



Speech by

Hon. Cameron Dick

MEMBER FOR GREENSLOPES

Hansard Tuesday, 18 August 2009

VICTIMS OF CRIME ASSISTANCE BILL

Second Reading

Hon. CR DICK (Greenslopes—ALP) (Attorney-General and Minister for Industrial Relations)
(2.31 pm): I move—

That the bill be now read a second time.

The Victims of Crime Assistance Bill is the most significant reform in the protection of and assistance provided to victims of crime for over a decade. The bill has been prepared as a result of the Bligh government's comprehensive review of the needs of victims of crime in Queensland. The Bligh government is committed to improving the delivery of services to victims of crime in Queensland. The purpose of the new scheme is to assist victims of crime in recovering from the consequences of the act of violence in a timely fashion while minimising the stress and trauma that may be involved in the process. The bill establishes the financial assistance scheme component of the reforms and sets out the fundamental principles of justice to be applied in the treatment of victims.

The review recommended the repeal of the current compensation schemes under the Criminal Offence Victims Act and chapter 65A of the Criminal Code. The review also recommended the establishment of a new financial assistance scheme under one piece of legislation. These two recommendations have been adopted in the bill. The bill also implements the recommendation that the new scheme be based on a financial assistance model rather than a compensation model. A financial assistance model provides a tailored, needs based response and allows for earlier intervention in a victim's recovery rather than the provision of a general award of compensation based on the type of injury a victim suffers. The primary focus of the government is to ensure that victims are provided with assistance appropriate to progressing their recovery from the crime rather than giving victims lump sum compensation. There are tangible and intangible benefits to the victim, government and society from the early intervention approach under the new scheme. Victims groups and government departments were involved in and support the change in focus towards early support and treatment and away from purely lump sum payments.

Eligibility under the new scheme is linked to an act of violence and the injuries sustained rather than on the conviction of the offender. Rather than applying to a court, the new model involves an administrative application process. A Victims Assistance Unit will be created in the Department of Justice and Attorney-General to implement the new scheme. The new unit will employ staff in five key areas: financial assistance; service coordination; Victims LinkUp and referral service, including website; training government and non-government service providers on the needs of victims of crime and compliance with the principles of justice to ensure fair treatment of victims; and practical court support. The unit will provide a one-stop shop to assist victims of crime. This will allow for linkages with other parts of the justice system and relevant government agencies to provide victims with the benefits of a properly integrated justice and human services response to their needs.

The team of assessors employed in the Victims Assistance Unit will process the financial assistance applications and will ensure claims are finalised in a timely manner. This will make the process easier for

victims and less daunting than current arrangements. It will remove the requirement for victims of crime to appear before a court again just to apply for compensation.

There will be three types of victims catered for under the new scheme: primary, secondary and related victims. Primary victims are entitled to a maximum amount of financial assistance to the value of \$75,000, the same as the current scheme, and will apply to a broader range of victims. For example, victims of offences that are dealt with by the Magistrates Court are included in the new scheme.

Secondary victims are a new category of victim. Parents who are injured as a result of their child being injured will be entitled to seek financial assistance for goods and services such as medical and counselling expenses and other expenses as set out in the bill. Assistance can be granted up to the value of \$50,000 to be shared between the parents. Witnesses of serious acts of violence such as murder and manslaughter will be entitled to seek financial assistance for goods and services and other assistance set out in the bill to the value of \$50,000. Witnesses of other acts of violence will be entitled to seek financial assistance for goods and services to the value of \$10,000. The Criminal Offence Victims Act currently provides for dependants of a person who has died to share a maximum amount of \$39,000 and other family members to share a maximum amount of \$9,000.

Under the new scheme 'related victims'—that is, close family members or dependants of a person who has died—will be entitled to seek financial assistance for goods and services and other assistance as set out in the bill. There will be a pool of \$100,000 of assistance for related victims, with a maximum amount of assistance of \$50,000 per victim.

Under the bill, a victim can apply for interim assistance of up to \$6,000 prior to the final award of assistance being made. In addition to interim expenses, the new scheme also allows the payment of up to \$6,000 in funeral expenses incurred as a result of the death of a primary victim.

The scheme is designed to enhance services to victims by complementing current services such as counselling offered by community groups, medical treatment provided by the public health system and insurance schemes such as WorkCover and private health funds. It is not designed to replace or reimburse these services.

The Queensland government is serious about recovering financial assistance paid under the scheme from offenders. As a result, the bill contains a strong mechanism to recover financial assistance paid to victims of crime from convicted offenders. Any unpaid debts can be referred to the State Penalties Enforcement Registry for enforcement.

The bill also sets out the fundamental principles of justice for victims of crime. These principles originate from the United Nations Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power and were incorporated into the Criminal Offence Victims Act when it commenced in 1995. The victims of crime review recommended maintaining these principles and introducing a mechanism for resolving complaints where departures from the principles occur.

The bill achieves this, firstly, by including a revised and modernised version of the principles existing under the current act to ensure that they are relevant and functional for victims and the agencies that are to implement them. The principles will underlie how government entities and their employees treat victims who have suffered harm because a crime has been committed against them. Secondly, the bill achieves the recommendations from the review by creating a complaints mechanism. Victims can complain to the new unit or directly to the entity if they consider government entities and their employees have breached the principles. Through the complaints mechanism and the new role of the Victim Services Coordinator, an officer within the Victims Assistance Unit, the government aims to strengthen the principles and improve the current response to victims.

Despite the challenging economic environment, the funding to operate the new scheme will increase to \$28.8 million by the 2011-12 financial year. This is an additional \$7 million per year over and above the current criminal compensation scheme. I am grateful for the ongoing support and input from key stakeholders and community groups into the development of the new scheme. My department is committed to building relationships with the community and continuing to work collaboratively with stakeholders to ensure quality services to victims of crime in Queensland. I commend the bill to the House.