

TRANSCRIPT

LEGISLATIVE COUNCIL LEGAL AND SOCIAL ISSUES COMMITTEE

Inquiry into Victoria's Criminal Justice System

East Melbourne—Monday, 20 September 2021

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Dr Tien Kieu—Deputy Chair

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Dr Samantha Ratnam

Ms Harriet Shing

Mr Lee Tarlamis

Ms Sheena Watt

WITNESS (*via videoconference*)

Ms Fiona McCormack, Victims of Crime Commissioner.

The CHAIR: Good morning, everyone. I would like to declare open the Legislative Council's Legal and Social Issues Committee's public hearing for the Inquiry into Victoria's Criminal Justice System.

May I first begin by respectfully acknowledging the Aboriginal peoples, who are the traditional custodians of the many and various lands that we are meeting on today. I would like to pay my respects to elders past, present and emerging and of course their families, and particularly welcome anyone who is here today but also those who will be providing evidence to us. I think it goes without saying to acknowledge even at the start of this inquiry that it is common knowledge that our justice system exponentially affects our Aboriginal brothers and sisters, and that certainly has been evident in the inquiry submissions that we have received so far.

My name is Fiona Patten. I am the Chair of this committee. I am joined today by Dr Tien Kieu, the Deputy Chair; Ms Tania Maxwell; and Ms Sheena Watt.

We are very pleased to have the commissioner for victims of crime, Ms Fiona McCormack, joining us today. Fiona, just to let you know: all evidence taken is protected by parliamentary privilege, and that is under the standing orders of the Legislative Council but also our *Constitution Act*. Therefore any information that you provide during this hearing is protected by law. You are protected against any action for what you say during this hearing, but if you were to go elsewhere and repeat those same comments, you may not have the same protection. Any deliberately false evidence or misleading of the committee may be considered a contempt of Parliament.

Today is a public hearing. We have Hansard waiting on the side, listening to every word you say. They will transcribe that and provide you with a copy of that transcript. Please have a look at it and make sure that we did not mishear you or misrepresent you. Ultimately the transcript from today will form part of our report and will be available publicly on our website.

Again, Fiona, thank you so much for making the time to join us. Thank you so much for a very comprehensive submission, and if you would like to make some opening remarks, we will then follow with questions from the committee.

Visual presentation.

Ms McCORMACK: Thank you so much, Chair. Good morning to the committee members, and thank you for the opportunity to present to this inquiry. Before I start, I would like to acknowledge also that, wherever we are in Victoria, we stand on what was, is and always will be Aboriginal land. I am standing today on Boon Wurrung country, and I want to pay my respects to their elders past and present and to any other Aboriginal elders who might be listening in today. I also acknowledge that here in Australia sovereignty was never ceded.

I would also like to pay my respects to victim-survivors and acknowledge that their ongoing strength, resilience and resistance has contributed to such powerful advocacy that has had an impact on various reforms in Victoria and continues to do so.

I would also like to take this opportunity to congratulate you on this inquiry. I have managed to sit in on parts of the hearings, and it is evident that, while the terms of reference do not specifically mention victims, victims are very much being considered in your questions, which is just terrific to see. As you may be aware, I recently launched an independent systemic inquiry into victim participation in the justice system, and I think these inquiries are an important opportunity to provide recommendations to government that would hopefully improve the experiences of people who are victims of crime.

So in my submission to this inquiry I presented recommendations on ways in which I believe responses to victims could be improved, and many of these recommendations are based on the position that the experiences of the justice system by victims and survivors could be vastly improved by having strengthened legal protections and entitlements—things like victims' rights being formally recognised as human rights; the recently funded victims legal service expanded to all forms of victimisation and covering matters that might be

criminal, civil or family law; independent legal representation at key points of the criminal trial process; and an independent right to review scheme for key decisions of police and the OPP that impact on victims.

Many of the recommendations included in the submissions are a reiteration of ones that I made in my submission to the Victorian Law Reform Commission's review of sexual offences, and look, I anticipate that I am going to be making these again and again in the future. I believe they are recommendations that would benefit all victims of crime, but I am really looking forward to being able to engage more comprehensively with people who face additional barriers and challenges in accessing and navigating the system as part of the systemic inquiry I am undertaking.

These positions have been informed by the stories shared with me so generously by people who have been victims of crime, and look, while each story may vary, it has become starkly evident to me that change is needed to ensure that victims' rights are equal to those of the accused. We have come from a history where the interests of victims have been assumed as one and the same as the police's and the prosecution's and where victims' rights can be seen in opposition to those of the accused, and I want to be really clear that I am not advocating for any erosion of the rights of the accused person but, rather, strengthened legal protections for people who are victims of crime.

I also want to acknowledge the unprecedented reform that has been undertaken over the past 20 years to improve the experiences of people who are victims of crime. That may come as a bit of a surprise to some, but I guess I am old enough to remember what it was like before the introduction of things like remote witness facilities or victim impact statements, dedicated police units—you know, things like that—and while these things do not always operate as they should for all victims of crime, it is important to acknowledge that they have been introduced because of the efforts of and the commitment by those working both within and outside of the justice system to improve victims' experiences. So what I am saying in the submission and to the committee here today is that while these interventions have certainly made a difference and are important features of our system, based on the experiences and the feedback that I have received from so many victims of crime I believe there is still much more work to be done, and I am making these recommendations in the context of what I believe should come next.

I am happy of course to answer any questions the committee may have on any of the recommendations from my submission, and I anticipate the committee would want to be asking me about what I hear from victims and survivors.

But I wonder if I could just spend the rest of what is left of my 10 minutes to provide you with some brief information about the victims commissioner role and its responsibilities to victims. I want to do this for a couple of reasons. Firstly, because I think there can be a lot of confusion about the role, believing that it is part of government, that it is part of the justice system, that it delivers services, but also because I believe that there is great potential in the victims charter and the role of the Victims of Crime Commissioner in supporting better systems accountability to people who are victims of crime. So if I can just quickly touch on those for you before we begin on the questions, I would really appreciate that.

If we can go to the first slide, please—just a brief overview of where we are at. The victims charter was introduced in 2006. It did not include any new rights or entitlements, but it was pretty much just an amalgamation or a compilation if you like of what victims were entitled to based on the various pieces of legislation. When introducing the charter, the government of the day cited that its intention was to achieve cultural change in the criminal justice system. The Victims of Crime Commissioner role was introduced in 2015 and established as an independent statutory officer, meaning it is not part of government. As I said, it is not part of the justice system, it does not deliver services or financial assistance to victims of crime. The initial functions provided to the role included powers to conduct systemic inquiries to provide recommendations to government, but also to engage with victims to learn from them and to advocate to government and the justice system for ways in which the criminal justice system might be improved.

Then in 2016 the Victorian Law Reform Commission undertook a review and as part of that review made recommendations to the government to introduce changes to both the charter and the commissioner role in acknowledgement that the charter had not actually delivered on the cultural change intended—it was not front of mind for those agencies that came into regular contact with victims, and because of the disconnect between what the charter, what the legislation said victims were entitled to and the actual experience of people who are victims of crime. So essentially these changes were about giving the charter more teeth.

If we can go to the next slide, please, under the charter relevant agencies are required to treat victims with courtesy, respect and dignity, have regard to victims who have experienced specific barriers to the justice system, communicate with and respond to victims in a way that recognises their preferences and needs, and protect victims' personal information. The changes that were introduced included formally recognising the role of victims in the criminal justice system—not necessarily parties to proceedings, but they should be acknowledged as participants; giving victims a legal right to make a complaint and requiring relevant agencies to have transparent and accessible complaint processes in place that reflect their obligations under the charter; providing victims with information, referral and updates; and requiring the Director of Public Prosecutions to consult and engage with victims, particularly ahead of decisions such as amendments to charges, pleas, decisions not to progress to criminal trial et cetera.

And the last slide, please. Powers and obligations of the Victims of Crime Commissioner role include: undertaking systemic inquiries; reviewing complaints from victims about breaches of the victims charter principles, so essentially this means that if victims are still not satisfied after complaining to a prescribed agency they can request that I review the complaint; and monitoring and reporting to the Attorney-General on an annual basis the extent to which prescribed agencies are complying with the charter. Also I am responsible for reviewing the operation of the victims charter in 2024.

So 15 years since the charter was introduced we know that there is still a long way to go in Victoria to achieve a level of cultural change to effectively recognise victims as participants in the criminal justice system and respond appropriately to the impact of trauma, and change is still urgently needed. It is evident that the system does not adequately recognise or demonstrate respect for victims' experiences, who are not afforded the same rights as alleged offenders. And being adversely affected by crime, victims have an inherent interest in the justice system. Thank you.

The CHAIR: Thanks very much, Fiona. Again, thank you for your submission. For anyone listening at home, that submission is up on our website. Just to start off, Fiona, you mentioned that you are conducting this quite extensive systemic review. What is your time line for that?

Ms McCORMACK: I am looking at something within the realm of around 12 months, but I do not want to put a definitive time line on it, because I am absorbing the costs of undertaking the systemic review within my current budget. So it is not going to be a parliamentary inquiry, it is not going to be a huge commission. As I have said, victims have had participatory entitlements since those changes were introduced in 2018. I am keen to look at whether they have made a difference; if they have, what difference has that made; and if not, what else can be done. And given that I do have to undertake a review of the victims charter, I am anticipating that I will be able to gather a lot of information to assist with that review, to look at how it may be broadened.

The CHAIR: With the charter, certainly one of your recommendations is that the rights of victims are included in the human rights charter, and I think that seems ultimately sensible. Currently how you use the charter—what sort of teeth does it have? We have certainly heard from victims already in this inquiry where the system has just failed them—or, even worse than that, has just acted incredibly appropriately to victims, acted in such a way that you never thought would still happen in the 21st century. So how does the charter effect change or challenge when you receive those complaints?

Ms McCORMACK: So what it means is that there are certain prescribed agencies, about 170 agencies—so these are police, prosecutions, victim services—and they are required to comply with the victims charter. And so if a person believes that what they are entitled to has not been delivered, they can, first of all, as I said, put a complaint in to that agency, and if they are still unhappy, they can put that complaint to me. I have to assess the eligibility of that, so obviously I cannot undertake an investigation if it falls outside of what victims are entitled to or it relates to an agency that is not prescribed or it happened before the changes were introduced—so, you know, it is a later thing. But if I undertake an investigation and it is upheld, then I can provide recommendations to that agency that it might make an apology, meet with the victim or that it might introduce a new policy to strengthen its response or training. These are what I am empowered to recommend as per the legislation. But as I am saying in my submission, the charter of human rights—that is a really strong piece of legislation, and that means that there are institutions in our community required to not just consider but acquit against it.

As you would know, when there is a piece of legislation that is developed, for it to be passed it has to be acquitted against the charter of human rights. The Victorian Law Reform Commission when they undertook a review recommended that the victim's rights needed to be enshrined in the charter of human rights, and I absolutely endorse that. The longer I am in this role the more I believe that that is absolutely fundamental. So I

think that would give great relief. The ‘victims charter’ as it stands reflects the journey that a victim might go through if they are going through a criminal trial process, and that is because the charter of human rights, when it was developed—they were the terms of reference for it to be developed. That means that there is a bit of a perverse outcome in that there are better entitlements for people in the indictable stream as opposed to the summary, and I also hear from different people who are victims of crime who have experiences of the justice system or service system that falls outside of the ‘victims charter’. So the review I think will be really, really important.

The other potential is monitoring compliance and reporting. Let me explain this to anybody who might be listening. I am responsible for monitoring compliance against the ‘victims charter’ and reporting to the Attorney-General, as I said, on an annual basis. That is delivered in a report, and that report must be tabled in Parliament. So how are agencies complying? I have taken a staged approach. Agencies prescribed under regulations only came into being a year ago. The approach is staged, so I am engaging with services—I have been—around their obligations under the charter, seeking information about how I might already gather evidence from them about ways in which they are complying et cetera. This is a great start, and there are different ways of approaching regulatory work. There is a butterfly approach, where one might gather information across the top of a range of different services and organisations. But there is no real way of being confident around the extent to which that information provided by services is demonstrating compliance. There is no way of providing assurance about that.

Another way is to comprehensively audit independently every single organisation, which would take enormous resources and also attention away from the areas of the system where victims might be experiencing the most harm. A risk-based approach is one that really focuses attention on: where are victims most at risk? Where are the complaints that I am receiving? Where is the information that we are getting through our enquiries line? What information is that telling us about where victims are particularly being failed—and focusing attention on that, really working with those agencies to support their adherence to it. So I think we are off to a great start. There is great potential, but it is early days.

The CHAIR: Thanks, Fiona. If I have got time, I have got a couple of other questions around restorative justice and alternatives, but I will move to Deputy Chair Tien Kieu.

Ms McCORMACK: Thank you.

Dr KIEU: Thank you, Chair. Thank you, Ms McCormack, for appearing and assisting us with the inquiry, and thank you for your important work in that crucial role as well. It is crucial because the state government is having the victims at the centre of all the criminal processes of the courts and also the support that we could provide. You have submitted some of the points there: for example, we have to respect the rights of the victims in terms of information and consultation and in terms of the preferences and the needs of the victims. That is connected to the first hearing we had. There was a Ms Lee Little in Wangaratta, and from the point of view of a victim’s family, for her great loss she has found that the support or the communication or the information provided to her was inadequate. For example, when the person involved was put on parole, she did not know about that and did not know even about a condition of parole. So is there anything we could do to enhance the support for victims in terms of the rights and the support and the communication?

Ms McCORMACK: Yes, absolutely. There is much work that needs to be done. In relation to the crimes mental impairment Act I think there was a review conducted in 2014 by the Victorian Law Reform Commission, and certainly I know that the inquiry has heard from and would have already met with people who may have had somebody—a loved one, somebody they knew—who was murdered by somebody who was later found to have a mental impairment or a mental illness. And things that I hear are that these people have been so significantly failed by the justice system. So when a person is categorised as somebody with a mental illness, that means that they are no longer seen as an offender or an accused, they are a patient, and therefore the rights of the patient to privacy et cetera mean that a person is left terrified of that patient’s release into the community for, you know, unsupervised outings et cetera. It can leave them absolutely terrified. They are unable to access information because of the rights of privacy for that person. Victims have said to me that they feel that they have got concerns around how somebody with a mental illness is defined, how that categorisation is made. So they want greater, more robust processes around that.

But in my submission what I am saying in relation to the crimes mental impairment Act is that there is a Bill that the government has put forward to Parliament that has not been debated yet, and I feel really strongly that that Bill needs to be strengthened so that there is an obligation that victims are consulted, not just where the

information is available, but as a matter of course they are always consulted about their safety needs, about ways in which they can go about their daily life and feel safe. So it does not necessarily mean that that person with a mental impairment—I guess what it means is any decisions made in relation to that consider the needs of victims.

I also think there needs to be a specialist and dedicated service for such victims of crime because they are in such a unique position. And I think that these obligations, if enshrined in the Act, should also then be included in the victims charter and come under my jurisdiction for oversight and complaints. It would give greater transparency and agency for victims that have not existed up to this point. You know, what I have heard from people who are victims of crime in these circumstances has been horrific—the extent of the trauma, the fear. They are completely unable to recover and move on in their lives because of this gap. So the Bill certainly does provide some really positive improvements for victims, that is true, but I do think it needs to go further.

Dr KIEU: Yes, just one more point. The Bill is to be introduced, and also we have been talking about the support and the transparency and also the communication from the police or even the public prosecutor. What do you think about the role of judges in terms of a reduction of the trauma for the victim, in terms of impacts on the victim or the victim's family. Is there much room for improvement there, and should we propose some mechanism for that?

Ms McCORMACK: Thank you. What I have included in my submission is that in the processes used to appoint judicial officers, while not just looking at skills and capabilities that are relevant to sentencing, et cetera, there should also be skills and capabilities sought for being able to understand trauma; work from trauma-informed lens; know how to deal with traumatised victims, families and witnesses; that they are skilled in and are committed to ensuring safe court environments for vulnerable victims; and that they understand some of the ways in which particular groups have their trauma exacerbated by additional barriers and challenges and the way in which that plays out. I think that we need ongoing training for judicial officers. I think that is fundamental, particularly in understanding about trauma, understanding about systemic barriers and challenges for certain groups—Aboriginal people, people with disabilities, LGBTIQ people, people from non-English-speaking backgrounds—and issues of gender dynamics given the gendered nature of crime in Victoria, all of these things. We need to have judicial officers who are well versed in these issues.

I am also aware of how stressed the courts are, and I know it is not necessarily something that is called on very often, but I do believe we need more funding for courts. For courts to be able to deal with the workload and provide responses to victims where they are consulted, where there is time to consider their views, where the victims impact statements are routinely heard no matter the jurisdiction. I think all these things require additional resources. There was one other thing I was going to say in relation to that, and I have forgotten.

The CHAIR: That is all right. I am sure it will come through.

Dr KIEU: Thank you.

The CHAIR: Yes, thank you. And I think that intersectionality is really important to recognise. Tania Maxwell.

Ms MAXWELL: Thank you, Chair. Fiona, lovely to see you again. The catalyst for my referral to this committee was based on outcomes of victims. And for those that do not know, when Fiona was first appointed she came up Wangaratta and met with some of the victims of crime that I had been working with, and, like I said, that was the catalyst. They were the catalyst for this inquiry.

Fiona, one of the number one questions that I hear from victims is: why are offenders' rights prioritised over victims? And they will present to me many, many instances where that has happened. You may want to take this on notice, I am not sure, but what do you feel can be done under reforms to change that? And I will give you an example of the victim impact statements. So many victims have said to me, 'My impact statement was redacted by the offender'—and the trauma that that creates. So I am wondering what you see as possible ways in which certain reforms can change that, so that they feel empowered as opposed to being further traumatised.

Ms McCORMACK: Look, I guess when I speak with people who are victims of crime one of the things that I hear about is the shock. You know, if you imagine you are a person who is going about your daily life and some horrific crime takes place that has enormous implications on your life, it may significantly affect your mental health in the context of the trauma associated with that crime; it may have knock-on effects in relation to your employment, your personal relationships; it might be something that means that a loved one of yours is

gone. These are huge events in a person's life, and I think they come to court believing—and I believe that this is absolutely justified—that what happened to them and their experience is going to be central to the court process. And I think it comes as a shock to many when they learn that prosecutions does not represent them, that it represents the state, and that they are fairly irrelevant to the process unless they are witnesses. So obviously the focus on the victim impact statement, that is their moment to be able to talk about what it meant for them, how this has affected their lives and how important it is—let us say in the context of a loved one who has been murdered or killed, what that has meant to them, or if it is a crime that has violated them, they want to talk about that. So this is very, very distressing to them, and justifiably so, and so that is why I made recommendations around the 'victims charter' being included in human rights.

The other thing that I was going to say—this is the thing that I forgot to say in relation to judicial officers—is we need decisions that are made that do not just consider the accused's rights or their rehabilitation if they are sentenced; we need decisions that are made that consider victims' rights and their recovery. It is absolutely fundamental. So I do think there are a number of different ways. That is why fundamentally, Tania, I think it is about strengthening their legal rights and entitlements. I do not think until that happens that we are going to see victims being treated on an equal basis. That is why I am so passionate about the charter and about those changes, because it was essentially about driving cultural change that saw greater parity, that saw victims' rights being considered in parallel with those of the accused. So I think of things like including the victims charter in the charter of human rights, introducing independent legal representation in criminal trial processes, and particularly in relation to sexual assault—I think that there are victims who are left wholly unprotected, particularly sexual assault victims, in the criminal trial process that I think would benefit from those legal protections, and that also would better protect people's rights to include victim impact statements and to be able to have those considered in relation to sentencing—and I mean legal representation at different points in the criminal trial process.

What else? Right to review—I have talked about this in my submission, about strengthening it. Currently victims can request for certain decisions made by police or OPP that relate to things like not progressing to prosecution, changes in charges, accepting pleas of guilty with a lesser charge et cetera. These things should be—I am sorry. I have completely lost track of where I was up to. I have gone blank. I think I have gone on a little bit of a roller-coaster in relation to this, and I cannot talk about these enough. So I think there are a number of different ways, as detailed in my submission to you about the way in which we can really improve or the government and the justice system can really improve the status of victims and their entitlements.

Ms MAXWELL: Can I just go one more quick one? Thank you, Chair. Fiona, thank you. Look, your recommendations are, I think, absolutely spot on. They are great. I just want to take you back to the *Crimes (Mental Impairment and Unfitness to be Tried) Act*. We had John Herron as a witness, and I have had emails and things from other witnesses who have experienced Thomas Embling Hospital who have not been able to be advised when an offender is coming out on day release. Now, they may have had their lives threatened. Can you just elaborate a little bit more on: how do you believe that those victims can keep themselves safe, and what do they need? What should their rights be to be informed about offenders being released, whether it be supervised or unsupervised?

Ms McCORMACK: First of all, they need information. Hearing about a patient being released on unsupervised leave or supervised leave through other mechanisms that are not directly to them only builds a lack of trust and exacerbates their sense of risk to safety. If you know somebody who has murdered somebody else that you know or a family member and you do not know where they are, that they might be moving around in your community—while you are going to work or while you are walking your dog or meeting up with friends you do not know whether you are going to come in contact with them—it can completely upend your life and you live justifiably in terror. I think that it should be a matter of course that victims should be consulted—not just when the information can be made available, it should be an entitlement. Victims' needs—their safety needs, their considerations—must be weighed up with that.

Now, part of the problem is that when a person is defined as a patient and no longer a criminal they are no longer under the purview of the criminal justice system; it now sits with the health system, so victims are dealing with the health system. It is something completely different, and as I said earlier, that means that patient rights et cetera come into being. I think that there needs to be—as I said, the mental health tribunal is being proposed in the new Bill—a requirement to consult and consider the needs of any affected victims in making those decisions so that a person with a mental illness can be treated, can be supported to get well, so that we can have assurance that they would no longer be a risk to the community in the future but also that people who have been victims of their crimes are safe, are protected and their needs are considered.

I do believe there is a gap in relation to the kind of support that is required, so that is why I am recommending a specialist victims support service, and I do believe that that mental health tribunal should come under my jurisdiction as a prescribed agency, where I can receive complaints from victims if they believe that what they are entitled to is not being delivered, so that we have greater oversight so we can shine a light on this area of the system that has such an impact on people who have been victims of crime.

The CHAIR: Thanks, Fiona. Sorry, time is slipping away from us. Sheena.

Ms WATT: Thank you, Fiona. I thought you might have cut me off for a chance to ask a question, because I was very much looking forward to—

The CHAIR: No, no, no. You were just going to be cut off out of having morning tea.

Ms WATT: Oh, goodness me. There we go. Well, thank you, Fiona. It is lovely to continue to follow your work as the Victims of Crime Commissioner. I want to particularly take a moment to thank you for your ongoing advocacy. In this submission you make some strong remarks around gendered considerations of victims of crime, so I just want to take a moment to recognise and thank you for making that quite strong in your submission.

As you will note in our terms of reference there is one there that speaks particularly to judicial officers, and you have made some strong contributions around judicial officers. So I wanted to go to that if you have got a moment—I am not sure we have spoken to that yet—in particular around recommendation 7, which speaks to the Judicial College of Victoria and some funding for additional enhancements to their role and function. I just wonder if there is more that you wanted to add around the trauma-informed practice of judicial officers, judicial wellbeing, but also vicarious trauma. I found that a particularly enlightening piece that you brought up, and I wonder if you could share with the committee a little bit more about judicial vicarious trauma, where your recommendations have come from and perhaps a little bit more to that, because I think it is quite significant, actually.

Ms McCORMACK: Thanks, Sheena. So you will note as you have said, in my submission I am making a range of recommendations about ways in which appointment of judicial officers can be strengthened so that we can be confident that judicial officers are equipped, skilled, to work with traumatised people. Look, over the years, speaking with people—victims of crime—what really strikes me is the difference that an individual can make and particularly the judicial officer. So when a judicial officer has said something that has recognised the impact of the crime or made assurances of their safety or, you know, really acted with the interests of victims in mind, it has such an impact on people who are victims. They remember. They remember the individuals who made a difference in their experience.

I have also heard from victims where—I remember hearing from people who would say, ‘He didn’t even look at me’ or ‘I tried to ask a question and she would just ignore me’, or just not having any recognition. Now, when I think about that, I think okay that might be coming from somebody who lacks emotional intelligence or empathy. It can also come about when people are really overwhelmed through the experience of vicarious trauma, and we need a robust justice system, we need robust courts, we need robust judicial officers in order to deal with hearing the most horrific stories. Sometimes the reports that come just through our enquiries line about people’s experiences are absolutely horrific. Imagine hearing about the sexual abuse of children or violent perpetrators over and over and over, and the impost on the court, the overwhelming impost that the court is managing. We can think of courts as places where just the bad people go or criminals go, but actually we need funding and we need support for these courts, because they are places where people go when they have been victims of crime and can be at the most vulnerable in their lifetime. So having judicial officers provided with support, debriefing, ongoing supervision, supports in relation to dealing with their own trauma, understanding how vicarious trauma comes about, benefits victims because then you have healthy environments, healthy people dealing with traumatised and really distressed people in ways that can be constructive and can assist with their recovery.

Ms WATT: Sorry, Fiona, I will be very quick. You make that point as well about intervening during questioning of witnesses and how that additionally can cause further impact of trauma for the victim. Is there a recommendation around that piece as well, about judicial intervention in those circumstances?

Ms McCORMACK: That comes under the type of judicial appointments and what victims need. So a trauma-informed approach means that we have protections around victims and that we can have confidence that

judicial officers would be intervening when there are unduly harassing, belittling questions made from a defence, considerations about the victims' wellbeing and that victims are treated with respect. All those things are really fundamental in the appointment of judicial officers and in their ongoing training and support.

The CHAIR: Thank you all. I think we probably could have spent a day going through this and certainly teasing out some of the really significant recommendations that you have made, Fiona. But we do not have a day, unfortunately. So thank you so much. As I mentioned at the outset, you will receive a transcript of today. Please have a look and make sure we have not misheard or misrepresented you. Look, if there is anything that comes to mind this afternoon as you go, 'Oh, that's what I wish I'd said', please feel free to follow up with us.

The committee will just take a short reset for our next witnesses. Thanks everyone.

Ms McCORMACK: Thank you. Good luck.

Witness withdrew.