



Queensland

Victims of Crime Assistance and Other Legislation Amendment Bill 2023



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2023

A Bill

for

***An Act to amend the *Penalties and Sentences Act 1992* and the
Victims of Crime Assistance Act 2009 for particular purposes***

[s 1]

The Parliament of Queensland enacts— 1

Part 1 Preliminary 2

Clause 1 Short title 3

This Act may be cited as the *Victims of Crime Assistance and Other Legislation Amendment Act 2023*. 4
5

Clause 2 Commencement 6

Parts 2 and 3 commence on a day to be fixed by proclamation. 7

Part 2 Amendment of Penalties and Sentences Act 1992 8
9

Clause 3 Act amended 10

This part amends the *Penalties and Sentences Act 1992*. 11

Clause 4 Amendment of s 201 (Appointment of members) 12

(1) Section 201(1), ‘12’— 13

omit, insert— 14

14 15

(2) Section 201— 16

insert— 17

(2A) At least 1 member of the council must be a person 18
who has lived experience as a victim of crime. 19

(3) Section 201(2A) to (4)— 20

renumber as section 201(3) to (5). 21

Part 3	Amendment of Victims of Crime Assistance Act 2009	1 2
Clause 5	Act amended	3
	This part amends the <i>Victims of Crime Assistance Act 2009</i> .	4
Clause 6	Amendment of s 38 (Amount of assistance)	5
	Section 38(1), ‘\$75,000’—	6
	<i>omit, insert—</i>	7
	\$120,000	8
Clause 7	Amendment of s 41 (Amount of assistance)	9
	Section 41(1), ‘\$50,000’—	10
	<i>omit, insert—</i>	11
	\$75,000	12
Clause 8	Amendment of s 44 (Amount of assistance)	13
	(1) Section 44(1)(a), ‘\$50,000’—	14
	<i>omit, insert—</i>	15
	\$75,000	16
	(2) Section 44(1)(b), ‘\$10,000’—	17
	<i>omit, insert—</i>	18
	\$20,000	19
Clause 9	Amendment of s 48 (Amount of assistance)	20
	Section 48(1), ‘\$50,000’—	21
	<i>omit, insert—</i>	22
	\$75,000	23

[s 10]

Clause 10	Amendment of s 49 (Composition of assistance)	1
	Section 49(f), ‘\$10,000’—	2
	<i>omit, insert—</i>	3
	\$15,000	4
Clause 11	Amendment of s 50 (Eligibility and assistance)	5
	Section 50(3) and (4), ‘\$8,000’—	6
	<i>omit, insert—</i>	7
	\$15,000	8
Clause 12	Amendment of s 111 (Recovery limited to category of act of violence for which assistance granted)	9
	(1) Section 111(2), example, ‘\$10,000’—	10
	<i>omit, insert—</i>	11
	\$15,000	12
	(2) Section 111(2), example, ‘\$3,500’—	13
	<i>omit, insert—</i>	14
	\$9,000	15
Clause 13	Insertion of new ch 10	16
	After chapter 9—	17
	<i>insert—</i>	18
		19

Chapter 10 Transitional provisions for Victims of Crime Assistance and Other Legislation Amendment Act 2023	1 2 3 4 5 6 7
221 Definition for chapter	8
In this chapter—	9
<i>amendment Act</i> means the <i>Victims of Crime Assistance and Other Legislation Amendment Act 2023</i> .	10 11 12
222 Existing applications for assistance	13
(1) This section applies if, before the commencement, an application for assistance under this Act was made but not decided.	14 15 16
(2) This Act, as amended by the amendment Act, applies to the application.	17 18
223 Recovering assistance from offender	19
(1) This section applies if—	20
(a) assistance was paid before the commencement to a person under chapter 3, part 13, division 2 for an act of violence; and	21 22 23 24
(b) at the commencement the State has not recovered the assistance granted from a person under chapter 3, part 16.	25 26 27
(2) This section also applies if assistance is paid after	28

[s 14]

	the commencement to a person under chapter 3,	1
	part 13, division 2 for an act of violence.	2
(3)	The unamended Act applies for the recovery of the assistance granted under chapter 3, part 16 if—	3
		4
		5
(a)	the act of violence happened before the commencement; or	6
		7
(b)	the act of violence is made up of a series of related crimes and 1 or more of the crimes happened before the commencement and 1 or more of the crimes happen after the commencement; or	8
		9
		10
		11
		12
(c)	the act of violence is made up of a series of related acts of domestic violence and 1 or more of the acts of domestic violence happened before the commencement and 1 or more of the acts of domestic violence happen after the commencement.	13
		14
		15
		16
		17
		18
(4)	If the act of violence happens after the commencement, this Act, as amended by the amendment Act, applies for the recovery of the assistance granted under chapter 3, part 16.	19
		20
		21
		22
(5)	In this section—	23
	<i>unamended Act</i> means this Act as in force immediately before the commencement.	24
		25
Clause 14	Amendment of sch 2 (Amounts and categories for special assistance)	26
		27
(1)	Schedule 2, section 1(3), definition <i>category B circumstances</i> , paragraph (a)(ii) and (b), ‘or a series of related acts of domestic violence’—	28
		29
		30
	<i>omit.</i>	31

-
- (2) Schedule 2, section 1(3), definition *category C circumstances*, paragraphs (a) and (b), ‘or a series of related acts of domestic violence’— 1
2
3
omit. 4
- (3) Schedule 2, section 2, table, entry for category A act of violence, column 2, ‘\$10,000’— 5
6
omit, insert— 7
\$15,000 8
- (4) Schedule 2, section 2, table, entry for category B act of violence, column 2, ‘\$3,500’— 9
10
omit, insert— 11
\$9,000 12
- (5) Schedule 2, section 2, table, entry for category C act of violence, column 2, ‘\$2,000’— 13
14
omit, insert— 15
\$6,000 16
- (6) Schedule 2, section 2, table, entry for category D act of violence, column 2, ‘\$1,000’— 17
18
omit, insert— 19
\$3,000 20
- (7) Schedule 2, section 3(2)— 21
insert— 22
(j) an act of violence that is domestic violence. 23
- (8) Schedule 2, section 3(4)(c)— 24
omit. 25