proceeding.

Also, the alignment to better practice with New South Wales is also welcomed by the AFPA.

The AFPA believes that reducing the potential for trauma to complainants is essential for their physical and mental well-being and supports any outcomes which would avoid or minimise complainants having to relive the trauma of the incident after already having given evidence.

While the AFPA generally supports the amendments to the *Evidence (Miscellaneous Provisions) Act 1991*, the background and timing of the Bill suggest that it was hastily designed to address a specific recent judicial hearing.

The AFPA sympathises with those previous complainants and victims who have undergone similar experiences without the privilege of having the Director of Public Prosecutions promptly contact the Attorney-General to rush through legislation to address an issue.

Given that consultation only occurred with selected organisations who were given a brief period to review the bill, community expectations for consultation have clearly not been met during the review process.

The AFPA is unsure if any complainants or victims were consulted with or had the opportunity to review the amendments to *Part 3 – Evidence (Miscellaneous Provisions) Act 1991* within the Bill; if they didn't, the opportunity for their voices to be heard on this matter should have been extended before the Bill was presented in the Legislative Assembly and referred to the Committee.

Conclusion

The AFPA supports the *Crimes Legislation Amendment Bill (No 2) 2022, particularly Part 3 – Evidence (Miscellaneous Provisions) Act 1991*.

The Committee may be in a position to question the ACT Attorney-General about the timing of the bill, as well as how many complainants and victims had been impacted by the original legislation, before the ACT Attorney-General tabled the bill.

While the bill is important, just as important will be the guidelines and practical guides developed by the ACT Courts and Department of Justice and Community Safety in managing and implementing this legislation amending.

The AFPA believes that the guidelines and practical guides will have to be comprehensive, and consider aspects such as, but not limited to, audio-visual quality and possible editing, freedom of information implications, and audio-visual storage requirements.



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