Victims of Crime Assistance and Other Legislation Amendment Act 2023

Explanatory notes for SL 2023 No. 191

Made under the

Victims of Crime Assistance and Other Legislation Amendment Act 2023

General outline

Short title

Proclamation commencing Part 3 of the *Victims of Crime Assistance and Other Legislation Amendment Act 2023*

Authorising law

Section 2 of the *Victims of Crime Assistance and Other Legislation Amendment Act 2023* (Amendment Act).

Policy objectives and the reasons for them

The objective of the Proclamation is to fix 8 December 2023 as the commencement date for Part 3 of the Amendment Act.

The Amendment Act was passed by the Legislative Assembly on 30 November 2023 and received assent on 4 December 2023.

Section 2 of the Amendment Act provides for the commencement of Parts 2 and 3 on a day to be fixed by proclamation.

The purpose of the Amendment Act is to increase the maximum amounts of financial assistance payable to victims of acts of violence and to increase representation of victims of crime on the Queensland Sentencing Advisory Council (QSAC).

Part 3 of the Amendment Act amends the *Victims of Crime Assistance Act 2009* (Victims of Crime Assistance Act) to:

- increase the maximum amount of financial assistance payable to the following persons:
  - primary victims of acts of violence – up to $120,000;
  - parent secondary victims – up to $75,000;
  - witness secondary victims – more serious acts of violence – up to $75,000;
  - witness secondary victims – less serious acts of violence – up to $20,000;
  - related victims – up to $75,000;
  - related victims distress payments – up to $15,000; and
  - funeral expenses – up to $15,000;
- increase the amounts payable as special assistance payments:
  - Category A (including attempted murder, rape) – $15,000;
  - Category B (including attempted offence of category A, sexual offences, grievous bodily harm, torture) – $9,000;
  - Category C (including attempted offence of category B, serious assault, robbery) – $6,000;
  - Category D (including attempted offence of category C, assault, unlawful stalking) – $3,000; and
- re-categorise the special assistance payment for acts of violence that are domestic violence from Category D to Category B in Schedule 2 of the Victims of Crime Assistance Act.

This Proclamation will commence Part 3 of the Amendment Act on 8 December 2023.

Part 2 of the Amendment Act amends the *Penalties and Sentences Act 1992* in relation to QSAC membership and will commence by a separate proclamation at a later date.

Achievement of policy objectives

The policy objective is achieved by fixing 8 December 2023 as the commencement date for Part 3 of the Amendment Act.

Consistency with policy objectives of authorising law

The Proclamation is consistent with the objectives of the authorising law.

Inconsistency with policy objectives of other legislation

The Proclamation is not inconsistent with the policy objectives of other legislation.

Benefits and costs of implementation

The benefit of the Proclamation is the commencement of Part 3 of the Amendment Act which amends the Victims of Crime Assistance Act to allow victims of crime to access increased amounts of financial assistance and special assistance to better support victims and their families to recover from acts of violence committed against them.

The anticipated costs of the increased maximum amounts of financial assistance will be met through normal budget processes.

The costs associated with increasing the number of members on QSAC will be met through existing departmental allocations.

Consistency with fundamental legislative principles

The Proclamation is consistent with fundamental legislative principles.

Consultation

The Amendment Act gives effect to calls from victim support organisations to better support victims of crime by increasing the upper level of assistance available.

As the Proclamation relates to the internal management of the public sector, no regulatory impact analysis is required under the Better Regulation Policy.