

Our Ref: LH

Please reply to: Brisbane office

8 October 2019

Ms Julia Knight
Committee Secretary
Social Policy Scrutiny Committee
Legislative Assembly of the Northern Territory
GPO Box 3721
DARWIN NT 0801

By email: SPSC@nt.gov.au

Dear Ms Knight

Submission on the Evidence and Other Legislation Amendment Bill 2019

Thank you for the opportunity to comment on the Evidence and Other Legislation Amendment Bill 2019 (the Bill) currently being considered by the Social Policy Scrutiny Committee. As a legal service dedicated to helping victims and survivors of child sexual abuse, knowmore supports the reforms regarding protections for vulnerable witnesses in sexual offence proceedings.

About knowmore

Our service

knowmore legal service (knowmore) is a nation-wide, free and independent community legal centre providing legal information, advice, representation and referrals, education and systemic advocacy for victims and survivors of child abuse. Our vision is a community that is accountable to survivors and free of child abuse. Our mission is to facilitate access to justice for victims and survivors of child abuse and to work with survivors and their supporters to stop child abuse.

Our service was established in 2013 to assist people who were engaging with or considering engaging with the Royal Commission into Institutional Responses to Child Sexual Abuse (the Royal Commission). knowmore was established by and operates as a program of the Community Legal Centres Australia (formerly the National Association of Community Legal Centres), with funding from the Australian Government,

represented by the Attorney-General's Department. knowmore also receives some funding from the Financial Counselling Foundation.

From 1 July 2018, Community Legal Centres Australia has been funded to operate knowmore to deliver legal support services to assist survivors of institutional child sexual abuse to access their redress options, including under the National Redress Scheme (the NRS).

knowmore uses a multidisciplinary model to provide trauma-informed, client-centred and culturally safe legal assistance to clients. Our service model brings together lawyers, social workers and counsellors, Aboriginal and Torres Strait Islander engagement advisors and financial counsellors to provide coordinated support to clients.

knowmore has offices in Sydney, Melbourne, Brisbane and Perth and provides services in the other States and Territories, including through regular outreach. Due to the very high numbers of clients coming through intake at knowmore in the first year of operation of the NRS, together with the staggered timing of the participation of governments and other institutions in the scheme, our outreach activities in the initial period of the scheme's operation have largely been focussed on meeting the needs of individual clients and on building our relationships with local services, community organisations and other stakeholder services on the ground through the provision of training and information about the scheme, eligibility and knowmore's services.

Our outreach work has begun to gather momentum this financial year, with the initial priority on those jurisdictions where we do not have an office. knowmore also attended a detailed planning forum convened by DHS and DSS in 2018 in Darwin, to discuss how outreach engagement with remote NT communities might be most effectively planned, and we will continue to liaise with those departments about their intended approach.

Our clients

In our Royal Commission-related work, from July 2013 to the end of March 2018, knowmore assisted 8,954 individual clients. Of these, 126 clients (1%) lived in the Northern Territory. The majority of those clients were survivors of institutional child sexual abuse, and 61 per cent identified as Aboriginal and/or Torres Strait Islander peoples. More information about the Northern Territory clients knowmore assisted during the Royal Commission is provided in the attached data snapshot.

Since the commencement of the National Redress Scheme for survivors of institutional child sexual abuse on 1 July 2018 to 31 August 2019, knowmore has received 21,365 calls to its 1800 telephone line and has completed intake processes for, and has assisted or is currently assisting, 4,948 clients. This includes 59 clients (1%) who reside in the Northern Territory.

knowmore's comments on special measures for vulnerable witnesses

knowmore supports the amendments in clause 17 of the Bill that will ensure that, subject to the provisions of section 21B of the *Evidence Act 1939* regarding the pre-recording of evidence:

- All complainants in sexual offence proceedings (among other vulnerable witnesses) will give evidence via audio-visual link unless they choose to give evidence in the courtroom, or an audio-visual link is not available.
- When a complainant chooses or is required to give evidence in the courtroom, a screen, partition or one-way glass must be placed so that their view of the defendant is obscured, unless the complainant chooses to dispense with this measure.

Creating a statutory presumption that the evidence of complainants is to be given using these special measures acknowledges that appearing in court is an especially difficult and distressing experience for many victims of child sexual abuse. Being cross-examined was described by some survivors at the Royal Commission as “re-traumatising and offensive” and “as bad as the child sexual abuse they suffered”.¹ Many of knowmore’s clients have similarly reported difficulties in persisting with their complaint due to the stress and trauma of being examined in court. In light of this, we consider that the Bill’s amendments are valuable components of a trauma-informed approach to survivors giving evidence in criminal proceedings, and we recommend that they be passed.

Thank you again for the opportunity to provide these comments on the Bill. We have no concerns about this letter or the attached document being published.

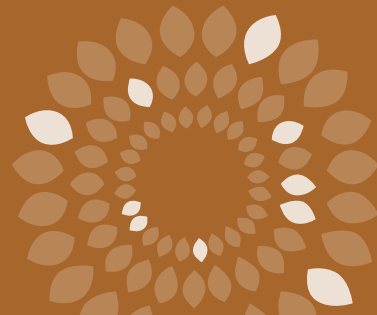
Yours sincerely

A handwritten signature in black ink, appearing to read 'W. Strange', with a stylized flourish at the end.

WARREN STRANGE
Executive Officer

Encl. *knowmore Data Snapshot — Northern Territory as at 31 March 2018*

1 Royal Commission into Institutional Responses to Child Sexual Abuse, *Criminal Justice Report: Parts VII–X and Appendices*, 2017, p. 5.

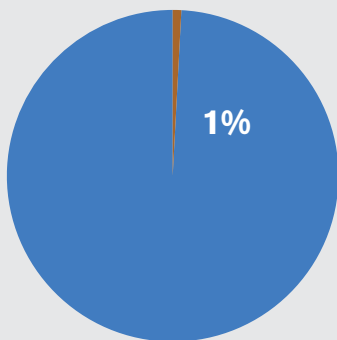


knowmore is an independent service giving free legal advice to people who are considering telling their story or providing information to the Royal Commission into Institutional Responses to Child Sexual Abuse.

This snapshot provides data about our clients living in the Northern Territory

Our clients

knowmore began providing services to the public on 8 July 2013 – as at 31 March 2018, we've helped:



126

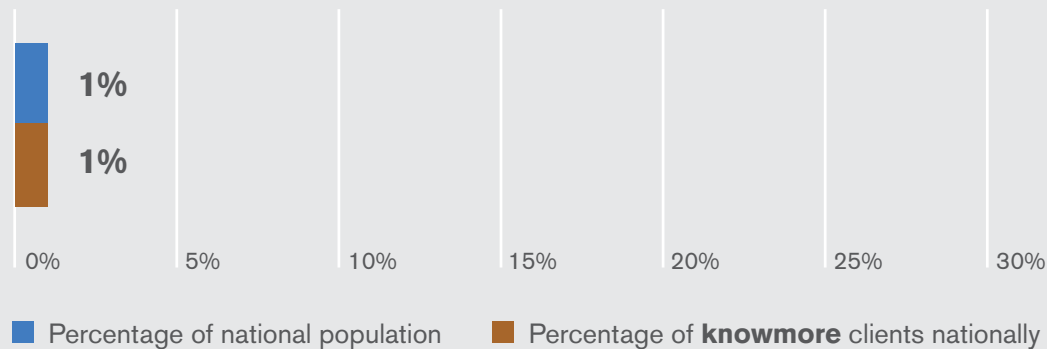
knowmore Northern Territory clients



8954

Total number of knowmore clients

State representation



Percentage of national population living in NT

Against

Percentage of knowmore clients living in NT

■ Percentage of national population

■ Percentage of knowmore clients nationally



48%

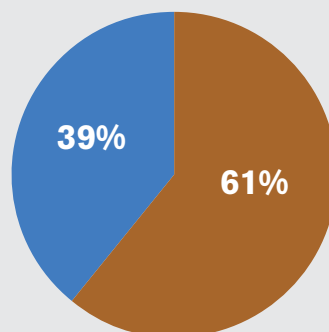
Identified as female



52%

Identified as male

Aboriginal and Torres Strait Islander clients



■ Identify as Aboriginal or Torres Strait Islander People

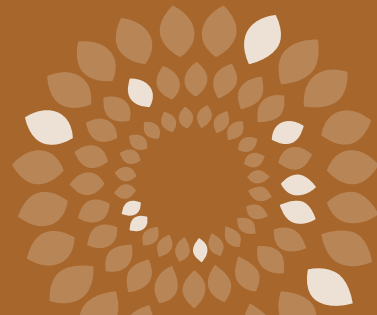
Brisbane office

Suite1, Level 16, 141 Queen St, Brisbane QLD 4000
PO Box 2151, Brisbane QLD 4001

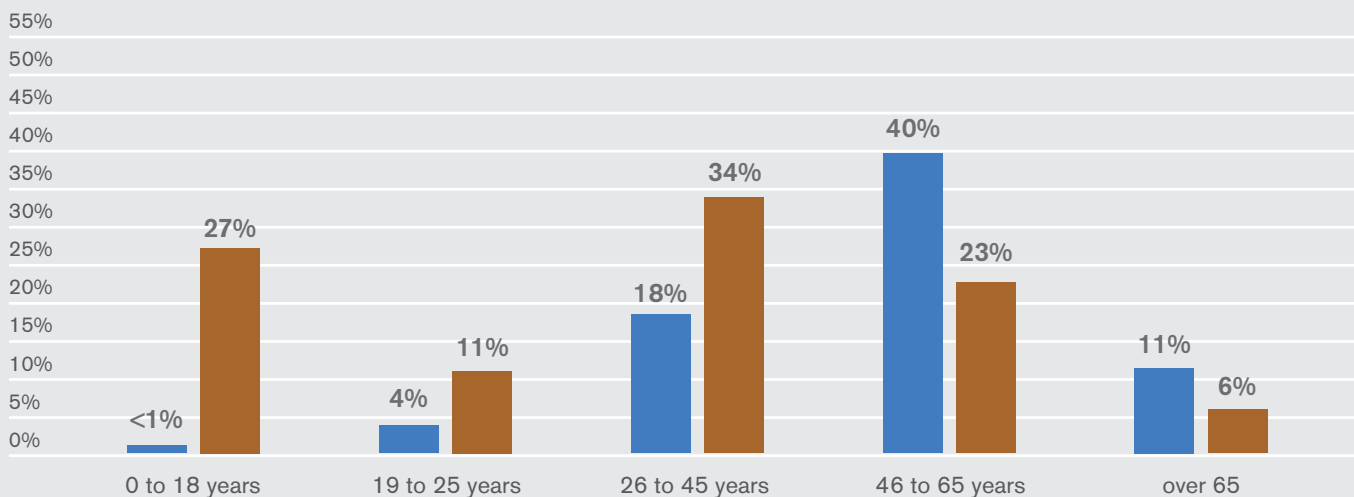
FREECALL: 1800 605 765

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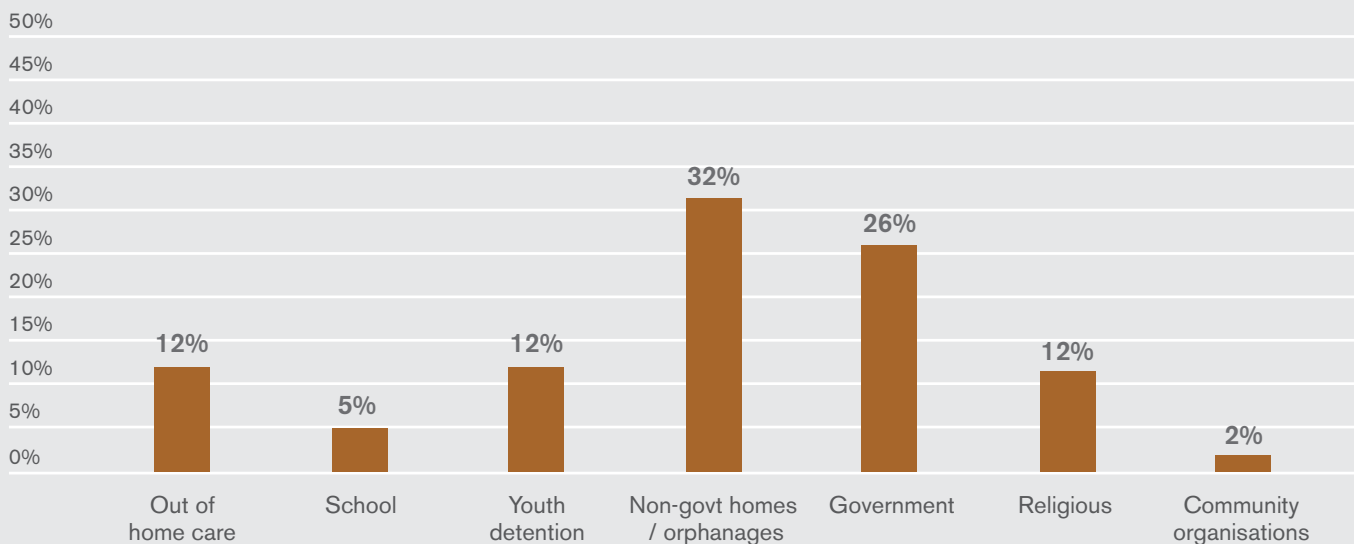
Our clients – Age groups



Percentage of Northern Territory based knowmore clients per age group

Against percentage of Northern Territory population per age group

Institutions in the Northern Territory where our clients report experiencing childhood sexual abuse



Out of home care: care provided to children who could not be cared for by their parents, including foster care

School: State and private primary and secondary schools

Youth detention: facilities run by the state government for people under 18yrs

Non-govt homes/orphanages: homes run mainly by religious organisations

Government: Government departments and agencies

Religious: Religious settings including churches and church run activities such as camps

Community Organisations: Organisations providing recreational activities to children