



Speech by

Jann Stuckey

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VICTIMS OF CRIME ASSISTANCE BILL

Mrs STUCKEY (Currumbin—LNP) (4.04 pm): I rise to make a brief contribution to the Victims of Crime Assistance Bill 2009 introduced into this assembly by the Attorney-General, the honourable member for Greenslopes, on Tuesday, 18 August 2009. The act has been amended in the past 14 years a total of six times. This most recent bill comes as the seventh amendment. I have spoken on many occasions in this House about the need for better protection for victims of crime. Whilst I wholeheartedly support the Attorney's attempts to support victims, it seems this bill and its measures are too little too late for countless sufferers.

Late in 2007 the Premier and the Attorney announced the victims of crime review aimed at providing easier access for victims to financial assistance and making access to the system easier. A further aim of this review was to see the better coordination of victims and victims' services. Ten days later the issues paper was released online and called for submissions.

It would seem that during 2008 the government ignored the matter, sitting on its hands and waiting until May of this year to enter a draft bill into circulation and waiting a further several months to bring the legislation before the House. The age old legal maxim of restitutio in integrum to date appears to have been bypassed in relation to victims of serious crime in this state. Whilst legally it is not for the state to make amends for the nefarious doings of perpetrators of serious offences, it is gratifying to see the government stepping up to the mark with this legislation.

Through this process the Queensland government has now taken some truly positive steps towards protecting victims and towards effectively and efficiently assisting victims of crime to embark on the path of restoring their shattered lives. Fashioned on the Victorian model, the Victims of Crime Assistance Bill aims to financially help those who have lost amenity when beleaguered by crime. Provisions in this bill will establish a recovery process against an offender which is triggered by a conviction in a timely manner. In countless cases victims have had to wait extended periods of time before they could access therapeutic and other treatments. Yet the contents of this new model will allow for early intervention in the form of financial assistance. Because the current scheme works in a compensatory way with lump sum payments awarded depending upon the extent and category of the injury sustained by the victim, healing processes were thwarted and therefore the potential existed for the significant grief and distress they were experiencing to become amplified.

As stated, the focus was on compensation rather than rehabilitation. From a holistic viewpoint, making available avenues of rehabilitation soon after the incident is way more important to the long-term wellbeing of the victim than being given a chunk of money with little or no direction on how to best use it or, worse, to gain limited benefit because of the passage of time since the violence was perpetrated. This is a much more remedial approach and one that hopefully will provide better outcomes for individuals and their families who have been traumatised by crimes inflicted upon them.

In his second reading speech the minister states that the new scheme will apply to three types of victims—primary, secondary and related—in an effort to provide services and assistance as needed to those directly and indirectly affected. Furthermore, applications can be made up to \$6,000 for interim

assistance and makes accessible the opportunity for victims to claim funeral expenses up to this amount for primary victims.

But not everyone is embracing this legislation which, if passed, will come into effect on or near 1 December this year. Mr Justice Stevenson, the Queensland Legal Aid Victims of Crime Compensation Unit coordinator, was reported in the *Courier-Mail* a few days ago as recommending that the 11 victims of the bike path predator who was recently jailed for 25 years should apply promptly for criminal compensation before provisions in the new act commence. He commented that a top monetary payment for these women under this legislation meant they could only claim \$10,000 plus help with medical and counselling costs, whereas under the current legislation they could receive \$75,000 as a maximum payout. Notably this bill contains a strong mechanism to enable recovery of financial assistance paid under the scheme from offenders with the option of referring unpaid debts to the State Penalties Enforcement Registry.

I am of the firm belief that it is our responsibility to protect the rights and liberties of victims so that they can move about in our society freely. As we have heard from many honourable members in this House, the reason for our coming into this place and choosing to take this path of representing our electorates is, in many cases, a desire to do our best for our community and support them and be their voice when sometimes they cannot speak. It therefore unsettles me considerably when I know that many attackers get away with vicious crimes that cause permanent injury, not to mention emotional scarring, with their victims left to muddle along as best they can.

Increasingly, I find myself sitting across a table in my office from distraught parents whose teenage child has been senselessly bashed in an unprovoked and indefensible incident. The episodes I have been told about have happened to males whose only crime was to go out on a Saturday night. Parents show me A4 size before-and-after photographs of their beloved kids whom I found hard to recognise from the injuries that they had sustained—grossly distorted swollen faces, broken jaws, smashed teeth, cuts, bruises and metal plates holding together what were healthy, rather handsome human beings. One young man aged 19 was doing the right thing in catching public transport into Surfers for a Saturday night out when he was set upon by a gang of thugs after his parents dropped him off at around 10.30 pm at a bus stop on the Gold Coast Highway at Palm Beach. Another was walking with a group back to a friend's house after a party in Robina was shut down because of gatecrashers. The gatecrashers followed the young 17-year-old and his friends before isolating him from them and bashing him unconscious.

The answer would appear simple: report the incident to police so they can catch the perpetrators. But fear is pervading our communities and the bad guys are getting away with ruining innocent people's lives. How can attackers get away with this, honourable members may well be asking? The injured teenagers are so frightened of repercussions from their assailants that they do not want to report it to the police. Even if they have the courage to do that, they often will not press charges, which means the offenders are free to continue their thuggish ways.

I am very pleased this government has taken the road of expediting the application process for victims seeking compensation, and I agree with the Attorney in that the government assessment model proves the most efficient in terms of rapid service delivery. Both of the other foreshadowed models—namely, the Magistrates Court and the tribunal assessment model—proved too slow and too costly for the victim and the victim is left wanting in service delivery. The government, to its credit, has allocated \$28.8 million for this new model—a budgetary increase of \$7 million. In supporting this legislation, it is to be hoped that it will ease the distress and suffering for victims whose world has been turned upside down and help them to build the strength and confidence that they require to lead meaningful and happy lives. I shall continue to encourage residents who come to me for advice and comfort to report matters to police so that our suburbs can be made safer. In closing, I want to commend the Attorney for bringing this bill before the House.