

LEGAL AFFAIRS AND SAFETY COMMITTEE

Report No. 48, 57th Parliament

Inquiry into support provided to victims of crime

QUEENSLAND GOVERNMENT RESPONSE

On 19 May 2023, the Legal Affairs and Safety Committee (the Committee) tabled in the Legislative Assembly its Report (No. 48, 57th Parliament).

The inquiry's terms of reference included how to achieve better coordination of services for victims, ensuring victims were heard and included during the criminal justice process, the functions and effectiveness of the *Victims of Crime Assistance Act 2009* and the impacts of any recommendations.

The Committee undertook an extensive communication campaign to facilitate engagement with key stakeholders including victim-survivors, advocates, sector service providers and organisations to encourage submissions to the inquiry. The Committee invited the Queensland community to provide written submissions throughout the inquiry through direct correspondence as well as via social media, the Parliamentary website and traditional media outlets. Fifty-eight written submissions were received.

The Department of Justice and Attorney-General, the Queensland Police Service and the Office of the Director of Public Prosecutions responded to public submissions on 21 April 2023.

The Committee held public hearings across metropolitan and regional Queensland, receiving input from a variety of stakeholders, including non-government organisations, support service providers, community groups and members of the public. Hearings were held in Brisbane, Cairns, Townsville, Rockhampton, Logan, Ipswich and the Gold Coast. The Committee also held public briefings that were attended by representatives from the Department of Justice and Attorney-General, the Office of the Director of Public Prosecutions, the Queensland Police Service and Queensland Corrective Services.

The Palaszczuk Government has committed over \$600 million dollars to respond to the two reports of the Women's Safety and Justice Taskforce and the Independent Commission of Inquiry into Police Service responses to domestic and family violence.

In its report, the Committee noted the recommendations made within the Women's Safety and Justice Taskforce *Hear her voice – Report 1 – Addressing coercive control and domestic and family violence in Queensland*; *Hear her voice – Report two – Women and Girls' experience of the criminal justice system*; and the Independent Commission of Inquiry into Police Service responses to domestic and family violence *A call for change*, many of which address the issues raised in this inquiry.

On 10 May 2022, the Queensland Government announced a \$363 million package of reforms to support its response to the Women's Safety and Justice Taskforce *Hear her voice – Report 1 – Addressing coercive control and domestic and family violence in Queensland* supporting or supporting-in-principle all 89 recommendations.

On 22 November 2022, the Queensland Government announced an additional \$225 million over five years to support implementation of its response to the Women's Safety and Justice Taskforce *Hear her voice – Report two – Women and Girls' experience of the criminal justice system*, supporting or supporting in principle 174 recommendations and noting 14 recommendations.

On 21 November 2022, the Queensland Government announced it will invest \$100 million in reforms and initiatives to provide enhanced support and protections to those caught up in domestic violence

in response to the Independent Commission of Inquiry into Police Service responses to domestic and family violence supporting the intent of the recommendations.

The Committee's report contains 18 recommendations.

RESPONSE TO RECOMMENDATIONS

The table on the following pages provides a line-by-line response to the specific recommendations made by the Committee.

| No. | Recommendation | Position | Response |
|-----|--|----------------------|--|
| 1 | That the Queensland Government, in line with recommendation 9 of the Women's Safety and Justice Taskforce <i>Hear her voice – Report two – Women and Girls' experience of the criminal justice system</i> and in consultation with people with lived experience, Aboriginal and Torres Strait Islander peoples and service and legal system stakeholders, develop a pilot victim advocate service to support victims of crime to navigate through the criminal justice system. | Support-in-principle | <p>In response to Recommendation 9 of the Women's Safety and Justice Taskforce <i>Hear her voice – Report two – Women and Girls' experience of the criminal justice system</i>, the Queensland Government is consulting with people with lived experience, Aboriginal and Torres Strait Islander peoples and service and legal system stakeholders to develop and pilot the most appropriate state-wide professional victim advocate service for Queensland.</p> <p>The pilot victim of sexual violence advocate service, will provide individualised, culturally safe, trauma-informed support to victims of sexual violence.</p> <p>In response to Recommendation 64 of the Women's Safety and Justice Taskforce <i>Hear her voice – Report two – Women and Girls' experience of the criminal justice system</i>, the Queensland Government has committed to evaluating the pilot victim of sexual violence advocate service. The Government will use the evaluation report from this pilot to consider the viability of expanding this type of service beyond victims of sexual violence.</p> |
| 2 | That the Queensland Government review the charter of victims' rights in the <i>Victims of Crime Assistance Act 2009</i> and consider whether it should be expanded to include additional rights. In line with recommendation 19 from the Women's Safety and Justice Taskforce <i>Hear her voice – Report two – Women and Girls' experience of the criminal justice system</i> , this review should be conducted by the victims' commissioner. | Support-in-principle | <p>The Government's response to Recommendation 19 from the Women's Safety and Justice Taskforce <i>Hear her voice – Report two – Women and Girls' experience of the criminal justice system</i>, committed the Attorney-General and Minister for Justice and Minister for the Prevention of Domestic and Family Violence writing to the victims' commissioner, once established, in support of the victims' commissioner conducting a review of the Charter of victims' rights in the <i>Victims of Crime Assistance Act 2009</i>.</p> |

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| 3 | That the Queensland Government, as part of its review of the <i>Human Rights Act 2019</i> , consider whether recognition of victims rights under the Charter of victims' rights in the <i>Victims of Crime Assistance Act 2009</i> should be incorporated into the <i>Human Rights Act 2019</i> . | Support | <p>Section 95 of the <i>Human Rights Act 2019</i> requires the Attorney-General to ensure the operation of the <i>Human Rights Act 2019</i> is independently reviewed by an appropriately qualified person as soon as practicable after 1 July 2023.</p> <p>The Queensland Government supports incorporating whether recognition of victim's rights under the Charter of Victims' Rights in the <i>Victims of Crime Assistance Act 2009</i> into the terms of reference for the first review of the <i>Human Rights Act 2019</i>.</p> |
| 4 | That the Queensland Government work with the Office of the Director of Public Prosecutions to consider expanding the number of victim liaison officers and ensure the program is able to provide timely and up to date information to victims across Queensland at critical points in the criminal justice process. | Support-in-principle | <p>The 2023-24 Queensland Budget provided increased funding of \$3.5 million over three years and \$851, 000 per annum ongoing to deliver victim liaison services and support information and referral services for victims of crime.</p> <p>The Government's response to Recommendation 49 of the Women's Safety and Justice Taskforce <i>Hear her voice – Report two – Women and Girls' experience of the criminal justice system</i>, committed the Queensland Government to reviewing the prosecution of matters referred to the Office of the Director of Public Prosecutions involving victim-survivors of sexual violence, and in particular, the role and operation of the Office of the Director of Public Prosecution's Victim Liaison Officers to ensure that timely and correct information is provided at critical points in the criminal justice process. Standardisation in service delivery will be a key focus area of the review. The review will inform the ongoing service delivery model for Victim Liaison Officers.</p> |
| 5 | That the Queensland Government work with the Queensland Police Service and the Office of the Director of Public Prosecutions to better coordinate the management of committal hearings in Queensland to ensure information continues to flow through to victims of crime throughout the court process. | Support-in-principle | <p>The Queensland Police Service and the Office of the Director of Public Prosecutions will work together to develop materials and processes to enhance the flow of information to victims once a matter has been committed to the District Court or Supreme Court.</p> |

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| 6 | That the Queensland Government investigate developing a consistent evidence-based and trauma-informed training framework across all government agencies interacting with victims of crime. | Support-in-principle | <p>The Queensland Government is committed to implementing and embedding trauma-informed practices across government agencies.</p> <p>Significant work is underway across Government agencies to support trauma informed practices within Government. This includes work in response to recommendations of the Women’s Safety and Justice Taskforce and the Commission of Inquiry into Queensland Police Service responses to domestic and family violence.</p> <p>In response to Recommendation 18 of the Women’s Safety and Justice Taskforce <i>Hear her voice – Report two – Women and Girls’ experience of the criminal justice system</i>, the Queensland Government has committed to working with relevant stakeholders to establish a victims’ commissioner to promote and protect the needs of victims of crime and determine the most appropriate model for Queensland. In promoting and protecting the needs of victims of crime the victims’ commissioner may provide advice, training information and help to government agencies.</p> |
| 7 | That the Department of Justice and Attorney-General, the Queensland Police Service and the Office of the Director of Public Prosecutions and other relevant stakeholders review existing, and develop additional, online materials to assist victims of crime to understand their options at critical points along the criminal justice system. | Support-in-principle | <p>In response to Recommendation 18 of the Women’s Safety and Justice Taskforce <i>Hear her voice – Report two – Women and Girls’ experience of the criminal justice system</i>, the Queensland Government has committed to working with relevant stakeholders to establish a victims’ commissioner to promote and protect the needs of victim and determine the most appropriate model for Queensland. In promoting and protecting the needs of victims of crime the victims’ commissioner will provide information to victims of crime that will assist them to understand the criminal justice process and the options available to them.</p> <p>Queensland Government agencies will continue to review existing information provided to victims of crime.</p> |

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| 8 | That the Queensland Police Service and other relevant stakeholders review guidelines used by investigating police officers when communicating information to victims of crime that would assist them in understanding Queensland's criminal justice system. | Support | <p>The Queensland Government is committed to enhancing its response to victims of crime and assisting victims to better understand the criminal justice system.</p> <p>The Queensland Police Service will work with other relevant agencies to review the current guidelines and operational procedures used by investigating officers when communicating with victims of crime and consider changes to internal processes where appropriate.</p> |
| 9 | That the Queensland Government, in line with the recommendations of the Women's Safety and Justice Taskforce, develop a sustainable long-term plan for adult restorative justice services in Queensland. | Support-in-principle | <p>In response to Recommendation 90 of the Women's Safety and Justice Taskforce <i>Hear her voice – Report two – Women and Girls' experience of the criminal justice system</i>, the Queensland Government has committed to exploring options for a sustainable long-term plan for the expansion for adult restorative justice services in Queensland.</p> <p>In addition, as part of the 2023-24 Queensland Budget the Queensland Government has committed \$3.1 million over two years to deliver timely adult restorative justice conferencing to address demand.</p> |
| 10 | That the Queensland Government, further to recommendation 89 of the Women's Safety and Justice Taskforce <i>Hear her voice – Report two – Women and Girls' experience of the criminal justice system</i> , review the provision of youth justice conferencing and identify opportunities to better meet the needs of victims of crime. | Support | <p>In response to Recommendation 89 of the Women's Safety and Justice Taskforce <i>Hear her voice – Report two – Women and Girls' experience of the criminal justice system</i> the Queensland Government committed to undertaking an independent review of the use of youth justice conferencing in cases involving sexual offences.</p> <p>The Queensland Government will expand the scope of its review to consider how youth justice conferencing meets the needs of victims of crime.</p> |

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| 11 | That the Queensland Government investigate developing a 'victim recognition statement' or 'victim recognition meeting', as occurs in the Victorian victim financial assistance scheme. | Support-in-principle | <p>The Queensland Government's response to Recommendation 19 of the Women's Safety and Justice Taskforce <i>Hear her voice – Report two – Women and Girls' experience of the criminal justice system</i>, committed the Attorney-General and Minister for Justice and Minister for the Prevention of Domestic and Family Violence writing to the victims' commissioner, once established, in support of the victims' commissioner conducting a review of the <i>Charter of victims' rights</i> in the <i>Victims of Crime Assistance Act 2009</i>. The Women's Safety and Justice Taskforce recommended the review consider whether additional rights should be recognised or if existing rights should be expanded.</p> <p>When reviewing the <i>Charter of victims' rights</i> to consider whether it should be expanded to include additional rights consideration may be given to whether this be expanded to rights to 'victim recognition statements' or 'victim recognition meetings'.</p> <p>The Attorney-General and Minister for Justice and Minister for the Prevention of Domestic and Family Violence when writing to the victims' commissioner, once established, will support the scope of the review of the <i>Charter of victims' rights</i> including consideration of this issue.</p> |
| 12 | That the Queensland Government, in line with Recommendation 32 of the Women's Safety and Justice Taskforce <i>Hear her voice – Report two – Women and Girls' experience of the criminal justice system</i> , develop a statewide forensic medical examination service to ensure victims have access to high quality and timely forensic medical examinations. | Support-in-principle | <p>The Queensland Government is committed to developing and establishing evidence-based models of care for the statewide delivery of timely, local, trauma-informed and culturally safe forensic medical examinations for people who have experienced sexual assault in Queensland.</p> <p>Queensland Health is rolling out a suite of four new best-practice forensic evidence collections kits and is developing updated communication and training material to support the rollout of the kits in line with the recommendations.</p> |

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| 13 | That the Queensland Government consider waiving fees for state government issued identification documents and number plates requiring replacement by victims as a result of a crime. | Support-in-Principle | <p>The objective of Queensland’s financial assistance scheme is to assist victims recover from an act of violence. The financial assistance scheme assists victims to recover from their injuries as a result of a crime and is not a compensation scheme.</p> <p>The Queensland Government notes the Committee heard from victims about the trauma they experienced as victims of property crime.</p> <p>The Queensland Government has committed to a review of the legislated financial assistance scheme. It is anticipated the review will commence in August 2023. Whilst the review will not directly consider waiving fees for government issued documents and number plates it will include consideration of the assistance needs of victims of property crime, existing programs and support and other options to enhance recovery for these victims.</p> <p>Separate to the review, Queensland Government agencies including the Department of Transport and Main Roads and the Department of Justice and Attorney-General will give further consideration as to how and when fees for state government issued identification documents and number plates should be waived for victims of crime.</p> <p>The Queensland Government notes the Committee’s comment that assistance in matters that are not directly part of the criminal justice system should be carefully targeted and not extend to areas where well-developed mechanisms currently exist, such as home insurance, vehicle insurance or workers compensation.</p> |
| 14 | That the Queensland Government urgently review the financial assistance scheme including whether the original intent and objective of the scheme are being met as defined in the <i>Victims of Crime Assistance Act 2009</i> . | Support | <p>The Queensland Government has committed to a review of the legislated financial assistance scheme. It is anticipated the review will commence in August 2023.</p> <p>The review of the financial assistance scheme will consider whether the original intent and objective of the scheme is being met.</p> |

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| 15 | That the Queensland Government, in its review of the financial assistance scheme under Recommendation 14 of this report, look at options to reduce the administrative burden on victims of crime in submitting application for financial assistance and the requirements around supporting documentation. | Support | <p>The Department of Justice and Attorney-General will continue to implement enhancements to the financial assistance scheme to reduce the burden on victims.</p> <p>Changes to date have included taking a more beneficial approach and streamlining process. These efficiencies have contributed to significant increases in output with a 217% increase in the decisions made in April 2023 as compared with April 2022.</p> <p>An online financial assistance application form is also in development.</p> <p>Further opportunities to improve access to assistance and reduce administrative burden will be considered as part of the planned review of the financial assistance scheme.</p> |
| 16 | That the Queensland Government, in its review of the financial assistance scheme under Recommendation 14 of this report, consider expanding the definition of an act of violence to include victims of property crime. | Support-in-principle | <p>The objective of Queensland’s financial assistance scheme is to assist victims recover from an act of violence. The financial assistance scheme assists victims to recover from their injuries as a result of a crime and is not a compensation scheme.</p> <p>The Queensland Government notes the Committee heard from victims about the trauma they experienced as victims of property crime.</p> <p>The review of the Financial Assistance Scheme will include consideration of the assistance needs of victims of property crime, existing programs and support and other options to enhance recovery for these victims.</p> <p>The Queensland Government notes the Committee’s comment that assistance in matters that are not directly part of the criminal justice system should be carefully targeted and not extend to areas where well-developed mechanisms currently exist, such as home insurance, vehicle insurance or workers compensation.</p> |

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| 17 | That the Queensland Government, in its review of the financial assistance scheme under Recommendation 14 of this report, review the three year time limit for making an application for financial assistance and the six year time limit for victims to seek amendments to their application. | Support-in-principle | <p>A review of the time limits for making an application for financial assistance and amendments to the application will be considered as part to the review of the financial assistance scheme.</p> <p>Under <i>Victims of Crime Assistance Act 2009</i>, there is provision for the Scheme Manager, on application by a person, to extend the 3 year time limit for making an application.</p> <p>In the operation of the financial assistance scheme since 2009, it has been rare for extension of time requests in relation to the three year time limit to be declined.</p> |

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| 18 | That the Queensland Government continue to invest in non-government victim support and legal assistance services to ensure victims of crime are supported and have access to these services. | Support-in-principle | <p>Under the Victim Services Funding Program the Department of Justice and Attorney-General provides \$3.4 M per annum to five services to provide state-wide trauma-informed support to victims of crime, a total of \$17M over the current funding period 2022-27.</p> <p>Under the Building Capacity Program the Department of Justice and Attorney-General also invests \$200,000 every two years in non-recurrent funding to enable organisations in the sector to build their capacity to assist victims of crime.</p> <p>On 21 February 2023, the Government announced an additional \$3M over four years to address service gaps of non-government organisations to help victims of property crime involving violence or a threat of violence.</p> <p>The Department of Justice and Attorney General also provides ongoing funding to services across the state to support victims of domestic, family and sexual violence. Services include court-based support services, specialist homelessness services (including women’s shelters), DV counselling, perpetrator intervention programs, children’s DV counselling, Aboriginal and Torres Strait Islander services, high risk and system supports. Specific sexual violence and women’s health services are also funded.</p> <p>In response to Recommendations 13 to 15 of the Women’s Safety and Justice Taskforce <i>Hear her voice – Report one – Addressing coercive control and domestic and family violence in Queensland</i> and Recommendation 10 of <i>Report two – Women and Girls’ experience of the criminal justice system</i>, the Department of Justice and Attorney-General is developing a five-year whole-of-Government domestic and family violence service system strategic investment plan encompassing services and supports delivered and funded by Queensland Government. Subject to government consideration of the strategic investment plan, it is intended the plan will shape future investment across the State.</p> |