

VICTIMS OF CRIME AMENDMENT BILL 2003

Second Reading

Resumed from 25 June.

MS M.M. QUIRK (Girrawheen - Parliamentary Secretary) [10.07 am]: Mr Acting Speaker -

Mr R.F. Johnson interjected.

The ACTING SPEAKER (Mr A.J. Dean): I point out that the member for Girrawheen is now the closing speaker for the second reading debate on this Bill.

Ms M.M. QUIRK: For the benefit of the member for Hillarys, I now have carriage of this Bill because of a change in portfolio responsibilities. The Attorney General is no longer responsible for this legislation. I hope that clarifies the matter for the member.

Mr R.F. Johnson interjected.

Ms M.M. QUIRK: Thank you very much.

Point of Order

Mr A.D. McRAE: The member for Hillarys is an absolute stickler for the standing orders, but he does not seem to be in the right place to be interjecting.

The ACTING SPEAKER (Mr A.J. Dean): There is a point of order. If the member for Hillarys wishes to interject, he must be in his seat. However, I point out that interjections are unparliamentary.

Debate Resumed

Ms M.M. QUIRK: I have had the benefit of reading the Attorney General's second reading speech and the remarks by the members for Nedlands and Kingsley, and I will briefly respond, before the House proceeds to consideration in detail, to some of the matters raised by them. Central to the concerns of the Opposition is the notion that exchange of information between the Western Australia Police Service and the Victim Support Service is an unreasonable and unwarranted breach of a victim's privacy. These concerns are based on somewhat abstract notions of privacy, and do not recognise that the right of privacy is not absolute, and in many cases is qualified in the public interest. In this case, the community has a legitimate desire that the criminal justice system fully accommodate the rights of victims. The community demands that victims should not feel further victimised by the system. The community has given the Government a challenge to make things right. The pain and suffering of victims must be fully heard, and this has not often been the case in the past. The community wants outcomes that enable victims to be treated sensitively, compassionately and, most importantly, in a timely fashion. For this to occur, we need to ensure that any vestige of the so-called silo mentality is removed, so that all justice professionals, be they police, victim support workers or Director of Public Prosecutions personnel, share information in order to ease a victim's path through the system, and so that assistance can be offered from the outset.

Underlying what has been said by the member for Nedlands in particular is the premise that the needs of victims will be addressed at some stage along the journey towards prosecution. However, the assistance provided by the VSS is available to all victims, irrespective of whether anyone is ever apprehended or charged. There is a much greater risk that in instances where no charge is brought, if automatic referral is not made, a number of victims will be missed and will fall through the cracks. Some might say that this is the very situation in which victims feel most marginalised and isolated, and need to be offered assistance at a very early stage. I should also stress that the sole purpose for which the information is passed on is to enable contact to be made with a victim, so that the existence and nature of available victims services can be explained. Many victims decline the services, but my advice is that they are universally grateful for the approach having been made.

The member for Nedlands has suggested that this approach can wait until victims are no longer in a traumatised state, so that they can give informed written consent to have personal details referred by police to the VSS. There are some difficulties with this viewpoint. Firstly, the member is aware that many weeks or months may pass between the time the police first see a victim - normally when the original statement is taken - and the next contact with that person. This may possibly be the time in which a brief is being prepared, or when a prosecutor identifies to police that there is a need to secure additional evidence. In a case in which no-one is apprehended, it is conceivable that there would be no reason for the police to be in regular contact with the victim. A very real practical difficulty arises in the necessity of sending police back, possibly on several occasions, to assess whether a victim is now in a position to give informed written consent and thereby obtain that consent. The second point is that the received wisdom from professionals in the area is that the sooner victims are given the opportunity and resources to address issues surrounding victimisation, the healthier and more successful the

Ms Margaret Quirk; Acting Speaker; Mr Tony McRae; Ms Sue Walker; Mr John Hyde; Mrs Cheryl Edwardes

outcomes are. From personal experience, I am able to say that substantial delay in addressing issues by victims can exacerbate underlying problems, and stall or mar recovery.

I also note concern about the level and nature of information provided to the VSS. The implication is made, for example, that in the case of rape a victim's witness statement would be disclosed. My instructions are that this is simply not the case. All information passed on is that required to contact the victim and to be aware of the nature of the offence, so that the first contact can be handled with some level of sensitivity. In this context I should also note - although this is an administrative rather than a legislative environment - that this information is not available at large within the "black hole of the Department of Justice", as the member for Nedlands put it. I am advised that the victim details are quarantined in a separate system at the VSS and that there are internal protocols and guidelines for handling this information.

However, given the foregoing, the Government does appreciate the thoughtful and considered way in which the Opposition has handled the Bill thus far, and the way it put forward its amendments. In particular, the Government has accepted the proposition that there should be some constraints on what information can be shared under the Act. Accordingly, in consideration in detail, I will move an amendment that includes much of the Opposition's original amendment on the issue of information sharing. The proposed new section will adumbrate the categories of information permitted to be shared. However, in addition to the original categories mooted, also incorporated in the amendment is a reference to the ethnicity of the victim. The reasons for this are self-evident. From the outset, it is important that victims are dealt with in a culturally sensitive manner. From a broader perspective, it is important that some capacity be developed to identify any groups that may disproportionately be victims of crime. In the wake of the Gordon inquiry, this seems uncontentious.

On the underlying issue of the consent of the victim, the Government is not prepared to entertain the suggested amendment, as we have evidence that the number of victims having contact with VSS would decrease quite markedly if such a regime were introduced. We consider that the community would regard anything other than universal provision of services and assistance to victims as undesirable. I have recently spoken to a victims support group that unambiguously supports the approach being taken on the issue of consent. I thank that group for its feedback.

Question put and passed.

Bill read a second time.

Consideration in Detail

Clauses 1 to 3 put and passed.

New clause 4 -

Ms S.E. WALKER: I move -

Page 2, after line 9 – To insert the following –

4. Section 2 amended

To insert in Section 2 the following definitions —

“

“**consent**” means written consent;

“**Services**” means the Victim Support Service and the Victim Mediation Unit.

”.

I listened to what the member for Girrawheen said on my comments on this Bill. I have looked at the amendments that were presented to me last night. The member says that they contain what the Opposition wishes to incorporate in the Bill. Clause 4 still has the same problems, because any information that is prescribed by regulations is allowed to be passed on. That is my difficulty.

The reason I am seeking to have inserted the specific services to which information is to go is that the Bill seeks to allow the police and the Director of Public Prosecutions to pass all information to the Department of Justice. The member for Girrawheen is quite incorrect when she says -

The ACTING SPEAKER (Mr A.J. Dean): On a point of protocol, the member for Nedlands should not refer to the member for Girrawheen but to the parliamentary secretary, who is not acting in a private capacity but as parliamentary secretary.

Ms S.E. WALKER: Thank you, Mr Acting Speaker. I was not aware of that, and I apologise.

Ms Margaret Quirk; Acting Speaker; Mr Tony McRae; Ms Sue Walker; Mr John Hyde; Mrs Cheryl Edwardes

The parliamentary secretary said that the information would not go into the black hole of the Department of Justice. Will the clause limit the information going to the Victim Support Service and the Victim-offender Mediation Unit; and, if so, where is that found in the clause?

Ms M.M. QUIRK: The information will go to the Victim Support Service and the Victim-offender Mediation Unit. It will go nowhere else within the Department of Justice, as I understand it.

Ms S.E. WALKER: Clause 4 reads -

“Department” means the department of the Public Service principally assisting the Minister in the administration of this Act;

That means the Department of Justice. Why does it not refer to the Victim Support Service? I am quite happy for it to be extended to the Victim-offender Mediation Unit.

Ms M.M. QUIRK: The member will recall that when the Victims of Crime Act was first passed some years ago victim support and the Police Service were part of the same portfolio, so this problem did not arise. It is conceivable that in the future there may be some reorganisation of how these arrangements are made. Rather than have a situation in which in a couple of years time we will be going through the same exercise, this clause will give more flexibility to how the Victim Support Service and the Victim-offender Mediation Unit arrange themselves internally or to departmental arrangements. This Bill does not contemplate that there is need for anyone else within the department to have that information.

Ms S.E. WALKER: That is a very gullible, naïve view. Is the parliamentary secretary aware of how many departments there are within the Department of Justice? So that the legislation does not come back to the Parliament, the parliamentary secretary wants to give everybody in the Department of Justice the right to pass on information on victim impact statements or anything prescribed by regulations. I am speaking on behalf of victims who would not want that information to go to anyone other than the person to whom they had given their consent. That is why I will point out the problems with this legislation. If the Government really wanted victim impact statements, sexual assault victim statements and that sort of information to go only to the Victim Support Service or the Victim-offender Mediation Unit, that would be fine. The Opposition has said that it will agree to that. However, the parliamentary secretary is saying that it should go to the Department of Justice. Can the parliamentary secretary not see the issue?

Ms M.M. QUIRK: I certainly understand what the member for Nedlands is saying. However, my contention would be that any such broader publication is not authorised under the Act because it is not for the purposes prescribed in the Act. For people who had no reason to see the information, it would not be an authorised transfer of information.

Ms S.E. WALKER: The ridiculousness of this can be seen if we look at how courts treat similar information on offenders. When an offender is convicted and a pre-sentence report is called for, the pre-sentence report contains sensitive and personal information on the offender. It can include psychological and psychiatric reports. The prosecuting body cannot be sent that information about the offender. The prosecution must view it in court, unless things have changed. The courts jealously guard the information. Why is it that the offender gets his information protected and yet this Government is now giving open slather on similar information on victims?

Ms M.M. QUIRK: I contest the proposition that it is open slather. Even under the member's amendment, and under the Government's clause, limitations would be placed on the information provided. It must be authorised under the Act as being provided for the purposes of the Act. The member has drawn an analogy with sentencing reports, which are specifically provided for under the Sentencing Act. From my life prior to entering Parliament, I am certainly familiar with these provisions. It is quite customary for Acts to provide that information be transferred for a specific purpose and that purpose alone. It is implicit in that that if it is done for any other purpose or it is given to any other person, it is not authorised.

Mr J.N. HYDE: Do the victim support groups support this arrangement that is being proposed?

Ms S.E. Walker: Don't get political with this sort of stuff.

Mr J.N. HYDE: May I make the point that under the code of conduct personal abuse is eliminated and there is tolerance for political opinions to be expressed.

Ms M.M. QUIRK: I am glad the member for Perth raised the point, because it gives me the opportunity to reiterate what I said in reply to the second reading debate; that is, victim groups have in the past experienced some difficulty in getting assistance. They are very keen to have a seamless system. This provision ensures that can occur regularly and in an authorised and licit fashion. I talked to the head of one such group who said that she strongly supported -

Ms S.E. Walker: Who?

Ms Margaret Quirk; Acting Speaker; Mr Tony McRae; Ms Sue Walker; Mr John Hyde; Mrs Cheryl Edwardes

Ms M.M. QUIRK: I believe in maintaining confidentiality in this context. I understand that the member for Nedlands has also spoken to the group. I do not want necessarily to disclose the full content of the conversation that we had, other than to say that the group was fully supportive of the way in which the Government was proceeding with this Bill.

Ms S.E. WALKER: I recently spoke to a young lady who was a primary victim and a secondary victim. I am talking about consent and still referring to clause 4. Under the Victims of Crime Act the definition reads -

“victim” means –

- (a) a person who has suffered injury, loss or damage as a direct result of an offence, whether or not that injury, loss or damage was reasonably foreseeable by the offender; or
- (b) where an offence results in a death, any member of the immediate family of the deceased.

This young lady is a member of a couple of victims groups and, in my view, is in a remarkably healthy psychological frame of mind considering the appalling abuse she suffered and the fact that the abuser killed her natural mother. I had the opportunity to speak to this victim. I also recently had the opportunity to speak to the Homicide Victims Support Group (WA). After my contribution to the second reading debate I was invited to and attended that meeting. I think about 25 or 30 people were present at the meeting. There were a couple of police officers and representatives of the Victim Support Service. I spent about two or three hours with that group. The members of that group focus mainly on supporting each other. They raised with me several issues, one of which was the Criminal Injuries Compensation Act. They have quite a few problems with that Act. The second issue was that they believe that this legislation, which seeks to abolish the privacy of victims, is the way to go. This is what the member for Girrawheen was discussing. I believe it is this group that has been in the newspapers; it is not new. When I listened to those people, I found myself thinking that I could not agree with them. I felt that I could not vote the way they wanted me to vote on this legislation. I thought very deeply over the weekend about everything they said to me. I was concerned that I could not pursue this legislation on their behalf and I asked myself why. It was because I could not help them. I do not think this is the way to solve or satisfy the group's concerns. In order for me to satisfy the concerns of this relatively small group - that in no way diminishes or discounts the significance of their pain or suffering - I would have to vote to give away all the sensitive personal information of the thousands of other victims in this State. It is not mine to give away. It is not that group's to give away. It is the victims' to give away or for them to consent to giving it away if they wish. The information of a victim of an offence is given by that victim in confidence to law enforcement bodies. It is not mine to give away; it is not the Government's to give away. What the Opposition clearly stated when the Victims of Crimes Bill was introduced in 1994 by the then former Attorney General, the member for Kingsley, under guideline five was that the privacy of the victim should be protected. I am quite sincerely not here merely to challenge the Government on this legislation. However, because I have dealt with many victims of crime, I feel very passionately about this issue. I feel a lot of compassion for those victims, and of course the Homicide Victims Support Group. When I analysed it, my concern was that I could not vote for what this group wants.

Mr J.P.D. EDWARDS: I am interested to hear further comments of the member for Nedlands.

Ms S.E. WALKER: I was also concerned because the reason that this group of people want the Bill to proceed is that they do not want anyone else to experience on their own the suffering they have experienced on their own. They do not want anyone else to be alone. However, I do not believe this is the way to do it. Before I say why, I will look at the Victims of Crime Act. I was going to ask the parliamentary secretary whether she has the latest crime statistics report. I have read the second reading speech of the then Attorney General, the member for Kingsley, on the Victims of Crime Bill because I wanted to know how many victims of offences there were in one year in Western Australia. At page 6290 of the *Hansard* of 22 October 1994, the member for Kingsley, in her second reading speech on the Victims of Crime Bill, states -

It has long been recognised that the term “victim of crime” is not as straightforward as it first appears. The Police Crime Statistics Report for the period ending 30 June 1994 showed 53 866 burglary offences, 18 510 car theft offences, 3 342 serious assaults, 1 095 robberies, 324 sexual assaults and 55 homicides.

The reason I refer to those figures is that, alongside the Homicide Victims Support Group, although it is small but in no way insignificant, there are many thousands of victims of other crimes in this State. The Government should not try to solve this issue with this easy, quick-fix solution. I will refer to this later, but I think the member for Girrawheen hit it on the head. This Government has not done its homework on this very significant group. I asked myself how we would satisfy the concerns of this group of secondary victims. Some are primary victims; some have witnessed murders and some have experienced the most appalling circumstances and pain.

How do we help them at a grassroots level, because that is what they want? They do not want to be in a position in which they are alone or anyone else who suffers is alone. Can this be resolved by better policing at the contact point with the victims? What procedures are currently in place for a police officer attending on a secondary victim? In her contribution to the second reading debate, the member for Girrawheen mentioned that the police attend once and cannot keep going back. Instead of giving away the privacy of all victims of crimes in this way, the Government should look at this group, think this through and ask what the police do when they contact people in this position. What can the police do to satisfy the needs of this group? The Government and the Attorney General have not been honest with this House. The Attorney General did not tell us about all the legal opinions on the breaching of confidentiality of victims. For the Government to try to push through this legislation to resolve the real and serious needs and concerns of a group of victims by giving away everybody's rights because it has not taken the time to work through the best approach at the base level simply is not good enough. It is not just victims generally. What can the member for Girrawheen say about police procedures for dealing with victims at the contact point?

Ms M.M. QUIRK: I will revisit an issue that the member for Nedlands raised earlier. First, in relation to the word "department" in the legislation, this Government is very committed to some level of self-analysis and review on a regular basis. It may well be in the future that existing arrangements for victims are seen as not being satisfactory or that additional services need to be added. If we specifically nominate in the legislation the Victim Support Service or the Victim-offender Mediation Unit, it would not give the Government the capacity to expand services in the future. Secondly, I am advised that if a victim specifically says that he or she does not want information to be given, it is the practice, which I understand is immutable, that that information will not be given and passed on. In my view, that solves one of the issues that the member for Nedlands has raised. Unequivocally, the information will not be passed on. Thirdly, with regard to the number of victims and how they will be dealt with, I am told that the principal focus of the Bill and of the work done by the Victim Support Service will be to concentrate on victims that have experienced actual bodily harm or offences of greater seriousness, because of the sheer number of total victims. It is the Government's policy to focus on the more serious offences.

Ms S.E. WALKER: I understand that the parliamentary secretary is hamstrung. However, the court will not allow offenders' sensitive material out of the court. Why? Because of the danger. The court will not allow victim impact statements out of the court. Why? Because an offender in another State may get hold of it and drool over it in prison. I just cannot impress this point enough on the parliamentary secretary. The member wants to make it convenient for the Government rather than the victim. The Government's attitude is back-to-front. This amendment will enable the Director of Public Prosecutions and the police to give any information they like to the Department of Justice. That is wrong. Frankly, I do not think this provision has been thought through on behalf of all the victims in this State. It directly contravenes guideline 5 that the coalition introduced into the Victims of Crime Act to protect the privacy of victims. This provision has not been thought through.

A recent press release stated that the Homicide Victims Support Group (WA) wants the Opposition to support the Bill. The member for Girrawheen was reported in a newspaper as saying that the Bill does no more than what is currently happening anyway. Is that the parliamentary secretary's belief, and is that correct?

Ms M.M. QUIRK: Yes.

Mrs C.L. EDWARDES: I support the comments made by the member for Nedlands. Support services for victims of crime have come a long way in this State. However, this legislation will provide administrative convenience. If it is purely a tool for administrative convenience, it is not acceptable. If the legislation adds to the amount of administration work to be done because information can be e-mailed holus-bolus, it is not a problem. If this is more than just administrative convenience - relevant research shows that the earlier victims get support, advice and counselling, the better off they are - that is a different issue. Some advice and studies show that victims can be further victimised by somebody telling them they know what is best for them. Therefore, what is the Government doing? Is it introducing this legislation based on a paternalistic approach that the Government knows what is best for the victims and that they must receive certain advice? It is not acceptable to approach victims in that way in 2003. That should not be done. I have had enough experience of dealing with victims who have suffered traumatic experiences to know that when they are ready, they are better able to accept advice, support and counselling.

Victims have told me that they do not want their personal information divulged. It does not matter to whom it is divulged; they do not want it divulged. The amendment highlights a certain number of elements in paragraphs (a) to (f), with which the Opposition agrees. That is all the information that needs to be sent in order to allow the Victim Support Service to make contact with the victim and tell the victim that when he or she is ready, the service is ready to help. It can provide services to the victim's family and provide extra support. However, the Government has left this provision open-ended by including the words "any information prescribed by the

Ms Margaret Quirk; Acting Speaker; Mr Tony McRae; Ms Sue Walker; Mr John Hyde; Mrs Cheryl Edwardes

regulations". It is too open-ended. If further information is required, that matter should be referred to the Parliament, or the Government should get the victim's consent. It is very simple. We are not arguing about whether victims need help; we are arguing about whether we will further victimise those victims by taking away their rights. They have already been abused in some way. Their rights and privacy have already been abused. That is what the Government is proposing to do now. If the Government wants more information than is contained in the provisions outlined in paragraphs (a) to (f) of proposed section 4(1), it should obtain it with the victim's consent. I do not think that is too much to ask. The Victim Support Service would have the relevant information and could make contact with the victim. When the victim was ready and the Victim Support Service needed more information, the victim could give his consent to provide that information. We would support this legislation in that case; it is very simple.

Ms S.E. WALKER: The member for Kingsley has prompted me to say something I was going to mention later. The member said that some victims do not want to be contacted. The Victim Support Service provides a very valuable service. As I said, as a prosecutor I did not receive any complaints about it other than on one occasion when I was on the court circuit. A young man had been sexually abused and somebody from the Victim Support Service or the child witness support service kept ringing him. The victim almost felt obliged to see someone from the service. It is hard enough to take victims through the system without having someone chase after them. That is one of the issues I was coming to. That victim did not want to speak to the service but he felt pressured because of the phone calls he was receiving while I was preparing him for trial. He did not have to speak to that service. That is one of the dangers with this provision. When the Government legislates to proactively pass on every victim's information to a support service, the support service can become the ambulance chaser, which can work to the detriment of the victim. It is important that victims know about this service and what it can offer. However, it is also important that the victims give their consent to be contacted and to provide information.

The member for Kingsley referred to the prescribed information in the parliamentary secretary's amendment as being a type of salve to the Opposition. However, these are just the same amendments dressed up in a different form. Paragraph (g) of the amendment to proposed section 4(1) refers to any information prescribed by the regulations. Therefore, the Government is saying it will give the department only the prescribed information, but once the amendment is passed through the House, the Government can pass any regulations it wants. I think we can nut out this issue and that it would not take very long; however, the parliamentary secretary seems to want to keep the amendment open ended.

With regard to the parliamentary secretary's comments that the Bill does no more than what happens currently, can she tell me whether the psychological reports of victims are currently automatically passed to the Victim Support Service and the Department of Justice?

Ms M.M. QUIRK: The answer is no, I understand that the psychological reports are not passed on. Secondly, I will address a few of the matters raised by the member for Kingsley. This Bill is not purely for administrative convenience. There is research to show that the sooner issues are addressed by victims the better the outcome. Having said that, I must stress to the Opposition that this Bill is concerned with giving victims choice. We accept that victims are not necessarily ready for assistance at any particular time, but we advise them through mail and telephone calls that services are available. It is their choice whether they take up the offer at the time or later. For example, I am advised that hundreds of letters have been received by the Victim Support Service following such approaches. I will read one letter, which is certainly representative of a number I have seen. From her previous role as Attorney General, the member for Kingsley would be aware of this type of letter. It states -

Thank you for your letter of the 4th Oct offering me the support of your organisation.

At the present time I am coping to a certain degree, due to the wonderful support of family and friends.

However, I will certainly be in contact with you if things deteriorate & gratefully accept whatever help I can get.

Once again, thank you.

That is by no means atypical of the type of response received. Obviously, there are some less than desirable incidences, such as the one indicated by the member for Nedlands. This is not a case of ramming the services down a person's throat. It is a question of them being there; they are in the back of a person's mind. If a person has a setback down the track, he will be able to avail himself of those services. One victim, who had never received such contact, told me he was combing through the telephone book looking for somewhere to go six months after the offence had occurred. That is not desirable.

In respect of paragraph (g) I must apologise to the member for Nedlands for misleading the House in a sense by saying that the amendment proposed by the Government was the same as the Opposition's. I agree that paragraph (g) is additional to what was there, as is the provision about ethnicity. Paragraph (g) refers to

Ms Margaret Quirk; Acting Speaker; Mr Tony McRae; Ms Sue Walker; Mr John Hyde; Mrs Cheryl Edwardes

information prescribed by the regulations. I am advised that the Director of Public Prosecutions was very keen to have that included. He did not want to be hamstrung. He wanted some level of flexibility so that he could handle individual cases in an appropriate way. Having been on the Joint Standing Committee on Delegated Legislation for two years, I must say that regulations are subject to rigorous parliamentary scrutiny and to disallowance on occasions. I draw that to the attention of the members for Nedlands and Kingsley as a matter of completeness. In the meantime, once this provision comes into effect and difficulties are experienced, I can foresee that being raised in the context of the disallowance of any further regulations.

Ms S.E. WALKER: The issue is whether the police advise the victim of the existence of the Victim Support Service. That is what they should be doing. They should tell victims about the service. If they tell them, the victims have the information in front of them. The Government wants to pass on confidential information to the Victim Support Service so that the Victim Support Service can tell them and retain the confidential information. The Opposition says no to that. The fact that the DPP has said that he wants paragraph (g) is irrelevant. The DPP has the file of a victim and can contact the victim; he can just telephone and ask. Victims go to the DPP all the time. I cannot really understand the issue. The parliamentary secretary said that the psychological reports of victims are not passed on. Are doctors' reports or photographs of sexual abuse victims currently passed on?

Ms M.M. QUIRK: As I understand it, doctors' reports and photographs are not passed on. I accept that in an ideal world police should give information about the service to victims. If police were not focused, as they should be, on furthering inquiries and investigations, that would invariably happen. The bottom line is that we are dealing with a culture of more than one hundred years in which police have been offender-focused. As we all know, it is notoriously difficult to change police culture and that is no less so than in this area. There are some fantastic police officers who do a great job with victims. I do not in any way mean to diminish that. However, people who have the professional skills and expertise should be given the prime responsibility for these matters.

Mrs C.L. Edwardes: Don't police officers carry folders of information and pamphlets about the Victim Support Service?

Ms M.M. QUIRK: As I understand it, they carry cards. This is more about dealing with situations in which, anecdotally, people say they did not know about the service and have fallen through the cracks. We are trying to cover the worst-case scenario. As I said earlier, I have been a victim of crime on a number of occasions, but I am very pleased to say not too recently. I have always been very happy with the way in which the police have counselled me in the context of these issues.

Ms S.E. WALKER: Police are very often regarded by victims of crime as a crutch. Police give an enormous amount of compassion and support through difficult times, including trials. They are brilliant at that. I do not say that because they are capable of giving out pamphlets about support for victims of crime; they are capable anyway. They are professional and highly trained people who deal with victims. They can pass on the information about the Victim Support Service.

I will make a comment about something said by the parliamentary secretary. This has been introduced simply so that the Government will not be criticised if someone falls through the cracks. How do we know this? The Attorney General's second reading speech delivered on 26 February stated that unless the Government did this it was "likely to lead to an unwarranted criticism of these government services for victims". I repeat, there is one victim support service that I do not discount in any way. In order to satisfy the needs of the group, instead of getting the police to ensure that they give victims appropriate material and ask whether they would like them to telephone on their behalf, the Attorney General is wanting legislation that will destroy the privacy of all victims in this State. That is unacceptable to the Opposition.. It may be convenient to the Government but I agree with the member for Kingsley that it is an administrative convenience.

The reason I asked whether psychological reports, doctors' reports, statements of rape victims, statements of child rape victims and photographs were passed across is that they must be given over if a trial is to proceed. Under this Bill and the amendments, the material can be passed across. It can be given by the DPP or the police to the Department of Justice without the consent of the victim. Currently, police can ring the victim and ask whether it can be passed on. The DPP can do the same. Once a victim decides he wants the support of the Victim Support Service it can get any information it likes, provided the victim is asked and consent is given. The Opposition does not support this legislation.

I wonder whether it would assist if I moved all my amendments now.

The ACTING SPEAKER (Mr A.J. Dean): No.

New clause put and a division taken with the following result -

Ayes (18)

Mr R.A. Ainsworth	Mr J.H.D. Day	Mr M.G. House	Mr P.G. Pandal
Mr C.J. Barnett	Mrs C.L. Edwardes	Mr R.F. Johnson	Ms S.E. Walker
Mr D.F. Barron-Sullivan	Mr J.P.D. Edwards	Mr A.D. Marshall	Mr J.L. Bradshaw (<i>Teller</i>)
Mr M.F. Board	Mr B.J. Grylls	Mr B.K. Masters	
Dr E. Constable	Ms K. Hodson-Thomas	Mr P.D. Omodei	

Noes (23)

Mr P.W. Andrews	Mr J.N. Hyde	Mr A.D. McRae	Mrs M.H. Roberts
Mr C.M. Brown	Mr J.C. Kobelke	Mr N.R. Marlborough	Mr D.A. Templeman
Mr J.B. D'Orazio	Mr F.M. Logan	Mr A.P. O'Gorman	Mr P.B. Watson
Dr J.M. Edwards	Ms A.J. MacTiernan	Mr J.R. Quigley	Mr M.P. Whitely
Dr G.I. Gallop	Mr J.A. McGinty	Ms M.M. Quirk	Mr M.P. Murray (<i>Teller</i>)
Mr S.R. Hill	Ms S.M. McHale	Ms J.A. Radisich	

Pairs

Mr M.J. Birney	Mr J.J.M. Bowler
Mr R.N. Sweetman	Mr R.C. Kucera
Mr T.K. Waldron	Mr E.S. Ripper

New clause thus negatived.

Clause 4: Section 4 inserted -

Ms S.E. WALKER: I move -

Page 2, lines 16 to 18 – To delete the lines and substitute the following -

“prescribed information” in relation to a victim, means -

- (a) the name, address and telephone number of the victim;
- (b) the offence committed against the victim;
- (c) the name, rank and registered number of the member of the Police Force in charge of investigating the offence; and
- (d) the police station or office where the investigating police officer is stationed;

Given the previous vote, it is apparent that the Government does not agree that victims need to give their consent before their personal and confidential information can be passed on to a non law-enforcement body. The Opposition wants only prescribed information to be given. I note the parliamentary secretary's amendment on today's Notice Paper, which seeks to give the name of the offender, or alleged offender, to the Department of Justice. Why has that been included?

Ms M.M. QUIRK: I am advised that although the Department of Justice would have access to that information in any event, it has been included to facilitate background information about the circumstances of the offence or the perpetrator.

Ms S.E. WALKER: Why will victims not be asked if they want the Victim Support Service to know such information? Why does the Victim Support Service need such information?

Ms M.M. QUIRK: As I have just said, it will help to marry up records and will facilitate the seeking of additional information. To some extent, information about the offender may be publicly available.

Ms S.E. Walker: It wouldn't be for a child.

Ms M.M. QUIRK: I concede that it may well not be for a child. I am assured that in the context of the Young Offenders Act, it will not happen in cases involving juveniles.

Ms S.E. WALKER: Why does an abridged version or description need to be given?

Ms M.M. QUIRK: Again, this is a question of the service being able to deal more sensitively with the victim. Domestic violence or sexual assault may be involved, in which case other agencies or support groups will be called in. A parent and his or her child may be involved. There may be issues about protection and the need to assess risk. All those issues obviously need background information. The fact that it is an abridged version - I

Ms Margaret Quirk; Acting Speaker; Mr Tony McRae; Ms Sue Walker; Mr John Hyde; Mrs Cheryl Edwardes

use the word abridged - indicates that no more information than is absolutely necessary for the service to do its job professionally and comprehensively will be provided.

Ms S.E. WALKER: Is this not about delving into other people's business? If the parliamentary secretary were a victim of an offence tonight, would she want people from the Department of Justice ringing around and poking into that incident? Would it not be better if the Victim Support Service phoned and asked whether she wanted it to poke around in her business? This is about gathering personal, private and sensitive information and the Government is not confining the gathering of such information to the Victim Support Service or the Victim-offender Mediation Unit. The Department of Justice will also have the authority to poke around behind victims' backs to find out what happened to them during a crime. It is absolutely incredible. On behalf of all victims, I am appalled that the Government will allow this to happen. In relation to the prescribed information that is contained in the parliamentary secretary's amendment, she is not satisfied that the Victim Support Service receives the name, address and telephone number of the victim; the offence committed against the victim; the name, rank and registered number of the member of the Police Service in charge of investigating the offence; and the police station or office where the investigating police officer is stationed. That at least gives a contact base from which, if the victim says it is okay, the Victim Support Service can phone to ask if he or she needs help. The department will be armed with information about whether a victim was raped, burgled or bludgeoned. It will know who the offender was and will allow people to poke around. These people will get an abridged description of the circumstances of the commission of the offence. I suspect that it will probably be the facts sheet that police prosecutors and prosecutors get, which reveals quite a bit about what happened to the victim. Why should that information be passed on without the victim's consent? The Opposition's amendment will restrict the information that the Department of Justice and other departments can receive under this legislation to the prescribed information that I have just read out. I accept, as the member for Kingsley has already said, that we have no problem with ethnicity. We can understand that when a cultural issue is involved.

The truth is that it does not matter what the parliamentary secretary says, these people will be given the prescribed information, which is any information prescribed by the regulations. It will be open slather. Therefore, the Opposition has moved to restrict the information that can be given to protect the privacy rights of the victim. Not every victim wants to talk about what happened to him or her. Everybody is different. People must be given the opportunity to say yes or no. A person must be given the opportunity to say, "Yes, I want you to know what happened to me tonight, where it happened, who did it and whom it affected in my family" or "As a parent, I want you to know what happened to my child tonight. I want you to know all about it before you ring me."

The Opposition says no to the Government's legislation. I asked the parliamentary secretary a question, and she was quite wrong, and was misleading the public, when she said that only information that these people already get will be passed on. This legislation will allow doctors' reports to be passed on. The parliamentary secretary is saying that that does not happen now. I see the parliamentary secretary's adviser shaking her head. However, I have worked in the office of the Director of Public Prosecutions and I know what information it gets. I know what confidential, sensitive information can be passed on. That is not a slight on the police or anyone who works at the DPP's office. I regard them very highly. This is about protecting the victim's rights. I find this to be very damaging legislation, and the Opposition will oppose it.

Ms M.M. QUIRK: I take issue with one thing that the member for Nedlands said, and I am particularly concerned that she made this observation. She asserted that this information is sought by the Victim Support Service to somehow satisfy a prurient curiosity. Frankly, the people from the Victim Support Service not only are incredibly busy but also have lives. They do not need to bother delving into people's private lives. All they need is information that is necessary so that they can properly and professionally do their job.

In this context I will read out a couple of the entries from information that is received, so that the member for Nedlands will appreciate the limited nature of the material that is passed across. There are five columns on the sheet. The first column lists the offence report number and which police were involved in making the report. In this case it is a 12-digit number, followed by Fremantle detectives. The second column states the offence - armed robbery - and the location of the armed robbery - nothing else. In the third column, under narrative, it states that the offender stole cash. The fourth column shows the complainant's name, the fifth column the gender of the complainant, and the sixth column the age of the complainant. Currently, that is the full extent of it.

I also note that the member for Nedlands mentioned doctors' reports. I can say unequivocally that that information is not sought or given. In the context of a prosecution, it may well be that a doctor's report is relevant, as the member for Nedlands will be well aware. For example, in the prosecution of an offence of assault occasioning actual bodily harm, it is necessary to prove that actual bodily harm occurred; therefore, a doctor's report will be necessary as part of the brief. The Victim Support Service does not need that. As I said,

Ms Margaret Quirk; Acting Speaker; Mr Tony McRae; Ms Sue Walker; Mr John Hyde; Mrs Cheryl Edwardes

that is one entry. On this sheet that I have with me, there are six entries. That is the limited extent of the information disclosed. It is less than one-sixth of an A4 page. It is totally misleading for the member for Nedlands to say that someone's whole life is exposed to anyone and everyone. This is purely about giving victims the choice and the support that they need.

Ms S.E. WALKER: This is where the naivety of the parliamentary secretary is evident, because once the file reaches the DPP or the matter starts to be prosecuted, under the amendment the Commissioner of Police or the DPP can pass on any information that he thinks fit. We are talking not just about the DPP, who has thousands of files; it will be delegated down. We are talking about thousands of prosecution files that contain victim impact statements. Someone from the Victim Support Service may say that she is really concerned about Miss X, and she wants to know what happened to her. Someone from one of those law enforcement bodies may offer to provide her statement so that the person can understand and appreciate what happened. Under this legislation, a person can do that; it will be absolutely open slather. I am afraid that the parliamentary secretary telling me that it will not happen will not make any difference to the fact that this Bill will allow open slather. I am not misleading the Parliament, and I will not mislead the people of Western Australia. I will expose to them what this Bill is about. I have given the Government the opportunity to rein in this legislation, and it has refused to do so. I will continue to press for my amendment to be agreed to.

Amendment put and a division taken with the following result -

Ayes (17)

Mr R.A. Ainsworth	Mr J.H.D. Day	Mr M.G. House	Ms S.E. Walker
Mr C.J. Barnett	Mrs C.L. Edwardes	Mr R.F. Johnson	Mr J.L. Bradshaw (<i>Teller</i>)
Mr D.F. Barron-Sullivan	Mr J.P.D. Edwards	Mr B.K. Masters	
Mr M.F. Board	Mr B.J. Grylls	Mr P.D. Omodei	
Dr E. Constable	Ms K. Hodson-Thomas	Mr P.G. Pandal	

Noes (24)

Mr C.M. Brown	Mr J.N. Hyde	Ms S.M. McHale	Ms J.A. Radisich
Mr A.J. Dean	Mr J.C. Kobelke	Mr A.D. McRae	Mrs M.H. Roberts
Mr J.B. D'Orazio	Mr F.M. Logan	Mr N.R. Marlborough	Mr D.A. Templeman
Dr J.M. Edwards	Ms A.J. MacTiernan	Mr A.P. O'Gorman	Mr P.B. Watson
Dr G.I. Gallop	Mr J.A. McGinty	Mr J.R. Quigley	Mr M.P. Whitely
Mr S.R. Hill	Mr M. McGowan	Ms M.M. Quirk	Mr M.P. Murray (<i>Teller</i>)

Pairs

Mr M.J. Birney	Mr J.J.M. Bowler
Mr R.N. Sweetman	Mr R.C. Kucera
Mr A.D. Marshall	Mr A.J. Carpenter
Mr T.K. Waldron	Mr E.S. Ripper

Amendment thus negatived.

Ms M.M. QUIRK: I move -

Page 2, after line 21 - To insert the following -

“prescribed information”, in relation to a victim, means -

- (a) the name, address, telephone number, age and ethnicity of the victim;
- (b) a description of the offence and an abridged description of the circumstances of its commission;
- (c) the name of the offender or alleged offender, if known;
- (d) the name, rank and registered number of the member of the Police Force in charge of investigating the offence;
- (e) the police station or office where information about the investigation of the offence is held;
- (f) the status of the investigation and prosecution of the offence by the Police Force; and
- (g) any information prescribed by the regulations.

Ms Margaret Quirk; Acting Speaker; Mr Tony McRae; Ms Sue Walker; Mr John Hyde; Mrs Cheryl Edwardes

Ms S.E. WALKER: Can the parliamentary secretary tell me whether the Commissioner of Police and the chief executive officer will personally look at the information on each victim that will be passed on?

Ms M.M. QUIRK: As is normally the case with administrative matters within departments, that power will be delegated. However, having said that, I understand that a memorandum of understanding is ready to be executed, which will certainly set some protocols to ensure probity in the handling of the information and that its integrity is assured.

Ms S.E. WALKER: To whom will this authority be delegated?

Ms M.M. QUIRK: To relevant officers.

Ms S.E. WALKER: How many relevant officers?

Ms M.M. QUIRK: I am unable to quantify the number of relevant officers for the member for Nedlands. I can say, principally, that there is a unit within the Police Service that will handle most of this information. However, there will be occasions in which police officers from all over the State will be providing that information. I apologise that I cannot assist the member by providing any more specificity at this stage.

Ms S.E. WALKER: It is an important point, because it is possible that all police officers will be able to pass on whatever information they think fit, either in the list - (a) to (f) - or anything that is prescribed in the regulations. Is the parliamentary secretary saying that any police officer will be able to pass on this information? How many police officers are there in this State?

Ms M.M. QUIRK: I must again stress that there are no regulations in force at this stage, nor, as I understand it, are any contemplated, that would expand categories (a) to (f). Having said that, the legislation is regularly reviewed. It may well be that if a deficiency is identified, a call may be made for regulations. As I said earlier, any such regulations will be subject to rigorous scrutiny by the Joint Standing Committee on Delegated Legislation and to the scrutiny of and disallowance by the Parliament. I am a bit perplexed by the member for Nedlands' concerns, because in terms of privacy it is not necessarily who passes on the information that is important but what is done with the information when it is received. I am having some difficulty in understanding the issue in this context.

Ms S.E. WALKER: That is my point: it is what happens when the information is passed on. That is why the court jealously guards victim impact statements and offenders' personal private information, so that no-one with ulterior motives can use it. That is why the Opposition is concerned to limit to whom the Director of Public Prosecutions and the police can send this information, because under this legislation there will be the capacity to send it anywhere in the Department of Justice. Theoretically, it will be possible for information on a victim of a serious sexual assault to weave its way to the offender if he is a staff member of the Department of Justice. The police and the DPP will be able to pass on any information they think fit to any delegated officer. It will go into the black hole of the Department of Justice. The Opposition considers that to be unreasonable. We are talking about the Commissioner of Police providing this information. We know, of course, that the Commissioner of Police will not look at all the offence reports. Given that this decision to pass on the information will be delegated far and wide within the Police Force, how many offences are we looking at? How many offence reports have been received this year?

Ms M.M. QUIRK: I understand that about 7 000 offence reports have been received by this mechanism in the past financial year - 1 July 2002 to 30 June 2003.

Ms S.E. WALKER: Can the parliamentary secretary explain the sort of offence reports that are currently passed to the Victim Support Service? I refer to the speech of the member for Kingsley when she introduced the Bill that became the original Victims of Crime Act. As I said, there were 53 000 burglary offences, 18 000-odd car thefts, approximately 3 500 serious assaults, 324 sexual assaults and 55 homicides. Why have there been only 7 000 offence reports?

Ms M.M. QUIRK: As I said earlier, the details of the offences that are passed on include those for assault occasioning bodily harm and all those more serious offences. I reiterate that the content of the offence reports is limited. As I said, I have with me such a report and it contains six names on one A4 sheet. It is limited to the following information: it contains the offence report number, the police district from which it came, the offence - such as assault occasioning actual bodily harm; in this case it was armed robbery - and a narrative. In the case of assault occasioning actual bodily harm, the report states that it included serious injuries, including a possible broken nose, which required medical attention. It provides the name, gender and age of the complainant. That is it.

Ms S.E. WALKER: When the parliamentary secretary first read out one of those offence reports, I think she referred to burglary and cash that was stolen. Is the parliamentary secretary saying that only serious offences are moved on?

Ms Margaret Quirk; Acting Speaker; Mr Tony McRae; Ms Sue Walker; Mr John Hyde; Mrs Cheryl Edwardes

Ms M.M. Quirk: Yes.

Ms S.E. WALKER: Does the parliamentary secretary have a breakdown of the types of offences that are sent on by the police and the DPP, and the sort of offences that will be sent on under this legislation?

Ms M.M. QUIRK: As a general category, it is crimes against the person, but not common assault. It must be at least assault occasioning actual bodily harm, home invasions, armed robbery and so on.

Ms S.E. WALKER: Is there a list anywhere?

Ms M.M. Quirk: Yes.

Ms S.E. WALKER: Does the parliamentary secretary have it with her?

Ms M.M. Quirk: No.

Ms S.E. WALKER: Can the parliamentary secretary provide me with a copy of that list?

Ms M.M. Quirk: Yes.

Ms S.E. WALKER: Can the parliamentary secretary tell me if the list includes -

Ms M.M. Quirk: I do not know, because I do not have the list.

Ms S.E. WALKER: Your adviser next to you has it. Can the parliamentary secretary tell me if the list includes murders?

Ms M.M. Quirk: Yes.

Ms S.E. WALKER: Attempted murders?

Ms M.M. Quirk: Yes.

Ms S.E. WALKER: Rapes?

Ms M.M. Quirk: Yes.

Ms S.E. WALKER: Sexual assaults on children?

Ms M.M. Quirk: Yes.

Ms S.E. WALKER: Armed robberies?

Ms M.M. Quirk: Yes.

Ms S.E. WALKER: Burglaries?

Ms M.M. Quirk: No.

Ms S.E. WALKER: It also does not include common assaults?

Ms M.M. Quirk: No.

Ms S.E. WALKER: I take that on board. Can the parliamentary secretary let me know when she can get me that list? Is it true to say that victims of crime are sifted through by the Police Service to determine which will be sent on to the Victim Support Service?

Ms M.M. Quirk: Yes.

Ms S.E. WALKER: How does that happen at the office of the Director of Public Prosecutions?

Ms M.M. Quirk: It does not.

Ms S.E. WALKER: Does the parliamentary secretary know when the Director of Public Prosecutions will decide what to send on, in relation to photographs?

Ms M.M. QUIRK: I understand that there are only a few occasions on which the Victim Support Service has not been in contact with victims prior to the matter being sent to the Director of Public Prosecutions, but there are occasions when that has not happened. The Director of Public Prosecutions, as I understand it, makes an assessment on an as-needed basis.

Ms S.E. WALKER: Can the parliamentary secretary tell me how many people are employed at the Victim Support Service in the State?

Ms M.M. QUIRK: There are four counsellors in the metropolitan area and 13 servicing the regional areas.

Ms S.E. WALKER: Are those 17 counsellors the total number of employees of the Victim Support Service?

Ms Margaret Quirk; Acting Speaker; Mr Tony McRae; Ms Sue Walker; Mr John Hyde; Mrs Cheryl Edwardes

Ms M.M. QUIRK: I am advised that the 13 counsellors in the regional areas are contract personnel, whereas the four counsellors in the metropolitan area are employees of the Department of Justice. For that reason, anything that is done remotely or in the regional areas is referred to the four metropolitan personnel.

Ms S.E. WALKER: I am just trying to work out how four counsellors cope with 7 000 victims.

Ms M.M. QUIRK: While 7 000 persons are contacted each year, only about 40 per cent take up the offer of service.

Ms S.E. WALKER: I am interested in this because I am trying to work out how the Victim Support Service comes to deal with the offence reports. If there are only four counsellors at head office, how do they contact the 7 000 victims? Do they send letters? Do they telephone any of those victims? If they telephone them, how do they work out which ones to call?

Ms M.M. QUIRK: In addition to the four counsellors, there are also a number of volunteers, who are trained and police cleared. One of the four counsellors will go through the list of referrals and make a decision as to which ones should be telephoned and which should receive a letter, and also determine the sensitivity. Obviously, the more serious the crime, the more likely that the counselling would be done by one of the employed counsellors. The volunteers deal with the minor matters. Whether a telephone call or a letter is used depends on the nature of the offence, the sensitivity and the most effective way to contact a person. It may be telephone, it may be letter, and it may be both.

Ms S.E. WALKER: As volunteers, these people would not necessarily come under the same confidentiality requirements that public servants normally come under. Is that correct?

Ms M.M. Quirk: No.

Ms S.E. WALKER: How is confidentiality maintained with those volunteers?

Ms M.M. QUIRK: The volunteers are required to sign a confidentiality agreement that is consistent with the obligations of public servants.

Ms S.E. WALKER: Volunteers are not paid, of course. What processes are in place if the confidentiality is breached?

Ms M.M. QUIRK: I appreciate, and I am very grateful for, the interest of the member for Nedlands. However, none of these processes is in any way being altered, or is new in the existing legislation.

Ms S.E. WALKER: Legislation is being put in place to allow people who do not come under the provisions that apply to public servants to have highly confidential and sensitive information about citizens of this State. The parliamentary secretary is telling me today that this is done by volunteers. That is unbelievable. I am asking how their confidentiality is enforced.

Mrs C.L. EDWARDES: The other issue about this legislation is that it is being put in place because of the legal concerns about the breach of privacy and the rest. There is an issue. It is not that this legislation is not changing anything that is happening. An issue is being raised about the information that is being passed on, and we are now debating that. There are some valid concerns there.

Ms S.E. WALKER: How many volunteers have access to the office of the Victim Support Service? How many pass through there?

Ms M.M. QUIRK: I understand there are 20 at present.

Ms S.E. WALKER: I still do not have an answer to my question, and I would like one from the parliamentary secretary. If confidentiality is breached by a volunteer, what sanctions are there and how are they enforced?

Ms M.M. QUIRK: I am advised that their service would be terminated without hesitation.

Ms S.E. WALKER: The parliamentary secretary is saying that there is no sanction other than their services being terminated. The parliamentary secretary is saying that all the sensitive, personal information goes to people who are not subject to the confidentiality clauses to which public servants are normally subject. That means that volunteers can scan all 7 000 offence reports -

Ms M.M. Quirk: They can scan this.

Ms S.E. WALKER: For the purposes of Hansard, I advise that the parliamentary secretary is holding up a sheet of paper. Volunteers are able to see which citizens have been burgled, raped or whatever. Staff of the Police Service and the Director of Public Prosecutions are subject to confidentiality requirements, but the parliamentary secretary is saying that all this information can pass before the eyes of 20 volunteers. There is no way in the world that four counsellors can handle 7 000 offence reports. The parliamentary secretary is saying that if they

Ms Margaret Quirk; Acting Speaker; Mr Tony McRae; Ms Sue Walker; Mr John Hyde; Mrs Cheryl Edwardes

breach confidentiality their services will be terminated, but they will still have the information before them and they will be able to do with it what they like. They will be able to photocopy it and take it away, and there is no proper sanction. That is incredible.

Ms M.M. QUIRK: I am not sure how I can respond to that. I am certainly aware of the concerns of the member for Nedlands. I need to reiterate that in the strict sense volunteers do not have access to an offence report, as defined in police terminology. The volunteers are well trained and subject to a memorandum of understanding. As the member says, ex post facto if somebody breaches the confidentiality provisions, it is more than unfortunate. During the time that the Victim Support Service has been run, no such incident has occurred. The training and the nature of the people involved means that every measure is put in place to ensure the integrity of that information.

Ms S.E. WALKER: The parliamentary secretary says that nothing has happened in the past, but we do not know. I am very concerned.

Mrs C.L. Edwardes: Would it be subject to the Criminal Code under which action could be taken against them?

Ms S.E. WALKER: I do not know, but I am quite concerned at having learnt today that volunteers are not subject to confidentiality provisions with the information that flows into that office. This legislation is seeking to give open slather on the information that will go into that office. I cannot believe that four counsellors operating full-time will be able to handle all the information files in a practical and real sense. It will not happen. Who will handle the files and look after them if the volunteers do not? The four counsellors will not because they could not possibly handle that workload. When people are working in an electorate office and there are confidentiality agreements, members cannot let them have access to what people have come to see them about because they will be exposed. It is very interesting that this legislation is seeking to give to the Department of Justice and volunteers access to all sorts of confidential and sensitive material that a judge, when asking for information on an offender, would not let outside the court. We will oppose this legislation wholeheartedly.

Amendment put and a division taken with the following result -

Ayes (24)

Mr C.M. Brown	Mr J.N. Hyde	Ms S.M. McHale	Ms J.A. Radisich
Mr A.J. Dean	Mr J.C. Kobelke	Mr A.D. McRae	Mrs M.H. Roberts
Mr J.B. D'Orazio	Mr F.M. Logan	Mr N.R. Marlborough	Mr D.A. Templeman
Dr J.M. Edwards	Ms A.J. MacTiernan	Mr A.P. O'Gorman	Mr P.B. Watson
Dr G.I. Gallop	Mr J.A. McGinty	Mr J.R. Quigley	Mr M.P. Whitely
Mr S.R. Hill	Mr M. McGowan	Ms M.M. Quirk	Mr M.P. Murray (<i>Teller</i>)

Noes (17)

Mr R.A. Ainsworth	Mrs C.L. Edwardes	Mr R.F. Johnson	Dr J.M. Woollard
Mr C.J. Barnett	Mr J.P.D. Edwards	Mr B.K. Masters	Mr J.L. Bradshaw (<i>Teller</i>)
Mr D.F. Barron-Sullivan	Mr B.J. Grylls	Mr P.D. Omodei	
Mr M.F. Board	Ms K. Hodson-Thomas	Mr P.G. Pendal	
Mr J.H.D. Day	Mr M.G. House	Ms S.E. Walker	

Pairs

Mr J.J.M. Bowler	Mr M.J. Birney
Mr R.C. Kucera	Mr R.N. Sweetman
Mr A.J. Carpenter	Mr A.D. Marshall

Amendment thus passed.

Ms S.E. WALKER: I move -

Page 2, line 22 to page 3, line 2 - To delete the lines and substitute the following -

- (2) The Commissioner of Police may, with the consent of the victim, provide the Services with such prescribed information in relation to a victim, provided the victim consents.
- (3) The DPP may provide the Services with any information in relation to a victim, provided the victim consents.

Ms Margaret Quirk; Acting Speaker; Mr Tony McRae; Ms Sue Walker; Mr John Hyde; Mrs Cheryl Edwardes

This amendment seeks to prohibit the Commissioner of Police and the Director of Public Prosecutions from allowing their delegated representatives to release any confidential information without the victim's consent. Victims go along to the Office of the Director of Public Prosecutions and to the Police Service. They are entitled to be asked for their consent to confidential information being provided. I do not wish to labour the point, but that is why we are pursuing this amendment.

The ACTING SPEAKER (Mr P.W. Andrews): This involves a test vote. I advise members that the member for Nedlands' amendment seeks to delete lines that the parliamentary secretary is seeking to amend. To ensure that all members have an opportunity to move their amendments, I will conduct a test vote on the member for Nedlands' amendment up to the point where the parliamentary secretary's amendment is proposed. Should the test vote be successful, we will then proceed with the parliamentary secretary's next two amendments on the Notice Paper but will then put the balance of the member for Nedland's amendment. If the test vote is unsuccessful, we will proceed to the parliamentary secretary's amendment. The question is that all words in lines 22 and 23 on page 2, up to and including the words "Department with", be deleted.

Amendment put and a division taken with the following result -

Ayes (20)

Mr R.A. Ainsworth	Mr J.H.D. Day	Mr M.G. House	Mr P.G. Pandal
Mr C.J. Barnett	Mrs C.L. Edwardes	Mr R.F. Johnson	Mr M.W. Trenorden
Mr D.F. Barron-Sullivan	Mr J.P.D. Edwards	Mr A.D. Marshall	Ms S.E. Walker
Mr M.F. Board	Mr B.J. Grylls	Mr B.K. Masters	Dr J.M. Woollard
Dr E. Constable	Ms K. Hodson-Thomas	Mr P.D. Omodei	Mr J.L. Bradshaw (<i>Teller</i>)

Noes (24)

Mr C.M. Brown	Mr J.N. Hyde	Ms S.M. McHale	Ms J.A. Radisich
Mr A.J. Dean	Mr J.C. Kobelke	Mr A.D. McRae	Mrs M.H. Roberts
Mr J.B. D'Orazio	Mr F.M. Logan	Mr N.R. Marlborough	Mr D.A. Templeman
Dr J.M. Edwards	Ms A.J. MacTiernan	Mr A.P. O'Gorman	Mr P.B. Watson
Dr G.I. Gallop	Mr J.A. McGinty	Mr J.R. Quigley	Mr M.P. Whitely
Mr S.R. Hill	Mr M. McGowan	Ms M.M. Quirk	Mr M.P. Murray (<i>Teller</i>)

Pairs

Mr M.J. Birney	Mr J.J.M. Bowler
Mr R.N. Sweetman	Mr R.C. Kucera
Mr T.K. Waldron	Mr E.S. Ripper

Amendment thus negatived.

Ms M.M. QUIRK: I move -

Page 2, lines 23 to 26 - To delete "such information in relation to a victim as the Commissioner and the chief executive officer agree is necessary in order" and substitute the following -

prescribed information in relation to a victim so

Amendment (words to be deleted) put and a division taken with the following result -

Extract from Hansard
[ASSEMBLY - Thursday, 11 September 2003]
p11085c-11101a

Ms Margaret Quirk; Acting Speaker; Mr Tony McRae; Ms Sue Walker; Mr John Hyde; Mrs Cheryl Edwardes

Ayes (24)

Mr C.M. Brown	Mr J.N. Hyde	Ms S.M. McHale	Ms J.A. Radisich
Mr A.J. Dean	Mr J.C. Kobelke	Mr A.D. McRae	Mrs M.H. Roberts
Mr J.B. D'Orazio	Mr F.M. Logan	Mr N.R. Marlborough	Mr D.A. Templeman
Dr J.M. Edwards	Ms A.J. MacTiernan	Mr A.P. O'Gorman	Mr P.B. Watson
Dr G.I. Gallop	Mr J.A. McGinty	Mr J.R. Quigley	Mr M.P. Whitely
Mr S.R. Hill	Mr M. McGowan	Ms M.M. Quirk	Mr M.P. Murray (<i>Teller</i>)

Noes (19)

Mr R.A. Ainsworth	Mrs C.L. Edwardes	Mr R.F. Johnson	Mr M.W. Trenorden
Mr D.F. Barron-Sullivan	Mr J.P.D. Edwards	Mr A.D. Marshall	Ms S.E. Walker
Mr M.F. Board	Mr B.J. Grylls	Mr B.K. Masters	Dr J.M. Woollard
Dr E. Constable	Ms K. Hodson-Thomas	Mr P.D. Omodei	Mr J.L. Bradshaw (<i>Teller</i>)
Mr J.H.D. Day	Mr M.G. House	Mr P.G. Pandal	

Pairs

Mr J.J.M. Bowler	Mr M.J. Birney
Mr R.C. Kucera	Mr C.J. Barnett
Mr A.J. Carpenter	Mr T.K. Waldron

Amendment thus passed.

Amendment (words to be inserted) put and a division taken with the following result -

Ayes (24)

Mr P.W. Andrews	Mr S.R. Hill	Mr M. McGowan	Ms J.A. Radisich
Mr C.M. Brown	Mr J.N. Hyde	Ms S.M. McHale	Mrs M.H. Roberts
Mr A.J. Dean	Mr J.C. Kobelke	Mr A.D. McRae	Mr D.A. Templeman
Mr J.B. D'Orazio	Mr F.M. Logan	Mr N.R. Marlborough	Mr P.B. Watson
Dr J.M. Edwards	Ms A.J. MacTiernan	Mr J.R. Quigley	Mr M.P. Whitely
Dr G.I. Gallop	Mr J.A. McGinty	Ms M.M. Quirk	Mr M.P. Murray (<i>Teller</i>)

Noes (19)

Mr R.A. Ainsworth	Mrs C.L. Edwardes	Mr R.F. Johnson	Mr M.W. Trenorden
Mr D.F. Barron-Sullivan	Mr J.P.D. Edwards	Mr A.D. Marshall	Ms S.E. Walker
Mr M.F. Board	Mr B.J. Grylls	Mr B.K. Masters	Dr J.M. Woollard
Dr E. Constable	Ms K. Hodson-Thomas	Mr P.D. Omodei	Mr J.L. Bradshaw (<i>Teller</i>)
Mr J.H.D. Day	Mr M.G. House	Mr P.G. Pandal	

Pairs

Mr J.J.M. Bowler	Mr M.J. Birney
Mr E.S. Ripper	Mr C.J. Barnett
Mr A.J. Carpenter	Mr T.K. Waldron

Amendment thus passed.

Ms M.M. QUIRK: I move -

Page 2, line 30 to page 3, line 1 - To delete "and the chief executive officer agree is necessary in order"
and substitute the following -

thinks fit so

Amendment (words to be deleted) put and a division taken with the following result -

Extract from Hansard
[ASSEMBLY - Thursday, 11 September 2003]
p11085c-11101a

Ms Margaret Quirk; Acting Speaker; Mr Tony McRae; Ms Sue Walker; Mr John Hyde; Mrs Cheryl Edwardes

Ayes (24)

Mr P.W. Andrews	Mr S.R. Hill	Mr M. McGowan	Ms J.A. Radisich
Mr C.M. Brown	Mr J.N. Hyde	Ms S.M. McHale	Mrs M.H. Roberts
Mr A.J. Dean	Mr J.C. Kobelke	Mr A.D. McRae	Mr D.A. Templeman
Mr J.B. D'Orazio	Mr F.M. Logan	Mr N.R. Marlborough	Mr P.B. Watson
Dr J.M. Edwards	Ms A.J. MacTiernan	Mr J.R. Quigley	Mr M.P. Whitely
Dr G.I. Gallop	Mr J.A. McGinty	Ms M.M. Quirk	Mr M.P. Murray (<i>Teller</i>)

Noes (19)

Mr R.A. Ainsworth	Mrs C.L. Edwardes	Mr R.F. Johnson	Mr M.W. Trenorden
Mr D.F. Barron-Sullivan	Mr J.P.D. Edwards	Mr A.D. Marshall	Ms S.E. Walker
Mr M.F. Board	Mr B.J. Grylls	Mr B.K. Masters	Dr J.M. Woollard
Dr E. Constable	Ms K. Hodson-Thomas	Mr P.D. Omodei	Mr J.L. Bradshaw (<i>Teller</i>)
Mr J.H.D. Day	Mr M.G. House	Mr P.G. Pandal	

Pairs

Mr J.J.M. Bowler	Mr M.J. Birney
Mr E.S. Ripper	Mr C.J. Barnett
Mr A.J. Carpenter	Mr T.K. Waldron

Amendment thus passed.

Amendment (words to be inserted) put and a division taken with the following result -

Ayes (24)

Mr P.W. Andrews	Mr S.R. Hill	Mr M. McGowan	Ms J.A. Radisich
Mr C.M. Brown	Mr J.N. Hyde	Ms S.M. McHale	Mrs M.H. Roberts
Mr A.J. Dean	Mr J.C. Kobelke	Mr A.D. McRae	Mr D.A. Templeman
Mr J.B. D'Orazio	Mr F.M. Logan	Mr N.R. Marlborough	Mr P.B. Watson
Dr J.M. Edwards	Ms A.J. MacTiernan	Mr J.R. Quigley	Mr M.P. Whitely
Dr G.I. Gallop	Mr J.A. McGinty	Ms M.M. Quirk	Mr M.P. Murray (<i>Teller</i>)

Noes (19)

Mr R.A. Ainsworth	Mrs C.L. Edwardes	Mr R.F. Johnson	Mr M.W. Trenorden
Mr D.F. Barron-Sullivan	Mr J.P.D. Edwards	Mr A.D. Marshall	Ms S.E. Walker
Mr M.F. Board	Mr B.J. Grylls	Mr B.K. Masters	Dr J.M. Woollard
Dr E. Constable	Ms K. Hodson-Thomas	Mr P.D. Omodei	Mr J.L. Bradshaw (<i>Teller</i>)
Mr J.H.D. Day	Mr M.G. House	Mr P.G. Pandal	

Pairs

Mr J.J.M. Bowler	Mr M.J. Birney
Mr E.S. Ripper	Mr C.J. Barnett
Mr A.J. Carpenter	Mr T.K. Waldron

Amendment thus passed.

Clause, as amended, put and a division taken with the following result -

Extract from *Hansard*
[ASSEMBLY - Thursday, 11 September 2003]
p11085c-11101a

Ms Margaret Quirk; Acting Speaker; Mr Tony McRae; Ms Sue Walker; Mr John Hyde; Mrs Cheryl Edwardes

Ayes (24)

Mr P.W. Andrews	Mr S.R. Hill	Mr M. McGowan	Ms J.A. Radisich
Mr C.M. Brown	Mr J.N. Hyde	Ms S.M. McHale	Mrs M.H. Roberts
Mr A.J. Dean	Mr J.C. Kobelke	Mr A.D. McRae	Mr D.A. Templeman
Mr J.B. D'Orazio	Mr F.M. Logan	Mr N.R. Marlborough	Mr P.B. Watson
Dr J.M. Edwards	Ms A.J. MacTiernan	Mr J.R. Quigley	Mr M.P. Whitely
Dr G.I. Gallop	Mr J.A. McGinty	Ms M.M. Quirk	Mr M.P. Murray (<i>Teller</i>)

Noes (19)

Mr R.A. Ainsworth	Mrs C.L. Edwardes	Mr R.F. Johnson	Mr M.W. Trenorden
Mr D.F. Barron-Sullivan	Mr J.P.D. Edwards	Mr A.D. Marshall	Ms S.E. Walker
Mr M.F. Board	Mr B.J. Grylls	Mr B.K. Masters	Dr J.M. Woollard
Dr E. Constable	Ms K. Hodson-Thomas	Mr P.D. Omodei	Mr J.L. Bradshaw (<i>Teller</i>)
Mr J.H.D. Day	Mr M.G. House	Mr P.G. Pandal	

Pairs

Mr J.J.M. Bowler	Mr M.J. Birney
Mr E.S. Ripper	Mr C.J. Barnett
Mr A.J. Carpenter	Mr T.K. Waldron

Clause, as amended, thus passed.

Title put and passed.