

TASMANIA

**VICTIMS OF CRIME ASSISTANCE AMENDMENT
BILL 2023**

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VICTIMS OF CRIME ASSISTANCE AMENDMENT BILL 2023

This Public Bill originated in the House of Assembly, and, having this day passed, is now ready for presentation to the Legislative Council for its concurrence.

LAURA ROSS, *Clerk of the House*
17 October 2023

*(Brought in by the Minister for Justice, the Honourable Elise
Nicole Archer)*

A BILL FOR

An Act to amend the *Victims of Crime Assistance Act 1976*

Be it enacted by Her Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:

1. Short title

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

2. Commencement

This Act commences on the day on which this Act receives the Royal Assent.

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3. Principal Act

In this Act, the *Victims of Crime Assistance Act 1976** is referred to as the Principal Act.

4. Section 5 amended (Jurisdiction of Commissioner to make awards)

Section 5 of the Principal Act is amended by inserting after subsection (9) the following subsection:

- (10) Despite subsection (9), the total amount that may be awarded to a person in respect of an application for an award of compensation is the greater of the following:
 - (a) the relevant prescribed maximum under section 6A, that applied to the person in respect of the application, at the time the application was lodged;
 - (b) the relevant prescribed maximum under section 6A, that applied to the person in respect of the application, at the time the application was determined by the Commissioner.

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5. Section 40B inserted

After section 40A of the Principal Act, the following section is inserted in Part 4:

40B. Effect of *Victims of Crime Assistance Amendment Act 2023*

- (1) The amendments to this Act made by the *Victims of Crime Assistance Amendment Act 2023* apply to the determination of an application under this Act, whether or not the application was made before or after the day on which the amendments took effect.
- (2) Any determination made by the Commissioner in relation to an application for an award of compensation under this Act is not invalid solely on the basis that the total amount awarded to a person under the application exceeded the relevant prescribed maximum under section 6A, that applied to the person at the time at which the application was lodged, if –
 - (a) the determination was made by the Commissioner on or after 15 December 2021; and
 - (b) the total amount awarded by the Commissioner in relation to the person did not exceed the relevant prescribed maximum under section 6A, that applied to the person in respect of the

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application, that was in force at the time at which the application was determined by the Commissioner.

6. Repeal of Act

This Act is repealed on the first anniversary of the day on which it commenced.