

Proclamation No. 2 – *Victims’ Commissioner and Sexual Violence Review Board Act 2024*

Explanatory notes for SL 2024 No. 152

Made under the

Victims’ Commissioner and Sexual Violence Review Board Act 2024

General Outline

Short Title

Proclamation No. 2 commencing certain provisions of the *Victims’ Commissioner and Sexual Violence Review Board Act 2024*.

Authorising law

Section 2 of the *Victims’ Commissioner and Sexual Violence Review Board Act 2024* (the Act).

Policy objectives and the reasons for them

The purpose of the proclamation is to fix 2 September 2024 as the date to commence certain provisions of the Act stated in the Schedule to the proclamation.

On 9 May 2024, the Act received assent. Section 2 of the Act provides for commencement on a day to be fixed by proclamation.

The main purposes of Act are to establish the Victims’ Commissioner to promote and protect the rights of victims of crime, to declare a charter of rights for affected victims and to establish the Sexual Violence Review Board (the Board) to identify and review systemic issues in relation to the reporting, investigation and prosecution of sexual offences. The Victims’ Commissioner and the Board will be supported by the Office of the Victims’ Commissioner.

On 29 July 2024, certain provisions of the Act commenced by proclamation to provide for:

- the establishment and appointment of the Victims’ Commissioner;
- the Victims’ Commissioner to exercise certain functions to consult with victims of crime and provide advice to the responsible Minister on issues affecting victims and the promotion of victims’ rights;

- the establishment of the Office of the Victims' Commissioner and recruitment of staff; and
- relevant consequential amendments to other relevant legislation.

The purpose of this proclamation is to commence certain provisions of the Act to:

- give effect to the remaining functions and powers of the Victims' Commissioner that have not commenced and to fully operationalise the Victims' Commissioner and the Office of the Victims' Commissioner;
- transfer the Charter of Victims' Rights (Charter) from the *Victims of Crime Assistance Act 2009* to the Act; and
- make consequential amendments to the *Evidence Act 1977*, the *Penalties and Sentences Act 1992* and the *Victims of Crime Assistance Act 2009* to give effect to the functions and powers of the Victims' Commissioner.

The remaining provisions of the Act will commence by separate proclamation.

Achievement of policy objectives

The policy objectives are achieved by fixing 2 September 2024 to commence certain provisions of the Act that will:

- give effect to the remaining functions and powers of the Victims' Commissioner; and
- transfer the Charter to the Act, which will allow the Victims' Commissioner to handle alleged Charter contraventions and complaints; and
- make consequential amendments to the *Evidence Act 1977*, the *Penalties and Sentences Act 1992* and the *Victims of Crime Assistance Act 2009*.

Consistency with policy objectives of authorising law

The proclamation is consistent with the policy objectives of the Act.

Inconsistency with policy objectives of other legislation

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

Alternative ways of achieving policy objectives

There are no alternative means to achieve the policy objectives.

Benefits and costs of implementation

Certain provisions of the Act were commenced previously by a separate proclamation to allow for the establishment and appointment of the Victims' Commissioner and establishment of the Office of the Victims' Commissioner.

Commencing provisions in the proclamation will allow the Victims' Commissioner to perform its functions and powers and will facilitate the Victims' Commissioner to promote and protect victims' rights.

The Queensland Government has allocated \$18 million over five years to support the establishment, and ongoing operation, of the Victims' Commissioner and the Board.

On 22 April 2024, the Queensland Government announced that the Office of the Victims' Commissioner will receive an additional \$2.97 million in funding to support its operations.

There are no additional costs for the Government in the making of the proclamation.

Consistency with fundamental legislative principles

The proclamation is consistent with the fundamental legislative principles.

Consultation

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