Subpoena guide: Navigating the Sexual Assault Counselling Privilege laws in Queensland

counselling notes protect

Legal Aid QUEENSLAND

Women's Legal Service Qld

Acknowledgements

Thank you to everyone at Legal Aid Queensland and Women's Legal Service Queensland who contributed their expertise, feedback and time to developing this guide.

We also want to thank the Sexual Assault Counselling Service at Legal Aid NSW for their inspiration and expertise – this guide was inspired by their *Subpoena Survival Guide.*

Finally, we recognise the many years of advocacy and hard work behind the laws to protect the confidentiality rights of victim-survivors. Most importantly, we honour the resilience, courage and strength shown by victim-survivors of sexual assault.

Disclaimer

This publication provides general information only and is not legal advice. If you have a legal issue, you should seek tailored legal advice from a lawyer. The information is intended for people dealing with Queensland laws, specifically matters related to the Sexual Assault Counselling Privilege. It does not apply to any other states, territories or Commonwealth laws. Legal Aid Queensland and Women's Legal Service Queensland are not responsible for how this information is used, and to the extent permitted by law, accept no liability for its content. While every effort is made to ensure the information is accurate at the time of publication, it may become outdated over time. Users are responsible for checking its relevance and accuracy for their needs.

Content warning

This guide includes information about sexual violence, which may be confronting or distressing to some readers. Free and confidential support is available through:

1800 RESPECT
Call 1800 737 732
www.1800respect.org.au

Full Stop Australia
Call 1800 385 578
www.fullstop.org.au

Lifeline
Call 13 11 14
www.lifeline.org.au

13YARN
Call 13 92 76
www.13yarn.org.au

Kids Helpline
Call 1800 55 1800
www.kidshelpline.com.au

Compass
Call 1800 353 374
www.compass.info

Rainbow Sexual, Domestic and Family Violence Helpline
Call 1800 497 212
https://fullstop.org.au/get-help/our-services

Emergency
If you or someone else are in immediate danger, call 000.

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About this guide

In Queensland, Sexual Assault Counselling Privilege (SACP) laws protect the counselling records of sexual assault victim-survivors from being accessed and used in criminal, domestic violence or civil court proceedings. These records can only be accessed if the court grants permission or if the victim-survivor gives express consent for their use.

SACP laws seek to balance the rights of sexual assault victim-survivors to access confidential counselling with a defendant's right to a fair trial. The Queensland Government introduced these laws recognising victim-survivors may be reluctant to seek counselling or make a complaint of sexual assault without protection for their counselling records.

This guide focuses on the SACP in Queensland and how it works in practice. It will help you determine what steps to take and includes:

- a summary of the current law about the SACP in Queensland criminal, domestic violence and certain civil proceedings
- practical impacts for people who receive a subpoena requesting access to protected counselling records
- tips on protecting client confidentiality and meeting your legal obligations
- details of where you can get more help.

Sexual assault victim-survivors can access free legal assistance through the Counselling Notes Protect (CNP) service. This service, run by Legal Aid Queensland and Women's Legal Service Queensland, provides free legal advice, assistance and representation. The CNP service also provides advice and guidance to counselling services and other stakeholders who have questions about how these laws apply. For more information and contact details for the CNP service, see page 27.

Who should read this guide

This guide is intended for people working in health or welfare roles who maintain confidential client records and provide support, advice, therapy, treatment or encouragement to victim-survivors. This could include:

- doctors or GPs
- psychologists
- counsellors (broadly defined)
- health practitioners, such as psychiatrists or those working in mental health facilities
- youth and social workers
- case workers
- allied health professionals
- government services, such as hospitals, social housing providers, schools and educational institutions.

It is also useful for anyone else, including sexual assault victim-survivors, who want to learn more about how the SACP laws apply in Queensland.

Legal system basics

In Australia, there are 3 main areas of law: civil, criminal and family law. Different courts handle specific types of matters, depending on the legal topic or whether the law is state or federal (Commonwealth). In Queensland, these courts include the Magistrates Court, District Court, Supreme Court, Federal Circuit and Family Court of Australia, and Childrens Court.

In Queensland, the SACP laws apply to criminal, domestic violence and certain civil cases involving a complainant or witness who is a sexual assault victim-survivor. These laws take effect when one of the parties (usually the defendant/respondent's lawyers or the prosecution) seeks to use the complainant's or witness's counselling records in court. These cases can be heard in the Magistrates Court, District Court, Supreme Court or Childrens Court.

Criminal cases

Criminal cases involve offences against the broader community, ranging from minor offences like littering to serious crimes like murder. In these cases, the State (Queensland) prosecutes the accused, represented by the police or the Office of the Director of Public Prosecutions (ODPP). The SACP laws typically apply to criminal cases involving charges under the *Criminal Code Act 1899* (Qld).

Civil cases

Civil cases generally cover matters that are not criminal cases, such as employment disputes, personal injury, discrimination, immigration, defamation, contracts, wills and estates, and property matters. Family law, child protection, adoption cases and domestic and family violence cases are also civil matters but are often treated as separate categories.

The SACP laws apply in civil cases only if a court has already decided to protect the counselling records in a related criminal case involving the same act or omission.

Domestic and family violence cases

Domestic and family violence cases are a type of civil case usually heard before the Magistrates Court, or at times the District or Supreme Court. These cases arise from the *Domestic and Family Violence Protection Act 2012* (Qld) and are state-based proceedings. The SACP laws apply to these proceedings.

Child protection and adoption cases

Child protection cases and certain adoption cases are heard in the Childrens Court, which is part of the Magistrates Court. While these are also civil cases, the Queensland SACP laws do not apply to these proceedings.

Family law cases

Family law cases, while technically civil cases, are heard in the Federal Circuit and Family Court of Australia under the *Family Law Act 1975* (Cth). Because the SACP laws are state-based, they do not apply to these cases.

Subpoenas

This section provides basic information about subpoenas. It does not specifically address subpoenas under the SACP laws.

What is a subpoena?

A subpoena is a written order from the court requiring a person or organisation to:

- attend court to provide certain information
- provide the court with records and information described in the subpoena or
- do both – attend court on a specific date and time, produce the requested records, and answer questions about that information in court.

Issuing a subpoena

A subpoena can only be requested by someone directly involved in the court case, such as the defendant, respondent, prosecution or applicant.

The party requesting the subpoena must file it with the relevant court and then serve a 'sealed' (stamped) copy of the subpoena to the parties involved in the case.

More information on subpoenas seeking to compel protected counselling communications (PCC) is detailed throughout this guide.

Responding to a subpoena

If you are served with a subpoena, you must advise the court in writing about how you will respond. This means you must confirm you will provide the material within the timeframe and/or attend court on a certain day. Because a subpoena is a court order, failing to comply can have legal consequences. Alternatively, you can write to the court and explain why you cannot comply with the subpoena.

For example, if you are served with a subpoena requesting you to produce documents, there may be several reasons why you cannot provide them.

If you cannot or do not want to comply with the subpoena for any reason, it is important you do not ignore it. You could write to the court that issued the subpoena (this information is on the subpoena) to explain what is happening and what you might need from the court instead.

Here are some common reasons why someone may be unable to comply with a subpoena:

The requested documents aren't in your possession or control

This may be due to an error, and the material may not be in your or your organisation's possession or control. Alternatively, the records may no longer be available (e.g. they have been destroyed or lost, and the person who created them is no longer at the organisation). In this case, you can write to the court to advise them.

Not enough time to respond

If it will take longer to copy and send the documents to the court than the time allowed under the subpoena, you can write to the court to request more time. You should confirm you have received the subpoena and provide an estimate of when you can provide the material.

The requested person is unavailable

If the subpoena asks for someone from your organisation to attend court and give evidence but that person no longer works or is unavailable (e.g. they are on leave), you can write to the court to let them know and give details of when the person might be available.

Errors in the subpoena

If the subpoena contains incorrect information (e.g. the wrong organisation name or records you don't have), you can write to the court, attach a copy of the subpoena, and explain why you cannot comply with the request.

The documents are protected or privileged

If the subpoena requests documents that are protected or privileged and the court has not given specific permission for these documents to be produced, you may need to take further action.

In most criminal cases, a party to the proceedings can issue a subpoena without asking for the court's permission ('leave'). This is usually done through the court's registry or office. However, if the documents sought are protected documents, such as PCC covered by the SACP laws, the process is very different.

To subpoena PCC, a person must first apply to the court for permission. This is called 'seeking leave from the court.' This means the court must decide whether to allow the subpoena and exercise its discretion. This guide provides more information about how you might respond in this situation.

Note: This guide does not provide further information about objecting to a subpoena for any of the above reasons. If you cannot comply, or you are unsure about how to respond to a subpoena, you should get independent legal advice.

What is the Sexual Assault Counselling Privilege?

SACP laws specify how records of a sexual assault victim, or alleged victim, are defined and how these records can be treated in a legal proceeding.

The privilege limits and prevents counselling records from being used in court or reviewed by lawyers preparing for a case. The privilege applies to any counselling communications a complainant or witness (who is a victim or alleged sexual assault victim) has had with a counsellor, regardless of whether the counselling was related to the sexual offence.

SACP laws come into effect when someone involved in a criminal or domestic violence case (such as the defence, prosecutor, police, applicant or respondent) wants to access written or verbal communications made in a confidential setting.

For example, a defence lawyer may request access to the victim-survivor's mental health records, or a prosecutor may want to use evidence that the victim-survivor told their GP about an assault immediately after it happened, many years before it was reported to the police.

History of Sexual Assault Counselling Privilege laws in Australia

Sexual violence is prevalent in Australia, with more than 1 in 5 women and 1 in 16 men reporting they have experienced sexual violence, and an estimated 87% of sexual assaults not being reported to police.[1] Sexual assault counselling services play an integral role in helping people recover. However, if those counselling records are shared with others, including the accused, it can deter victim-survivors from seeking therapy. By protecting counselling communications, the SACP laws may also encourage people to report sexual assaults to the police.

In February 2015, the *Not Now, Not Ever: Putting an End to Domestic and Family Violence in Queensland* report was released by the Special Taskforce on Domestic and Family Violence in Queensland. Recommendation 130 of the report called for the Queensland Government to introduce SACP laws. These laws were to be based on the New South Wales legislative model, which provides an absolute privilege (complete protection) for counselling records in the first stage of a case and a qualified privilege (partial protection) in the later stages.

Introduction of Sexual Assault Counselling Privilege in Queensland

In 2017, Queensland introduced the *Victims of Crime Assistance and Other Legislation Amendment Act 2017.* Among other changes, this law established protections to keep the counselling records of sexual assault victim-survivors confidential in criminal, domestic violence and certain civil legal proceedings. The protection is known as the SACP. The legislation was introduced to:

- implement the recommendations of the *Final Report of the Review of the Victims of Crime Assistance Act 2009* (review report) and ensure the *Victims of Crime Assistance Act 2009* (VOCA Act) continues to provide an effective response to assist victims of crime
- introduce a SACP
- recognise victims of sexual offences giving evidence in a criminal proceeding as special witnesses.

New South Wales was the first Australian state to introduce laws to restrict lawyers' access to and use of counselling records in 1997. Since then, all other Australian states and territories have introduced some form of legal privilege to limit the disclosure and use of the victim-survivors' counselling communications in legal proceedings. These protections seek to recognise the public interest in encouraging people who have experienced sexual assault to seek therapy for their recovery and to report the crime to police.

1 *Australian Bureau of Statistics, 'Personal Safety, Australia: 2021–22 Financial Year' <www.abs. gov.au/statistics/people/crime-and-justice/personal-safety-australia/latest-release>.; Australian Law Reform Commission, Final Report: Safe, Informed, Supported: Reforming Justice Responses to Sexual Violence, Report 143, January 2025.*

Case study: Di Lucas

In December 1995, Di Lucas, coordinator of the Canberra Rape Crisis Centre, was jailed for refusing to comply with a subpoena to provide a client's confidential counselling notes. The case received national media attention and sparked a strong campaign by sexual assault survivors, counsellors, lawyers, academics and parliamentarians. In 1997, New South Wales passed landmark legislation establishing the Sexual Assault Communications Privilege. As of 2025, some form of SACP exists in every Australian state and territory.

Counselling Notes Protect service

Following the SACP's introduction in 2017, Legal Aid Queensland launched the CNP service in partnership with Women's Legal Service Queensland. The CNP service is a legal service to support sexual assault victim-survivors.

For sexual assault victim-survivors, the CNP service provides:

- legal advice
- task assistance
- court representation.

For service providers and legal professionals, the CNP service provides:

- legal advice
- education.

For information about contacting the CNP service, see page 27.

Key terms

This section explains frequently used terms throughout this guide and the SACP laws.

Counselled person – a person who has been a victim or alleged victim of a sexual assault offence and has been counselled by a counsellor at any time.[2] A counselled person is the person whom the SACP is intended to protect. Throughout this guide, this term may be used interchangeably with 'victim-survivor' or 'complainant'.

Counsellor – someone who:

- has knowledge or experience counselling other people; the counsellor will have undertaken training, study or some other experience related to counselling
- is in a paid or voluntary role, or position, that requires them to counsel others.[3]

The legal protection may cover notes and/or records made by anyone who fits within the above definition of a counsellor.

Counselling – to listen to or give verbal or other support, help or encouragement to the person, giving advice, providing therapy or treatment, either one-on-one or in a group.[4]

2 Section 14B *Evidence Act 1977* (Qld)
3 Section 14B *Evidence Act 1977* (Qld). Note: Religious representatives are excluded from being defined as counsellors and providing counselling, which means that their records would not attract the SACP protections.
4 Section 14B *Evidence Act 1977* (Qld)

Case study: Olivia

Olivia is a social work student who volunteers as a telephone counsellor at a domestic violence support service. Although she is not paid and is in the process of gaining her formal qualification, any communication with Olivia in her role at the domestic violence support service would be considered PCC and protected by the SACP laws.

Case study: Reggie

Reggie's friend, Amy, is a psychologist. Three years ago, Reggie sought Amy's guidance at a social event about experiencing sexual assault. These conversations with Amy are not protected under the SACP laws. This is because Reggie spoke to Amy as a friend and not as someone providing therapy or treatment through an appointment, or as someone employed or volunteering as a counsellor.

Protected counselling communications – (or protected counselling records) may include oral or written records, notes or other types of documents. These records are made:

- between a counsellor and the counselled person, or
- by a counsellor to or about the counselled person to further the counselling process, or
- between the counsellor and the counselled person's parent, carer or support person who is present to facilitate the communication between the counsellor and counselled person, or to otherwise further the counselling process.[5]

The records can be about the counselling a person has had either before or after the sexual assault, and do not need to be directly related to the sexual assault.[6]

The legal protection may cover notes and/or records made by anyone who fits within the definition of a counsellor.

PCC can include (but are not limited to):

- written records of counselling sessions
- notes in a file from mental health treatment sessions
- GP or doctor records about depression, anxiety and other issues related to psychological wellbeing
- social worker notes held by a hospital
- drug and alcohol rehabilitation treatment records
- financial counsellor records
- letters and referrals between health practitioners about diagnosis and treatment of the person
- emails and/or records from a school counsellor to a parent or teacher, providing information and guidance about a young person's ongoing care and welfare
- social worker reports created as part of a person's treatment but held by government agencies such as Centrelink or the Department of Housing and Public Works.

5 Section 14A(1) *Evidence Act 1977* (Qld)
6 Section 14A(3)(a) and (b) *Evidence Act 1977* (Qld)

Case study: Kaylee

Kaylee is the alleged victim of a sexual assault offence and is about to give evidence at the trial. The defence lawyer is trying to get records from her sexual assault counsellor at the time of the offence, as well as a psychologist she saw 5 years earlier for mental health issues, prior to the sexual assault. All the records held by her sexual assault counsellor and her psychologist are considered PCC and are covered by the SACP laws.

Excluded communications – a communication made to or by a health practitioner about a physical examination of the counselled person conducted during an investigation into an alleged sexual assault offence is not protected information.[7]

A 'health practitioner' in these circumstances includes those professionals listed in the Health Practitioner Regulation National Law (Queensland).

Case study: Jayden

Jayden is sexually abused by his uncle during a family gathering. His parents notify the police about what they believe happened and take Jayden to the hospital when they notice he has been bleeding from his bottom. A doctor in the emergency department examines him and writes notes on the nature of the injuries in Jayden's file. This information is not considered protected information under the SACP laws because the communication was made about a physical examination during an alleged sexual assault investigation.

While Jayden was at the hospital for his physical examination, he also spoke to a social worker at the hospital about how he was feeling. These records would likely be protected under the SACP laws.

Religious representative – a member of an organised religion or religious group is not a 'counsellor' for the purposes of the SACP laws. This applies even if the group is not part of, or does not consider itself to be part of, an organised religion. A religious representative must also hold a position in the group that allows the person to hold themselves out as a representative of the religion or group. A religious representative does not fall under the definition of 'counsellor' unless they are engaging in counselling that is not in relation to their religious role.[8]

Case study: Sharnee

Sharnee was the victim of a sexual assault offence in 2017. She is a practising Christian and spoke to her parish minister in the months following. The defence lawyer can subpoena the parish minister and cross-examine the minister about their communications without leave of the court because the minister is a religious representative.

Sexual assault offence – any alleged or substantiated offence of a sexual nature, including those in chapters 22 and 32 of the Criminal Code.[9] The SACP laws protect the counselling records of a person who is a victim-survivor or alleged victim of a sexual assault offence if someone tries to access their records in criminal, domestic violence or certain civil cases. This means SACP laws do not only apply in proceedings about the sexual assault offence itself.

7 Section 14A(2) *Evidence Act 1977* (Qld)
8 Section 14B *Evidence Act 1977* (Qld)
9 Section 14B *Evidence Act 1977* (Qld)

How does the Sexual Assault Counselling Privilege work?

Under the SACP laws, PCC cannot be produced or used during criminal, domestic violence and certain civil law cases without permission from the court.

If the records that the lawyer wants to obtain are likely to be PCC, the lawyer must first apply for permission to subpoena the records. If the court approves the subpoena, the records are normally sent to the court registry and cannot be viewed until the court decides whether any lawyers involved in the case are allowed to access or use the records.

This means permission to subpoena records does not automatically allow someone to view, use or talk about the records in court.

Sometimes, records that are PCC can be mixed with material that is not considered PCC. This may happen if the person requesting or providing the information did not know about the SACP laws or did not consider the information might be PCC. If this occurs, lawyers involved in the case may receive material they should only have access to if the court had given them permission. Always review records carefully and get legal advice if you are unsure whether the SACP laws apply. Protecting client privacy is a critical responsibility, and ensuring compliance with these laws helps safeguard the rights of victim-survivors.

In some situations, the court might direct the party seeking access to issue a subpoena that specifically 'excludes PCC'. If you are served with a subpoena asking for particular documents but requiring you to exclude PCC, it is important to get legal advice if you are unsure what should be provided in response.

Police investigations

SACP laws do not apply to records obtained by the police during the investigation of an alleged offence. However, the police have implemented a policy aligned with the laws, stating that they will not seek records that may be counselling communications unless specific conditions, reflecting the SACP laws, are met. As a result, police may sometimes hold records that would be considered PCC. These records should not be provided to the lawyers involved in the case unless the court grants permission.

Cases covered by Sexual Assault Counselling Privilege laws

The SACP laws do not apply in all areas of law. The laws apply to criminal and domestic violence proceedings and certain civil proceedings that began on or after 1 December 2017, even if the sexual assault offence occurred before this date.

If a criminal or domestic violence case began before 1 December 2017, it is still important to get legal advice about the options available to protect counselling notes from being used in court.

Type of case	Does SACP apply?
Sexual assault offences	Yes
Other criminal offences	Yes
Domestic violence order	Yes (any proceeding relating to order)
Civil	In limited circumstances
Family	No
Child protection	No
Victim Assist	No

Absolute versus qualified privilege

The level of SACP protection for PCC depends on the stage or type of court proceeding. In general, PCC is subject to 'absolute' privilege in the early stages of criminal proceedings.

'Absolute' privilege means a person cannot:

(a) compel, whether by subpoena or otherwise, another person to produce PCC to a court
(b) produce PCC to a court, adduce evidence of PCC or otherwise use PCC
(c) otherwise disclose, inspect or copy PCC.

In later stages of criminal proceedings, the degree of SACP protection is determined by the court in each case. This is known as 'qualified' privilege.

The following are specific examples of whether SACP laws apply as absolute or qualified privilege in certain proceedings.

Criminal cases

Committal and bail (preliminary proceedings)

During the early stages of a criminal case, SACP laws provide an 'absolute privilege'. This typically applies when the matter is still in the Magistrates Court, before it is committed for trial in the District or Supreme Court, or when the court is considering an application for bail for the defendant.

Absolute privilege means no party in the proceedings can request to subpoena or use PCC material during this stage. This restriction is not intended to interfere with a person's right to a fair trial.

Note: A victim-survivor can consent to the release or use of PCC at any stage of the proceedings, but strict rules apply. For more details, see page 25.

Case study: Stewart

Stewart was sexually assaulted, and charges of sexual intercourse without consent are currently before the Magistrates Court, awaiting committal to the District Court. The defence solicitor issued a summons in the Magistrates Court requesting all records from Stewart's counsellor. The CNP service has provided a lawyer to advise and represent Stewart. The CNP lawyer referred the magistrate to sections 14C and 14D of the Evidence Act 1977. These sections contain a total prohibition on accessing privileged documents during bail and committal proceedings. As a result, the magistrate dismissed the application to issue the subpoena. When the case moves to the District Court, the defence may make another application for the records. If this happens, Stewart's CNP lawyer can represent him again at that stage.

Trials and sentencing

For trials and sentencing in a criminal case in the District Court, Supreme Court or Childrens Court, the privilege is 'qualified'. This means the court can override the victim-survivor's confidentiality if there is a legal basis to do so. For more information, see page 20.

Domestic violence proceedings

For domestic violence proceedings, the privilege is 'qualified'. This means the court can override the victim-survivors confidentiality if there is a legal basis to do so. For more information, see page 20.

Civil proceedings

The counselling and therapeutic records of sexual assault victim-survivors in civil proceedings is protected by SACP in limited circumstances.

In civil cases, the privilege applies to communications that:

- were protected under SACP in criminal proceedings and
- relate substantially to the same issues as the criminal proceedings.

If privilege has been waived or lost in criminal proceedings, or if the court has granted leave to access or use the material in that proceeding, that protection may no longer apply in the civil proceeding. These situations are uncommon. If you receive a subpoena in a civil case and believe you may be able to object based on SACP, you should get legal advice and notify your client they may want to get independent legal advice.

Although family law matters are technically civil proceedings, SACP laws do not apply in family law cases. This guide does not provide information about family law matters.

Steps to apply for access to PCC

An application is filed by the defendant or prosecution seeking access to PCC. The applying party should attach a draft of the proposed subpoena to the application, and must also submit written arguments explaining why the court should allow access to the documents.

1. The court provides a date for a pre-trial hearing to consider the application.
2. The applicant must notify the counsellor and the other party about the application. This is when the counsellor should get independent legal advice.
3. The prosecution must inform the sexual assault victim-survivor (counselled person) of their SACP rights. This allows them to get free legal advice and representation from the CNP service if they want. This applies no matter who is applying for the subpoena.
4. If the counsellor wants to participate in the pre-trial hearing, they need to represent themselves or hire a lawyer. They should submit a written outline of their position at least 2 days before the hearing.
5. A pre-trial hearing can only take place if 14 days have passed since the counselled person and counsellor were notified, unless there are special circumstances.
6. At the pre-trial hearing, the court decides whether to allow the subpoena to be filed and served.
7. If the court approves the subpoena or orders the production of PCC, a sealed copy of the subpoena and the court's order will be given to the counsellor or their organisation.
8. The counsellor or their organisation must respond to the subpoena by providing the documents or raising an objection. Often the court orders the documents to be sent to the registry and counselled person's legal representatives (CNP service).
9. The court may review the material to determine if it contains PCC, and makes orders which may:
   - prohibit the material from being used in court
   - prohibit some of the material from being used in court, or
   - allow all or some of the material to be used by the parties in court.

The Sexual Assault Counselling Privilege process in criminal and domestic violence proceedings

Notice requirements

The SACP laws require any person seeking access to PCC or planning to use the communications as evidence, to provide 14 days' written notice of their application to each party to the proceeding and the counsellor.

The notice requirement is essential as it alerts complainants (often the victim-survivor/counselled person) and counsellors that an application has been made to access PCC (a 'PCC application') and gives them the opportunity to get legal advice and assert their rights.

There are strict rules about what this notice must contain. The usual form is in a letter that explains an application has been made for PCC material. The letter should describe the material sought and inform the counsellor and counselled person they may attend the proceeding.

While 14 days' notice is usually required, the court can waive this requirement in exceptional circumstances or if it decides it is in the public interest to proceed.

Steps to take if you receive notice of a PCC application

1. Review the notice

You may receive notice of a PCC application through:

- a letter providing notice
- a letter including a copy of the PCC application and a draft subpoena
- an email advising an application has been filed.

It is important to carefully read the correspondence provided.

If the notice is served less than 14 days before a court date, you may write to the person giving notice to advise them not enough time has been given to get legal advice and respond to the application.

2. Determine if the subpoena is valid

If you have been served with a subpoena, you can check if it is valid by looking for:

- a court seal on the subpoena, normally the shape of a circle; if the subpoena does not have a court seal, it is only a draft and not a valid subpoena
- the name of the court that made the order
- a copy of the court order attached to the letter and subpoena from the applying party's lawyer. If no copy of the order is provided, or if you are uncertain, you can contact the court registry and ask:

'Has the court made a formal order granting leave to issue this subpoena?' or

'Has a notice been provided seeking leave to issue this subpoena?'

If the court has not given permission for the subpoena to be issued, there is no requirement to provide any material to the court at that stage.

Before providing any material, make sure the court has approved the subpoena. This is important because counsellors are often sent draft subpoenas when they are first notified of an application. This can cause confusion, leading them to believe a draft subpoena is a valid subpoena. A subpoena is only valid if it has a court seal.

If the subpoena requests material containing PCC, it must include a court order granting permission ('leave') to issue the subpoena. The court order attached to the sealed subpoena should also have a court seal.

Remember: In most criminal sexual assault cases, when the matter is in the Magistrates Court, a subpoena can only be validly issued in limited circumstances. For example, if a party is seeking records that include both PCC and non-PCC documents. The party is usually entitled to the non-PCC material and may have asked the court to determine which parts of the records are PCC. In such cases, the subpoena must include a court order granting permission to subpoena the records. These records should only be returned to the court, not directly to the parties.

3. Respond to subpoena

Below is information, sample letters and case studies to help you prepare your response.

(a) If you consider the subpoena invalid

If you receive a subpoena you believe is invalid, do not ignore it – contact the CNP service or a lawyer and follow the steps below.

If the subpoena does not include a court order granting leave, you can send a letter to the court, defence and prosecution lawyers (if you are aware of who they are).

Sample letter 1 is suitable if the case is still in preliminary criminal proceedings, and the subpoena is not accompanied by an order explaining the court has given permission for the subpoena to be issued to determine which material is protected and which material is not.

Sample letter 1

Dear Registrar,

We acknowledge receipt of the subpoena issued at [COURT LOCATION] Magistrates Court, returnable on [DATE LISTED]. We understand that, as this matter is still at the preliminary stage of the criminal proceedings, the subpoena is invalid pursuant to section 14D of the Evidence Act 1977.

We have not been given notice that leave has been granted pursuant to section 14M of the Evidence Act 1977 and accordingly, we will not produce our records until we receive a valid subpoena or an order from the court.

Kind regards,
[YOUR NAME/ORGANISATION]

If you believe the subpoena is invalid because:

- leave has not been granted
- the information is not correct, or
- it has been given to the wrong person

you can send a letter, like sample letter 2, to the court and the defence and prosecution legal representatives (if you are aware of who they are).

Sample letter 2

Dear Registrar,

I acknowledge receipt of the subpoena issued at [COURT LOCATION] Magistrates Court on [DATE LISTED]. We understand that [INSERT REASON FROM BELOW]:

- *leave has not been granted by the court as required by section 14F of the Evidence Act 1977*
- *the information in the subpoena is incorrect as follows: [DETAILS], or*
- *the subpoena has been issued to the wrong person.*

In these circumstances we consider this subpoena does not comply with Section 14F of the Evidence Act and will not provide our documents until a valid subpoena is received, or we are compelled to do so by the court.

Kind regards,
[YOUR NAME/ORGANISATION]

Case study: Fiona

Fiona is the health information manager at a rural hospital. She received a subpoena from the defendant's solicitor in a District Court case, requesting all records relating to Nikki, who has attended the hospital multiple times. Fiona noticed that Nikki's records include mental health admissions and disclosures of child sexual abuse. Fiona contacted the District Court and asked:

- *Is this a criminal or DVO proceeding? Answer: Yes*
- *Has the court granted permission ('leave') for the subpoena, as required by section 14H of the Evidence Act 1977? Fiona confirmed with the registry staff whether any notices had been issued for the subpoena. Answer: No*

Fiona realised the subpoena she received may not comply with section 14G and may not be valid. She promptly sent a letter to the court before the subpoena return date, copying in the Office of the Director of Public Prosecutions and the defendant's solicitor (as she had their details). In the letter, she explained the subpoena may be in breach of section 14G of the Evidence Act 1977 and noted the court confirmed leave had not been granted for the subpoena. Fiona also attended the next court date to raise the issue directly with the court.

With Nikki's consent, Fiona informed the CNP service so they could arrange for a lawyer to advise Nikki about her rights and privilege.

(b) If you consider the subpoena to be valid

If you receive a subpoena that has been issued with permission (leave) of the court, you must comply and produce the documents as requested to the court.

Remember:

- If you are the counsellor and wrote the records, or you are the counselled person to whom the records relate, you can attend court and explain why the records should be protected. The counselled person should have been referred to the CNP service, which will provide a lawyer to represent them in court at no cost.
- If you are the counsellor, carefully read the subpoena and only produce the documents ordered by the court. **Do not provide a copy of the material to the lawyers who issued the notice or prepared the subpoena.** Ensure you receive a court order confirming permission has been given to issue the subpoena. The order will outline who has been authorised or directed to take specific steps. The order may also state the documents should be sent to the counselled person's lawyers. You are not permitted to share the documents with anyone else involved in the case unless explicitly authorised by the court.
- Carefully read the dates and the types of documents ordered in the subpoena and only provide those documents.
- The prosecutor should also have advised the counselled person about the application and referred them to the CNP service for free legal advice and representation. The counselled person's lawyer will advise them about the details of the application and their rights and options in response to the application.
- The counselled person may contact their counsellor and express concern about their counselling records being sent to a court and viewed by others, such as the court and their lawyer. **Do not give a copy of your counselling records directly to the counselled person (your client) before the court case is finalised and without getting legal advice.** If the counselled person reads their own counselling records before giving evidence, it could affect the outcome of the case, and in some circumstances, may result in a mistrial.

4. Protect privacy when responding to a valid subpoena

Even if a subpoena is valid, the SACP laws provide strong protection for victim-survivors' privacy. Follow these steps to ensure privacy and let the court know the information is privileged:

(a) **Only send the specific records requested in the subpoena.** Avoid sending extra material. Review the date ranges and types of records carefully. Do not create new documents, such as a summary of your records, as both the original and new documents may need to be provided.

(b) **Put the privileged documents and a copy of the subpoena in a sealed envelope.** Mark the envelope: 'PRIVILEGED – PROTECTED COUNSELLING COMMUNICATIONS: Not to be accessed without court permission'.

(c) Attach a second copy of the subpoena to the sealed envelope.

(d) Include a cover letter with the subpoena attached to the outside of the sealed envelope. See sample letter 3.

If you have received a valid subpoena to produce your records, you cannot redact, delete or withhold any of the records unless a law permits you to do so. If you are concerned about your client's safety, you can mention this in the cover letter to the court.

Note: If your client has not yet contacted Legal Aid Queensland or Women's Legal Service Queensland, now is the time to do so. They can provide advice and a lawyer to appear on behalf of your client at court for free.

Sample letter 3

Dear Registrar,

We enclose documents in response to the attached subpoena. Please note material is subject to the Sexual Assault Counselling Privilege, as it contains protected counselling communications.

We request that access not be granted to anyone without leave of the Judge [if in District Court] [OR] the Magistrate/DV Magistrate [if in Magistrates Court].

Please return the documents when they are no longer required for the court proceedings [OR] please destroy the documents when they are no longer required for court proceedings.

Kind regards,
[YOUR NAME/ORGANISATION]

5. Be aware of 'unexpected' privileged content

Some agencies hold records that include protected and non-protected documents. As a result, subpoenas are sometimes issued without realising the records may contain PCC. In these situations, the people involved may not be aware the SACP laws could apply. Issues with SACP laws often only come up when the subpoena is being processed.

For example, a lawyer may not expect that a Department of Housing and Public Works file contains sensitive information or material, such as psychological treatment records or caseworker reports, which are considered PCC. As a result, they may not seek permission (leave) for the subpoena. However, when the organisation gathers the file to respond to the subpoena, they might discover PCC, which is protected under the SACP laws.

Similarly, general practitioners or hospitals that provide counselling and medical services may store counselling records alongside medical records. While medical records may not be protected under SACP laws, the counselling records are.

If the court has not given permission for the PCC to be made available, you should inform the court and lawyers involved that there is protected material that will not be produced unless permission (leave) is granted by the court.

Some organisations redact (remove) the PCC and send the rest of the material to the court, with a letter explaining the redacted information has been withheld because permission has not been given to provide PCC information. Sometimes organisations send 2 sets of documents to the court – one with the redactions and one without – along with a letter stating only the redacted material should be made available unless the court gives permission.

In other cases, organisations do not provide any material. Instead, they send a letter to the lawyer requesting the records and to the court registry. See sample letter 4.

Sample letter 4

Dear Registrar/Lawyer,

I acknowledge receipt of the subpoena issued at [COURT LOCATION] District Court, returnable on [DATE LISTED]. Your subpoena seeks to compel the production of protected counselling communications. I understand leave has not been granted as required by section 14H of the Evidence Act 1977.

I will not produce any documents containing protected counselling communications unless leave is granted. I await further notice.

Kind regards,
[YOUR NAME/ORGANISATION]

In some cases, the lawyer who sent the subpoena will only request non-privileged documents, so the privileged information remains private and is never given to the court. In other cases, the court may grant leave, and the privileged material is required to be sent to the court.

Note: Your subpoenaed documents should never be sent or handed directly to the other party unless there is a court order allowing this.

Case study: Max

Max works for a large credit union and is responsible for handling all subpoenas. He receives a District Court subpoena for 'all records held about Naomi Baker-Cook (DOB: 01/07/1959)'. Max notices the subpoena is in a criminal case. He also realises the credit union's records include reports from Naomi's psychiatrist related to a mortgage hardship claim she made 10 years earlier. The psychiatrist's report includes a diagnosis of post-traumatic stress disorder from a history of childhood sexual assault.

Max recently attended a legal conference where he learned about the SACP. He realises the psychiatrist's report is likely covered by SACP and wants to ensure Naomi's privacy is protected. Max sends the following letter to the court:

Dear Registrar/Lawyer,

I acknowledge receipt of the subpoena issued at Cairns District Court, returnable on 10 February 2020. Your subpoena may compel the production of protected counselling communications. I understand leave has not been granted as required by section 14H of the Evidence Act 1977. I will not produce any documents containing protected counselling communications unless leave is granted. I await further notice.

Kind regards,
Max Marks
Compliance Manager

How the court decides whether to release protected counselling communications

The leave test

The SACP laws set a high bar for releasing PCC. The court must weigh the public interest in protecting a victim-survivors' confidentiality against the public interest in an accused person's right to a fair trial.

This process is called the 'leave test'. The court uses this test to decide whether to keep counselling communications confidential or allow them to be disclosed.

Before issuing a subpoena or allowing PCC to be used as evidence, the court must consider 3 questions:

1. **Will the information have substantial probative value in the case?**

   'Substantial probative value' means the information or evidence is sufficiently useful in proving something in a case. In other words, the information must have crucial evidentiary value, not just a chance of being important.

   For example, the complainant's credibility is often a significant issue in sexual assault trials. The question would be, 'Will the documents in the subpoena affect how the court or the jury views the complainant's credibility?'

2. **Is other evidence available?**

   If the information can come from another source which doesn't involve a confidential relationship, then it should come from there.

3. **Is the public interest in preserving the confidentiality of the communication and protecting the counselled person from harm substantially outweighed by the public interest of allowing the information into evidence?**

   In applying the public interest test, the court considers:

   - the importance of encouraging sexual assault victim-survivors to seek counselling
   - how effective counselling depends on maintaining confidentiality
   - the public benefit of ensuring sexual assault victim-survivors receive effective counselling
   - whether disclosing the PCC could damage the relationship between the counsellor and the victim-survivor
   - whether the request for disclosure is based on bias or discrimination
   - whether disclosure would infringe the victim-survivor's reasonable expectation of privacy
   - how necessary the communication is for the accused to make a full defence
   - anything else the court considers relevant.

Case study: Asha

Asha was sexually assaulted by a stranger on her way home from the train station one night. She managed to escape her attacker and ran home. Terrified of leaving her house, she spent the rest of the night in the shower. The next morning, she went straight to her GP, who referred her for specialist sexual assault counselling and ordered some blood tests. Her GP recorded Asha's description of her attacker as very tall, thin, fair skin, blonde hair. Asha also gave a detailed description of what happened to her, which the GP recorded.

The next day, Asha gave a statement to the police. In her statement, she gave a distinctly different physical description of the attacker – short, stocky, with dark skin and black hair.

At court, if there is no other convincing evidence, such as DNA or eyewitness accounts, Asha's disclosure to her GP may be held to have substantial probative value. If this information was not available from any other source (such as a friend Asha had described her attacker to), the court would need to conduct the balancing exercise.

In an example like this, where the identification of the accused is different, the court may allow the GP's records into evidence. However, some of Asha's other GP records may be protected if her GP provided her with counselling. In such cases, only the sexual assault disclosure may be considered probative. This could be very important to Asha, as her GP records could include all sorts of sensitive information – not just details of the assault.

Minimising harm (including statements of harm)

Although the court may determine the interests of a fair trial override the victim-survivor's right to privacy, steps can still be taken to minimise any unnecessary harm to the person. This is usually managed by the lawyer representing the victim-survivor through the CNP service.

Statement of harm

A court can consider a 'statement of harm' that describes how the victim-survivor is likely to suffer if the information is released or used. Statements of harm are extremely useful as they can alert the judge to highly sensitive information in the documents or a particular vulnerability of the victim-survivor.

'Harm' refers to any physical, emotional or psychological harm. It also includes financial loss, stress or shock, and damage to reputation. A statement of harm can be provided in writing or verbally. It can be made in person or via video link.

A written statement of harm conveys this information directly to the judge without it being discussed in an open courtroom. The statement of harm is not disclosed to the other parties. The CNP service can help the victim-survivor decide whether to provide a statement of harm and assist them in writing it.

If an oral statement of harm is made by the victim-survivor, the court must exclude anyone from the courtroom who is not an essential person. In some instances, essential people may be excluded at the counselled person's request, or if the court considers excluding an essential person would assist the counselled person.

Examples of information the victim-survivor may not want the accused or anyone else to know include:

- a history of unrelated childhood sexual abuse
- extramarital affairs
- pregnancy termination
- infectious diseases
- suicidal or self-harm behaviours
- current relationship difficulties.

Statements of harm are not necessary in every case, particularly when the likely harm is already obvious. The victim-survivor's lawyer will consult with them to assist in deciding whether a statement is needed, depending on the circumstances of the case.

Protecting contact information

If the court orders information to be released that will reveal the victim-survivor's contact details, you can request permission to redact these details.

Redaction can only be done with a court order or if another law allows or requires it.

Ancillary orders

If the court orders the release of PCC, it may also make 'ancillary orders' to control who can read and copy any of the documents. Failing to comply with these orders may be contempt of court. Examples of ancillary orders are:

- only those sections of the notes the court considers relevant are to be made available
- only the accused's lawyer can view and access the documents (not the accused person)
- all copies of notes are to be returned or destroyed within a specific number of days after the end of the case
- if a counsellor is to give oral evidence in court, all or some of the evidence is heard 'in camera' – meaning in private, with the public excluded.

Reminder: You are the custodian of your client's sensitive information. Once a confidential record is disclosed, it can be hard to undo the harm. The SACP laws are very broad, and you should assume your files are protected. Only release information if you are certain the privilege does not apply and speak to a lawyer if you need help.

Case study: Carlos

Carlos is the victim of a sexual assault by a colleague, James. During the prosecution of his colleague, a subpoena is issued for the release of Carlos' counselling records. His CNP service lawyer helps to prepare a written statement of harm on Carlos' behalf, saying:

'I don't want James to know anything about me.

I don't want James to find out that I was sexually abused when I was a child.

I don't want James to find out that I have been having problems with bullying by another colleague, Margaret.

I don't want James to know about how his assault has affected my relationship with my partner.

I don't want James to know that I have nightmares about the assault.

I don't want James to know that I am now taking anti-anxiety medication, which I blame on his behaviour towards me.

I would feel betrayed and devastated if my private counselling records were made available to strangers, particularly James and his lawyer.'

Practical issues when releasing counselling records

When the court orders the release of PCC, this does not generally mean the whole file or document. Only those sections that meet the legal test will be released. In practice this may mean only a few pages of a large file are released. There may be large spaces within the document where material has been protected by the court, including where words or passages have been redacted.

When the court has determined PCC can be used in evidence, strict rules will be imposed about which information can be referred to or not.

Protected and non-protected material

Sometimes PCC are mixed with material that may not be protected by the SACP laws. For example, records held by a hospital service or a general practitioner's office often contain medical-only records (such as attending for a broken limb) as well as records that are likely to be PCC (such as attending a general practitioner to get a mental health care plan).

Where a party seeks to subpoena records that are likely to contain any PCC, they must file an application and meet the high legal test to compel the production of protected counselling records. For more information, see page 20. However, the party is entitled to issue a subpoena for material not subject to the SACP laws without special permission (leave) from the court.

Sometimes, the party will issue a subpoena for records 'excluding PCC'. If you are served with a subpoena that asks you to return particular documents but specifies that you must exclude PCC, you should get legal advice if you are unsure what you should, or should not, return in response to the subpoena.

In some cases, the party might ask the court to decide what is, and what is not, PCC material. If that occurs, the court will determine what is protected by the SACP laws. The records protected by the SACP laws must only be released if the court is satisfied the high legal test has been met. Records that are not protected may then be given to the parties to the proceedings.

Frequently asked questions

Q. Are my files protected under the SACP laws?

A. To determine if your files are protected under the SACP laws, use the following checklist:

Checklist

1. Have criminal or domestic violence proceedings started?
   - No ☐
   - Yes ☐
2. Do you provide a confidential service?
   - No ☐
   - Yes ☐
3. Have you, your staff or volunteers undertaken training, study or gained other experience related to counselling?
   - No ☐
   - Yes ☐
4. Can you confirm you are not a religious representative?
   - No ☐
   - Yes ☐
5. Do you listen to, give support, advise, give therapy or provide treatment?
   - No ☐
   - Yes ☐
6. Is there any indication from your file type, the type of court case, or any other source that the client is a victim-survivor of any alleged sexual assault (either before or since the client saw you)?
   - No ☐
   - Yes ☐

If you have answered 'yes' to all these questions, then your files are likely protected by the SACP laws. Do not release any information or documents until you are certain a court has ordered you to do so.

If you have answered 'no' to one or more of these questions, your files may still be protected by the SACP laws, and you should get legal advice before you disclose anything.

If you receive a subpoena and believe the SACP laws may apply, contact the CNP service at Legal Aid Queensland or Women's Legal Service Queensland. See page 27 for contact details.

Q. Can a client consent to release their records?

A. A sexual assault victim-survivor can consent to the release of PCC (waive their privilege) in a court case. However, strict rules apply. The consent must:

- be in writing
- make specific reference to the information being released
- state the victim-survivor has received independent legal advice and understands their SACP rights.

If a counselled person wants to consent to all or some of their counselling records being made available to the police or a prosecutor, they must first get independent legal advice from a lawyer. It may be difficult to withdraw their consent if they change their mind later.

The CNP service at Legal Aid Queensland or Women's Legal Service Queensland can provide a free lawyer to help with this process. To waive their SACP rights, the counselled person must:

- be 16 or older
- provide written consent for the document to be used as evidence
- not have impaired capacity for giving consent.

Case study: Maria

Maria was sexually assaulted by an acquaintance when she was 18. She started counselling about a week later and disclosed the details of the sexual assault to her counsellor. At that time, she didn't feel ready to go ahead with a formal complaint to police. When Maria turned 24, she decided to make a formal complaint to police about the sexual assault, which had occurred 6 years earlier. Due to the delay, the police asked Maria if she had told anyone about the sexual assault at the time. Maria confirmed that she had told her counsellor.

When the matter was before the District Court, the prosecutor applied for a subpoena to access Maria's counselling records. At court, Maria was represented by a CNP service lawyer, who found the paragraph in the counsellor's notes where Maria described the sexual assault.

Maria signed a formal waiver stating she was aware the information would be covered by the SACP but consented to disclosure of records specifically about the offence. She did not consent to the release of records relating to her life, feelings, relationships or other personal difficulties.

The counsellor's notes from 6 years earlier supported Maria's formal statement to the police, confirming she had disclosed the assault to her counsellor soon after the incident. The counselling records also contained information that closely aligned with the version of events Maria provided in her police statement. As 'preliminary complaint evidence', this helped establish Maria as a credible witness. No other information from the notes was released, and Maria's privacy was protected.

Q. Are there other reasons I might need to provide counselling records?

A. While the most common method for collecting material is through a subpoena, you might be required to provide documents or information for other reasons, such as:

Mandatory reporting

Mandatory reporting and the SACP laws are covered by different laws and serve different purposes. Mandatory reporting requires certain people, in specific roles, to report to the relevant authority if they suspect a child is at risk. If mandatory reporting applies to your work, it is important to understand the rules and laws that apply to you.

Police request

The SACP laws do not apply when police request records during their investigation before legal proceedings begin. This means police can ask for and obtain documents before a court case starts, as SACP laws only apply when someone wants to use the records in court. Once criminal proceedings begin, if someone tries to access or use counselling records in the case, the SACP laws apply, and counselling documents should not be shared. If police have copies of records that include PCC, they must inform the victim-survivor of the alleged sexual assault that they are entitled to get legal advice about whether they want to allow their counselling records to be shared with lawyers in the case.

If the victim-survivor does not consent to their counselling records being accessed, the police must notify the defendant. Police must tell the defendant:

- the records may include PCC
- where the records are from
- they will need court permission to access the records for the case.

Police must follow their policy when seeking counselling records during an investigation. The policy outlines strict rules and steps, such as deciding if it is necessary to request counselling records and referring the victim-survivor to the CNP service for legal advice.

Warrant

You might need to provide counselling records when a valid warrant is served. This applies when police use a warrant during the investigation stage, before legal proceedings begin, and the warrant contains the correct details. However, police should follow their policy on SACP when issuing a warrant for someone's PCC.

Communication from lawyers

You may receive a letter or email from a lawyer requesting information or documents. This communication alone does not require you to act, and you can say no. If the lawyer has not provided a signed authority from the client, it is best to contact your client to get their consent.

Summons

On occasion, you may be issued with a summons to give evidence as a witness in a court case. Summonses are generally issued under the *Justices Act 1886*. You should get independent legal advice if you receive a summons.

Tips for managing files and records

It is important to develop and maintain 'subpoena-friendly' guidelines for files and records in your organisation.

File notes

File notes should be:

- specific
- factual
- written at the time you attend to the client or as soon as possible afterwards
- accurate.

File notes should include:

- the date
- the client's name
- your name, position title and signature.

File notes should not include:

- your personal opinion, unless you also include what you saw, heard, smelt or tasted on which your opinion is based
- a diagnosis you are not qualified to make
- quotation marks unless you are directly quoting.

Separate records

Keep separate records for clients who attend together. For example, if you see a child and parent, it is important to maintain separate files for each individual.

Managing files

You should flag sensitive clinical, therapeutic or case notes with a warning. For example:

'Warning: records may be privileged. Do not release without legal advice'.

Storage

Records must be retained in case they are required for future reference in relation to further client services, legal or administrative matters. There are different rules for how long particular records must be kept. Be sure to familiarise yourself with federal, state and local laws and regulations governing record retention and destruction.

Who can get legal representation?

Victim-survivors and counsellors can get legal representation from the CNP service. The CNP service is a specialist service that helps protect the privacy of victim-survivors' counselling notes in legal proceedings, including criminal, domestic violence and some civil proceedings.

Counsellors can also engage their own legal representatives where appropriate.

Free legal help

For free legal advice and information about the SACP laws in Queensland, contact:

Counselling Notes Protect service
Legal Aid Queensland
T: 1300 65 11 88
E: cnp@legalaid.qld.gov.au

Counselling Notes Protect service
Women's Legal Service Queensland
T: (07) 3992 0644
E: cnp@wlsq.org.au

The CNP service can also provide education and training to stakeholders about the SACP laws. If you would like to arrange further education for your organisation, please contact the CNP service.

The confidentiality of sexual assault victim-survivors' counselling records is protected to varying degrees across Australian states and territories. If you receive a subpoena in another state or territory, you will need to find the relevant SACP law in that state and contact a legal service in the state where the subpoena was issued.

Interstate

This section lists the relevant community legal centre for women, law society and the government department responsible for lawmaking and justice.

Australian Capital Territory

Women's Legal Centre
(02) 6257 4377 or 1800 634 669
https://wlc.org.au/

Law Society
(02) 6274 0300
www.actlawsociety.asn.au

ACT Justice and Community Safety Directorate:
https://www.act.gov.au/directorates-and-agencies/justice-and-community-safety-directorate

Northern Territory

Top End Women's Legal Service
(08) 8982 3000 or 1800 234 441
www.tewls.org.au

Central Australian Women's Legal Service
(08) 8952 4055 or 1800 684 055
http://www.cawls.org.au

Law Society
(08) 8981 5104
www.lawsocietynt.asn.au

Northern Territory Department of Justice:
https://agd.nt.gov.au/homepage

New South Wales

Women's Legal Service
(02) 8745 6988 (Legal helpline)
www.wlsnsw.org.au

Advice lines

Indigenous Women's Legal Contact Line
(02) 8745 6977
1800 639 784 (Rural NSW)

Domestic Violence Legal Service
(02) 8745 6988
1800 810 784 (Rural NSW)

Women's Legal Advice Line
(02) 8745 6988
1800 801 501

Legal Aid NSW - Sexual Assault Communications Privilege Service
(02) 9219 5888
Email: sacps@legalaid.nsw.gov.au

Law Access NSW
1300 888 529
www.lawaccess.nsw.gov.au

South Australia

Women's Legal Service
(08) 8231 8929 or 1800 816 349
www.wlssa.org.au

Law Society
(08) 8229 0200
www.lawsocietysa.asn.au

Attorney-General's Department
(08) 8207 1555
www.agd.sa.gov.au

Tasmania

Women's Legal Service
1800 682 468
www.womenslegaltas.org.au

Law Society
(03) 6234 4133
www.lst.org.au

Department of Justice
1300 135 513
www.justice.tas.gov.au

Victoria

Women's Legal Service
(03) 8622 0600 or 1800 133 302
www.womenslegal.org.au

Law Institute
(03) 9607 9311
www.liv.asn.au

Department of Justice
(03) 8684 0000
www.justice.vic.gov.au

Western Australia

Women's Legal Service
(08) 9272 8800 or 1800 625 122
www.wlcwa.org.au

Law Society
(08) 9324 8600
www.lawsocietywa.asn.au

Department of the Attorney General
(08) 9264 1600
www.dotag.wa.gov.au

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