

In reply please quote: 2005/01391

Mr Neil Laurie
The Clerk of the Parliament
Parliament House
George Street
BRISBANE QLD 4001

Dear Mr Laurie

Thank you for your letter of 9 March 2005 forwarding a copy of the petition on improvements to the justice system and the legal rights for victims of crime sponsored by Ms Carolyn Male MP and tabled as paper number 364-04 on 8 March 2005.

People whose lives have been disrupted by crime are often suffering from shock and feel confused about what the criminal justice system expects of them. It is well recognised that the legal process can seem very impersonal, even frightening. If justice is to be done, it is important that those who have already been hurt are understood and given genuine help with their individual concerns.

This Government has undertaken a variety of initiatives and legislative changes in order to assist victims of crime of all ages.

- **Guiding Principles:** The *Criminal Offence Victims Act 1995* establishes principles of justice for victims of crime, and makes provision for the payment of compensation to them. This Act guides the response of public officials and agencies to victims of crime. This Act outlines the Fundamental Principles of Justice for Victims of Crime, principles that are to be regarded by public officials and entities when interacting with victims of crime. The Fundamental Principles make provisions for all victims to:-
 - Receive fair and dignified treatment;
 - Be given access to the State's system of justice;
 - Be provided with information regarding crime prevention methods;
 - Have their privacy protected;
 - Have their version of events be reported by law enforcement agencies in a timely manner;
 - Be protected from intimidation and violence by the accused person;
 - Have their welfare considered;
 - Have the opportunity to inform the court of the impacts the crime has had on them prior to sentencing;
 - Be informed about the investigation and prosecution of the accused; and
 - Have access to information about compensation and restitution, as well as available information about welfare, health, counselling, medical and legal help responsive to their needs.

A copy of this Act can be downloaded from the Office of the Queensland Parliamentary Counsel website: www.legislation.qld.gov.au . The Director of Public Prosecutions has issued a guideline to her staff and to those who act on her behalf, were written with regard to the Fundamental Principles of Justice for Victims of Crime as outlined above. This guideline is published in the Office of the Director of Public Prosecutions annual report which is readily available to any member of the public.

- **Victim Liaison Officers:** The Office of the Director of Public Prosecutions employs Victim Liaison Officers to help victims of violent crimes and their close family members. These officers give information to victims involved in the criminal justice process about the progress of their case and refer them to other organisations for specialised assistance, such as support and counselling. Each victim of violent crime receives assistance from a victim liaison officer when their matter is handed over to the Office of the Director of Public Prosecutions for prosecution. Staff at the Office of the Director of Public Prosecutions also refer victims of violent crimes to Legal Aid Queensland or to the Queensland Law Society for referral to a private solicitor for legal advice and assistance in seeking criminal injury compensation.
- **Evidence of Children:** In 2003, this Government introduced legislation improving the method of collecting and giving evidence by children. This legislation is a further example of the way in which the legal system has been adapted to assist victims of crime, in particular young victims of crimes. The *Evidence (Protection of Children) Amendment Act 2003*, which commenced on 5 January 2004, sets out general principles for dealing with a child witness. These principles include the requirement that the proceedings should be resolved as quickly as possible, reiterating that each child must be treated with dignity, respect and compassion. To achieve these principles the evidence of affected child witnesses is now recorded prior to the actual proceeding in the presence of a judicial officer. In the event that pre-recording is not possible, then the child's evidence is to be given at the proceeding but with the use of an audio visual link or with the benefit of a screen. It is intended that these measures will limit the trauma and extra distress sometimes associated with criminal proceedings.
- **Special Needs of Victims and Witnesses:** This Government has recognised that there may be some circumstances where victims and witnesses may have special needs when giving evidence. Therefore, in 2000, the definition of special witnesses under section 21A of the *Evidence Act 1977* was expanded to include a category of witnesses and victims who are likely to be disadvantaged because of a relationship to any party to the proceeding or because of the nature of the subject-matter of the evidence. In 2004, the scope of the definition was again enlarged by increasing the age of one category of special witnesses from under twelve (12) years of age to those under seventeen (17) years of age. These expanded provisions gives the Court a discretion to modify the way in which the evidence of a special witness is taken, for example with the use of an audio visual link or with the benefit of a screen, provisions for additional rest breaks, or a direction that questions for the special witness be kept simple. The law also protects vulnerable witness and victims in cases of physical and sexual violence by preventing a self-represented accused cross-

examining the witness. These are proactive measures intended to limit the understandable trauma faced by vulnerable witnesses and victims.

- **Access to Information:** To further ensure that victims of crime and their families have access to the best information available, extensive and easy to understand fact sheets containing relevant information can also be located on the Department of Justice and Attorney-General's website: www.justice.qld.gov.au The Director of Public Prosecutions guidelines, mentioned above, are also available from this website.
- **Criminal Injury Compensation:** *To be referred to Admin Law Branch for completion.*

The E-Petition raises concerns about police attitudes and training. I have taken the liberty of forwarding your correspondence to the Honourable Ms Judy Spence, Minister for Police and Corrective Service for a response to you on those issues.

I have also forwarded a copy of your correspondence to The Honourable Warren Pitt MP, Minister for Communities, Disability Services and Seniors, as he has the responsibility for the administration of the *Juvenile Justice Act 1992* and is also in a position to respond to some of your concerns regarding young people and the justice system.

Yours sincerely

Rod Welford MP

Jessica Lambert
A/Executive Officer
Office of the Director of Public Prosecutions
x 65997
31 March, 2005
Typed by: jl



**Queensland
Government**

Ref: 5809 F1 JS

Office of the
**Minister for
Police and Corrective Services**

4 AUG 2005

**Mr Neil Laurie
Clerk of the Parliament
Parliament House
George Street
BRISBANE QLD 4000**

Dear Mr Laurie

Thank you for your letter of 9 March 2005 to the Honourable Rod Welford MP, Attorney-General and Minister for Justice, regarding tabled petition number 364-04 on improvements to the justice system and the legal rights for victims of crime. Mr Welford forwarded a copy of your correspondence to me (received 8 June) for direct reply addressing concerns raised in the petition about police attitudes and training with respect to victims of crime.

I requested information on this matter from the Queensland Police Service and am advised that, within the first five years of employment, all police officers receive the following training on dealing with victims of crime:

Police Recruit Operational Vocational Education Program

Training is provided in numerous areas of law and duties relating to victims' needs and rights and police dealings with victims. During the program, recruits are assessed in an assignment titled 'Victim of Crime Assignment'. This assignment requires a recruit to interview a victim of crime who has had contact with police.

Within one month of completing this assignment recruits receive a two-hour presentation from the past president of the Victims of Crime Association and a current member of the Homicide Support Service. Further training in regard to victims of crime is provided by representatives of the Queensland Deaf Society, Older People Speak Out and the Aboriginal and Torres Strait Islander Corporation for Legal Services.

In addition to this training all curriculum modules require recruits to reflect on the responses of victims and perpetrators in relation to specific crimes. The curriculum also includes training on section 2.12 'Victims of Crime' of the Police Service's Operational Procedures Manual and the provisions of the *Criminal Offence Victims Act 1995*.

First Year Constable Program

During this 12-month program, newly inducted Constables receive on the job training under the supervision of more experienced and qualified Field Training Officers. First Year Constables return to the Queensland Police Service Academy for a mentor workshop after eight weeks service, and after six months service attend an in-service course.

Level 24 State Law Building
50 Ann Street Brisbane
PO Box 15195 City East
Queensland 4002 Australia
**Telephone +61 7 3239 0199
Facsimile +61 7 3221 9985**

First Year Constables are expected to complete 26 workplace activities (competencies) while performing operational duties in the various police regions throughout the State. The workplace activities identify the desired communication skills police officers need to perform their duties efficiently and effectively. Ten workplace activities specifically mention a police officer's duties regarding the treatment of victims of crime including supplying victims with information about crime prevention. This program reinforces previous learning, including in regard to section 2.12 of the Operational Procedures Manual, the *Criminal Offence Victims Act 1995* and applicable sections of the *Police Service Administration Act 1990*.

Constable Development Program

This three-year program follows directly after the First Year Constable Program. It is aimed at enhancing the skills of Constables to be effective leaders and supervisors. The program has two phases, the first being assignment based, the second being a one week face-to-face workshop.

The program enhances the skills developed in the PROVE Program and First Year Constable Program. It also reinforces previous material, including section 2.12 of the Operational Procedures Manual, the *Criminal Offence Victims Act 1995* and the *Evidence Act 1977*.

The Queensland Police Service is committed to assisting victims of crime and will continue to ensure that its officers receive appropriate specialised training in relation to victims' needs and rights.

I trust this information is of assistance.

Yours sincerely

Judy Spence MP
Minister for Police and Corrective Services