




Speech By
Peter Russo
MEMBER FOR TOOHEY

Record of Proceedings, 29 November 2023

VICTIMS OF CRIME ASSISTANCE AND OTHER LEGISLATION AMENDMENT BILL

 **Mr RUSSO** (Toohey—ALP) (3.00 pm): I rise to speak to the Victims of Crime Assistance and Other Legislation Amendment Bill 2023 and to support the passing of the bill. The Community Support and Services Committee, in its report No. 37 of the 57th Parliament tabled in this Assembly on 24 November 2023, has recommended to the Assembly that this bill be passed. I take this opportunity to thank the chair, the member for Mansfield, and her committee for the work that they have done on this bill. The policy objectives of the bill are to amend the Queensland Financial Assistance Scheme and increase the maximum amount of financial assistance payable to victims of crime. If time permits, I will outline some of those increases. It also changes the make-up of the Queensland Sentencing Advisory Council.

The Financial Assistance Scheme is established under the Victims of Crime Assistance Act 2009 to: help victims of violence to recover the acts by giving them financial assistance; give primary victims amounts representing a symbolic expression by the state of the community's recognition of the injuries suffered by them; and give related victims who have suffered distress amounts that represent a symbolic expression by the state of the community's recognition of the distress that has been suffered by them.

The bill proposes to amend the Penalties and Sentences Act 1992 to increase representation of the victims of crime by increasing the number of members of the Queensland Sentencing Advisory Council from 12 to 14, to enable the appointment of a person with lived experience as a victim of crime and another additional member. Anyone can be a victim of crime. By definition, a victim of crime is anyone who suffers physical or emotional harm or loss or damage to property as a result of a criminal offence. When someone experiences a crime, the community expects that they will be supported and that their needs will be met. Previously, on the whole, we may have assumed that these needs related only to the outcome of a prosecution process. Policy and public focus were directed largely at sentencing as a final result of dealing with the occurrence. However, more recently we have come to understand that victims' needs are varied and their experiences diverse.

As the rights of victims of crime have continued to be recognised, victim support services have become an increasingly important element of public policy and service responses. As mentioned by the member for Mansfield, in recent years separate inquiries have called for significant reform within Queensland's justice system, including one that was completed by the Legal Affairs and Safety Committee earlier this year. The Legal Affairs and Safety 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.

There were 18 recommendations arising from our inquiry, all of which focused on providing support to victims of crime. The recommendation included reviews of victims' rights, improved coordination of services, increased access to information, trauma informed training, investing in victim support services and improving access to restorative justice and youth justice conferencing.

Under the Victims of Crime Assistance Act 2009 there are four types of victims as defined under the act: the primary victim, the related victim, a parent secondary victim and a witness secondary victim. The department noted several motivations for amending the act and the bill responds to calls for reform recommended by recent inquiries, increased financial pressures owing to inflation, and no increases in payment amounts, except for funeral expenses, since the act commenced in 2009.

All stakeholders who provided submissions to the bill were supportive of the increased payment to victims of crime. The Aboriginal and Torres Strait Islander Legal Service submission noted that payments have not increased since 2009 when the Victims of Crime Assistance Act was enacted and stated: 'We anticipate that increasing these limits will be welcomed by those who seek to claim such assistance'. Some stakeholders proposed that amounts of financial assistance under the Victims of Crime Assistance Act be indexed for future years to ensure real value of financial assistance for victims and survivors is maintained.

The department advised that, while the maximum financial amounts that are prescribed in legislation are a matter for government, there is an independent review of the financial assistance scheme being undertaken by KPMG that commenced in August 2023. In addition to being reimbursed for expenses, the financial scheme set out by the Victims of Crime Assistance Act provides a primary victim of crime with a special assistance payment. The special assistance payment is intended to represent a symbolic expression by the state of the community's recognition of the injuries suffered by the victim from an act of violence.

Clause 13 of the bill proposes to recategorise acts of domestic violence from category D to the more serious category B. As stated by Minister Ryan in his contribution on the introduction of this legislation, these amendments are intended to better recognise the serious and detrimental effect of domestic and family violence on victim-survivors and to ensure they can receive increased financial assistance to support them in their recovery.

Stakeholders, as I have already said, were generally supportive of the bill's provision in relation to recategorising acts of domestic violence in the Victims of Crime Assistance Act to increase payments for victims of crime, and generally considered them to be commensurate with the impact of the seriousness of domestic and family violence.

The committee endorsed the bill's proposed amendments to provide greater support to victims of domestic and family violence in recognition of the significant impact and cost of domestic and family violence on individual victims, their families and the community. The committee was cognisant of the very serious and detrimental effects of sexual offences against children but were satisfied that the Victims of Crime Assistance Act in its current form allows for the special assistance category to be uplifted to a higher category in certain circumstances.

It has been acknowledged that there has been a marked increase in applications to Victim Assist Queensland for financial assistance, most notably after the amendment to extend assistance to all victims of domestic and family violence. The members for Burnett and Oodgeroo submitted a statement of reservation in respect of the committee's report. The members appear to raise several points regarding the cost required to meet not only the addition of two extra members to the Queensland sentencing board but also additional funding for supported victims. They then answered their own question by including the department's response, which states that the anticipated cost increases will be met either through normal budgetary processes or existing departmental allocations. It is not clear what reservations they actually had with the bill.

I stand by my comments made in the foreword of my report No. 48. The adversarial system of justice is not an easy system for victims of crime to navigate. I practised criminal defence law for close to 25 years, and it is hard for victims to understand concepts like the jury process or the fact that the prosecution represents the state and not the victim. It is harder still to understand when they are grieving, suffering or living the trauma as a victim of crime. I commend the bill to the House.