



Victims of Crime Assistance and Other Legislation Amendment Bill 2023

**Report No. 37, 57th Parliament
Community Support and Services Committee
November 2023**

Community Support and Services Committee

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All web address references are current at the time of publishing.

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Chair's foreword

This report presents a summary of the Community Support and Services Committee's examination of the Victims of Crime Assistance and Other Legislation Amendment Bill 2023.

The committee's task was to consider the policy to be achieved by the legislation and the application of fundamental legislative principles – that is, to consider whether the Bill has sufficient regard to the rights and liberties of individuals, and to the institution of Parliament. The committee also examined the Bill for compatibility with human rights in accordance with the *Human Rights Act 2019*.

On behalf of the committee, I thank those individuals and organisations who made written submissions on the Bill. I also thank the Department of Justice and Attorney-General and our Parliamentary Service staff for their assistance.

I would like to thank Chair Corrine McMillan MP and members of the committee for their hard work and valuable contribution to the examination of the Bill.

I commend this report to the House.



Mr Chris Whiting MP
Acting Chair

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Report Summary

This report presents a summary of the committee's examination of the Victims of Crime Assistance and Other Legislation Amendment Bill 2023.

The committee recommends the Bill be passed.

The Bill proposes to amend Queensland's Financial Assistance Scheme established by the *Victims of Crime Assistance Act 2009*, to increase the maximum amount of financial assistance payable to victims of crime. It also proposes to increase the number of members of the Queensland Sentencing Advisory Council, to appoint a person who is a victim of crime.

The committee considered the views expressed in submissions and by witnesses at the committee's public hearing, as well as briefing material from the Department of Justice and Attorney-General.

The committee is satisfied that sufficient regard has been given to fundamental legislative principles, to the rights and liberties of individuals and the institution of parliament, and that any limitations of human rights, as set out in the *Human Rights Act 2019*, are reasonable and justifiable.

The committee makes 2 additional recommendations: in relation to enhancing support available for victims of crime, and to ensuring financial assistance for victims remains current to inflation and cost of living expenses.

The committee acknowledges the work of Victim Assist Queensland, the Queensland Police Service and the many community organisations who provide vital support, advice and assistance to vulnerable Queenslanders, and their families, who are victims of violent crime.

1 Introduction

1.1 Policy objectives of the Bill

The Victims of Crime Assistance and Other Legislation Amendment Bill 2023 (the Bill) proposes to amend Queensland's Financial Assistance Scheme (FAS) and increase the maximum amount of financial assistance payable to victims of crime. It also changes the composition of the Queensland Sentencing Advisory Council (QSAC).¹

The FAS is established under the Victims of Crime Assistance Act 2009 (VOCA Act) to:

- help victims of acts of violence to recover from 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
- give related victims who have suffered distress amounts representing a symbolic expression by the State of the community's recognition of the distress suffered by them

The Bill also proposes to amend the *Penalties and Sentences Act 1992* to increase representation of victims of crime, by increasing the number of members of the Queensland Sentencing Advisory Council (QSAC) from 12 to 14, to enable the appointment of a person with lived experience as a victim of crime and another additional member.²

1.2 Background

1.2.1 Reported crime rates and assistance to victims of crime

Reported instances of crime and the number of victims of crime have markedly increased in Queensland in recent years. The Queensland Government Statisticians Office *Crime Report* for 2021-22, reported 64,540 victims of offences against the person, a 49.2 per cent increase in total recorded victims reported in 2020-21.³ In addition, there was a 54.4 per cent increase in financial assistance applications received by Victim Assist Queensland in 2022-23 (7,621) when compared with 2021-22 (4,935).⁴

Following amendment to the VOCA Act in 2017, which extended eligibility for financial assistance to all victims of domestic and family violence, the number of financial assistance applications relating to this crime increased.⁵ In 2022-23, the number of applications by victims of domestic and family violence crime rose 87.8 per cent, from 2,309 applications in 2021-22 to 4,337 applications.⁶

The department advised that in respect to the 7,621 applications for financial assistance received in 2022-23, Victims Assist Queensland paid \$39.6 million to support 6,987 victims to recover from crime in Queensland.⁷

¹ Explanatory notes, pp 1 and 5.

² Explanatory notes, pp 1 and 5; QSAC membership is increased from 'no more than 12 to no more than 14'.

³ Queensland Government Statistician's Office, *Crime Report, Queensland, 2021-22*, <https://www.qgso.qld.gov.au/issues/7856/crime-report-qld-2021-22.pdf>, p 65.

⁴ Department of Justice and Attorney-General (DJAG), correspondence dated 27 October 2023, p 2.

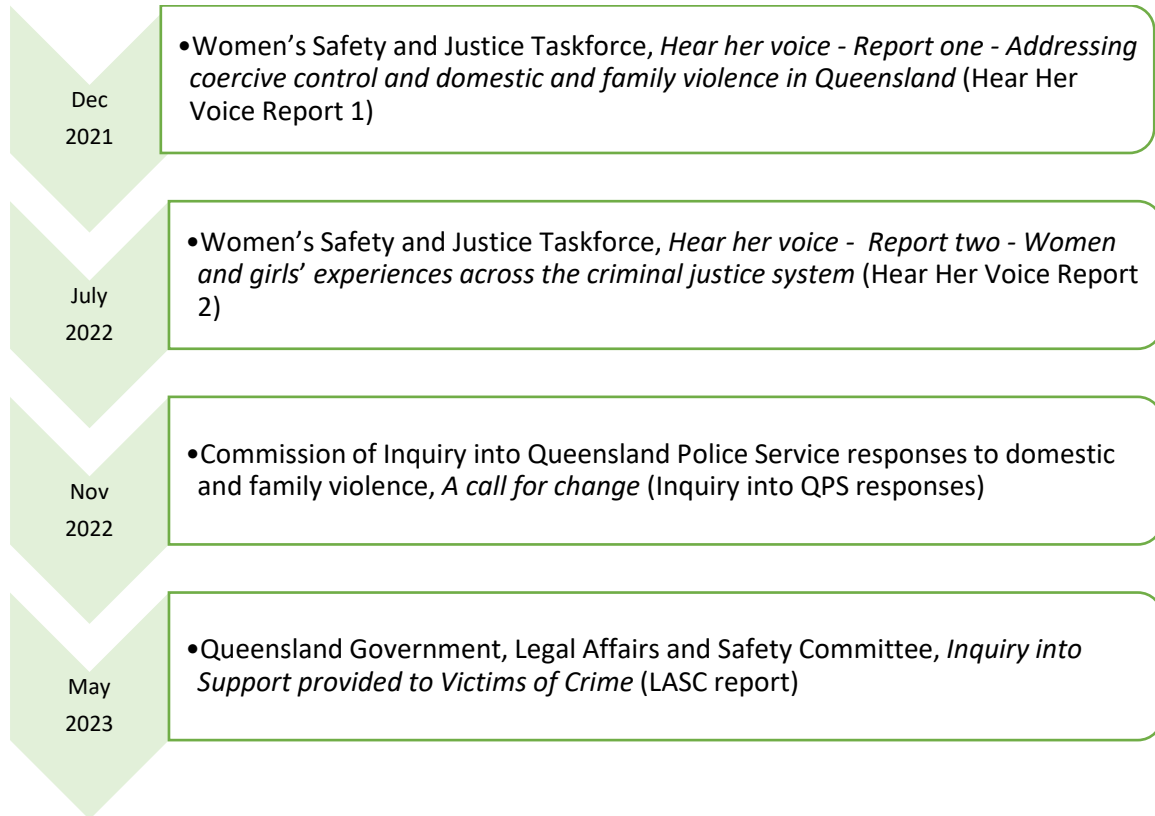
⁵ DJAG, correspondence dated 27 October 2023, p 3.

⁶ DJAG, correspondence dated 27 October 2023, p 2.

⁷ Sakitha Bandaranaike, Director, Strategic Policy and Legal Services, DJAG, public briefing transcript, Brisbane, 23 October 2023, p 4; DJAG, correspondence dated 27 October 2023, p 2.

1.2.2 Independent inquiries into the criminal justice system in Queensland

In recent years, separate inquiries have called for significant reform within Queensland's justice system. These inquiries have produced the following reports:



Hear Her Voice Report 1 made 89 recommendations to address coercive control and domestic violence.⁸ Hear Her Voice report 2 made a further 188 recommendations relating to its examination of the experience of women and girls in the Queensland justice system.⁹ The Inquiry into QPS responses report made 78 recommendations to address concerns identified regarding the Queensland Police Service and how it responds to domestic and family violence.¹⁰

The Department of Justice and Attorney-General (DJAG) supported, or supported in principle, all of the recommendations of Hear Her Voice Report 1.¹¹ Of the 188 recommendations in Hear Her Voice Report 2, DJAG supported 103, supported 71 in principle, and noted the remaining 14.¹² Following the

⁸ Women's Safety and Justice Taskforce, *Hear Her Voice report 1*, December 2021, womenstaskforce.qld.gov.au/publications.

⁹ Women's Safety and Justice Taskforce, *Hear Her Voice report 2*, July 2022, womenstaskforce.qld.gov.au/publications.

¹⁰ Commission of Inquiry into Queensland Police Service responses to domestic and family violence, *A call for change [Report]*, 2022, accessed 17 October 2023, qpsdfvinquiry.qld.gov.au/about/report.aspx.

¹¹ DJAG, *Response to Report One from the Taskforce*, accessed 24 October 2023, justice.qld.gov.au/initiatives/queensland-government-response-womens-safety-justice-taskforce-recommendations/response-to-report-one-from-the-taskforce.

¹² DJAG, *Response to Report Two from the Taskforce*, accessed 24 October 2023, justice.qld.gov.au/initiatives/queensland-government-response-womens-safety-justice-taskforce-recommendations/response-to-report-two-from-the-taskforce.

Inquiry into QPS responses report, the Palaszczuk Government committed to invest \$100,000 in reforms and initiatives to better protect victims of domestic violence.¹³

In preparing its report, the Legal Affairs and Safety Committee (LASC) held hearings in Brisbane, Cairns, the Gold Coast, Ipswich, Logan, Rockhampton, and Townsville.¹⁴ The LASC report recommendations focussed on improving the coordination of services, reviewing the Charter of victims' rights, facilitating easy access to information, developing a trauma-informed training framework across government agencies, investing in support services for victims, developing a long-term plan for restorative justice, and providing youth justice conferencing.¹⁵ Relevant to the Bill, recommendation 14 of the LASC report stated:

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 *Victims of Crime Act 2009*.¹⁶

In response to the findings and recommendations arising from these separate inquiries, the Queensland Government is currently considering wider reforms to the FAS. Due to inflation and increased financial pressures, the Bill aims to 'ensure victims are supported in the immediate future while broader reviews... are undertaken'.¹⁷ This is consistent with recommendation 14 of the LASC report, which called for an urgent review of the FAS.

1.3 Legislative compliance

The committee's deliberations included assessing whether or not the Bill complies with the Parliament's requirements for legislation as contained in the *Parliament of Queensland Act 2001*, *Legislative Standards Act 1992* (LSA) and the *Human Rights Act 2019* (HRA).

1.3.1 Legislative Standards Act 1992

The committee assessed the Bill's compliance with the LSA and identified no issues of fundamental legislative principle.

Part 4 of the LSA requires that an explanatory note be circulated when a Bill is introduced into the Legislative Assembly, and sets out the information an explanatory note should contain. Explanatory notes were tabled with the introduction of the Bill. The explanatory notes contain the information required by Part 4 of the LSA and a sufficient level of background information and commentary to facilitate understanding of the Bill's aims and origins.

1.3.2 Human Rights Act 2019

The committee considered the Bill's compatibility with the HRA and found the Bill has the potential to impact the following human right:

- Right to property.

The committee is satisfied that the potential limitation on this right is demonstrably justified. The committee's reasoning is outlined in section 2.1.3 of this report (Examination of the Bill).

¹³ Hon A Palaszczuk MP, Premier and Minister for the Olympics (portfolio at time of statement) and Hon Mark Ryan Minister for Police and Corrective Services and Minister for Fire and Emergency Services, 'Joint Statement', Media Release, 21 November 2022, statements.qld.gov.au/statements/96624.

¹⁴ LASC report, parliament.qld.gov.au/Work-of-Committees/Committees/Committee-Details?cid=170&inquiryListingType=Past, p 4.

¹⁵ LASC report, pp vi-viii.

¹⁶ LASC report, p x.

¹⁷ Explanatory notes, p 1.

A statement of compatibility was tabled with the introduction of the Bill as required by section 38 of the HRA. The statement contained a sufficient level of information to facilitate understanding of the Bill in relation to its compatibility with human rights.

1.4 Should the Bill be passed?

The committee is required to determine whether or not to recommend that the Bill be passed.

Recommendation 1

The committee recommends the Victims of Crime Assistance and Other Legislation Amendment Bill 2023 be passed.

2 Examination of the Bill

This section discusses key issues raised during the committee’s examination of the Bill. It does not discuss all consequential, minor or technical amendments.

2.1 Amendments to the *Victims of Crime Assistance Act 2009*

The VOCA Act establishes the Financial Assistance Scheme (FAS) allowing victims of crime to apply for financial assistance to cover expenses for goods and services they require to help them recover from an act of violence.

The VOCA Act sets out 4 types of victims for the purposes of financial assistance:¹⁸

Types of Victims, as defined under the *Victims of Crime Assistance Act 2009*

1. Primary Victim

A primary victim is a person who dies or is injured as a direct result of an act of violence committed against them.

2. Related Victim

A related victim is a close family member, or a dependant, of a primary victim who has died as a result of an act of violence.

3. Parent Secondary

A parent or guardian injured as a direct result of the act being committed or becoming aware of an act of violence committed against their child. This may include the victim’s parents, carers, step-parents, co-parents, foster parents or kinship carers.

4. Witness Secondary

A witness secondary victim is a person injured as a direct result of witnessing (seeing or hearing) an act of violence.

DJAG noted several motivations for amending the VOCA Act. The Bill responds to:

- calls for reform recommended by recent inquiries
- increased financial pressures owing to inflation
- no increases in payment amounts—except for funeral expenses—since the VOCA Act commenced in 2009.¹⁹

2.1.1 New payment rates

The Bill’s primary function is to support victims of crime and their families via amendments to the VOCA Act to increase the maximum limits of financial assistance. The proposed changes to the maximum limits are shown in *Table 1*.

¹⁸ Victims of Crime Assistance Act 2009 (VOCA Act), section 26.

¹⁹ Explanatory notes, pp 1-2; funeral expenses were increased from \$6,000 to \$8,000 in 2009.

Table 1 - Proposed payments for victims of crime²⁰

Maximum amount of financial assistance for the following persons/situations	Current amount	Proposed amount
Primary victim of an act of violence	\$75,000	\$120,000
Parent secondary victim of an act of violence	\$50,000	\$75,000
Witness secondary victim of a more serious act of violence	\$50,000	\$75,000
Witness secondary victim of a less serious act of violence	\$10,000	\$20,000
Related victim of an act of violence	\$50,000	\$75,000
A distress payment to a related victim	\$10,000	\$15,000
Funeral expenses	\$8,000	\$15,000
Maximum amount of special assistance for the following persons	Current amount	Proposed amount
a victim of a category A act of violence (includes attempted murder, rape)	\$10,000	\$15,000
a victim of a category B act of violence (includes an attempted category A offence, sexual offences, grievous bodily harm, acts of domestic violence) ²¹	\$3,500	\$9,000
a victim of a category C act of violence (includes an attempted category B offence, robbery, serious assault)	\$2,000	\$6,000
a victim of a category D act of violence (includes an attempted category C offence, unlawful stalking, assault)	\$1,000	\$3,000

2.1.1.1 Stakeholder views and department response

The ALA believes that adequate government compensation for victims of crime is part of a wider social and legislative trend towards greater recognition of the importance of the interests of the victims of crime in the criminal process.

Australian Lawyers Alliance, submission 3

All stakeholders who provided submissions to the Bill were supportive of the increased payments to victims of crime. The Aboriginal and Torres Strait Islander Legal Service (Qld) Limited (ATSILS) submission noted that payments have not increased since 2009 when VOCA Act was enacted, and

²⁰ Bill, cl 14; explanatory notes, p 3; DJAG, correspondence, 20 October 2020, attachment, p 4.

²¹ The inclusion of acts of domestic violence in category B is another objective of the Bill. See cl 14(7)(j).

stated: 'we anticipate that increasing these limits will be welcomed by those who seek to claim such assistance'.²²

The Brisbane Youth Service submission considered the plight of young people in the justice system and described 2 challenges specific to providing assistance to young victims of crime:

- the timing for the emergency accommodation reimbursement requires an application process that cuts into time available to assess the young person and devise a safety plan
- the \$10,000 recognition payment that accompanies the emergency accommodation reimbursement can reach the young person before assistance is provided to the young person to appropriately budget and manage the payment, resulting in poor outcomes including increased drug use, misguided purchases and coercion or theft.²³

The Brisbane Youth Service (BYS) suggested that additional recognition payments be delayed or paid in instalments.²⁴

Stephen Grace, Director at LawRight, recognised there can be risk associated with large lump sum payments, and spoke to how LawRight addresses this risk:

However, we are quite aware that there are instances where people are receiving, particularly people who might not have other financial supports, a one-off payment that could be quite substantial in terms of that special recognition payment. It is something that we speak at length with our clients about in terms of the supports they have and the decisions they make around what they do with that money. We have a financial counsellor on staff. That is also part of the multidisciplinary approach. The reason we are embedded into these agencies that we partner with is so that the social workers and the counsellors, the medical professionals and the domestic violence workers that our clients are also working with can be part of decisions around how that special recognition payment is spent.²⁵

Lump sum special assistance payments for children are provided to the Public Trustee to be held on trust under the *Public Trustee Act 1978*. Payments for victims over 18 are paid to their nominated bank account with no restrictions placed on how the victim may use their special assistance payment.²⁶

In response to BYS, the department acknowledged BYS' concerns associated with providing a lump sum payment to young victim-survivors, and stated that 'the review of the Financial Assistance Scheme will consider alternative models of financial assistance'.²⁷

Committee comment

The committee notes that victims of crime of any age may be vulnerable to secondary crime, including theft by coercion due to their personal circumstances, living conditions, and family or care arrangements.

²² Submission 6, p 2.

²³ Submission 10, pp 3-4.

²⁴ Submission 10, p 4.

²⁵ Public hearing transcript, Brisbane, 13 November 2023, p 11.

²⁶ DJAG, correspondence dated 20 October 2023, attachment, p 6.

²⁷ DJAG, correspondence dated 20 October 2023, attachment, p 6.

Recommendation 2

The committee encourages the Department of Justice and Attorney-General to explore alternative models of delivery of financial assistance and the provision of counselling so that vulnerable victims of crime, including young people, may be appropriately supported in the receipt of financial assistance.

2.1.1.2 *Indexation of payments*

Knowmore was supportive of the payment increases proposed in the Bill, but recommended that all amounts of financial assistance under the VOCA Act be indexed for future years to ensure that ‘the real value of financial assistance for victims and survivors is maintained’.²⁸

The submission of the Queensland Indigenous Family Violence Legal Service (QIFVLS) also called for the indexation of payments:

In future, we would support transferring provisions increasing maximum amounts of financial assistance from the Act to a Regulation. This would reduce the necessity in our eyes for passing legislation to enable an increase in financial assistance. Rather, in taking such a course of action, maximum amounts of financial assistance can be increased in the same manner that penalty units in Queensland are increased yearly, under regulation.²⁹

The department advised that while the maximum financial amounts that are prescribed in legislation are a matter for Government, ‘an independent review of the Financial Assistance Scheme commenced in August 2023’.³⁰

The independent review of the FAS is being undertaken by KPMG, an audit, assurance and risk consulting company.³¹ According to the department, the KPMG review will:

- investigate and report on the current state of the financial assistance scheme in Queensland and other jurisdictions
- consider barriers and alternative models of financial assistance
- identify opportunities for greater collaboration with the broader victim sector to provide better access to services and financial assistance
- analyse the cost/benefit of potential models for delivering improved services to victims of crime
- consider operational implications for implementing recommended changes.³²

In response to a question asked during the public briefing about the possibility of moving assistance payments to a regulation under the Act, the department referred to the KPMG review, and stated:

... that is one of the conversations that has been happening within the department and that would likely be something considered as part of the KPMG review and any subsequent legislative amendments, purely because it makes sense to be able to have the assistance limits in a regulation. However, that piece of work is quite a ways away. I am sure that will be something that KPMG will consider.³³

²⁸ Submission 7, pp 1-2.

²⁹ Submission 14, p 4.

³⁰ DJAG, correspondence dated 20 October 2023, attachment, p 4.

³¹ KPMG, ‘About - Overview’, <https://kpmg.com/au/en/home/about/overview.html>

³² DJAG, correspondence dated 20 October 2023, attachment, p 4.

³³ Dean Corless, Executive Director, Justice Reform Office, Department of Justice and Attorney General, public briefing transcript, Brisbane, 23 October 2023, p 5.

Committee comment

The committee notes the comments from submitters and department advice in relation to the review of the financial assistance scheme and its legislative framework, and the indexation of financial limits, similar to the annual adjustment in value of penalty units enabled by the Penalties and Sentences Regulation 2015.

Recommendation 3

The committee recommends the Attorney-General and Minister for Justice clarify whether the KPMG review will consider the legislative framework for the Financial Assistance Scheme, including establishing by regulation an annual adjustment of financial assistance limits to reflect inflation and current cost of living expenses.

2.1.2 Re-categorising acts of domestic violence for special assistance payments

In addition to being reimbursed for expenses, the financial scheme set out in the VOCA 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. The VOCA Act categorises acts of violence against primary victims, as set out in the table below.

Table 2 – Categories of special assistance payments³⁴

Category A	Attempted murder, rape
Category B	Including attempted offence of category A, sexual offences, grievous bodily harm
Category C	Including attempted offence of category B, serious assault, robbery
Category D	Including attempted offences of category C, assault, unlawful stalking

Clause 13 of the Bill proposes to re-categorise 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 (category D) to \$9,000 (category B, at increased rate).³⁵

These amendments are intended to better recognise the serious and detrimental effect of domestic and family violence on victim-survivors and ensure they can receive increased financial assistance to support them in their recovery.

Hon Mark Ryan MP, Minister for Police and Corrective Services and Minister for Fire and Emergency Services, Queensland Parliament, 10 October 2023, p 2814.

2.1.2.1 Stakeholder views and department response

Stakeholders were generally supportive of the Bill's provisions in relation to re-categorising acts of domestic violence in the VOCA Act to increase payments for victims of this crime, and generally considered them to be commensurate to the impact and seriousness of domestic and family violence.³⁶ Aged and Disability Australia (ADA Australia) submitted the proposed reform was 'a critical

³⁴ VOCA Act, schedule 2 (1).

³⁵ Explanatory notes, p

³⁶ Submissions 11, 12.

step in heralding in the institutional and community cultural changes which are required to recognise and address the prevalence and severity of domestic and family violence in Queensland'.³⁷

Lawright recommended that, in addition to the re-categorisation of the acts of domestic and family violence, acts of sexual violence against a minor should be re-categorised as a Category A act of violence.³⁸

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 a 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.³⁹

Committee comment

The committee endorses 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 is cognisant of the very serious and detrimental effects of sexual offences against children but is satisfied that the *Victims of Crime Assistance Act 2009* in its current form allows for a special assistance category to be uplifted to a higher category in certain circumstances.

2.1.3 Impact on human rights

The committee notes the Bill has the potential to impact a person's human rights in relation to the right to property.⁴⁰ The right to property protects a person from having their property taken arbitrarily. Property includes real and personal property, such as land, chattels and money.⁴¹

The purpose of the bill is to increase the maximum amounts of financial assistance and special assistance payable to victims of crime. The proposed amendments will subsequently increase the maximum amount the State may recover from a person.⁴²

The statement of compatibility accompanying the Bill states that the purpose of the amendments is to continue to hold offenders financially accountable for acts of violence, where appropriate. The VOCA Act includes safeguards on the ability of the State to recover financial assistance from a person, including:

- 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
- 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.⁴³

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 in regard to providing submissions as to whether or not they were convicted of the relevant

³⁷ Submission 11, p 2.

³⁸ Submission 12, p 6.

³⁹ DJAG, correspondence dated 20 October 2023, attachment, p 7.

⁴⁰ *Human Rights Act 2019*, s 24.

⁴¹ *Human Rights Act 2019*, s 24.

⁴² Statement of Compatibility, p 2.

⁴³ Statement of Compatibility, p 3.

offence for which the State is seeking recovery. An offender may be able to dispute the notice and that process can enable them to access the Queensland Civil and Administrative Tribunal. If an offender does not pay a notice, the debt is transferred to the State Penalties Enforcement Registry for appropriate debt recovery.⁴⁴

Committee comment

The committee is satisfied the potential limitation to human rights to be reasonable and justifiable.

2.1.4 Increased support for Victim Assist Queensland

As outlined in section 1.2.1 of this report, there has been a marked increase in applications to Victim Assist Queensland for financial assistance, most notably after the VOCA Act was amended to extend assistance to all victims of domestic and family violence.

The department advised the average wait-time for deciding non-urgent applications increased between 2018-19 and 2021-22, from 215 days to 539 days. Additional resources provided to Victim Assist Queensland since 2021-22 have seen a reduction in wait-times to an average of 295 days in 2022-23.⁴⁵

The proposed reforms contained in the Bill form part of a wider range of reforms being implemented by the Queensland government, including funding to engage more staff within Victim Assist Queensland to ensure that applications are being processed to allow financial assistance to be provided to victims of acts of violence as quickly as possible.⁴⁶

The department further advised that for the 2023-24 financial year, as at 30 September 2023, applications took an average of 178 days to be decided.⁴⁷

Committee comment

The committee notes improvements have been made with additional resources made available to Victim Assist Queensland, and reduced wait-times for assistance applications.

2.1.4.1 Stakeholder views and department response

In their submission, ATSILS raised concerns over the 'ongoing delays' in the processing of applications for financial assistance under VOCA Act:

Aboriginal and Torres Strait Islander victims of domestic and family violence (as well as non-Indigenous victims), for example, are often very marginalised and vulnerable individuals. This marginalisation and vulnerability is compounded for those victims who live in remote and regional communities where cost of living pressures are even greater. The significant delays in accessing financial assistance as is set up by the legislative framework in VOCAA can have significantly negative effects on such individuals.⁴⁸

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 Victims Assist Queensland and assistance to organisations supporting victims, so as to 'ensure that victim/survivors benefit from the proposed amendment'.⁴⁹

⁴⁴ Public briefing transcript, Brisbane, 23 October 2023, pp 3-4.

⁴⁵ DJAG, correspondence dated 27 October 2023, p 3.

⁴⁶ Sakitha Bandaranaike, Director, Strategic Policy and Legal Services, DJAG, public briefing transcript, Brisbane, 23 October 2023, p 2.

⁴⁷ DJAG, correspondence dated 27 October 2023, p 3.

⁴⁸ Submission 2, p 2.

⁴⁹ Submission 9, p 2.

In response, the department advised:

Since 2019, the Queensland Government has provided additional resources to VAQ to assist with demand regarding financial assistance. In the 2019-2020 budget, the Queensland Government provided additional resources of \$1 million per annum over two years, which is now ongoing and funds an additional 10 FTE.⁵⁰

The department further noted:

In addition, as part of the 2023-24 Budget, the Queensland Government provided an additional \$11 million over four years for victims' services including VAQ and the Victim Services Funding Program (VSFP), including \$3 million to be distributed amongst nongovernment victim support services over four years (2023-27).⁵¹

In terms of access to victims' assistance for people living in rural and remote areas, the department advised that Victim Assist Queensland enables a tailored approach of financial assistance which can then reflect the individual needs of a person: 'That could be a victim who is living in a remote area being reimbursed for travel expenses for access to private physicians they may not necessarily have access to financially in the location they are in. Victim Assist Queensland government assessors will tailor the financial assistance to the individual'.⁵²

Committee comment

The committee notes those submissions calling for an increase in resources available to Victim Assist Queensland. The committee is encouraged that Victim Assist Queensland has managed caseloads and has achieved a downward trend in average wait-times for assistance in the last two financial years.

The committee encourages the Queensland Government to continue to support Victim Assist Queensland to process applications allowing financial assistance to be provided to victims of violent crime as quickly as possible.

2.2 Amendments to the *Penalties and Sentences Act 1992*

2.2.1 Changes to the composition of the Queensland Sentencing Advisory Council

The Bill proposes to change the composition of QSAC.

The QSAC is 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 judgment;
- 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.⁵³

⁵⁰ DJAG, correspondence dated 20 October 2023, attachment, p 3.

⁵¹ DJAG, correspondence dated 20 October 2023, attachment, p 5.

⁵² Dean Corless, Executive Director, Justice Reform Office, DJAG, public briefing transcript, Brisbane, 23 October 2023, p 5.

⁵³ Explanatory notes, pp 3-4.

In September 2023 the Attorney-General and Minister for Justice and Minister for the Prevention of Domestic and Family Violence the Hon Yvette D’Ath MP announced that the Queensland Government was committed to ensuring that a representative of victims of crime was appointed to the QSAC.⁵⁴

The Bill would increase the maximum number of members on the QSAC from 12 to 14. This would allow for a person with lived experience as a victim of crime to be added as a member, and one other person (contingent on a recommendation of the Attorney-General being approved by the Governor in Council). The department noted this change aims to ‘increase representation of victims of crime’ on the QSAC.⁵⁵

2.2.1.1 Stakeholder views and department response

Stakeholders were supportive of the proposed changes to the QSAC. The Justice Reform Initiative submitted that it is well-established that people with lived experience as a victim of crime are often failed by the criminal justice system, particularly when it comes to having their voices and experiences acknowledged.⁵⁶

Broadening the membership of the QSAC to include a representative for victims would be a crucial step in amplifying the voices of victims, particularly children and young individuals, and advocating for their needs when developing sentencing recommendations for the judiciary.

Queensland Family and Child Commission, submission 13

The department noted the support expressed in submissions in relation to the proposed amendments to the *Penalties and Sentences Act 1992*.⁵⁷

2.3 Transitional arrangements

Clause 13 would insert a new Chapter 10 into the VOCA Act to provide for the transitional arrangements that will occur once the amendments contained in the Victims of Crime Assistance and Other Legislation Amendment Act 2023 (as the Bill would become when enacted) commence.⁵⁸

The Bill proposes a new section 222 of the VOCA Act to provide that any application that is with Victim Assist Queensland at the time of commencement of the proposed amendments would be eligible to receive the increased financial assistance and special assistance payments, regardless of when the application was made and when the act of violence occurred. Additionally, new section 223 would allow the State to recover up to the new maximum assistance amounts from offenders where the act of violence occurred after the date of commencement of the relevant amendments in the Bill. For acts of violence, including one or more acts of violence in a series of related acts of violence which occurred prior to the commencement of the relevant amendments in the Bill, the State will be able to recover up to the previous maximum amounts for financial assistance and special assistance, regardless of whether the victim received assistance up to the new maximum amount.⁵⁹

The department advised that the provisions are intended to:

- discourage victims from withdrawing an application that is already with Victim Assist Queensland and reapplying once the proposed amendments have commenced

⁵⁴ Public briefing transcript, p 2.

⁵⁵ DJAG, correspondence dated 20 October 2023, attachment, p 5.

⁵⁶ Submission 4, p 2.

⁵⁷ DJAG, correspondence dated 20 October 2023, attachment, pp 1-2.

⁵⁸ Explanatory notes, p 8.

⁵⁹ DJAG, correspondence dated 20 October 2023, attachment, pp 4-5.

- avoid retrospectively financially penalising offenders for acts of violence committed prior to the date of commencement.⁶⁰

2.4 Matters raised by stakeholders outside the scope of the Bill

2.4.1 Improved education and training for first responders to victims of violent crime

Aged and Disability Advocacy Australia (ADA Australia) made reference to the Independent Commission of Inquiry into Queensland Police Service responses to domestic and family violence (Inquiry into QPS responses) and submitted that there should be improved education and training for police in relation to the recognition, inquiry, assessment and approach to people who are aged or who have a disability.⁶¹

In response, the department noted that while the implementation of recommendations from the

The experience of going to prison makes it more likely that children and adults will go on to re-offend and return to prison. Although these kinds of approaches can be politically popular, they have been monumentally ineffective at reducing cycles of incarceration, ineffective at building safer communities and extraordinarily expensive.

Justice Reform Initiative, submission 4

Inquiry into QPS responses falls outside the scope of the Bill, the Queensland Government supports the intent of the recommendations that relate to the interaction between first responders and victims of crime.⁶²

2.4.2 Improvements to the criminal justice system

Taking a wider view than the Bill's proposed reforms, the Justice Reform Initiative called for a change to the 'tough on crime' approach to justice, which has not addressed the rising number of victims of violent crime and has resulted in 'increasing numbers of children and adults in prison'.⁶³

In response, the department advised:

... the Queensland Government has recently announced several reforms to provide and/or explore better support for victims of crime and to consider improvements to the criminal justice system, including the establishment of an interim Victims' Commissioner, Youth Justice Reform Select Committee, an Independent Ministerial Advisory Council and a permanent Justice Reform Office within DJAG.⁶⁴

⁶⁰ DJAG, correspondence dated 20 October 2023, attachment, pp 4-5.

⁶¹ Submission 11, p 2.

⁶² DJAG, correspondence dated 20 October 2023, attachment, p 6.

⁶³ Submission 4, p 2.

⁶⁴ DJAG, correspondence dated 20 October 2023, attachment, p 2.

Appendix A – Submitters

Sub #	Submitter
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1	Bravehearts
2	Mareeba Shire Council
3	Australian Lawyers Alliance
4	Justice Reform Initiative
5	Name withheld
6	Aboriginal and Torres Strait Islander Legal Service (ATSILS)
7	Knowmore Legal Service
8	Local Government Association Queensland (LGAQ)
9	Office of the Interim Victims' Commissioner
10	Brisbane Youth Service
11	Aged and Disability Advocacy Australia (ADA)
12	LawRight
13	Queensland Family and Child Commission
14	Qld Indigenous Family Violence Legal Service

Appendix B – Officials at the public departmental briefing on 23 October 2023

Department of Justice and Attorney-General

- Mr Dean Corless, Executive Director, Justice Reform Office
- Ms Sakitha Bandaranaike, Director, Strategic Policy and Legal Services
- Mr Michael Coccetti, Principal Legal Officer, Strategic Policy and Legal Services

Appendix C – Witnesses at the public hearing on 13 November 2023

Interim Victims' Commissioner for Queensland

- Nicola Doumany, Executive Director
- Jennifer Headford, Director, Engagement

Aged and Disability Advocacy Australia

- Vanessa Krulin, Senior Policy Advisor and Solicitor
- Karen Williams, Principal Solicitor

LawRight

- Stephen Grace, Director
- Kate Adnams, Senior Lawyer

Statement of Reservation



VICTIMS OF CRIME ASSISTANCE AND OTHER LEGISLATION AMENDMENT BILL 2023 LNP STATEMENT OF RESERVATION

The Community Support and Services Committee examined the Victims of Crime Assistance and Other Legislation Amendment Bill 2023 which proposes to:

- increase the upper limits for financial assistance payments and special assistance payments available to victims;
- increase the upper limits for payable funeral expenses and distress payments; and
- re-categorise crimes of domestic violence as a Category B act of violence for the purpose of special assistance payments to victims.

The committee received considered submissions from community services, legal services and the Office of the Interim Victims' Commissioner.

The committee requested, and was provided with, key statistics from the Department of Justice and Attorney-General in relation to reported crime rates and the scale of the financial assistance provided to victims of crime. Of particular concern is the rising number of instances of reported crime in the community and the consequential number of victims of crime seeking assistance.

The committee members during public briefing with the department were provided some sobering statistics in terms of the number of victims of crime over the last couple of years. The department advised:

In the 2021-22 Crime Report published by the Queensland Government Statistician's Office, there were 64,540 victims (52,202 unique victims) of offences against the person recorded by the Queensland Police Service (QPS), noting a 49.2% increase in total recorded victims (41.2% increase in total unique victims) reported in 2020-21 (43,260 total victims and 36,962 unique victims recorded).

Alongside the 41.2% increase in recorded offences against the person in 2021-22 there was a 54.4% increase in financial assistance applications received by VAQ in 2022-23 (7,621) when compared with 2021-22 (4,935). The number of financial assistance applications relating to domestic and family violence (DFV) increased 87.8% from 2,309 applications in 2021-22 to 4,337 applications in 2022-23.⁶⁵

Of the 7,621 applications for assistance received by Victims Assist Queensland in 2022-23, the department paid \$39.6 million to support almost 6,987 victims recover from crime in Queensland. This figure consists of:

⁶⁵ Department of Justice and Attorney-General, correspondence dated 27 October 2023, p 2.

- payments totalling \$29,049,870.00 in special assistance
- payments for counselling expenses totalling \$767,634.98
- assistance with expenses considered to be exceptional, for example security or relocation expenses, totalling \$3,143,397.42
- payments totalling \$6,668,195.97 for the following expenses:
 - damaged clothing
 - distress (recognition payment for related victims of a homicide)
 - funeral expenses
 - incidental travel expenses
 - loss of earnings
 - medical expenses
 - reasonable legal expenses
 - report expenses, and
 - dependency payments (as a result of a homicide).⁶⁶

In terms of the rising number of applications to the Victim Assist Queensland from victims of crime, the department stated:

In 2017, legislative amendments were made to the Victims of Crime Assistance Act 2009 which extended eligibility for financial assistance to all victims of DFV. Since these amendments were introduced, VAQ has seen a 195% increase in applications for financial assistance. Further, in 2022-23, 56% of all financial assistance applications came from DFV victims.

When questioned at the public briefing about whether there had been any financial modelling done on the anticipated cost increases as a result of the increased payment limits proposed by the Bill, the department responded:

Yes, the government did undertake modelling to compare against applications decided in the last financial year looking to apply the proposed new assistance limits against applications decided across that financial year. Just to confirm in terms of the specific funding that has been allocated, the Queensland government has approved funding of \$185 million over five years from 2023-24 and \$40 million per annum ongoing from 2028-29 to enable increased payments of financial assistance to victims of crime under the financial assistance scheme.⁶⁷

There remain questions regarding the actual funding allocations to allow the reported increases of financial assistance to victims of acts of violence when the Explanatory Notes provided in addressing the estimated costs for the Government to implement did not mention the significant budget requirements and states:

The anticipated costs of the increased maximum amounts of financial assistance will be met through normal budget processes.

The costs associated with increasing the number of members on QSAC will be met through existing departmental allocations.

The remuneration of all newly created positions should be disclosed in the interest of transparency and integrity of the process.

⁶⁶ Department of Justice and Attorney-General, correspondence dated 27 October 2023, p 1.

⁶⁷ Mr Dean Corless, Department of Justice and Attorney-General, public hearing transcript, Brisbane, 23 October 2023, p 3.

The committee has heard the support for the recommended changes to the Victims of Crime Assistance and Other Legislation Amendment Bill 2023 with the proposed amendments providing for increased support for victims of crime. The VOCAA Bill addresses recommendations from a number of reviews, including the Independent Commission of Inquiry into Queensland Police Service responses to domestic and family violence, the Women's Safety and Justice Taskforce and the Legal Affairs and Safety Committee Inquiry into the support provided to victims of crime.

A handwritten signature in black ink, appearing to read 'Stephen Bennett', with a stylized, cursive script.

Stephen Bennett

A handwritten signature in purple ink, appearing to read 'Mark Robinson', with a cursive script.

Mark Robinson