

# Victims of Crime Assistance and Other Legislation Amendment Bill 2023

Submission to the Community Support and Services  
Committee

26 October 2023

## Who we are

The Australian Lawyers Alliance (ALA) is a national association of lawyers, academics and other professionals dedicated to protecting and promoting justice, freedom and the rights of the individual.

We estimate that our 1,500 members represent up to 200,000 people each year in Australia. We promote access to justice and equality before the law for all individuals regardless of their wealth, position, gender, age, race or religious belief.

The ALA is represented in every state and territory in Australia. More information about us is available on our website.<sup>1</sup>

The ALA office is located on the land of the Gadigal of the Eora Nation.

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<sup>1</sup> [www.lawyersalliance.com.au](http://www.lawyersalliance.com.au).

## Introduction

1. The ALA welcomes the opportunity to have input into the Community Support and Services Committee inquiry into the *Victims of Crime Assistance and Other Legislation Amendment Bill 2023* ('the Bill').
2. The ALA supports the *Victims of Crime Assistance and Other Legislation Amendment Bill 2023* which purports to make amendments to the Victims of Crime Assistance Act 2009 (VOCAA) to better recognise the serious impact of injuries obtained by victim-survivors in domestic and family violence cases while ensuring that they receive the appropriate financial assistance in line with the current financial climate.
3. The ALA welcomes these recommendations as the result of inquiries undertaken by the Women's Safety and Justice Taskforce, the Independent Commission of Inquiry into Queensland Police Service responses to domestic and family violence and the Parliamentary Legal Affairs and Safety Committee inquiry into support provided to victims of crime.
4. 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. We also believe that supporting the purpose of government compensatory schemes for victims of crime involves periodic reviewing and increasing the maximum amount of compensation for loss and damages suffered as a result of domestic and family violence injury.
5. We note the general philosophy underlying victims' compensation is expressed in the preamble to the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, adopted by the United Nations General Assembly in 1985; the recognition that victims of crime and frequently their families, witnesses and others who aid them, are unjustly subjected to loss, damage or injury and that they may, in addition, suffer hardship when assisting in the prosecution of offenders.<sup>2</sup>
6. Specifically, the ALA welcomes the following amendments to *the Victims of Crime Assistance Act 2009*:

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<sup>2</sup> Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, UN GAOR, 40th sess, 96th plen mtg, UN Doc A/RES/40/34 (1985).

- a. increasing the maximum financial assistance for primary victims from \$75,000 to \$120,000.
  - b. increasing the maximum financial assistance for parents, secondary victims, witness secondary victims for more serious acts of violence and related victims to \$75,000.
  - c. increasing the maximum financial assistance to \$20,000 for secondary victims in less serious acts of violence;
  - d. increases the amount of special assistance available to victims for all categories of acts of violence;
  - e. increasing special assistance payments for victims of crime in all categories.
7. Importantly, the ALA agrees that special assistance payments under the Bill, and all indeed financial support for victims of crime, play a vital symbolic function by representing the community's recognition of the injuries suffered by a victim from an act of violence. Finally, we note that delivering responsive and relevant services and providing adequate financial assistance to victims of crime can play a fundamental role in assisting them to recover and contribute to their safety. The ALA also recognises that for many victim-survivors, financial assistance may represent more than financial assistance; it can serve to acknowledge and recognise the trauma suffered by them as a result of violent crime.

## Conclusion

1. The Australian Lawyers Alliance (ALA) welcomes the opportunity to have input into the Community Support and Services Committee inquiry into the *Victims of Crime Assistance and Other Legislation Amendment Bill 2023*.
2. The ALA is available to provide further assistance to the Committee on the issues raised in this submission.



**Sarah Grace**

**Queensland President**

**Australian Lawyers Alliance**