

Impact Analysis Statement

Summary IAS

Details

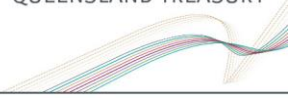
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| Lead department | Department of Justice and Attorney-General |
| Name of the proposal | Increase to maximum amount available for financial assistance and special assistance under the Financial Assistance Scheme in the <i>Victims of Crime Assistance Act 2009</i> and appointment of two additional members to the Queensland Sentencing Advisory Council |
| Submission type (Summary IAS / Consultation IAS / Decision IAS) | Summary IAS |
| Title of related legislative or regulatory instrument | Victim of Crime Assistance and Other Legislation Amendment Bill 2023 |
| Date of issue | October 2023 |

For proposals noted in table below

| Proposal type | Details |
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| Regulatory proposals where no RIA is required | <p>The Bill proposes to amend the <i>Penalties and Sentences Act 1992</i> to add two additional members to the Queensland Sentencing Advisory Council (QSAC), being a person with lived experience as a victim of crime and another person.</p> <p>The Bill will not alter the functions or powers of QSAC and only seeks to provide for the appointment of these two additional members, increasing the number of appointed members from 12 to 14.</p> <p>As these matters relate to the composition of a government body, the appointment of two additional members to QSAC are regulatory matters impacting on the internal management of the public sector. Therefore, no regulatory impact analysis is required under the Better Regulation Policy.</p> |

For all other proposals

| What is the nature, size and scope of the problem? What are the objectives of government action? |
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| <p>The <i>Victims of Crime Assistance Act 2009</i> (VOCA Act) establishes the Financial Assistance Scheme (FAS), which is intended to assist victims from recovering from acts of violence by providing financial assistance.</p> <p>The maximum amount available for financial assistance and special assistance under the FAS, except funeral assistance, has not increased since the commencement of the VOCA Act in 2009. Financial pressures on victims to recover from acts of violence have dramatically increased as high inflation raises the costs of goods and services required by victims of crime to recover, such as medical and counselling services and funeral costs. Increased financial support for victims of acts of violence is required to address the increased financial pressures on victims in recovering from acts of violence.</p> <p>Recent separate inquiries undertaken by the Women’s Safety and Justice Taskforce (Taskforce), the Independent Commission of Inquiry into Queensland Police Service responses to domestic and family violence (QPS COI) and the Legal Affairs and Safety Committee inquiry into support provided to victims of</p> |



crime (LASC Inquiry) have made several recommendations with a view to increasing the levels of support provided to victims of crime, including financial supports provided to victims of acts of violence. In addition, the Taskforce, QPS COI and the LASC Inquiry identified that additional financial support is needed to support victims of acts of domestic violence.

The Victims of Crime and Other Legislation Amendment Bill 2023 (Bill) will amend the VOCA Act to increase the following maximum amounts of assistance:

- for primary victims of crime – from \$75,000 to \$120,000;
- for parent secondary victims – from \$50,000 to \$75,000;
- for witness secondary victims for more serious acts of violence – from \$50,000 to \$75,000;
- for witness secondary victims for less serious acts of violence – from \$10,000 to \$20,000;
- for related victims – from \$50,000 to \$75,000;
- for distress payments to related victims – from \$10,000 to \$15,000;
- for funeral expenses – from \$8,000 to \$15,000;

The Bill will increase the maximum amount payable for special assistance payments for primary victims, which represent a symbolic expression by the State of the community's recognition of the injuries suffered by a victim from an act of violence. The increases are as follows:

- for category A – from \$10,000 to \$15,000;
- for category B – from \$3,500 to \$9,000;
- for category C – from \$2,000 to \$6,000; and
- for category D – from \$1,000 to \$3,000.

The Bill will re-categorise domestic violence as a category B act of violence (previously a category D act of violence) to better recognise the serious and detrimental effect of domestic violence on victim-survivors.

The Bill does not alter eligibility criteria or the process for determining applications. In addition, the Bill does not alter the ability of the State to recover assistance granted for an act of violence from a person who is convicted of a relevant offence for the Act.

What options were considered?

As the FAS is established by the VOCA Act, legislative amendment is the only available option to increase maximum amounts for financial assistance and special assistance prescribed in the VOCA Act.

What are the impacts?

The Bill will amend the VOCA Act to increase the maximum amount payable for financial assistance and special assistance, which will benefit victims of crime and further support victims to recover from acts of violence. This includes victims of domestic violence, who will be eligible to receive a greater special assistance payment to recognise the serious and detrimental effect of domestic violence on victim-survivors.

The amendments will impact the State where a victim receives a financial assistance and/or special assistance payment that is greater than the current maximum amount payable for the relevant category and that amount is not able to be recovered from the offender.

Similarly, the amendments may impact an offender who is issued a recovery notice only where the recoverable amount exceeds what is already recoverable under the current maximum payments for financial assistance and/or special assistance.

The Queensland Government has approved funding of \$185 million to increase financial assistance limits payable to victims.



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| Who was consulted? |
| Extensive consultation was undertaken with victims of crime and non-government victim support services as part of the inquiries by the Taskforce, the QPS COI and the LASC Inquiry. |
| What is the recommended option and why? |
| The recommended option is to progress legislative amendments to the VOCA Act to increase the maximum amount payable to victims for financial assistance and special assistance. Legislative amendment is the only available option as the maximum amounts financial assistance and special assistance are prescribed in the VOCA Act. |

Impact assessment

All proposals – complete:

| | First full year | First 10 years** |
|---|-----------------|------------------|
| Direct costs – Compliance costs* | Not applicable | Not applicable |
| Direct costs – Government costs | Not applicable | Not applicable |

Signed

Director-General
Department of Justice and Attorney-General

Date: 6 October 2023

Attorney-General and Minister for Justice and
Minister for the Prevention of Domestic and
Family Violence

Date: 6 October 2023