
Draft Criminal Code and Related Legislation Amendment Bill 2018

Sexual Assault Support Service Inc. (SASS) Submission

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Sexual
Assault
Support
Service

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Introduction

Sexual Assault Support Service (SASS) is a free and confidential service for people of all ages who have been affected by any form of sexual violence, including intimate partner sexual violence. We also provide counselling to children and young people who are displaying problem sexual behaviour (PSB) or sexually abusive behaviour (SAB), along with support and information for their family members and/or carers.

The range of support options available at SASS includes counselling, case management and advocacy. We also provide information and support to professionals, and deliver training workshops and community education activities in a range of settings including schools and colleges.

SASS welcomes the opportunity to respond to the draft Criminal Code and Related Legislation Amendment Bill 2018.

Comments

SASS strongly supports the proposal to amend the *Criminal Code Act 1924* (Tas). With regard to strengthening the operation of the 'grooming offence' in section 125D to include communications with third parties for the purpose of procuring a child for unlawful sexual activity, we note that the equivalent Victorian offence specifically covers any 'words or conduct'. We note that it may be worth considering whether a future Tasmanian provision specifies that 'a communication by any means' specifically includes conduct as well as more standard forms of communication.

We strongly support the proposed amendments to the *Children, Young Persons and Their Families Act 1997* (Tas), noting that the Royal Commission found that a number of victims and perpetrators had disclosed abuse during confession. This proposed reform would bring the responsibility of religious institutions into line with mandatory reporting requirements for other professions that regularly come into contact with children, and sends a strong message to religious institutions that they have a responsibility for reporting child abuse.

With regard to the proposed amendments to the *Evidence (Children and Special Witnesses) Act 2001* (Tas), we strongly support the proposal to enable adult survivors of child sex offences to have their evidence pre-recorded, to strengthen the use of audio visual recordings and to allow the possession of audio-visual recordings for the purpose of training and evaluation of the police officer involved with the making of the recording.

We do have some concerns about allowing a prescribed law reform body to possess a recording for a purpose connected with the review of the laws of evidence. It does not seem that this was a recommendation of the Royal Commission, as we note that in their report on Criminal Justice reform the Commission recommended legislative reform to allow video recorded interviews to be used for training purposes for "the relevant police officer, his or her supervisor and any persons engaged by police in quality assurance and training", but not that they be used for "general training in a manner that would raise privacy concerns".¹

We believe that allowing a law reform body to access audio-visual evidence does raise privacy concerns for the individuals interviewed. Introducing this provision means that an audio-video recording could potentially be viewed by an unknown number of people, who may not be as well-versed in handling sensitive material as police officers who have received specific training in this area. We therefore wonder whether there are alternate ways that law reform bodies can receive information about the operation and/or effectiveness of audio-visual recordings other than by watching them. In order to support the proposed Bill we would like more information on the purpose of this particular proposal, and whether there are alternate ways of carrying it out that do not infringe upon individuals' privacy.

If this proposal is to be included in the final Bill, SASS would like to see additional information regarding how the Attorney-General would determine the conditions considered appropriate to permit a law reform body from viewing the recording.

We support all other proposed reforms contained in this draft Bill.

¹ Royal Commission into Institutional Responses to Child Sexual Assault (2017). *Criminal Justice Executive Summary and Parts I – II*, Sydney, p.117.