

**COMMUNITY DEVELOPMENT AND JUSTICE STANDING COMMITTEE — SIXTH REPORT —
“INQUIRY INTO THE PROSECUTIONS OF ASSAULTS AND SEXUAL OFFENCES”**

Government Response — Statement by Attorney General

MR C.C. PORTER (Bateman — Attorney General) [12.15 pm]: Of all the offences that can be committed against an individual, few have potentially as much impact as sexual assault, the impact of which is often compounded by the subsequent investigation and prosecution processes, which are often fraught with complexity and legal obstacles. With this in mind, I formally acknowledge the work done in the previous Parliament by the Community Development and Justice Standing Committee in conducting its inquiry into the prosecution of assaults on sexual offences. I commend all committee and subcommittee members for the breadth and thoroughness of their investigation. The inquiry reviewed the extent to which prosecutions of sexual offences were impeded by existing features of the investigatory and judicial processes and the extent to which investigations and prosecutions are negatively impacted by the prevailing justice culture and systems that make a formal response to such crimes.

When Parliament was prorogued on 7 August 2008, the standing committee ceased to exist, along with any formal mechanism to issue a response to the inquiry's report. However, in order not to lose the gains from the work of that committee, I have been working to develop the government's response and I am delivering this statement in the absence of a mechanism to facilitate a formal parliamentary response. The committee's report identified areas of reform that would provide better outcomes for investigators, prosecutors and victims of crime, and I am pleased to advise the house that as part of its legislative agenda, the government will investigate these potential reforms.

First and foremost, consideration is presently being given to implementing changes to an accused's right to remain silent. I accept in principle the need to amend legislation that bears on the right of the accused to remain silent at the investigatory stage of proceedings, and I am examining this further as part of our forward agenda for next year. The government will also investigate amending the Evidence Act 1906 to ensure that children and people with decision-making disabilities who are victims of internet and telecommunications crimes have the option of having their evidence pre-recorded to be used in court.

The inquiry's report included a number of recommendations relating to improving the level of support provided to victims of crime and increasing agency awareness of the impact of their practices and procedures on victims of crime. The Victims of Crime Act 1994 plays a central role in guiding agencies in the support and information they provide, and I can advise that the government is presently performing a comprehensive review of that act. This government considers that, since the act's introduction, it has become clear that several areas of its operation can be improved. An essential element of effective investigation, prosecution and victim support is interagency cooperation. This is an area that many reports, including the Community Development and Justice Standing Committee report, have emphasised. To this end, I will be asking the interagency Sexual Assault Services Advisory Group to investigate a number of the issues that these reports have raised, including addressing the reasons for withdrawal of complaints of sexual assault and ensuring that established processes put the onus on victims or complainants to access support services themselves. I restate this government's determination to ensure that individuals who are victims of sexual assault receive a very clear message that their issues and experiences are important and deserve the highest level of care.