

THIS PUBLIC BILL has this day been read a Third time and passed

*The Clerk of the Parliament.*

*Legislative Assembly Chamber,  
Brisbane, November 2023*



Queensland

**No.  
A BILL for**

**An Act to amend the Penalties and Sentences Act 1992, the Police Powers and Responsibilities Act 2000 and the Victims of Crime Assistance Act 2009 for particular purposes**





## Queensland

# Victims of Crime Assistance and Other Legislation Amendment Bill 2023

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**2023**

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## **A Bill**

for

***An Act to amend the Penalties and Sentences Act 1992, the Police Powers and Responsibilities Act 2000 and the Victims of Crime Assistance Act 2009 for particular purposes***

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[s 1]

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## The Parliament of Queensland enacts—

### Part 1 Preliminary

#### 1 Short title

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

#### 2 Commencement

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

### Part 2 Amendment of Penalties and Sentences Act 1992

#### 3 Act amended

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

#### 4 Amendment of s 201 (Appointment of members)

(1) Section 201(1), ‘12’—

*omit, insert—*

14

(2) Section 201—

*insert—*

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

(3) Section 201(2A) to (4)—

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

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## Part 2A                      Amendment of Police Powers and Responsibilities Act 2000

### 4A      Act amended

This part amends the *Police Powers and Responsibilities Act 2000*.

### 4B      Amendment of s 490 (When DNA sample taken from suspected person and results must be destroyed)

Section 490—

*insert—*

- (6) This section applies subject to sections 490A and 490B.

### 4C      Insertion of new ss 490A and 490B

After section 490—

*insert—*

#### **490A Modified destruction timeframes for analysing particular DNA samples**

- (1) This section applies in relation to a DNA sample and the results of a DNA analysis of the sample if—
  - (a) the sample is taken from a person suspected of having committed an indictable offence; and
  - (b) the sample is taken during the period—
    - (i) starting at the beginning of the day on 13 June 2022; and
    - (ii) ending at the end of the day on 13 June 2025.
- (2) Section 490(1)(d) applies in relation to the DNA

[s 4C]

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sample and results as if—

- (a) the reference to a proceeding for the indictable offence not starting within 1 year after the sample is taken were a reference to the proceeding not starting within 3 years after the sample is taken; and
  - (b) the reference to destroying the sample and results within a reasonably practicable time after the end of 1 year from the day the sample is taken were a reference to destroying the sample and results within a reasonably practicable time after the end of 3 years from the day the sample is taken.
- (3) A reference in this Act or another Act to section 490 includes a reference to section 490 as modified by this section, if the context permits.

#### **490B Modified powers and destruction requirements for review of particular DNA samples**

- (1) This section applies in relation to a DNA sample and the results of a DNA analysis of the sample if—
- (a) the sample was taken from a person suspected of having committed an indictable offence (the *relevant offence*); and
  - (b) the sample was taken during the period—
    - (i) starting at the beginning of the day on 1 January 2007; and
    - (ii) ending at the end of the day on 12 June 2022; and
  - (c) immediately before the review period started, the DNA sample and results—
    - (i) were required to be destroyed under section 490; but



- (ii) had not been destroyed as required.
- (2) The DNA sample and results—
  - (a) are not required to be destroyed other than under this section; and
  - (b) may be dealt with under this chapter as if they were not required to be destroyed other than under this section.
- (3) The DNA sample and results must be destroyed within a reasonably practicable time after—
  - (a) if a circumstance mentioned in section 490(1)(a), (b) or (c) occurs in relation to the relevant offence after the review period starts—the end of 1 year from the day mentioned in the paragraph for the circumstance; or
  - (b) if a proceeding for the relevant offence is not started before the end of the review period—the day the review period ends.
- (4) However, subsection (3) does not apply if, after the review period starts, an excluding circumstance occurs in relation to the DNA sample.
- (5) The results may be destroyed in the way mentioned in section 490(5).
- (6) A reference in this Act or another Act to section 490 includes a reference to this section, if the context permits.
- (7) In this section—
  - excluding circumstance***, in relation to the DNA sample, means a circumstance mentioned in section 490(2), (3) or (4) that would have disappplied section 490(1) if that section had applied in relation to the sample.
  - review period*** means the period—

[s 4D]

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- (a) starting on the commencement; and
- (b) ending on the day that is 3 years after the commencement.

**4D Amendment of ch 24, hdg (Repeals and transitional provisions)**

Chapter 24, heading, ‘Repeals’—

*omit, insert—*

**Repeal, validation**

**4E Insertion of new ch 24, pt 25**

Chapter 24—

*insert—*

**Part 25**

**Validation provision for  
Victims of Crime  
Assistance and Other  
Legislation  
Amendment Act 2023**

**898 Validation for particular DNA samples affected  
by modifying sections**

- (1) This section applies if—
  - (a) on the commencement, a modifying section applies in relation to a DNA sample and the results of a DNA analysis of the sample; and
  - (b) immediately before the commencement, the sample and results were required to be destroyed under former section 490(1).
- (2) The keeping of the DNA sample and results is declared to be, and to always have been, as valid and lawful as if the modifying section had been in

force when destruction of the sample and results would otherwise have been required under former section 490(1).

- (3) Also, the use of the DNA sample and results in evidence or for any other purpose related to starting, continuing or discontinuing a proceeding for an indictable offence is declared to be, and to always have been, as valid and lawful as if the modifying section had been in force when destruction of the sample and results would otherwise have been required under former section 490(1).

- (4) In this section—

*former section 490(1)*, in relation to the DNA sample and results, means section 490(1) as it applied in relation to the sample and results from time to time before the commencement.

*modifying section* means section 490A or 490B.

## Part 3 **Amendment of Victims of Crime Assistance Act 2009**

### 5 **Act amended**

This part amends the *Victims of Crime Assistance Act 2009*.

### 6 **Amendment of s 38 (Amount of assistance)**

Section 38(1), ‘\$75,000’—

*omit, insert*—

\$120,000

### 7 **Amendment of s 41 (Amount of assistance)**

Section 41(1), ‘\$50,000’—

[s 8]

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*omit, insert—*

\$75,000

**8 Amendment of s 44 (Amount of assistance)**

(1) Section 44(1)(a), ‘\$50,000’—

*omit, insert—*

\$75,000

(2) Section 44(1)(b), ‘\$10,000’—

*omit, insert—*

\$20,000

**9 Amendment of s 48 (Amount of assistance)**

Section 48(1), ‘\$50,000’—

*omit, insert—*

\$75,000

**10 Amendment of s 49 (Composition of assistance)**

Section 49(f), ‘\$10,000’—

*omit, insert—*

\$15,000

**11 Amendment of s 50 (Eligibility and assistance)**

Section 50(3) and (4), ‘\$8,000’—

*omit, insert—*

\$15,000

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**12 Amendment of s 111 (Recovery limited to category of act of violence for which assistance granted)**

(1) Section 111(2), example, ‘\$10,000’—

*omit, insert—*

\$15,000

(2) Section 111(2), example, ‘\$3,500’—

*omit, insert—*

\$9,000

**13 Insertion of new ch 10**

After chapter 9—

*insert—*

**Chapter 10 Transitional provisions for Victims of Crime Assistance and Other Legislation Amendment Act 2023**

**221 Definition for chapter**

In this chapter—

*amendment Act* means the *Victims of Crime Assistance and Other Legislation Amendment Act 2023*.

**222 Existing applications for assistance**

(1) This section applies if, before the commencement, an application for assistance

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under this Act was made but not decided.

- (2) This Act, as amended by the amendment Act, applies to the application.

### **223 Recovering assistance from offender**

- (1) This section applies if—
  - (a) assistance was paid before the commencement to a person under chapter 3, part 13, division 2 for an act of violence; and
  - (b) at the commencement the State has not recovered the assistance granted from a person under chapter 3, part 16.
- (2) This section also applies if assistance is paid after the commencement to a person under chapter 3, part 13, division 2 for an act of violence.
- (3) The unamended Act applies for the recovery of the assistance granted under chapter 3, part 16 if—
  - (a) the act of violence happened before the commencement; or
  - (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
  - (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.
- (4) If the act of violence happens after the commencement, this Act, as amended by the

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amendment Act, applies for the recovery of the assistance granted under chapter 3, part 16.

(5) In this section—

*unamended Act* means this Act as in force immediately before the commencement.

#### 14 **Amendment of sch 2 (Amounts and categories for special assistance)**

(1) Schedule 2, section 1(3), definition *category B circumstances*, paragraph (a)(ii) and (b), ‘or a series of related acts of domestic violence’—

*omit.*

(2) Schedule 2, section 1(3), definition *category C circumstances*, paragraphs (a) and (b), ‘or a series of related acts of domestic violence’—

*omit.*

(3) Schedule 2, section 2, table, entry for category A act of violence, column 2, ‘\$10,000’—

*omit, insert—*

\$15,000

(4) Schedule 2, section 2, table, entry for category B act of violence, column 2, ‘\$3,500’—

*omit, insert—*

\$9,000

(5) Schedule 2, section 2, table, entry for category C act of violence, column 2, ‘\$2,000’—

*omit, insert—*

\$6,000

(6) Schedule 2, section 2, table, entry for category D act of violence, column 2, ‘\$1,000’—

*omit, insert—*

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\$3,000

(7) Schedule 2, section 3(2)—

*insert—*

(j) an act of violence that is domestic violence.

(8) Schedule 2, section 3(4)(c)—

*omit.*

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