VICTIMS OF CRIME COMMISSIONER | ACT

Chapter 2 – The importance of a criminal justice response

In particular, we seek the views of all interested parties on our proposed approach to criminal justice reforms and our view of the importance of seeking and obtaining a criminal justice response to any child sexual abuse in an institutional context.

Page 72 of the consultation paper discusses the myths and misconceptions that affect the criminal justice system's response to child sexual abuse prosecutions. It would be appropriate to consider using directions and warnings to juries to ensure that the direction is taken into account. Division 4.2.6 of the *Evidence (Miscellaneous Provisions) Act 1991* outlines the warnings and directions that must or must not be given to juries in sexual offence proceedings in the ACT. Some of these warnings relate specifically to children's evidence and could be expanded to include those issues mentioned in Chapter 2.

I agree that restorative justice approaches should be made available for all victims of crime, regardless of the offence, provided that such options are appropriately resourced and victims are supported in their decision making and their participation in restorative justice. The interests of victims of crime should be of primary importance in restorative justice. Our community places high expectations on victims of crime. They are expected to report the crime to police; to provide witness statements; to cooperate with investigators and prosecutors; and to perform as effective witnesses at criminal trials. However, in the context of the prosecution of an offence, a victim may have no opportunity to address their needs in relation to the impact of the crime.

I recommend that the Royal Commission refers to the ACT restorative justice scheme as a model to inform the development of restorative justice options. The ACT scheme distinguishes between serious offences and all other offences. The ACT allows access to restorative justice for less serious offences at all points of the criminal justice system: prior to charges, after charges, prior to a hearing, after a conviction, and during or after completing a sentence. Access to restorative justice for serious offences (technically classified as indictable only offences) is only permitted after a guilty plea or a finding of charges proven.

I agree with the proposed approach to criminal justice reforms as outlined on page 82 of the consultation paper.

Chapter 3 – Issues in police responses

We welcome submissions on the possible principles and approaches we discuss, including on whether it is sufficient to address these issues by setting out general principles or approaches or whether we should consider making more specific recommendations – and, if we should consider making more specific recommendations, what they should be

I agree that principles should be adopted to guide police who are providing an initial response to victims of crime and support those principles listed in Chapter 3 of the consultation paper. In addition to police being required to have a basic understanding of trauma, they should also have an understanding of the relevant support agencies that exist in each jurisdiction to support victims.

In 1985, to improve the position of victims of crime at the international level, the United Nations adopted the Declaration of Basic Principles of Justice for Victims of Crime and the Abuse of Power.1

In 1996 Australian jurisdictions through the then Standing Committee of Attorneys-General, endorsed a national Charter for Victims' Rights in Australia. The Charter is part of a broader commitment by the Australian community to recognise the needs of victims of crime in the criminal justice process. Each state and territory has its own principles or charter of rights. However, these 'rights' are not rights that can be legally enforced.

Re-framing these guiding principles into a rights framework could significantly improve victim experiences by focusing on the key aims of keeping victims informed and creating a sense of participation within the criminal justice system.

A Victims' Charter of Rights would help to ensure that, wherever possible, victims' rights are respected consistently and reliably. To be effective and meaningful, victims' rights require mechanisms and procedures for the enforcement of those rights and some authority to have breaches of those rights investigated and remedied.

We welcome submissions on whether we should support the Australian Law Reform Commission and New South Wales Law Reform Commission recommendations for reforms to the protections against disclosing the identity of mandatory reporters in the context of institutional child sexual abuse

I agree with the ALRC and NSW recommendation as outlined in page 126 of the consultation paper.

We seek the views of state and territory governments on the possible principles for investigative interviews, including:

- **whether it is sufficient to address this issue by setting out general principles or whether we should consider making more specific recommendations – and, if we should consider making more specific recommendations, what should they be**

I agree with the principles listed on pages 138 and 139 of the consultation paper.

we seek the views of state and territory governments and other interested parties on:

- **whether costs are imposed on police for prosecutions that do not result in convictions**
- **whether there should be limits on cost orders against police and prosecutors**
- **if limits are set, what those limits should be.**

I do not support costs being imposed on police or the Director of Public Prosecutions unless negligence can be shown. Allowing costs to be awarded adds an extra barrier to justice for victims of crime and may unduly affect decision making by police and prosecutors regarding prosecutions.

I support the provisions in section 117 of the NSW *Criminal Procedure Act 1986* that provides for costs where:

[1] UN General Assembly, *Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power: resolution/adopted by the General Assembly,* 29 November 2985, A/RES/40/34.

- the investigation of the alleged offence was conducted in an unreasonable or improper manner
- the proceedings were initiated without reasonable cause or in bad faith or were conducted by the prosecutor in an improper manner
- the prosecution unreasonably failed to investigate (or to investigate properly) any relevant matter of which it was aware or ought reasonably to have been aware and which suggested either that the accused person might not be guilty or that, for any other reason, the proceedings should not have been brought
- because of other exceptional circumstances relating to the conduct of the proceedings by the prosecutor, it is just and reasonable to award costs.

Chapter 5 – Child sexual abuse offences

- **whether the approaches reflected in the current Queensland offence and the current Victorian course of conduct charge can be improved upon**

Adopting the QLD offence in all other states would be beneficial assuming the interpretation would be consistent across jurisdictions.

- **whether the requirement for particulars can be further restricted without causing unfairness to the accused**

I support a requirement for only two or more specific occasions to be proven rather than three or more.

- **whether retrospective operation of the offences – as currently allowed in South Australia and Tasmania – is appropriate**

Retrospective operation of offences is appropriate.

broader grooming offences, including:

- **whether the approaches reflected in the current Victorian and Queensland offences can be improved upon**

I support the Victorian model where offences capture conduct that is also directed at parents, carers or others with care or supervision of the child.

I support including additional conduct as outlined by the NSW Ombudsman as potentially constituting grooming, as stated on page 204 and 205 of the consultation paper. This should include conduct where an adult requests a child to keep their relationship a secret.

- **whether grooming of persons other than the child should be included in the offence**

Offences of grooming should also cover the conduct of grooming a person who has care of, supervision of, or authority over the child.

persons in position of authority offences, including:

- **whether there are currently any gaps in the recognition of relationships of authority as aggravating factors in child sexual abuse offences**

Jurisdictions should be consistent with the relationships that are recognised as an aggravating factor.

- **whether all jurisdictions should adopt person in authority offences applying to children up to the age of 18 years, rather than allowing the relationship of authority to be a factor that can vitiate consent for 16- and 17-year-olds**

A blanket approach should be adopted whereby all jurisdictions adopt a person in authority offence for children 16 or 17 years old.

limitation periods that apply to criminal prosecutions, including whether:

- **any limitation periods or associated immunities remain in operation in any jurisdictions**
- **there are any prosecutions that cannot proceed because of limitation periods or associated immunities**
- **removing limitation periods and associated immunities would risk reviving any sexual offences that are no longer in keeping with community standards.**

Any limitation periods that remain in any jurisdiction for charging child sexual abuse should be removed and the removal should have retrospective effect.

Chapter 6 - Third-party offences

we welcome submissions on whether there should be a criminal offence in relation to failure to report and, if so, whether it should apply to:

- **all serious criminal offences**
- **child sexual abuse**
- **institutional child sexual abuse**

There should be a criminal offence in relation to failure to report and that it should apply to all serious criminal offences, particularly where a child is at risk of further abuse.

we welcome submissions on the details of a more targeted reporting offence, including:

- **the age from which a victim's wish that the offence not be reported should be respected**

Mandatory reporting should apply to all sexual conduct with children under the age of 16 years.

Mandatory reporting should apply to 16 and 17 year olds where sexual conduct occurs with persons with authority over them, such as teachers, pastors, sporting coaches etc.

we welcome submissions on an offence for failure to protect

Offences should exist to target a failure to protect a child, or a group of children, from abuse, particularly in institutional contexts.

we seek submissions from institutions on whether the Victorian offence of failure to protect is appropriately targeted or whether it might have any unintended adverse consequences for institutions' ability to provide children's services

I agree with the use of the Victorian offence of failure to protect a child. The Legislation states that the offence is based on a **substantial** risk that a child will become a victim of a sexual offence or that

there is a **substantial** risk that a person will commit a sexual offence against a child. The use of the term substantial would override any concern about any adverse consequences to provide children's services assuming the interpretation of 'substantial' is that the risk is real and tangible.

- **whether civil liability of the kind we recommended in the *Redress and civil litigation report*, if implemented, would be sufficient.**

Civil Liability should have no impact on the use of criminal liability. Criminal liability should be considered in all cases where it is appropriate.

Chapter 7 – Issues in prosecution responses

we welcome submissions on:

- **the possible principles for prosecution responses and charging and plea decisions, including in relation to whether it is sufficient to address these issues by setting out general principles or whether we should consider making more specific recommendations – and, if we should consider making more specific recommendations, what should they be**

I agree with the possible principles listed in the consultation paper on page 278. Principles are more practical to apply rather than specific recommendations due to the differences of each case, including the differences in participation from victims. However, for principles to be applied consistently there needs to be oversight mechanisms to hold public authorities to account for their delivery. Any principles that are adopted should be done in conjunction with the development of a victims' rights framework in each jurisdiction where there is oversight and a remedy where someone's rights are not upheld.

- **whether there is sufficient liaison between prosecutors and police in relation to charging decisions**

It is important that appropriate charges are laid at the first possible opportunity. This often requires liaison between prosecutors and police. In the ACT police are encouraged to seek advice from prosecutors where charge decisions are not apparent.

we seek submissions from the Australian Government and state and territory governments and other interested parties on possible DPP complaints and oversight mechanisms, including in relation to which – if any – mechanisms are favoured and any resourcing issues.

I agree with the minimum requirements as stated on page 310 of the consultation paper with a formalised complaints mechanism with written responses and a right for victims to seek an internal merits review of key decisions. If this model is adopted, victims should be informed that the outcome of a complaint does not include a power to overturn the DPP's decision.

Chapter 8 – Delays in prosecutions

the possible options for addressing delays in prosecutions discussed in Chapter 8

I agree with the options listed to address delays in prosecutions. Delays are an enormous burden for victims of crime and every effort should be made to achieve efficiencies in the administration f justice.

any other possible options to address delay

whether it is sufficient to address these issues by setting out general principles or whether we should consider making more specific recommendations – and, if we should consider making more specific recommendations, what should they be.

The 2007 Australian Institute of Criminology Research Paper: *Criminal trial delays in Australia: trial listing outcomes* identifies factors that contribute to trials not proceeding as scheduled. The key issues to addressing trial delays include:

- improving the quantity, quality and timeliness of information and communication between the investigating authorities, prosecution, defence and court;
- promoting early discussion of a guilty plea with the defendant, including the improvement of incentives for early guilty pleas and disincentives for the non-cooperation of legal counsel;
- improving certainty in trial listings; and
- improving services for victims and witnesses and encouraging greater participation in the criminal trial process.

Many delays in the prosecution process occur because of late applications by lawyers (usually the defence). To discourage late applications I recommend the introduction of disincentives and penalties for late applications. The Victorian *Crimes (Criminal Trials) Act 1991,* provides for pre-trial directions procedures where the prosecution must outline their case 28 days before the listed trial date. The defence must then respond with any issue taken 14 days before the trial date. This enables the court to determine questions of law and fact well in advance of the trial therefore reducing the number of dates being vacated at the last minute.

The *Crimes (Criminal Trials) Act 1999* also provides that where a party intends to raise a legal point, it must notify the court at least 14 days before the trial and a provision is then made for such issues to be determined before the trial begins. These provisions came about in Victoria due to the unreasonable delay in presenting cases and the inefficient and therefore costly conduct of trials.

Chapter 9 – evidence of victims and survivors

interested parties on:

- **eligibility for, and use of, special measures and how special measures can be improved**

All child victims of crime, regardless of whether it is a sexual offence, should be eligible for special measures including;

- pre-recorded interviews with police that are used as evidence in chief;
- pre-trial hearings where children are cross examined at the earliest possible opportunity which is then recorded and played at the trial;
- the use of CCTV so that the child does not have to step foot in the court room or see the offender;
- having a support person present;

- the ability to requesting a closed court; and
- the ability to ask that the judge and lawyers remove their wigs and gown.

intermediaries and ground rules hearings

I agree with the reforms to procedural rules and rules of evidence as listed on page 357-358 of the consultation paper and suggest they are adopted in all jurisdictions.

whether competency testing should be reformed

There needs to be consistency with the questions used to test the competency of children. I am aware of occasions where children are asked to tell the court what the 'truth' means. To define the truth is something that even an adult may find difficult when it is defined in the oxford dictionary as 'the quality or state of being true'. Questioning children on the definition of their understanding of the truth does not satisfy the testing of a child's competence.

An identification question is a useful tool to test competency assuming it is aimed at the correct age of the child.

An 'example' question should only be used for older children as a young child may not possess the creative thinking required to give an example of a lie.

A 'difference' type question such as 'what's the difference between a truth and a lie' is similar to the 'definition' type question as it is hard to provide a verbal answer and should not be used.

An 'evaluation' question such as 'is it good or bad to tell a lie' is more useful than a difference type question.

A 'consequence' question is also useful as is a prior occurrence type question as it indicates whether the child actually does know what a lie is by having to think about a time they told a lie and what the consequence was.

An 'obligation/promise' question is useful for all age children.

whether other reforms should be considered to improve courtroom questioning – particularly cross-examination – for complainants

At a minimum, jurors should be given information about the difference between being unable to recall or to confuse minor details and the overall accuracy or description of the offending behaviour.

Some lines of questioning, particularly those attacking the complainant's credibility due to myths, should not be allowed. These include:

- Strategies that raise the absence of resistance by the complainant as an implicit sign of consent. A victim may feel that fighting or resisting will create even greater risk of harm to them. Additionally, child victims of sexual offending are often powerless to demonstrate resistance.
- Strategies that raise the delay in reporting as an implicit sign that there had been no offence, or the harm that was caused was minimal. Delays in reporting sexual offending are common in adults and children. Children take time to process and understand what has occurred to them. Children also often avoid telling because they are either afraid of a negative reaction from their parents or of being harmed by the abuser.
- Strategies that raise the lack of emotionality by the complainant. Some children are taught that being emotional is evidence of an inability to cope. After an assault many victims

experience periods of emotional numbness which can be misinterpreted.

- Strategies that raise the continued relationship between the complainant and accused. It is common for survivors of sexual abuse to continue relationships with their abusers after the abuse has stopped. Individuals react to trauma in different ways and victims may maintain contact with their abusers because they may feel a sense of responsibility to maintain a relationship.

Effort needs to be put into the type of questioning (starting page 371 of the consultation paper) that was listed as requiring intervention by judicial officers.

Prerecording all of a witnesses' evidence should be available in all jurisdictions.

- **the use and availability of interpreters**

The issue of a lack of appropriate interpreters is one that is a concern in the ACT. Due to the relatively small size, often interpreters know the complainant and are therefore unable to interpret. More effort needs to go into increasing the amount of interpreters and into the screening process to identify conflicts of interest.

state and territory governments in relation to special measures, including:

- **the range of, eligibility for and use of special measures**

As the use of special measures is resulting in a more positive experience for victims which results in more accurate evidence, it should be considered to expand the availability of special measures to more victims of crime and technological structures should be built to facilitate this.

- **the possibility of prerecording all of an eligible witness's evidence**

An eligible witness should have all of their evidence pre-recorded. This would assist in having evidence that is taken closer to the time of offending as trials can occur years after first being reported. It would also be useful in the event of a re-trial as the evidence would be more accurate.

- **the possible extension of special measures to all adult complainants of institutional child sexual abuse**

Special measures should be extended to all victims of sexual abuse, regardless of age or in what context the offending occurred.

- **how to improve technical aspects of special measures**

As technology is advancing so rapidly, jurisdictions need to prioritise regular updating of technology on a regular basis. Older faulty technology can have the opposite effect that is intended by the special measures as it may delay proceedings, distract the witness or fail to work at all.

- **any resourcing issues in improving and extending special measures**

While the improvement and extension of special measures would result in a greater need for resources, this should be prioritised as the benefits outweigh the potential costs.

state and territory governments in relation to intermediaries and ground rules hearings, including:

- **the introduction of intermediaries and ground rules hearings**

It would be useful to track the pilot scheme in NSW in relation to witness intermediaries, and the

success in South Australia. If the evaluations show a positive outcome then this should be considered for all Jurisdictions.

Ground rules hearings would be useful where there is a specific vulnerability requiring a special approach to questioning.

state and territory governments in relation to interpreters, including:

- **the adequacy of interpreter services in relation to the investigation and prosecution of institutional child sexual abuse, particularly for Aboriginal and Torres Strait Islander victims and survivors**

It has been acknowledged that there is a lack of properly trained Aboriginal and Torres Strait Islander interpreters. The House of Representatives Standing Committee on Aboriginal and Torres Strait Islander Affairs (2011) recommended that a national Indigenous Interpreter service be established by 2015. At present, such services are only available in some jurisdictions such as the Northern Territory. This should be a priority for all jurisdictions.

Chapter 10 – Tendency and coincidence evidence and joints trials

whether or not the law in relation to tendency and coincidence evidence and joint trials should be reformed

The current law needs to change so that it facilitates more cross-admissibility of evidence and more joint trials in child sexual abuse matters.

the validity of the concerns of the courts in relation to unfair prejudice in light of the Jury Reasoning Research findings and any other relevant material

Unfairly prejudicial evidence is not merely evidence that makes the accused more likely to be convicted. If the evidence is logically probative of guilt and the jury uses it to reason in permissible ways, the evidence will not be unfairly prejudicial.

The Jury Reasoning Research seemed to be well thought out and used a large sample. The findings should have sufficient weight placed on them.

the approaches adopted in any overseas jurisdictions and, in particular, whether there is any reason why we should not recommend adopting the approach in England and Wales

It would be advantageous to adopt the England and Wales approach to tendency and coincidence evidence. As stated by Professor Spencer in the consultation paper (page 427) there has been no suggestion that the change in law has resulted in an increase in unsafe convictions.

if the law is to be reformed:

- **should there be any requirement beyond relevance for admissibility and, if so, what should it be**

There should not be a requirement beyond relevance. It is how the term relevant is interpreted that is not apparent. As put simply in the consultation paper 'the threshold test for admissibility of all evidence in all types of cases is relevance: if evidence is relevant to the facts in issue in the trial, it should be admitted, subject to any other applicable exclusions. If it is not relevant, it should be excluded (page 391).

- **if there is to be any requirement for similarity in the evidence, how should it be expressed and what should it allow and exclude**

As is the case in NSW, similarity should be acknowledged but not be essential.

- **if there is to be a weighing of probative value against prejudicial effect, should the test favour admissibility or exclusion of the evidence**

Admissibility should be favoured with the potential for a Jury warning in relation to the weight to be given, or the possibility of prejudice.

- **should the burden for persuading the court be on the prosecution (to admit the evidence) or the accused (to exclude the evidence)**

It is appropriate that both parties play a role in relation to the evidence in that the prosecution must establish admissibility where there is a question of relevance, and that the defence must argue to exclude evidence that has not already been ruled to be allowed.

- **should issues of concoction, contamination or collusion be left to the jury**

A similar provision to QLD would be most beneficial whereby 'In a criminal proceeding, similar fact evidence, the probative value of which outweighs its potentially prejudicial effect, must not be ruled inadmissible on the ground that it may be the result of collusion or suggestion, and the weight of that evidence is a question for the jury, if any' (s 132A of the *Evidence Act 1977)*.

- **should the evidence need to be proved beyond reasonable doubt**

The evidence of tendency and coincidence should not be required to be proved beyond reasonable doubt.

- **should evidence of prior convictions be admissible**

In line with Associate Professor David Hamer's research, prior convictions should be able to be raised unless, because of the passage of time since the conviction, or for any other reason it would be unjust to admit the evidence

in relation to joint trials:

- **does any specific provision need to be made in favour of joint trials, in addition to any reform to the law in relation to admissibility of tendency and coincidence evidence**

As the consultation paper states, the current law needs to change so that it facilitates more joint trials, in not just child sex abuse matters, but in all matters where there is a strong link.

- **if so, what provision should be made**

A provision similar to that in Victoria (followed by South Australia) where there is a presumption in favour of joint trials in sexual offence cases would be beneficial.

in relation to tendency and coincidence evidence and joint trials, should any reforms apply specifically to child sexual abuse or institutional child sexual abuse offences, or should any reforms be of general application.

Reforms should apply to all categories of offences and not just child or institutional child

sexual abuse offences.

Chapter 11 – Judicial directions and informing juries

whether judicial directions and warnings in the nature of those discussed in section 11.3.1 continue to create difficulties in child sexual abuse trials, including institutional child sexual abuse trials, in any jurisdiction

The Australian Law Reform Commission (ALRC Report 114) acknowledged that the purpose of jury warnings in the context of sexual assault has changed over time. Historically, they served to protect the accused against an unfair conviction. Increasingly, however, they serve to 'counter myths about sexual assault and to ensure that complainants, as well as people charged with sexual offences, are treated fairly'. It is for this reason that jury warnings need to be regularly researched by specialists and updated in line with evidence.

whether particular judicial directions, such as the Markuleski direction, should be abolished or reformed

The Markuleski direction should either be abolished or reformed to address the need for the Jury to assess the credibility of a witness, and that that assessment will be generally relevant to all offences charged, but that the evidence still needs to be considered in respect of each offence.

what education or training would be most effective in ensuring judges – including appellate judges – and lawyers are better informed about child sexual abuse, including from up-to-date social science research

Judges should undertake mandatory training on child witnesses and child and adolescent sexual abuse.

what method or methods are most effective for improving jurors' understanding of child sexual abuse, including:

- **expert evidence**
- **particular judicial directions**
- **giving judicial directions early and repeating them through the trial**
- **providing other educational material.**

As the consultation paper states, misconceptions were substantially reduced by both expert evidence and Judicial directions. For this reason these should be prioritised in child sexual assault cases and sexual assault cases generally. Greater emphasis should be placed on experts that have particular knowledge of that particular child or case, rather than child sexual assault generally.
I agree with the ALRC and NSW LRC as stated in the report *Family Violence: A national legal response* that jury directions should be given which would 'summarise a consensus of expert opinion drawn from the work of psychiatrists, psychologists and other experts on child behaviour'. They recommended that governments should legislate to authorise jury directions about children's abilities as witnesses and responses to sexual abuse.

I also agree with the National Child Sexual Assault Reform Committee's recommendations of three mandatory judicial directions as outlines on pages 481 and 482 of the consultation paper.

Directions should be given both at the beginning (or when the issue is first raised) and just before deliberation.

Chapter 12 – Sentencing

whether provision should be made to exclude good character as a mitigating factor in sentencing for child sexual abuse offences, similar to the approach of the provisions in New South Wales and South Australia – and whether provision should be made for good character to be an aggravating factor, as in England and Wales, where good character facilitated the offending

I agree that all jurisdictions should introduce legislation similar to that applying in NSW and South Australia that does not allow for good character to be used as a mitigating factor where the good character assisted the defendant to commit the offence.

I have no comment on whether legislation should be adopted similar to that in England and Wales.

whether there should be a presumption in favour of cumulative sentencing for child sexual abuse offences, similar to the approach of the provisions in Victoria

I agree with the approach in Victoria to have a presumption for prison sentences to be served cumulatively where the offender is classed as a 'serious offender', which would include sexual offenders who are sentenced to two or more sexual offences, persistent sexual abuse of a child under 16 or committing the acts as a course of conduct.

In my experience I have witnessed many sentences where the total sentence appeared too lenient to reflect the increased criminality associated with multiple offences.

whether child sexual abuse offences should be sentenced in accordance with the sentencing standards at the time of sentencing instead of at the time of the offending, as now occurs in England and Wales.

I agree with the Victorian legislation that directs the sentencing court to have regard to current sentencing practices, and South Australia that provides for current sentencing standards to apply in cases of multiple or persistent child sexual abuse, regardless of when the offending occurred.

Chapter 13 - Appeals

whether the provisions for recording complainants' evidence at trial for use in any retrial should be expanded or otherwise reformed

All complainants in all sexual assault matters should have their evidence recorded and replayed in the event of a re-trial unless there is a specific reason not to.

whether prosecution guidelines should explicitly address the issue of decision-making on whether or not to bring a retrial after a successful appeal by the defendant, including requiring consultation with the complainant and the relevant police

The decision as to whether to bring a re-trial should always be made after consultation with the complainant. Particularly if the complainant would be required to give evidence a second time. While the decision should ultimately sit with the prosecution, this should only be after having sought the opinion of the complainant.

any issues in relation to monitoring appeals and appellate decisions to ensure that the law and any reforms are working as intended.

More effort needs to be given to the monitoring of appeal decisions and updating victims. The provision of information to victims regarding appeal court processed and outcomes is weak. This may be due to the fact that it is unclear as to whose responsibility it is to keep a victim informed, no specific dates being set for appeal decisions, decisions being handed down with very limited warning, or the misconception that victims will not care about the outcome of an appeal. A remedy to these problems would be the establishment of legally enforceable charter of victims rights.

Chapter 14 – Post-sentencing issues

We welcome submissions that discuss the issues raised in Chapter 14.

We also welcome submissions that identify any additional post-sentencing issues in relation to institutional child sexual abuse offenders that we should consider that are not raised in Chapter 14.

The ACT should adopt legislation similar to that in NSW, Victoria, QLD, WA, SA and the Northern Territory that allow for the court to make extended supervision and detention orders at the end of a person's sentence when a serious sex offender is considered to have a propensity to reoffend.

John Hinchey

31 October 2016