

Victims of Crime Assistance (Victims' Advocate Service) Amendment Bill 2026

Explanatory Notes

Short title

The short title of the Bill is Victims of Crime Assistance (Victims' Advocate Service) Amendment Bill 2026.

Policy objectives and the reasons for them

The Victims' Advocate Service will deliver comprehensive, targeted support for victims of crime. It will operate as the central 'front door' for victim support in Queensland, assisting victims to navigate the system and better support victims to improve their experience.

The service will provide targeted support pathways and resources to guide victims of crime from the start to the end of the justice process. It will also connect victims of crime to existing support services.

Currently, victim support services are delivered across numerous agencies. Victims of crime in Queensland frequently need to engage with a fragmented, highly complex service landscape spanning multiple agencies. This fragmented service delivery model can require victims to repeatedly recount traumatic experiences, navigate multiple government agencies and experience inconsistent access to information and support.

Achievement of policy objectives

The Victims' Advocate Service will be a central entry point to improve the experience of victims, by providing coordinated information, navigation assistance and referrals to existing services. The Victims' Advocate Service will improve access to information and support for victims of crime by providing a 'one stop shop' that is victim centred, breaking down barriers for victims and reducing the burden on victims to navigate multiple government agencies.

The Bill establishes the legislative framework underpinning the Victims' Advocate Service. It amends the *Victims of Crime Assistance Act 2009* (Qld) to:

- Establish functions of the chief executive in relation to the Victims' Advocate Service;
- Enable information sharing to allow service delivery; and
- Protect the confidentiality of information and define who may access information via the Victims' Advocate Service.

Alternative ways of achieving policy objectives

A legislative response is the most effective way to achieve the policy objectives, particularly in relation to establishing an information sharing framework. A legislative response establishes a clear legal framework, including establishment of roles, responsibilities and powers.

Importantly, a legislative response enables powers related to information sharing to be established or clarified, supporting the efficient sharing of information. This may improve outcomes for victims by avoiding unnecessary delays in receiving information.

Estimated cost for government implementation

The Queensland Government has committed \$50 million across five years and \$10 million per annum ongoing to establish and deliver a new Victims' Advocate Service. To the extent that any additional funding may be required, this will be subject to normal budget processes.

Consistency with fundamental legislative principles

The Bill has been drafted having regard to the fundamental legislative principles in the *Legislative Standards Act 1992*.

The new section 137E may depart from the fundamental legislative principle in section 4(3)(c) of the *Legislative Standards Act 1992* that administrative powers should be delegated only in appropriate cases and to appropriately qualified persons. The delegation and sub delegation powers are necessary to enable the functions of the Victims' Advocate Service to be performed by appropriately qualified persons or entities. The powers are appropriately constrained because a delegate or subdelegate must be appropriately qualified, and a sub delegation may be made only with the chief executive's written approval.

The functions that may be delegated are supportive and facilitative in nature and do not confer determinative powers affecting a person's legal rights or entitlements. The entity holding the information remains responsible for deciding whether, and to what extent, the information may be disclosed.

Accordingly, the delegation and subdelegation powers are considered appropriate and any departure from the fundamental legislative principle is justified.

Consultation

A comprehensive consultation process was conducted to develop the Victims' Advocate Service model in consultation with victims and stakeholders. This included 13 regional consultation sessions and 18 targeted stakeholder consultation sessions. Over 600 people, including victims of crime, friends and family members of victims, victim advocates, Queensland community members, and more than 150 organisations, agencies and service delivery areas supporting victims of crime engaged in the consultation process. Consultation on development of the Bill also occurred with relevant government agencies and key victim support organisations.

Consistency with legislation of other jurisdictions

The Victims' Advocate Service as proposed is unique to Queensland and not based on legislation in any other jurisdiction.

Notes on provisions

Clause 1 provides that this Act may be cited as the *Victims of Crime Assistance (Victims' Advocate Service) Amendment Act 2026*.

Clause 2 provides that this Act commences on 8 December 2026.

Clause 3 provides that this Act amends the *Victims of Crime Assistance Act 2009*.

Clause 4 amends the long title of the *Victims of Crime Assistance Act 2009* to insert 'and to assist victims to access information and services'.

Clause 5 amends section 3 (Purpose of Act).

Subclause (1) amends the heading of section 3 from 'Purpose of Act' to 'Main purposes of Act'.

Subclause (2) replaces 3(1) to provide that the main purposes of the Act are to provide a scheme to give financial assistance to certain victims of acts of violence and to provide a victims' advocate service to assist victims and other persons to access information held by government entities and services for victims provided by government entities and non-government victim service providers.

Subclause (3) makes consequential amendments to section 3(2) and (3) to clarify that the scheme mentioned in those provisions is the scheme mentioned in section 3(1)(a).

Clause 6 inserts new chapter 3A (Victims' Advocate Service) into the *Victims of Crime Assistance Act 2009*.

New Part 1 (Preliminary)

New Section 137A (Definitions)

New section 137A defines *authorisation*, *eligible person*, *function*, *government entity*, *guardian*, *head of a government entity*, *nominee*, *recognised person* and *victim* for Chapter 3A.

Authorisation, for part 3, is defined by reference to section 137H(1).

Eligible person, for a victim, means a nominee for the victim; or a recognised person for the victim; or any other entity prescribed by regulation to be an eligible person.

Function includes power.

Government entity means a public sector entity under the *Public Sector Act 2022*; or the police service.

Guardian, of a child, means a person who is recognised in law as having the duties, powers, responsibilities and authority that, by law, parents have in relation to their children.

Head, of a government entity means, for the Office of the Director of Public Prosecutions, the Director of Public Prosecutions, or otherwise, the chief executive of the government entity. This treats the Director of Public Prosecutions as the head of the Office of the Director of Public Prosecutions for the information-sharing framework in chapter 3A.

Nominee, for a victim, means an entity nominated under section 137F(1) if the nomination has not been withdrawn under section 137G.

Recognised person, for a victim, means for a victim who is a child, a parent or guardian of the child or, for a victim who is an adult with impaired capacity, an attorney appointed under an enduring power of attorney under the *Powers of Attorney Act 1998* or a guardian appointed under the *Guardianship and Administration Act 2000*.

Victim means any of the following: a victim under section 5; a person against whom an offence is committed, or alleged to have been committed, where the person's property is taken, destroyed or damaged because of the offence or alleged offence; an eligible person under the *Corrective Services Act 2006* or the *Youth Justice Act 1992*; and a person who may make an application for an information notice relating to a relevant patient under the *Mental Health Act 2016*, section 318(1).

New section 137B (Application of chapter)

New section 137B (Application of chapter) provides that chapter 3A applies to a victim, irrespective of when the victim suffered harm or when the offence, or alleged offence, is committed against the victim. It also applies in relation to any record of information held by a government entity irrespective of when the record is created.

New section 137C (Disclosure of information under chapter)

New section 137C (Disclosure of information under chapter) provides, to remove any doubt, that nothing in chapter 3A requires the head of a government entity to disclose information. For example, a person may decide to withhold information that may be disclosed under chapter 3A because the information is subject to legal professional privilege.

New Part 2 (Administration)

New section 137D (Functions)

New section 137D(1) provides that the chief executive has the following functions: to support victims and eligible persons for the victim to access information, including by requesting and receiving information for the victim or eligible person under chapter 3A and giving the victim or eligible person information received under chapter 3A; to support victims and eligible persons to access services for victims provided by government entities and non-government victim service providers; to refer any person to services for victims provided by government entities and non-government victim service providers; and to provide general information to any person about services and the administration of the criminal justice system.

New section 137D(2) clarifies that it is not a function of the chief executive to access information or support a victim by making, signing or submitting an application for a victim or eligible person for a victim. Examples include an application for victim assistance under chapter 3 and an application for registration of the victim on a register to receive regular information about an offender.

New section 137E (Delegations)

New section 137E(1) provides that the chief executive may delegate a function under section 137D to any appropriately qualified person or entity.

New section 137E(2) provides that, if the chief executive delegates a function under subsection (1), the entity may, with the written approval of the chief executive, subdelegate the function to another appropriately qualified person or appropriately qualified entity.

New section 137F (Nomination of entity as nominee)

New section 137F(1) provides that a victim, or a recognised person for the victim, may nominate an entity to act for the victim in relation to a function of the chief executive under section 137D(a) or (b).

New section 137F(2) provides the chief executive must record the name of the victim to whom the nomination relates; the name of the nominee; if the nomination is made by a recognised person, the name of the recognised person and the relationship of the recognised person to the victim; and the day on which the nomination is made. The chief executive may also record any other details the chief executive considers necessary about the nomination or nominee.

New section 137F(3) provides the nomination may be made to the chief executive orally or in writing.

New section 137F(4) provides if the chief executive considers it necessary, the nomination must be made to the chief executive in writing.

New section 137F(5) provides if the nominee is nominated by a recognised person for the victim, the recognised person must give the chief executive documentary evidence satisfying the chief executive of the relationship of the recognised person to the victim.

New section 137G (Withdrawal of nominee)

New section 137G(1) provides the section applies if the victim or recognised person for the victim withdraws the nomination, or the nominee no longer wishes to act as nominee for the victim.

New section 137G(2) provides that the victim, recognised person or nominee must give the chief executive notice, either orally or in writing, that the person is no longer the nominee for the victim and the day on which the nomination ends.

New section 137G(3) provides the chief executive must keep a written record of the information given under subsection (2).

New section 137G(4) provides if the nomination is withdrawn by a recognised person for the victim, the recognised person must give the chief executive documentary evidence satisfying the chief executive of the relationship of the recognised person to the victim.

New Part 3 (Information sharing)

New Division 1 (Preliminary)

New section 137H (Meaning of authorisation)

New section 137H(1) provides that a victim or eligible person for the victim may give the chief executive authority, called an authorisation, to act for the victim in relation to the victims' advocate service.

New section 137H(2) provides that the authorisation may be given to the chief executive orally or in writing.

New section 137H(3) provides that the authorisation may be general or limited and, unless otherwise stated in the authorisation, applies to any request under section 137M.

New section 137H(4) provides that an authorisation has effect unless it is withdrawn or ends under division 2.

New section 137I (Chief executive to have regard to victim's views or wishes)

New section 137I provides that in deciding whether to act under an authorisation, the chief executive must have regard to the views or wishes of the victim.

New Division 2 (Authorisation by victim or eligible person)

New section 137J (Verification of identity of victim or eligible person)

New section 137J(1) provides that the section applies if a victim or eligible person for a victim gives the chief executive an authorisation.

New section 137J(2) provides that the chief executive must take reasonable steps to verify the identity of the victim or eligible person for the victim.

New section 137J(3) provides that, if the authorisation is given by an eligible person for the victim who is a recognised person, the recognised person must give documentary evidence satisfying the chief executive of the recognised person's relationship to the victim.

New section 137K (Withdrawal of authorisation)

New section 137K(1) provides that a victim or an eligible person for the victim may withdraw an authorisation by giving the chief executive notice, either orally or in writing, that the authorisation is withdrawn and the day on which it is withdrawn.

New section 137K(2) provides that the chief executive must keep a written record of the information given under subsection (1). If a request given to the head of a government entity under section 137M has not been dealt with, the chief executive must notify the head of the government entity that the authorisation has been withdrawn.

New section 137K(3) provides that, if the authorisation is withdrawn by an eligible person for the victim who is a recognised person, the recognised person must give the chief executive documentary evidence satisfying the chief executive of the relationship of recognised person to the victim.

New section 137L (End of authorisation given by recognised person)

New section 137L(1) provides that an authorisation given by a recognised person for a victim who is a child ends when the child is 18 years or more.

New section 137L(2) provides that an authorisation given by a recognised person for a victim also ends if the person stops being a recognised person for the victim.

New section 137L(3) provides that subsection (4) applies if an authorisation ends and the chief executive is or becomes aware that a request given to the head of a government entity under section 137M has not been dealt with. A request that has not been dealt with would include where a request for victim information has been made but is not finalised, meaning the information may not have been shared with the eligible person yet.

New section 137L(4) requires the chief executive to notify the head of the government entity that the authorisation has ended.

New Division 3 (Requests for information)

New section 137M (Chief executive may request information)

New section 137M(1) provides that the section applies if an authorisation is in effect in relation to a victim.

New section 137M(2) provides that the chief executive may request information for the victim from the head of a government entity if the information is held by the government entity in the performance of the entity's functions under any Act or law and the victim is entitled to be given the information under an Act or law administered by the government entity.

New section 137M(3) provides the request must be in accordance with the authorisation. It also inserts a note referencing section 137I.

New section 137M(4) provides that, in making the request, the chief executive must identify the victim for whom the request is made. If the authorisation was given by an eligible person for the victim, the chief executive must also identify the eligible person and the eligible person's relationship to the victim to give the authorisation for the victim.

New section 137M(5) provides that if the head of the government entity needs further information to deal with the request, the chief executive may give the head of the entity the information it needs to comply with the request, in accordance with the authorisation.

New section 137M(6) provides that despite subsection (2), the chief executive must not:

- pay any fee or other amount payable for a request, including an application fee or administrative fee in relation to a request; or
- make a request for information under:
 - the *Information Privacy Act 2009*; or
 - the *Right to Information Act 2009*.

New section 137N (Government entity response to request)

New section 137N(1) provides that the section applies if a request for information is made to the head of a government entity under section 137M.

New section 137N(2) provides that if the head of the government entity is satisfied the information may be given to the victim under an Act or law, the head of the entity may give the information to the chief executive; or directly to the victim or eligible person for the victim.

New section 137N(3) provides that if the head of the government entity gives the information directly to the victim or eligible person for the victim, the head of the entity must notify the chief executive that the information has been given to the victim or eligible person.

New section 137N(4) provides subsection (2) permits the disclosure of the information to the chief executive or eligible person for the victim despite any other Act or law that would otherwise prohibit or restrict that disclosure. The threshold in subsection (2) must first be met, that is, the entity head must be satisfied that the information may be given to the victim under an Act or law. Subsection (4) does not override that threshold. It removes a separate legal restriction on giving the information to the chief executive or eligible person once the entity head is satisfied that the information may be given to the victim under an Act or law. If the information may not lawfully be given to the victim, subsection (4) does not authorise its release.

New section 137N(5) provides that to remove any doubt, it is declared that nothing in this section affects the operation of an Act or law, except as provided under subsection (4), in relation to:

- (a) dealing with a request for information; or
- (b) deciding a request for information; or
- (c) a limitation on the purposes for which the information may be used or disclosed.

New section 137O (Chief executive must give information to victim or eligible person)

New section 137O(1) provides that the section applies if the chief executive is given information under section 137N, unless the chief executive is otherwise aware that the information has been given to the victim or eligible person for the victim.

New section 137O(2) provides that the chief executive must take reasonable steps to give information to the victim or eligible person for the victim.

New section 137O(3) provides that if information is given to the chief executive subject to a limitation on the purposes for which it may be used or disclosed, the chief executive must inform the victim or eligible person for the victim of the limitation.

Clause 7 amends section 139 (Functions of victim services coordinator) to omit the definition of victim service providers from section 139(2). The definition is instead inserted into schedule 3 by clause 10.

Clause 8 amends section 140 (Confidentiality) to insert new subsection 140(3)(d). The amendment permits a prescribed person to disclose information, or give access to a document, if the information is disclosed or the document is accessed under chapter 3A and the prescribed person is satisfied on reasonable grounds that the disclosure or access is required to lessen or prevent a serious threat to the life, health, safety or welfare of an individual, or the health, safety or welfare of the public.

Clause 9 amends section 140A (Disclosure by scheme manager of information for research purposes).

Subclause (1) inserts 'or chief executive' in the heading of section 140A, after 'manager'.

Subclause (2) inserts new subsection 140A(1A) which provides that the chief executive may disclose confidential information obtained in performance of a function or exercise of a power under chapter 3A, other than information obtained under section 137N, to a person undertaking research if:

- the chief executive is satisfied the research is genuine; and
- the person gives a written undertaking to preserve the confidentiality of the information and the anonymity of the person to whom the information relates.

Subclause (3) amends references in section 140A(2) and (3) to an undertaking so that they refer to an undertaking mentioned in subsections (1)(b) or (2)(b).

Subclause (4) renumbers section 140A(1A) to (4) as section 140A(2) to (5).

Clause 10 amends schedule 3 (Dictionary)

Subclause (1) omits the definition of *guardian*.

Subclause (2) inserts in Schedule 3 definitions of *authorisation*, *director of public prosecutions*, *eligible person*, *function*, *government entity*, *guardian*, *head of a government entity*, *nominee*, *office of*

the director of public prosecutions, police service, recognised person, victims' advocate service and victim service providers.

Subclause (3) amends the definition of *official* in schedule 3 to include, as paragraph (g), a person performing a function or exercising a power under chapter 3A.

Subclause (4) amends the definition of victim in Schedule 3 by inserting for chapter 3A a reference to section 137A.

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