



LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

STANDING COMMITTEE ON JUSTICE AND COMMUNITY SAFETY

Mr Peter Cain MLA (Chair), Dr Marisa Paterson (Deputy Chair), Mr Andrew Braddock MLA

Submission Cover Sheet

Inquiry into Crime Legislation Amendment Bill 2023

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Standing Committee on Justice and Community Safety

Office of the Legislative Assembly

Via LACommitteeJCS@parliament.act.gov.au

29 November 2023

Dear Standing Committee on Justice and Community Safety,

Submission to the Inquiry into the Crimes Legislation Amendment Bill 2023

Thank you for the opportunity to make a submission in relation to the Standing Committee's Inquiry into the Crimes Legislation Amendment Bill 2023 (the 'Inquiry').

I request that this submission be published in full.

Yours sincerely

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About the ACT Human Rights Commission

1. The ACT Human Rights Commission is an independent agency established by the *Human Rights Commission Act 2005* (HRC Act). Its main object is to promote the human rights and welfare of people in the ACT. The HRC Act became effective on 1 November 2006 and the Commission commenced operation on that date. Since 1 April 2016, a restructured Commission has included:
 - 1.1. the President and Human Rights Commissioner
 - 1.2. the Discrimination, Health Services, Disability and Community Services (DHSDCS) Commissioner
 - 1.3. the Public Advocate and Children and Young People Commissioner (PACYPC); and
 - 1.4. the Victims of Crime Commissioner (VOCC)

About Victim Support ACT

2. The Victims of Crime Commissioner (VOCC) is an independent statutory advocate and the head of Victim Support ACT (VSACT). VSACT is situated within the ACT Human Rights Commission. The VOCC's functions are set out in the *Victims of Crime Act 1994*, the *Victims of Crime (Financial Assistance) Act 2016* and the *Victims of Crime Regulation 2000*.
3. The function of the VOCC is to advocate for the interests of victims of crime in the ACT. Particularly relevant to the subject of this Inquiry, the VOCC's responsibilities include:
 - 3.1. advocating for the interests of victims;
 - 3.2. monitoring and promoting compliance with victims' rights;
 - 3.3. consulting on and promoting reforms to meet the interests of victims; and
 - 3.4. delivering frontline support services to victims via the Victim Services Scheme (VSS) and the Financial Assistance Scheme (FAS), which operate under the umbrella of 'Victim Support ACT'.
4. The terms of reference of this Inquiry directly relate to the core functions of the VOCC in consulting and promoting reforms to meet the interests of victims.

Majority Verdicts

5. Currently, all juries in criminal trials must render a unanimous verdict of either acquittal or conviction in the Australian Capital Territory (ACT). The Bill seeks to amend the *Juries Act 1967* (ACT) to introduce majority verdicts for criminal trials.
6. We support the proposed amendments to introduce a model for majority verdicts in criminal trials which requires a verdict agreed by 11 out of 12 jurors. We consider that majority verdicts could result in the improved efficiency and effectiveness of the criminal justice system by supporting a reduction in the number of hung juries and therefore increasing the likelihood that

a verdict might be reached even if there is diversity in the approach of the jurors. This may, in turn, alleviate court and other resourcing on re-trials as well as the impact of re-trials on victim-survivors and witnesses. Majority verdicts may also, among other things, address concerns with respect to 'lone' jurors who may prejudge a verdict and not participate in deliberations and lessen the possibility of 'compromise verdicts' being made. These outcomes are likely to increase community confidence in the justice system.

7. The VOCC understands that human rights law does not view majority verdicts as a breach of the right to a fair trial. We recognise that majority verdicts could be perceived to engage the right to be presumed innocent; however, majority verdicts are likely to be consistent with the right to a fair trial if the trial process has been fair and meets the general requirements of independence and impartiality. To that end, we welcome that proposed s 39 will require a reasonable period to have passed having regard to the complexity and nature of the trial, which we see as an important safeguard for the independence and impartiality of the relevant court and, accordingly, the right to a fair trial.