



ATSILS
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26th October 2023

Committee Secretary
Community Support and Services Committee
Parliament House
George Street
Brisbane Qld 4000

By email: CSSC@parliament.qld.gov.au

Dear Committee Secretary,

Re: Victims of Crime Assistance and Other Legislation Amendment Bill 2023

Thank you for the opportunity to provide comments on the Victims of Crime Assistance and Other Legislation Amendment Bill 2023 (**Bill**) which proposes make amendments to the *Victims of Crime Assistance Act 2009* (Qld) (**VOCAA**) to increase the upper limits for financial assistance payments and special assistance payments available to victims, increase the upper limits for funeral expenses and distress payments and re-categorise domestic violence as a Category B act of violence for the purpose of special assistance payments. We welcome the proposed amendments contained in the Bill. We also take this opportunity to bring to the Committee's attention the ongoing issues relating to significant delays in processing payments for victims of crime seeking financial assistance under the VOCAA scheme.

Preliminary consideration: Our background to comment

The Aboriginal and Torres Strait Islander Legal Service (Qld) Limited (ATSILS), is a community-based public benevolent organisation, established to provide professional and culturally competent legal services for Aboriginal and Torres Strait Islander peoples across Queensland. The founding organisation was established in 1973. We now have 25 offices strategically located across the State. Our Vision is to be the leader of innovative and professional legal services. Our Mission is to deliver quality

legal assistance services, community legal education, and early intervention and prevention initiatives which uphold and advance the legal and human rights of Aboriginal and Torres Strait Islander peoples.

ATSILS provides legal services to Aboriginal and Torres Strait Islander peoples throughout Queensland. Whilst our primary role is to provide criminal, civil and family law representation, we are also funded by the Commonwealth to perform a State-wide role in the key areas of Community Legal Education, and Early Intervention and Prevention initiatives (which include related law reform activities and monitoring Indigenous Australian deaths in custody). Our submission is informed by over five decades of legal practise at the coalface of the justice arena and we, therefore, believe we are well placed to provide meaningful comment, not from a theoretical or purely academic perspective, but rather from a platform based upon actual experiences.

Response to consultation

We support the proposed amendments contained in this Bill which, if enacted, will improve the assistance provided to victims of crime under VOCAA, by:

- increasing the maximum amount of financial assistance payable:
 - to primary victims;
 - to parent secondary victims;
 - to witness secondary victims;
 - to related victims;
 - for distress payments to a related victims, of an act of violence; and
- increasing the amounts payable as special assistance payments for Category A acts of violence through to Category D acts of violence as specified in Schedule 2 of VOCAA; and
- re-categorising the special assistance payment for acts of violence that are domestic violence from Category D to Category B in Schedule 2 of VOCAA¹.

Given that the maximum limits for financial assistance that can be provided under the legislative framework for VOCAA, except for funeral expense assistance, have not increased since 2009 when VOCAA was enacted², we anticipate that increasing these limits will be welcomed by those who seek to claim such assistance.

¹ Explanatory Notes, Victims of Crime Assistance and Other Legislation Amendment Bill 2023 (Qld) 3.

² Ibid, 2.

Whilst the Bill does not address the issue directly, we take this opportunity to raise concerns regarding ongoing delays in the processing of applications for financial assistance under VOCAA. 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. This is thus an area of challenge upon which we would encourage greater focus.

We thank you for the opportunity to provide feedback on the Bill.

Yours faithfully,

Shane Duffy
Chief Executive Officer