

~~The obligation to inform is a continuing theme of this bill. Amendments to the act will require employees of social escort services, social escorts and social escort providers to inform clients or prospective clients that prostitution is not provided, prior to any booking being made or any service being rendered. Failure to inform will result in penalties of up to \$7,000.~~

~~Social escort providers will also be held accountable for the actions of employees or social escorts who do not inform clients or prospective clients that prostitution is not provided, unless it can be proven that appropriate instructions were given regarding the obligation to inform and that despite all reasonable precautions being taken, the social escort provider did not know an offence was committed or could not have prevented the offence from being committed.~~

~~For the purposes of clarity, the bill will define who a social escort and a social escort provider is. These definitions will be referred to in the act and subsequent amendments to the Criminal Code. The Criminal Code contains a number of offences dealing with prostitution. These offences are designed to target illegal brothels occurring at a specific place. However, illegal prostitution providers who masquerade under the guise of a social escort agency often rent office space to undertake business activities other than the provision of prostitution. Prostitution services are provided elsewhere, limiting the ability of police to effectively target and prosecute illegal prostitution providers.~~

~~Further, the penalties associated with these offences are not reflective of the crime. A person who runs a million-dollar illegal prostitution business is subject to the same penalty as a person who drives a sole operator prostitute to a legal outcall appointment. This bill amends the Criminal Code to directly target those people who carry on a business of unlawful prostitution in Queensland. New penalties will fit the crime including asset confiscation and terms of imprisonment of up to seven years.~~

~~To support the new carry on a business offence the bill will introduce additional provisions aimed at those who engage in or obtain prostitution services through an illegal business. While these provisions are aimed at sex workers and their clients, a certificate of discharge will be available in exchange for evidence relating to the illegal prostitution business. These new offences send a clear message that illegal prostitution will not be tolerated in Queensland.~~

~~This bill also addresses the ongoing safety concerns held by sole operator prostitutes when attending calls for service. Currently a sole operator can employ one person to act as a bodyguard. This person must be appropriately licensed and only act in that capacity for that sole operator. A bodyguard cannot drive the sole operator to outcalls nor can they or any other person take messages for or from a sole operator. To enhance the safety and welfare of sole operators the bill will amend the Criminal Code to allow for the employment of a driver and to allow a person to take an advisory message from a sole operator. A message taker under this provision is not a receptionist.~~

~~New evidentiary provisions will support amendments to both the act and the Criminal Code. Under the act published advertisements will be evidence of an advertising offence while advertisements and records of employment and telecommunications will be used as evidence for a carry on a business offence. However, in the interests of public health and safe sex practices, condoms and other safe sex materials will not be evidence of an offence under the new provisions.~~

~~I am confident that members of the House will agree this legislation is consistent with the five guiding principles regulating prostitution in Queensland. Further, that this bill creates an appropriate balance between the need for strict legislation and the need to address social factors that arise from prostitution. The Bligh government has and will continue its commitment to prostitution law reform in Queensland. I commend the bill to the House.~~

~~Debate, on motion of Mr Dempsey, adjourned.~~

~~Sitting suspended from 1.01 pm to 2.30 pm.~~

022

VICTIMS OF CRIME ASSISTANCE BILL

Message from Governor

Hon. CR DICK (Greenslopes—ALP) (Attorney-General and Minister for Industrial Relations) (2.30 pm): I present a message from His Excellency the Acting Governor.

The Deputy Speaker (Mr Wendt) read the following message—

MESSAGE

VICTIMS OF CRIME ASSISTANCE BILL 2009

Constitution of Queensland 2001, section 68

I, PAUL de JERSEY, Acting Governor, recommend to the Legislative Assembly a Bill intitled—

A Bill for an Act to declare and implement principles of justice for victims of crime, to provide a scheme to give financial assistance to certain victims, and to amend the Acts mentioned in chapter 7 for particular purposes.

(sgd)

ACTING GOVERNOR

17 August 2009

Tabled paper: Message from His Excellency the Acting Governor, dated 17 August 2009, recommending the Victims of Crime Assistance Bill.

First Reading

Hon. CR DICK (Greenslopes—ALP) (Attorney-General and Minister for Industrial Relations) (2.31 pm): I present a bill for an Act to declare and implement principles of justice for victims of crime, to provide a scheme to give financial assistance to certain victims, and to amend the Acts mentioned in chapter 7 for particular purposes. I present the explanatory notes, and I move—

That the bill be now read a first time.

Question put—That the bill be now read a first time.

Motion agreed to.

Bill read a first time.

Tabled paper: Victims of Crime Assistance Bill.

Tabled paper: Victims of Crime Assistance Bill, explanatory notes.

Second Reading

Hon. CR DICK (Greenslopes—ALP) (Attorney-General and Minister for Industrial Relations) (2.31 pm): I move—

That the bill be now read a second time.

The Victims of Crime Assistance Bill is the most significant reform in the protection of and assistance provided to victims of crime for over a decade. The bill has been prepared as a result of the Bligh government's comprehensive review of the needs of victims of crime in Queensland. The Bligh government is committed to improving the delivery of services to victims of crime in Queensland. The purpose of the new scheme is to assist victims of crime in recovering from the consequences of the act of violence in a timely fashion while minimising the stress and trauma that may be involved in the process. The bill establishes the financial assistance scheme component of the reforms and sets out the fundamental principles of justice to be applied in the treatment of victims.

The review recommended the repeal of the current compensation schemes under the Criminal Offence Victims Act and chapter 65A of the Criminal Code. The review also recommended the establishment of a new financial assistance scheme under one piece of legislation. These two recommendations have been adopted in the bill. The bill also implements the recommendation that the new scheme be based on a financial assistance model rather than a compensation model. A financial assistance model provides a tailored, needs based response and allows for earlier intervention in a victim's recovery rather than the provision of a general award of compensation based on the type of injury a victim suffers. The primary focus of the government is to ensure that victims are provided with assistance appropriate to progressing their recovery from the crime rather than giving victims lump sum compensation. There are tangible and intangible benefits to the victim, government and society from the early intervention approach under the new scheme. Victims groups and government departments were involved in and support the change in focus towards early support and treatment and away from purely lump sum payments.

Eligibility under the new scheme is linked to an act of violence and the injuries sustained rather than on the conviction of the offender. Rather than applying to a court, the new model involves an administrative application process. A Victims Assistance Unit will be created in the Department of Justice and Attorney-General to implement the new scheme. The new unit will employ staff in five key areas: financial assistance; service coordination; Victims LinkUp and referral service, including website; training government and non-government service providers on the needs of victims of crime and compliance with the principles of justice to ensure fair treatment of victims; and practical court support. The unit will provide a one-stop shop to assist victims of crime. This will allow for linkages with other parts of the justice system and relevant government agencies to provide victims with the benefits of a properly integrated justice and human services response to their needs.

The team of assessors employed in the Victims Assistance Unit will process the financial assistance applications and will ensure claims are finalised in a timely manner. This will make the process easier for victims and less daunting than current arrangements. It will remove the requirement for victims of crime to appear before a court again just to apply for compensation.

There will be three types of victims catered for under the new scheme: primary, secondary and related victims. Primary victims are entitled to a maximum amount of financial assistance to the value of \$75,000, the same as the current scheme, and will apply to a broader range of victims. For example, victims of offences that are dealt with by the Magistrates Court are included in the new scheme.

Secondary victims are a new category of victim. Parents who are injured as a result of their child being injured will be entitled to seek financial assistance for goods and services such as medical and counselling expenses and other expenses as set out in the bill. Assistance can be granted up to the value of \$50,000 to be shared between the parents. Witnesses of serious acts of violence such as murder and manslaughter will be entitled to seek financial assistance for goods and services and other assistance set out in the bill to the value of \$50,000. Witnesses of other acts of violence will be entitled to seek financial assistance for goods and services to the value of \$10,000. The Criminal Offence Victims Act currently provides for dependants of a person who has died to share a maximum amount of \$39,000 and other family members to share a maximum amount of \$9,000.

Under the new scheme 'related victims'—that is, close family members or dependants of a person who has died—will be entitled to seek financial assistance for goods and services and other assistance as set out in the bill. There will be a pool of \$100,000 of assistance for related victims, with a maximum amount of assistance of \$50,000 per victim.

Under the bill, a victim can apply for interim assistance of up to \$6,000 prior to the final award of assistance being made. In addition to interim expenses, the new scheme also allows the payment of up to \$6,000 in funeral expenses incurred as a result of the death of a primary victim.

The scheme is designed to enhance services to victims by complementing current services such as counselling offered by community groups, medical treatment provided by the public health system and insurance schemes such as WorkCover and private health funds. It is not designed to replace or reimburse these services.

The Queensland government is serious about recovering financial assistance paid under the scheme from offenders. As a result, the bill contains a strong mechanism to recover financial assistance paid to victims of crime from convicted offenders. Any unpaid debts can be referred to the State Penalties Enforcement Registry for enforcement.

The bill also sets out the fundamental principles of justice for victims of crime. These principles originate from the United Nations Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power and were incorporated into the Criminal Offence Victims Act when it commenced in 1995. The victims of crime review recommended maintaining these principles and introducing a mechanism for resolving complaints where departures from the principles occur.

The bill achieves this, firstly, by including a revised and modernised version of the principles existing under the current act to ensure that they are relevant and functional for victims and the agencies that are to implement them. The principles will underlie how government entities and their employees treat victims who have suffered harm because a crime has been committed against them. Secondly, the bill achieves the recommendations from the review by creating a complaints mechanism. Victims can complain to the new unit or directly to the entity if they consider government entities and their employees have breached the principles. Through the complaints mechanism and the new role of the Victim Services Coordinator, an officer within the Victims Assistance Unit, the government aims to strengthen the principles and improve the current response to victims.

Despite the challenging economic environment, the funding to operate the new scheme will increase to \$28.8 million by the 2011-12 financial year. This is an additional \$7 million per year over and above the current criminal compensation scheme. I am grateful for the ongoing support and input from key stakeholders and community groups into the development of the new scheme. My department is committed to building relationships with the community and continuing to work collaboratively with stakeholders to ensure quality services to victims of crime in Queensland. I commend the bill to the House.

Debate, on motion of Mr Springborg, adjourned.

023

~~ADOPTION BILL~~

~~Second Reading~~

~~Resumed from 6 August (see p. 1577), on motion of Mr Reeves—~~

~~That the bill be now read a second time.~~

~~Ms NELSON CARR (Mundingburra—ALP) (2.39 pm): I rise to speak in support of the Adoption Bill 2009 and, in doing so, I want to concentrate on the adoption orders that are made by the courts. But before I do that, I want to mention briefly the ethical dilemmas that we continue to face in line with globalisation and our changing society. This bill contains major adoption reforms, such as open adoption, which will allow a child's birth and adoptive family to know each another from the time of adoption or to choose to have a closed adoption; the eligibility to lodge an expression of interest to adopt will be extended for married couples to de facto couples who have been in a relationship for at least two years; access to information that will provide changes made to the adoption laws will be made a lot fairer, ensuring that all persons have the same rights to access information regarding their adoption~~