



Victims Of Crime Assistance League Inc NSW

Director, Offender Strategy
NSW Department of Justice
GPO Box 31
SYDNEY NSW 2001

26 July 2017

To the Director,

Re: Proposed amendments to the *Crimes (High Risk Offenders) Act 2006*

The Victims of Crime Assistance League Inc NSW (VOCAL) welcomes the opportunity to provide feedback on draft legislation in the context of current reforms to the criminal justice system.

VOCAL is broadly supportive of underlying objectives of the *Crimes (High Risk Offenders) Act 2006* (the Act). VOCAL shares the view that community safety is paramount and recognises the indirect benefit to victims of encouraging offenders to undertake rehabilitation.

In relation to the proposed amendments to the Act, VOCAL welcomes the changed definition of victim to allow for family representatives to deliver victim impact statements under certain circumstances. We note however that the current definition of 'family members' has limitations, particularly in relation to culturally & linguistically diverse (CALD) and Aboriginal and Torres Strait Islander (ATSI) communities, and have made a recent submission to the NSW Sentencing Council to this effect.

More broadly, VOCAL is of the opinion that the *Crimes (High Risk Offenders) Amendment Bill 2017* has adequately taken on feedback provided during the original statutory review process and is in agreement that community safety should be the primary consideration in making an Extended Supervision Order (ESO) or Continuing Detention Order (CDO).

With regard to the proposed application of the Act to Commonwealth sex offences, VOCAL is of the view that the NSW High Risk Offenders Scheme (the Scheme) should be extended to cover select Commonwealth sex offences. VOCAL defers to the recommendations found through the 2016-2017 statutory review of the Act and supports changes in legislation accordingly.

Whether the Commonwealth sex offences listed in Attachment A should be classified as offences of a sexual nature or serious sex offences is a matter for legal reference, and one that VOCAL is confident the NSW Government has sought advice on.



That being said, seeing first-hand the psychological trauma children suffer because of sexual assault, VOCAL is of the position that sexual offence against a child, whether there is sexual penetration or not, is a serious sex offence.

It is imperative that NSW has the necessary legal provisions in place to prosecute such horrendous crimes that often cause life-long traumatic reactions and behaviours for young and vulnerable victims. Our view is that because of the nature of child sexual assault, whether there was sexual penetration or not – aggravating factors are **always** present as the adult offender breaches their position of power and trust.

A young child is often vulnerable and powerless to stop the insidious nature of sexual grooming and abuse. Often, the psychological harm of a victim of indecent assault can be as equally psychologically traumatizing to that of actual sexual penetration. The shame, guilt, grief and blame a child suffers because an adult used them for sexual gratification often leads to insecure attachments and complex trauma. Therefore, VOCAL firmly believes that any sexual offence to do with a child is a serious sex offence.

Ultimately, VOCAL welcomes changes to the Scheme which reflect the paramount importance of community safety to all decisions relating to serious sex and violence offences.

Yours sincerely,

Kerrie Thompson
Acting CEO
Victim Support Unit