

Victims of Crime Assistance and Other Legislation Amendment Bill 2016

Explanatory Notes

FOR

Amendments To Be Moved During Consideration In Detail By The Honourable Yvette D'Ath MP

Title of the Bill

The short title of the Bill is the Victims of Crime Assistance and Other Legislation Amendment Bill 2016.

Objectives of the Amendments

The amendments to be moved during consideration in detail, together with amendments to be moved during consideration in detail of the Bail (Domestic Violence) and Another Act Amendment Bill 2017, support the policy underpinning the Bail (Domestic Violence) and Another Act Amendment Bill 2017, to improve safety for victims of domestic violence and to hold perpetrators of domestic violence to account.

The objectives of the amendments are to: clarify that for the purpose of the Charter of victim's rights, a *relevant court process* includes an application for bail; and to implement a relevant recommendation of the Queensland Parole System Review Report (parole report) in terms of the eligible persons register established under the *Corrective Services Act 2006*.

By way of context, with regards to the second amendment (referred to above), on 9 August 2016, the Queensland Government announced an independent review of Queensland's parole system to be undertaken by Mr Walter Sofronoff QC (the parole review). On 30 November 2016, the parole report was delivered by Mr Sofronoff QC to Government, making 91 recommendations for a complete reform of Queensland's parole system. The Government Response to the parole report endorsed 89 of the recommendations

During the course of his review, Mr Sofronoff QC examined the existing eligible persons register and considered that: *'The Victims Register appears to be sufficiently broad to provide victims, their families, previous victims of violence and other persons who may be*

in danger with relevant information about offenders serving terms of imprisonment for violent or sexual offences’. (page 229).

Mr Sofronoff QC did not recommend the expansion of the eligible persons register to include prisoners who are in custody for offending that is not for sexual or violent offences.

However, amongst other matters, he did recommend that a clarification be made to ensure that a *history of violence*, for the purpose of the eligible persons register, includes a history of domestic violence as broadly defined in the *Domestic and Family Violence Protection Act 2012* (recommendation 82).

The amendments implement recommendation 82 of the parole review report consistent with the Government’s response.

Achievement of the Objectives

The objectives are achieved by making the following amendments:

- amending clause 93 to insert a legislative example clarifying that for the purpose of the Charter of victims’ rights a *relevant court process* includes an application for bail; and
- amending Schedule 1 to include an amendment to section 320 of the *Corrective Services Act 2006* (Eligible persons register) to define the phrase ‘history of violence’ as inclusive of a history of domestic violence within the meaning of the *Domestic and Family Violence Protection Act 2012*.

Alternative Ways of Achieving Policy Objectives

There are no alternative ways of achieving the policy objectives.

Estimated Cost for Government Implementation

Any costs specifically associated with these amendments are expected to be minimal and met from existing resources.

Consistency with Fundamental Legislative Principles

The amendments are consistent with fundamental legislative principles.

Consultation

The amendments have been informed by community, legal and government stakeholder feedback on the Bail (Domestic Violence) and Another Act Amendment Bill 2017, including through submissions to the Legal Affairs and Community Safety Committee (the Committee), at the public hearing of the Committee and during a roundtable consultation meeting convened by the Honourable Yvette D’Ath MP, Attorney-General and Minister for Justice and Minister for Training and Skills on 8 March 2017.

NOTES ON PROVISIONS

Amendment 1 amends clause 93 of the Bill to insert a legislative example (under Division 2 (Rights relating to the criminal justice system), item 3(c)) of what a *relevant*

court process includes, namely ‘an application made for bail by the accused’, for the purpose of the Charter of victims’ rights.

Amendment 2 amends Schedule 1 to insert a new 1AA amending subsection 320(5) of the *Corrective Services Act 2006* to define *history of violence* for the purpose of that section as including a history of domestic violence within the meaning of the *Domestic and Family Violence Protection Act 2012*.