

VICTIMS OF CRIME AMENDMENT BILL 2003

Second Reading

Resumed from 26 February.

MS S.E. WALKER (Nedlands) [10.33 pm]: The Victims of Crime Act 1994, which this Bill will amend, is a small but interesting Act. I will discuss the detail of it shortly. The Opposition will seek to amend the Victims of Crime Act 1994 because it wants the privacy of victims protected. The second reading speech of the Victims of Crime Amendment Bill 2003 states that the Government has received legal advice that the practice of sharing information without a victim's written consent may breach section 81 of the Criminal Code, regulation 607 of the Police Force Regulations 1979 and the Victims of Crime Act 1994.

The Victims of Crime Act was introduced by the coalition Government. It has been pruned a little since it was introduced because victim impact sentences were incorporated into the Sentencing Act in 1995. The Victims of Crime Act contains a schedule outlining guidelines on how victims should be treated. The guidelines were put in place by the coalition Government. Guidelines 1 and 2 state -

A victim should be treated with courtesy and compassion and with respect for the victim's dignity.

A victim should be given access to counselling about the availability of welfare, health, medical and legal assistance services and criminal injuries compensation.

I had a briefing today with advisers of the Attorney General during which we discussed the guidelines. We considered which agency was best able to provide services to victims, as outlined by the coalition Government in the Victims of Crime Act. Regarding the second guideline, the Victim Support Service should provide counselling and advise a victim about the availability of welfare, health, medical and legal assistance services and criminal injuries compensation. Alternatively, the information could be obtained from police, the Director of Public Prosecutions or a lawyer. In terms of what the Government is offering, it would primarily be the Victim Support Service. The third guideline states -

A victim should be informed about the availability of lawful protection against violence and intimidation by the offender.

That service could be provided by the Victim Support Service or the police. The fourth and fifth guidelines state -

Inconvenience to a victim should be minimized.

The privacy of a victim should be protected.

I have been surprised to learn that all offence reports made to police in Western Australia are sent automatically to the Victim Support Service. That concerns me. If one of us were the subject of an offence tonight, if we were attacked in our own home and possibly raped, would we like that information to be sent automatically to a body of people without our consent? I am not talking about law enforcement agencies such as the Police Service or the DPP. I am talking about the information going to another group of people. However, in all the time I was a prosecutor I never heard one complaint against the Victim Support Service. The issue is the privacy of victims. When a person files a complaint, it is not known at that stage whether it will be considered worthy of prosecution by the police. A person should choose whether he wants his personal details - name, home address, telephone number and what happened - sent to another organisation. People of this State should know what information is sent by police about them to the Victim Support Service. When police take an offence report, it would be relatively easy to have wording on the bottom of the form that was satisfactory to the Victim Support Service, the police and whoever else was involved - for example, the Attorney General - that allowed a victim to decide whether he wanted to be contacted by the Victim Support Service. I raise this point in light of guideline No 5: "The privacy of a victim should be protected." In my experience, the privacy of a victim should be protected because not everyone wants to access the service. People accessing the service may not want to talk about what happened to them in the offence. They may want information about when the offender is likely to come up for trial, receive bail etc. It may relate to matters that have nothing to do with what happened to them personally, but to the process.

Guidelines 6 reads -

A victim who has so requested should be kept informed about -

- (a) the progress to the investigation into the offence (except where to do so may jeopardize the investigation);
- (b) charges laid;

- (c) any bail application made by the offender; and
- (d) variations to the charges and the reasons for variations.

It can be seen already that guideline 6 does not apply automatically as the victim must make a request. The information can be obtained from the police, the Director of Public Prosecutions or the Victim Support Service. At that stage, much of that information may be a matter of public record. Guideline 7 reads -

A victim who is a witness in the trial of the offender and has so requested should be informed about the trial process and the role of the victim as a witness in the prosecution of the offence.

This can happen through the DPP and the police, and it could happen if the victim provided written consent. In the view of the Liberal Party, this should happen through the written consent of the victim. If the victim has decided to access the Victim Support Service, the victim can give written consent to access the DPP in the provision of such information. Guideline 8 reads -

A victim who has so requested should be informed about any sentence imposed on the offender, or any other order made in respect of the offender, as a result of the trial and about any appeal and the result of any appeal.

The Director of Public Prosecutions could provide that information. Once a person is sentenced, he or she would come under the auspices of the Department of Justice. Therefore, that role will reside with the Department of Justice. Guideline 9 states -

A victim's property held by the Crown or the police for the purposes of investigation or evidence should be returned as soon as possible.

Again, that guideline could relate to the DPP, the police or the Victim Support Service. Guideline 10 reads -

Arrangements should be made so that a victim's views and concerns can be considered when a decision is being made about whether or not to release the offender from custody (otherwise than at the completion of a term of imprisonment or detention).

That guideline would apply to the Department of Justice, the Victim Support Service or the victim mediation unit. Guideline 11 outlines -

A victim who has so requested should be informed about the impending release of the offender from custody and, where appropriate, about the proposed residential address of the offender after release.

Guideline 12 reads -

A victim who has so requested shall be informed of any escape from custody by the offender.

That role resides with the victim mediation unit. The Victims of Crime Act is relatively small, but it refers to victim entitlements. It does not provide anywhere for the information personal to the victim to be provided to anyone else. The Act refers to guidelines for the treatment of victims, and outlines that public offices and bodies are authorised to have regard to and apply the guidelines in schedule 1. Section 3(2) of the principal Act reads -

If because of age, disability or any other reason it is not practicable for a victim to receive counselling or information, make requests or express views or concerns under the guidelines, another person may do those things on the victim's behalf if the public officer or body concerned is satisfied that it is appropriate for that other person to do so.

Perhaps the Attorney General can help me. Section 6 of the Victims of Crime Act provides for the Act to be reviewed annually. I have been unable to find any recent reviews. According to the Act, the minister should cause a report to be prepared on each review and should cause a report to be tabled in each House of Parliament as soon as practicable. Can the Attorney General let me know whether it has been tabled under a different title.

Mr J.A. McGinty: Essentially, these legislative recommendations came out of one of those reviews.

Ms S.E. WALKER: I have been unable to find the tabled document.

Mr J.A. McGinty: I will look for it.

Ms S.E. WALKER: Thank you. When the Attorney General came into this Chamber, he said that there was no requirement for the victims to express written consent and that it may breach certain provisions in the Criminal Code, the Police Force and the Victims of Crime Act. However, he failed to mention the victim's privacy and the general privacy provisions. He said that any requirement to obtain a victim's written consent will severely curtail the capacity of the Victim Support Service and the Victim-offender Mediation Unit to provide timely, appropriate and effective assistance to victims. He said that failure to bring in this legislation would lead to unwarranted criticism of the Government's services to victims. However, I challenge the Attorney General on

that. I am not suggesting that the Victim Support Service would do anything untoward with that information. However, the police could decide to act on a reported offence and take a statement from the victim. Under this legislation, that very personal statement about anything that could happen to a person, such as indecent assault, sexual assault or stalking, could be sent to the service without the victim's consent. I am advocating that it should be written consent, then there would be no doubt about whether it had been given. I am sure that the public does not know that all that information is being passed on without its consent. The Government would come in for severe criticism for implementing this Bill and allowing such information to be passed on without the written consent of a victim.

Clause 4 reads -

The Commissioner of Police may provide the chief executive officer of the Department -

It is not the Victim Support Service or the victim mediation unit but the whole Department of Justice. It continues -

with such information in relation to a victim as the Commissioner and chief executive officer agree is necessary in order that the Department can offer the victim the services it has available for victims.

How many offence reports are produced each year? There are thousands. That information will not go to the commissioner or the chief executive officer; it will be delegated to someone. This information will pass through these channels without the victim's consent. Clause 4(3) provides that the DPP may provide the chief executive officer of the department with such information in relation to a victim as the DPP and the chief executive officer agree is necessary in order that the department can offer the victim the service it has available to victims. That is not necessary.

The Attorney General is also basing this Bill on the January 2002 report of a review of the Act that states -

Research supports the position that victims of crime often experience shock and distress and are unable to provide informed consent . . .

I do not understand that. If a person is in shock and distress and unable to provide informed consent, so be it. The person might have been unconscious or been a victim of grievous bodily harm and be in hospital and, therefore, unable to provide informed consent. People will have to wait for the information. It should be up to the individual to access the Victim Support Service, which is a very good service. He says that there are further problems and that the Victim-offender Mediation Unit cannot proactively contact victims. That is the crux of the issue. The Victim Support Service may have all the information about the victims, but is that appropriate? I do not think so. It is up to the victims to decide whether they want what has happened to them to be cast further abroad than the Police Department and the normal services to which it would go. That is why the Attorney General has copyright on court documents. It is very confidential information. There are certain consequences if the ambit of such material is cast too wide, and this Bill casts it far too wide.

The Victim Support Service wants to be informed of every offence report and to be provided with details without the victim's consent. It is almost asking for access to the police mainframe in relation to offence reports. Under the Victims of Crime Act, the victim is entitled, first, to privacy and, secondly, to be informed about the progress of the investigation, the charges laid, the bail application, the variations to the charges and the reasons for them. However, the problem with the Bill is that it gives an open ambit to the Commissioner of Police and the Director of Public Prosecutions to give any information about the victims to the Department of Justice and not just the Victim Support Service. Again, we must remember that the prison system comes under the Department of Justice. All this information goes to the department, and then where? The Bill makes no reference to the Victim Support Service. It does not refer to the Victim-offender Mediation Unit. The Bill has been introduced solely, according to the Attorney General's second reading speech, to enable information about victims to be provided to the Victim Support Service. In fact, the Bill does not mention the Victim Support Service, the Department of Justice and all the different bodies that fall under it. It is far too wide in my view.

As I said, the Bill is about victims' personal information and personal statements. They are highly confidential documents. I query whether the current practice of automatically sending thousands of victims' personal details to the Department of Justice monolith breaches confidentiality by not obtaining their consent. Basically, all the guidelines in relation to the needs of victims are currently provided in the Victims of Crimes Act. The information is available from different departments. It is true that accessing such information must be secured from several areas. I have already gone through the different departments through which the information must be secured. Under guideline 2, the information can be accessed through the VSS; under guideline 3, through the police and the VSS; under guideline 6, through the police and the DPP; under guideline 7, through the police and the DPP; under guideline 8, through the DPP; under guideline 9, through the police; and under guidelines 10, 11 and 12, through the Department of Justice.

The central issue is that the Victim Support Service wants to be able to intervene and take on the role of an advocate. I can understand that view, because in the criminal justice system, defence counsel acts for the offender and the crown prosecutor acts for the Crown. The crown prosecutor does not act for the victim. It is often the case that the victims think the prosecutor is their counsel, but the prosecutor is counsel for the community on behalf of the Crown. That is not enough reason to simply bypass all the privacy legislation and confidentiality of the victims merely to allow the Victim Support Service to pursue its role as an advocate.

I have already mentioned the reasons the Attorney General put forward for introducing this legislation. Information was provided to the Victim Support Service, without the consent of the victim, almost by accident. I will refer to some documents, because it is important to understand how this State got itself into this position with these offence reports not having the victim's consent to go to the Victim Support Service. First, I will refer to an opinion by an officer from the Legal Services department of the Western Australian Police Service. Paragraphs 1 and 2 of this letter state -

As you are aware, the release of information from the Police Service to Victim Support Service was being completed on a pro-active basis. This entailed all offence reports entered onto the Police offence information system being examined with the selection of those that fell within the agreed parameters being identified in this process. Information was then extracted from that document and forwarded by the Victim of Crime Unit via electronic mail, to the Victim Support Service. In an examination of this process no evidence of the victim's consent being obtained prior to the exchange of information was located.

Originally, the Victim Support Unit was in the police department but then it separated. Of course, the information automatically goes to that unit. The unit then came under the Ministry of Justice and the practice of sharing that information continued, but it appears that the notion of confidentiality has been an ongoing problem and concern for the agencies. The letter continues -

In examining the content of the *Victims of Crime Act 1994* . . . and the second reading speech that introduced this legislation into Parliament it is apparent that it was crafted to ensure that victims would receive appropriate assistance, dependant upon the individual case, to minimise the effects of the crime committed on that person. This notion is supported in the debate and committee stages of the legislation. Unfortunately no debate or clear direction is provided in relation to the exchange of information to meet these ends and therefore the wording of the Act alone must be relied upon.

The letter continues -

As discussed at our last meeting, for the continued release of information in the manner highlighted above amendments are required to the Victims of Crime Act to enable the release of victim's personal information without first obtaining the victims consent.

It is not good enough for the Attorney General to say that victims' privacy requirements will be bypassed; they are very vulnerable when crimes are committed against them or they are in the police station. It is not good enough to say that the Victim Support Service can proactively contact the victims, because firstly they have to want to be contacted. Letting the victims know that the Victim Support Service is available does not just happen when the offence is reported; it could happen many times along the way, so it is always there before them.

Apparently this problem emerged when the former Attorney General wanted to share information between agencies as part of the Safer WA initiative. I have a letter in relation to that matter which shows there were problems concerning an opinion. This letter contains an opinion - I believe the former Attorney General raised this matter - about the indivisibility of the Crown and the fact that agencies can share information, but legal advice questioned whether that was appropriate. The officer who provided the former Attorney General with that information said that he could find no decision in that context, although he did refer to a case that might support the proposition. He added that there might be hazardous liability consequences in agencies sharing private and confidential information. In any event, a memorandum of understanding was prepared for the sharing of information between the Victim Support Service, the Ministry of Justice and the Commissioner of Police. The memorandum, which is dated 18 August 2000, refers to the history of the unit, and reads -

The Victim Support Service (VSS) was established in 1992 as a unit within the WAPS. In July 1993 it transferred to the newly created Ministry of Justice. The VSS forms part of the Courts Directorate.

Interestingly, the memorandum refers to the functions of the Victim Support Service, but I am not aware of what those functions are. I never had a complaint about any of its function when I was at the Office of the Director of Public Prosecutions. It continues -

Functions of the VSS are:

- A counselling support service for victims at the time of crisis.

- An after hours service to enable police referrals for victims of serious offences.
- Support for victims and their families at the time of contact with the Court and Justice system.
- Advocacy support on the rights and needs for victims.

I am not sure about that last point, but maybe it will be referred to during the consideration in detail stage. In any event, that was the history. That was a memorandum of understanding between the Commissioner of Police and the Victim Support Service. Unfortunately, lawyers, being what they are, looked at the memorandum of understanding. On 23 November 2000 legal advice was obtained from Rebecca Pearce, solicitor for legal services. It reads -

I . . . wish to raise my concerns in relation to the provision of information to VSS. As I discussed with Mark Cole, the MOU essentially provides the provision of personal details that relate to victims of crime obtained by the WAPS to the VSS.

In my opinion the provision of the information is in breach of:

This is important, because I want to refer back to what the Attorney General said. It continues -

- Section 81 of the *Criminal Code*;
- Regulation 607 of the *Police Regulations 1979*;
- the principles contained in the *Victims of Crime Act 1994* and
- the general laws of confidentiality.

When the Attorney General came into this Chamber and told us why we needed this piece of legislation, he mentioned the first three points but did not mention the general laws of confidentiality. It continues -

At the time the personal details are provided to VSS issues of confidentiality are particularly relevant as the details obtained by the WAPS are not yet within the public domain . . .

The information on the offence report - that is, person to victim - is not in the public domain. It is different, of course, in open court when a complaint is filed and a defendant goes into the dock of the Court of Petty Sessions, because the media are there and they can see who the offender is; the charges are read out, so people know the name of the victim although they do not know the address; and there is a very short history of what has happened. That information is in the public domain. It continues -

I note that the guidelines contained in the 1994 suggest interalia that:

- a victim should be given access to counselling about the availability of welfare, health, medical and legal assistance services and criminal injuries compensation, and
- the privacy of the victim should be protected.

It later reads -

In my view, until there is a legislative change, the WAPS should set up a procedure whereby each victim could consent to their details being provided to the VSS. Practically, this could be achieved by:

- the victim signing a written consent form; or
- the victim orally consenting and the investigating office could record that the victim had consented within the narrative of the offence report.

Another possibility would be to change the format of the offence report so that a specific section of it is dedicated to whether or not consent to provide information to VSS has been obtained from the victim.

I do not think oral consent is enough, because that is fraught with danger as well. At the end of the offence report there must be a reference to whether the complainant wants to be referred to the Victim Support Service, and that must be signed off by the victim.

Members can see from where I am going that for several years there has been a concern about the confidentiality of the information. As soon as I saw the Bill the other day, a warning bell went off in my head, because the Bill deals with information that is very private to the person. Having looked at these documents today I can see why that warning bell went off. Advice was given on 15 December by John Hassett, the Senior Assistant Crown Solicitor, about information sharing between agencies. The advice refers to the memorandum of understanding and states in paragraph four -

The obtaining of consent of the relevant parties, to release the information is certainly a step in the right direction and would reduce significantly the risk of future proceedings by one of the parties for having released the information.

The Opposition and I are not prepared to vote for anything that would put the State at risk of providing confidential information when there is no need to provide that information and when it is relatively easy to put in systems to ensure that the valuable service that is provided by the Victim Support Service can be made known to victims and they can give their consent.

After the Gallop Government came into office and the Attorney General was appointed in January 2002, there was a report on the operation and effectiveness of the Act. The Victims of Crime Act requires that such a report be tabled each year. The report refers at page 5 to information exchange and service fragmentation across government and states -

The legality of the Police Service referring victims of crime directly to the Victim Support Service has been questioned. Victims of violent crime are currently automatically referred to the Victim Support Service by the Police. This has proven to be the most effective means of providing services to these victims of crime but is at risk. Similar concerns have arisen in relation to the release of information to the Victims Notification Register. Whilst an information sharing agreement has been signed by relevant CEOs of Departments in relation to Safer WA initiatives, this does not appear to have addressed the issues regarding the release of information to victims of crime. A recently gazetted directive to Police Officers has been issued for information not to be released to the Victim Support Service about victims without the express written consent of victims. As a result the number of referrals of victims of crime to the Victim Support Service has decreased.

I do not know who wrote this report. It continues -

Research supports the position that victims of crime often experience shock and distress and are unable to provide informed consent and later are critical of government departments failing to offer services to them, particularly at times of crisis.

I am not sure where that research or the conditions under which it was produced comes from. However, what it refers to could be overcome without doing away with the privacy conditions.

A letter emerged from the legal services strategic and corporate development unit of the Police Department. It follows the 2002 revision of the Act and reaffirms all the legal advice about privacy. This letter is dated after the 2002 report and goes through all the prior information that had been provided on this issue. In my view, the Attorney General would have come in here with full knowledge of the issue of confidentiality; however, he failed to mention it in the Assembly. Effectively, yet again, the lack of the provision of consent by a victim has been squarely raised but is not dealt with anywhere in the legislation.

This is dishonest legislation. I have some concerns about it. Firstly, information about victims will be sent to the Victim Support Service. Secondly, the Bill will bypass privacy for political purposes. The Attorney General said that he wants to do this to make sure that he is not criticised. The legislation is coercive to victims. On balance, it could be viewed as being intrusive to victims. I do not find the notion that victims will be stressed and unable to consent comprehensible. The ambit of information provided will be much broader. Under this Bill, anything that the Commissioner of Police or the Director of Public Prosecutions thought was relevant - they will make the decision - could go to the Victim Support Service without the written consent of the victim. That is incredible. The Opposition proposes to move an amendment to limit the information passed to the Victim Support Service when a victim consents to that information being provided when filing a report. The Opposition believes that the information that should be passed to the Victim Support Service at the time the offence is reported, if the victim consents, is the name, address and telephone number of the victim; the offence committed against the victim; the name, rank and registration number of the member of the Police Force in charge of investigating the offence; and the police station at which the investigating officer is stationed. If a member were burgled tonight or something demeaning or humiliating happened to him or her, I do not think it would be appropriate for that information to be sent to the Victim Support Service without the consent of the member.

There is nothing in the amendments by the Opposition that would prevent a victim, once he or she had accessed the Victim Support Service, from providing written consent to enable the service to access anything, because the information belongs to the victim. If a victim wanted to make a statement, he would be entitled to a copy of the statement, which he could give to the Victim Support Service. If he wanted to sit at home and write a victim impact statement, he could give that to the Victim Support Service. For that reason, the Opposition's amendments are good amendments. I gave them to the Attorney General not long ago. I would be quite happy if the Attorney General could find a better way of ensuring victims' privacy and making the Bill more workable. The Opposition is seeking the deletion of the provisions allowing the Commissioner of Police and the Director of

Public Prosecutions to provide any and all information to the Victim Support Service without a victim's written consent. The Opposition is asking for any consent to be put in writing and that the Commissioner of Police and the Director of Public Prosecutions may provide the services with such prescribed information about a victim, provided the victim consents. The reason is that by the time the DPP receives a brief, a lot more material has been collected to which the victim can consent.

I realise that this turns this Bill on its head. However, the Opposition's motives are to protect the privacy of the victim. Not only is the victim's privacy not protected with what is currently in place, but if this Bill goes through, everything and anything is open slather with regard to what can be provided to the Ministry of Justice - not the Victim Support Service or the Victim-offender Mediation Unit. The Ministry of Justice is that big black hole to which I sometimes refer into which a matter goes and we do not know who will handle it. This information is so personal and important. Given that the coalition Government spent so much time legislating to ensure that victims are looked after, it should not all be wiped away now by bypassing privacy Bills.

The Opposition will seek to make amendments to this Bill. If those amendments do not go through, the Opposition will not support the Bill because it would then be supporting the wiping away of victims' consent on personal details held by law enforcement bodies. The Opposition will not support that notion.

MRS C.L. EDWARDES (Kingsley) [11.17 pm]: I am pleased to talk about victims' rights. I was fortunate enough to be the Attorney General when this legislation came in in 1994. It came as a result of a charter of victims' rights that I received from the Margaret and Shane Foundation. Members may recall Peter Blurton who lost his wife and baby in a road traffic accident on the Tonkin Highway. His recovery and counselling - the services that he needed - he provided to himself by establishing the Margaret and Shane Foundation, which fights for the rights of victims. He is to be commended for all the work he did at that time. He is currently living in Carnarvon and is a councillor for the Shire of Carnarvon. He is married and has had more beautiful children.

However, we are talking about the counselling of victims and their needs when they undergo trauma. We do not know what they need and counsellors do not necessarily know either. Victims do not know what they need at that particular time. We all have views and will say that a victim needs counselling now but they may not be ready for it. They may not be ready for it for days, weeks and, indeed, months, depending upon the trauma that has been perpetrated against them. However, this legislation is perpetrating a further crime on victims. It is making them a victim by taking away their consent to deal with their personal information. They have just had their space and privacy invaded in some way and, yet, this legislation will make it okay for us to send all their personal information to the victim support services.

I have a lot of time and respect for the Victim Support Service. However, times have changed. When I read the second reading speech, I was astounded at the level and amount of information that is to automatically be transferred across departments. I envisaged - as I am sure many victims envisaged - that their names, contact details and perhaps offence details would be referred to the Victim Support Service. They certainly would not have imagined in their wildest dreams that their entire files would be transferred. Today, people are far more conscious about keeping their personal details private. If they want the Victim Support Service to know more about the crimes that were perpetrated against them, that will come out of the discussions that will ensue. The legislation does not provide a box that victims can tick to indicate they are either happy or unhappy for their personal information to be transferred to another government agency. The legislation does not have a provision for victims to give their consent to what happens with their information. I am talking about people who have had serious crimes perpetrated against them. Tonight, Parliament is perpetrating a further crime against them. It is further victimising the victims. I suggest that that is not what the victims want. They are far more conscious today about their rights and responsibilities. Indeed, people have been waiting for some time for privacy legislation to be introduced into Western Australia.

Mr J.A. McGinty: It is on its way.

Mrs C.L. EDWARDES: Why am I not surprised? That is a very important piece of legislation and is an adjunct to the freedom of information laws. However, the victims of crime legislation is also very important. One of the elements underpinning it is the privacy of the victim. The victims should not be victimised further. The Department of Justice and the Victim Support Service should not take a big brother approach to the victims. They do not always know what is best for the victims. That attitude can no longer be taken in the twenty-first century. Section 3 of the Victims of Crime Act deals with the guidelines about the treatment of victims. If a victim was vulnerable and it was not practicable for the victim to receive counselling or information, another person can do those things on the victim's behalf. Today, I would tighten that clause even further. The Government has not allowed the victim to have a say in who that person is. If the Government were serious about treating victims with respect and if it were serious about the rights and responsibilities of victims, it would treat their personal information with respect.

The member for Nedlands referred to the release of information being done proactively. Indeed, it was. I suggest it was easier to do it in that way rather than create a separate file on the database of just the relevant information to be transferred. It was probably simpler to transfer just that data. I do not have a problem with that. However, now that concerns have been raised about the confidentiality of that information, why should Parliament provide legislation to affirm the breach of that confidential information? That is wrong. It is bad law. It is unlike the Attorney General when dealing with people's rights.

I believe that if the Attorney General sleeps on this matter overnight, he will endorse and support a consent provision of some description. I urge the Attorney General also to give further thought to strengthening the provision that allows a person to assist a vulnerable person who is unable to make decisions. I am sure that person would usually be a friend or a family member of a victim of crime. However, I have just learnt that friends and family members are not always the best people to help victims in vulnerable situations. We must not remove the rights of people to protect themselves and their personal information.

I urge the Attorney General to seriously support the proposed amendments to the legislation that require the consent of victims to the provision of personal information to the Victim Support Service. In 2003 we should not remove or invade further the privacy of a victim of crime when the intent of this legislation is to help and support them.

Debate adjourned, on motion by Mr J.C. Kobelke (Leader of the House).

House adjourned at 11.26 pm
