



Speech by

# Lawrence Springborg

MEMBER FOR SOUTHERN DOWNS

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## VICTIMS OF CRIME ASSISTANCE BILL

**Mr SPRINGBORG** (Southern Downs—LNP) (Deputy Leader of the Opposition) (8.24 pm): In rising to support this bill before the parliament, I say at the outset that this is a positive step towards supporting victims of crime. It grants victims of crime access to support immediately after the crime and does not make them wait until the offender is found guilty. This bill seeks to provide actual financial support to victims to ensure their recovery from the crime committed against them. The bill finally implements a regime for victim impact statements that has been missing from previous legislation.

The bill is the result of a review of victim support services that was announced in November 2007. The bill is a shift away from court based compensation and to an administrative assistance approach. The assistance will be for acts of violence and will be able to be accessed by victims, families and witnesses. The assistance that can be sought includes counselling, loss of income up to \$20,000, crime scene clean-up and other support including a special payment. Funeral costs will also be covered under the new bill.

The most important thing is that the victim or affected person can access the support immediately after the act of violence has been verified by the Office of Victim Assist Queensland. A lead role of victim service coordinator will be established. The assistance will be available to victims from magistrates through to the higher courts. The legislation is modelled on the Victorian scheme that has been in operation for 10 years. An interim assistance amount of up to \$6,000 can be granted and a victim has up to six years to vary or apply for additional assistance after the reporting of the crime.

Schedule 2 defines the categories of offences and the maximum amounts that can be given by way of assistance. There is an appeals process through the bill by way of internal review and then through to QCAT if the person is not satisfied with the outcome. Where persons are covered by workers compensation they will still be able to apply to Victim Assist to cover things that are not covered by workers compensation. The sentencing option of ordering compensation will still be available to the courts under the Penalties and Sentences Act.

The bill will also establish a recovery process against an offender which is triggered by a conviction. This will allow an order to be made against an offender that they owe a set amount of money to the state. If the offender cannot pay then the matter can be referred to SPER for recovery. The scheme will receive increased funding rising to \$28.8 million by 2011-12 which is an additional \$7 million a year over and above current arrangements.

A category of special victims—that is, victims of a crime of a sexual nature or violence against a child—is not required to report to police. Instead they can make a report to their counsellor, psychologist or doctor due to their unique circumstances.

This bill is broken down into seven distinct chapters. I will not go through them in detail. However, assistance for related victims, such as the dependants of those killed as a result of criminal violence, will be more than doubled from a maximum of \$39,000 to \$100,000 per family. There will be a new compensation category for secondary victims, such as the parents of children who have suffered sexual abuse, with a maximum payment of up to \$50,000. The existing maximum of \$75,000 for primary victims who have personally experienced an act of violence will continue.

There are some interesting crime statistics that I would like to draw to the attention of the House this evening. In the 2009-10 budget papers it is reported that in 2008-09 there were 19,875 reported assaults; 5,697 reported sexual crimes; 1,803 reported robberies; 44,784 reported unlawful entries; 43,372 reported property offences; and 81,615 reported thefts. There was a total of 203,680 property security offences.

According to Victim Support Australasia Inc., victims of crime may become involved with the justice system. In addition to coping with the experience of becoming a victim, people carry significant responsibilities as victims and witnesses of crime in the administration of justice. The support group claims that without a victim's decision to report the incident to police, to cooperate with an investigation and to provide a statement, the crime could not possibly be properly addressed. A victim is also needed to cooperate with the prosecution—even though there can be a situation of a hostile witness, but nobody really wants to go to that—to attend court and to be a witness. The prosecution of a crime relies heavily on the victims and their statements to the court.

In 1985 the United Nations passed the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power. Victim Support Australasia celebrated the 20th anniversary of the declaration at a gala dinner in Canberra in 2005. In essence the documents recommended the development of crisis intervention facilities, counselling services, direct assistance, advocacy on rights and entitlements, support within the criminal justice system, training services, public education, prevention activities and standards of good practice. The responsibility for managing the criminal justice system rests within the Australian states and territories. Since 1985 most jurisdictions have passed legislation similar to the UN declaration of basic principles. Other legislation has provided opportunities for victim participation by allowing victim impact statements and has recognised that some victims also need protection in different ways. In 2005 the federal government of Australia approved, through the Commonwealth law ministers, a Commonwealth statement of basic principles of justice for victims of crimes.

In the 2005 Australian Bureau of Statistics crime and safety survey, nearly half a million households had experience of a property crime. Approximately 5.3 per cent of Australians over 15 years had experience of one or more personal crimes. The crime and safety survey comprises citizens who self report their experience of victimisation. The ABS survey also showed that those most at risk of assault were young people and males. The offender is also most likely to be a male. Females are most likely to be assaulted by someone they know and to be assaulted in their own homes. The vast majority of assault victims seek help after an incident, most usually from a family member, 61 per cent, and/or a friend or neighbour, 57 per cent. The survey showed that 44,000 Australians experienced 72,000 incidents of sexual assault. The majority of victims of most types of offences who report to police are aged over 25 years. Males are more likely to report as victims in most categories of offence except kidnapping/abduction. Knives are the most common weapon used in the offences of murder, attempted murder and assault that are reported to the police. That is an interesting snapshot of some of the crime profiles that we see across Australia. Obviously members can draw their own conclusions as to the impact on victims of crime.

One thing that heartens me about the bill before the parliament—and I wish to talk about this in some detail—is the fact that it completely changes the way that victims of crime are dealt with. For a long time I have been concerned that Queensland's victim compensation scheme does not really support and help to rehabilitate the victim. I commend the Attorney-General for bringing this significant and overdue reform before the parliament, because it will completely change the way victims are dealt with in this state. No doubt there will need to be consequential amendments. From time to time after it has been enacted by this parliament we will need to review the legislation to ensure that its application is absolutely what we want it to be. I believe that victims will be better supported and the burden on society will be reduced as a consequence.

Until the changes that occurred in the past couple of decades, and principally in the past 10 years, it concerned me that victims were used basically as an exhibit in court. The crime was considered to be committed against the state, that is the Criminal Code, and by and large the victim was just an exhibit in the court. Therefore, victims were not always dealt with compassionately and appropriately, taking into consideration the fact that they are human beings who have feelings and, in many cases, who have gone through very traumatic experiences and will be scarred for life. That trauma does not stop with the victim. The victim's direct family and others who are related to them feel their pain. They are also involved in the emotional turmoil that often accompanies such experiences.

A lot of people do not realise that a crime that impacts upon the victim physically, such as a bashing or a sexual assault, can have profound effects not only on them but also, by extension, on their family. It can lead to relationship breakdowns, a lack of confidence, a lack of understanding from the people around them and the victim can become an absolute recluse and no longer a worthwhile contributor to society. Only those people really know what it is like to wake up in the middle of the night in an absolute sweat because they have had flashbacks to the crime that was committed against them if they were the primary victim or, indeed, if they are the secondary victim such as a loved one of the primary victim.

By extension, it concerns me that the current compensation regime, well intentioned though it may be, simply tries to compensate the victim financially for the crime that had been committed against them. The problem with that is many people apply for an amount of money and the court then awards that money to them, and some simply spend it on a feel-good fling. They think, 'I have this amount of money, I feel really bad, I'm going on a holiday, I'll buy a car or a boat and I'll have a good night out.' In some cases there is not much money left at the end of the day. I am not saying that all victims do that, but in many cases the money is spent in such a way. Maybe there is something material to show for it or some good memories to mark the fact that they were awarded that amount of money. However, in many cases the physical and emotional trauma continues because they have had no remedial intervention, which is designed to fix the physical scars and deal with the emotional trauma.

The great thing about the legislation before the parliament tonight is that it will ensure that the majority of support available to victims will be in the form of assistance to make sure that they are able to recover as much as possible from the crime that has been committed against them. Counselling services will be available to them. If someone requires specialist counselling that the state is not able to offer, a portion of the money that is given to them through the victims' assistance office can be used to access private counselling. That is a good thing. Of course, as I indicated earlier, the legislation also allows for the granting of \$20,000 for loss of income. People can lose income because they cannot work as a consequence of the crime that has been committed against them. There is also a maximum \$10,000 special payment for other unforeseen circumstances. By and large, the legislation aims to fix that problem.

The good thing is that the money should be available almost immediately to the victim of the crime. From the moment that the crime is perpetrated and reported against them, they are able to make an administrative approach in order for that assistance to start flowing through to them on an interim basis—as I indicated, \$6,000—and then they will have a period of six years to be able to apply to have that amount adjusted. The amount of money that is currently available through the victims program of up to \$6,000 for funeral expenses will be available where somebody has lost their life principally through a homicide.

If a person is concerned that the amount of money which is available to them is insufficient, there is an internal review process. If they are still dissatisfied, then they will be able to go through the QCAT process to have that matter addressed. Hopefully, that appeal process is sufficient to ensure that people will be satisfied with regard to the payment which is made to them for the assistance they need to get their life back in order.

The other provision which I think is a sensible approach is in relation to the perpetrator of the crime. Rather than tying up court resources, once a person is convicted of a crime which has been perpetrated against a particular person, the same office through the department will be then able to start the process of recovering that amount of money from that perpetrator. As I indicated, that follows the conviction of that person. There will be a very narrow band of exceptions under which a convicted person can argue that they cannot pay. I would imagine that those exceptions will be, as I indicated, applied very narrowly. If that person does not pay that amount of money, then recovery action will be taken through SPER. I hope that the SPER process will be sufficiently resourced to ensure that it can deal with what will inevitably be an increased demand to recover outstanding amounts. There will be no doubt about that—SPER's workload will increase as the intervention of SPER will be required at some time in order to recover outstanding amounts.

I make the point that we need to pay tribute to the various victim organisations that operate throughout Queensland. Some of those have operated in the past and have now been disbanded, such as the likes of Victims of Crime. We still have the likes of the Homicide Victims' Support Group in Queensland and others. They do an absolutely wonderful job. They are sterling people. They are people of extraordinary devotion. They are people of extraordinary commitment. They are people of extraordinary compassion who work to support people at their lowest ebb in life. One can only imagine what happens when somebody rings up the Homicide Victims' Support Group to talk to somebody there—to talk to a person who is experienced in counselling and experienced in directing people to support services—about what has happened to them.

In my discussion with the Homicide Victims' Support Group I learned that they not only take calls from people who have been the victim of a homicide in their family but also take calls from people who have suffered the unfortunate circumstance of somebody in their family who has taken their own life. So often these extraordinary groups who do great work in our community and who are established to fill a particular need find that the demand that comes to them is over and above their charter. But of course they cannot turn those people away, and they do everything they possibly can to ensure that those people have their issues addressed or at least they are given a compassionate and sympathetic ear.

I do hear from time to time—and this relates to the Attorney's colleague the minister for police and potentially other colleagues who deal with people who have been assaulted—that there is a view that there is inconsistency in the understanding and the approach taken across certain levels of departments. There are some who are very compassionate and understanding, very au fait and very aware of what is available

to victims of crime and point those people in that general direction very quickly because they have an interest; others do not know anything beyond doing their job. That is not to say they are derelict in their duty and that is not to say that they are not doing their day-to-day job professionally. It is often one of those things that is overlooked when it comes to dealing with victims of crime—that is, what is the next step with regard to referring them and making sure that they put information in that person's hand so that person is then able to competently go and access those services.

Having said that, the process is a million times better than what it would have been 40 or 50 years ago when the downstream needs of a victim of crime or their family were not even considered very much. In the society we live in today, they are considered more. Mind you, more needs to be done to educate those people who deal with victims on a day-to-day basis to make them aware of what services are available. I am not saying that people are dispassionate in their approach to victims of crime and their families, but there is this lack of coherent understanding of downstream referral to those services that can help them with their immediate need and help them get their life back on track. I would like to encourage that situation to be continually monitored and addressed. Those people who work across government and come in contact with victims on a day-to-day basis need to have an awareness of those needs.

In conclusion, this is a very good piece of legislation. I commend the Attorney for bringing it before the parliament. It is an absolute quantum shift in the way we deal with the needs of victims. It is about ensuring that hopefully more victims will be able to access better services that will actually address their needs and get their lives back in order. One would expect that additional amounts of money will have to be made available to this program from government over a period of time. There will have to be what are, in effect, special payments because moneys will not always be able to be recovered from an offender, just the same as we need to have a process of ex gratia payments.

Nevertheless, what we will see is more people having their issues dealt with and put back on track to ensure that they have a better life and that their families are able to have somebody who has been so violated rejoin the family as a worthwhile member—that is not to say they are not worthwhile but as somebody who feels that they can contribute and not feel as though they have been violated and damaged for life. It is a privilege to speak in support of this bill on behalf of the opposition.