



Speech By  
**Patrick Weir**


**MEMBER FOR CONDAMINE**

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Record of Proceedings, 30 November 2023

## **VICTIMS OF CRIME ASSISTANCE AND OTHER LEGISLATION AMENDMENT BILL**

Resumed from 29 November (see p. 3878), on motion of Mrs D'Ath—

 **Mr WEIR** (Condamine—LNP) (12.05 pm), continuing: The VoCA Act categorises acts of violence against primary victims as follows: category A, attempted murder or rape; category B, including attempted offences of category A, sexual offences and grievous bodily harm; category C, including attempted offences of category B, serious assault and robbery; and category D, including attempted offences of category C, assault and unlawful stalking. Clause 13 of the bill proposes to recategorise acts of domestic violence from category D to the more serious category B. Alongside the rate increases, the proposed provisions in the bill would increase the amount of special assistance payable to victims of domestic violence from the current \$1,000 in category D to \$9,000 in category B.

LawRight recommended that, in addition to the recategorisation of the acts of domestic and family violence, acts of sexual violence against a minor should be recategorised as a category A act of violence. The department acknowledged the seriousness of offences against children and the serious and detrimental effect of sexual offences committed against victim-survivors under 16 but noted that the VoCA Act allows for the special assistance category to be uplifted to category A for other offences where the victim has suffered a very serious injury or been infected with a very serious disease. A 'very serious injury' includes a mental illness or disorder or intellectual impairment that has resulted in a permanent and significant reduction in quality of life or is otherwise very serious.

The proposed amendments will subsequently increase the maximum amount the state may recover from a person. The VoCA Act includes safeguards on the ability of the state to recover financial assistance from a person, including where the person has been convicted and has exhausted all avenues for appeal of the conviction; only the amount that has been paid to the victim may be recovered; and for special assistance payments the state may only recover the amount that is relevant to the category of violence for which the offender has been convicted. The department advised that, in terms of financial recovery, Victim Assist Queensland issues notices to an offender regarding a potential amount for recovery. The offender may have an opportunity to respond with regard to providing submissions as to whether or not they were convicted of the relevant offence for which the state is seeking recovery.

Mr Jon Rouse APM, Interim Victims' Commissioner, welcomed the payment increases proposed by the bill but noted that the increases will 'result in increased applications for financial assistance being lodged with Victim Assist Queensland'. The commissioner recommended that the passing of the bill be accompanied by an increase in staffing and resources for Victim Assist Queensland. Given the ever-increasing crime rate under this Palaszczuk government, one can understand this concern.

The bill proposes to change the composition of QSAC, established under the Penalties and Sentences Act 1992 as a statutory board with various functions, including: if asked by the Court of Appeal, to give the court the council's views in writing about the giving or reviewing of a guideline

judgement; if asked by the Attorney-General, to advise the Attorney-General on matters relating to sentencing; to give information to the community to enhance knowledge and understanding of matters relating to sentencing; and to obtain the community's views on sentencing and matters about sentencing.

In September 2023 the Attorney-General and Minister for Justice and Minister for Prevention of Domestic and Family Violence, the Hon. Yvette D'Ath, announced that the Queensland government was committed to ensuring that a representative of victims of crime was appointed to the QSAC. As I stated earlier in my contribution, the number of victims of crime continues to increase. Nowhere is immune, from our largest cities to our smallest regional towns. Just down the road from where I live in the small town of is a store with a number of fuel bowsers out the front. This store has been ramraided on a number of occasions. On one occasion the owner found himself spread across the bonnet of a car in a drive-through fuel theft. We have had police cars rammed in the small towns of Meringandan and Goombungee. Homes and businesses have been the victims of crime on multiple occasions. The LNP will be supporting this bill as victims of crime need to be supported and are crying out for help, but what we really need is a government that will tackle this crime crisis head on. That is the LNP. There is only one way that things will improve in this state and that is to show Labor the door in '24.