

VICTIMS OF CRIME (COMMISSIONER FOR VICTIMS' RIGHTS)

AMENDMENT BILL

23 October 2007

The Hon. D.G.E. HOOD: Family First strongly supports this bill. We think it is an excellent move and we certainly indicate our full support for the thrust and, indeed, the final form of this legislation. Family First is a strong supporter of the rights of victims of crime in South Australia. On a personal note, I acknowledge the excellent work done in this area by the Hon. Nick Xenophon. I take the opportunity to wish him the best for his future, although he seems to have been mentioned a lot today.

There is an opportunity to pursue the rights of victim in this place, and this bill certainly takes a step in that direction. I also pay tribute to our interim Commissioner for Victims' Rights, Michael O'Connell (previously the victims of crime coordinator). As I understand it, he was the first commissioner to be appointed in Australia and has been working tirelessly in that role for almost a year now. I support the Premier's comments that Michael O'Connell has been a tireless fighter for victims' rights and has stood up for victims time and again. Parliament can sometimes be a place abounding with negative comments, but I know few who would give anything but praise for the work the interim commissioner is doing and we thank him for his briefing on this bill. The Liberal Party also deserves credit for introducing the original Victims of Crime Bill in 2001.

The bill before us today formally establishes the position of the Commissioner for Victims' Rights, a position which greatly expands on the original role. I note the previous role only allowed a coordinator to provide advice on the marshalling of resources to the Attorney-General. This new position, which is based on the Equal Opportunity Commissioner model, has expanded powers, which we fully support.

Mr O'Connell has stated in the press that one of his primary roles will be 'holding the government accountable to the promise it has made to victims'. The position is independent, as noted in clause 16(e) of this bill. The

commissioner will also assist victims of crime in their dealings with the Director of Public Prosecutions, the police and other agencies; monitor and review the effect of court practices and procedures on victims; monitor and review the effect of the law on victims and victims' families; carry out other functions related to the objects of the Victims of Crime Act assigned by the Attorney-General; and carry out the functions assigned to the commissioner under other acts.

The review of court practices is an important field. I have been concerned for several years about the treatment of rape and sexual assault victims in the court, particularly in cases where the defendant is unrepresented; I am following recent developments in this area closely. Indeed, the last thing Family First wants is to see repeated cases where victims are made victims again by the court process itself. Clause 16(a) of the bill gives the commissioner the power to recommend that a public agency apologise to a victim. It appears there are also powers in that section for the commissioner to discuss plea bargaining arrangements with the DPP, and these provisions are quite appropriate and are fully supported by Family First. In short, Family First thinks this is an excellent step in the right direction, and we support it wholeheartedly.