

2003

THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

(As presented)

(Attorney-General)

Victims of Crime (Financial Assistance) Amendment Bill 2003

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Victims of Crime (Financial Assistance) Amendment Bill 2003

A Bill for

An Act to amend the *Victims of Crime (Financial Assistance) Act 1983*, and for other purposes

The Legislative Assembly for the Australian Capital Territory enacts as follows:

1 **1 Name of Act**

2 This Act is the *Victims of Crime (Financial Assistance) Amendment*
3 *Act 2003*.

4 **2 Commencement**

5 This Act commences on the day after its notification day.

6 *Note* The naming and commencement provisions automatically commence on
7 the notification day (see Legislation Act, s 75 (1)).

8 **3 Act amended**

9 This Act amends the *Victims of Crime (Financial Assistance) Act*
10 *1983*.

11 *Note* This Act also amends the *Victims of Crime (Financial Assistance)*
12 *Regulations 1998* (see s 15).

13 **4 Definitions for Act**
14 **Section 2, definitions**

15 *relocate to dictionary*

16 **5 Section 2, remainder**

17 *substitute*

18 **2 Dictionary**

19 The dictionary at the end of this Act is part of this Act.

20 *Note 1* The dictionary at the end of this Act defines certain terms used in this
21 Act, and includes references (*signpost definitions*) to other terms
22 defined elsewhere in this Act.

23 For example, the signpost definition ‘*criminal injury*—see section 4.’
24 means that the term ‘criminal injury’ is defined in that section.

25 *Note 2* A definition in the dictionary (including a signpost definition) applies to
26 the entire Act unless the definition, or another provision of the Act,

provides otherwise or the contrary intention otherwise appears (see Legislation Act, s 155 and s 156 (1)).

2A Notes

A note included in this Act is explanatory and is not part of this Act.

Note See Legislation Act, s 127 (1), (4) and (5) for the legal status of notes.

6 Financial assistance for primary victims and responsible persons Section 10 (1) (d), (e) and (f)

substitute

(d) special assistance of \$30,000.

7 Section 10 (5)

omit

8 No financial assistance for primary victims or responsible persons Section 12 (1) (b) and (c)

substitute

(b) if the amount of the assistance that would be awarded apart from this subsection is less than \$100.

9 No financial assistance for related victims Section 18 (1) (c) and (d)

substitute

(c) if, at the time the criminal injury was sustained, the primary victim was engaged in the commission of a serious crime.

1 **10 Application for financial assistance**
2 **Section 27 (1), note**

3 *omit*

4 **11 Section 27 (1) (b) (v)**

5 *omit last mention of*

6 incapable

7 *substitute*

8 incapable; and

9 **12 New section 27 (1) (b) (vi)**

10 *insert*

11 (vi) any other document under the applicant's control that is
12 relevant to the claim.

13 **Examples of other documents relevant to the claim**

14 1 photographs of injuries or damaged property

15 2 dental records

16 3 statements from witnesses at the scene of the crime

17 *Note 1* An example is part of the Act, is not exhaustive and may extend, but
18 does not limit, the meaning of the provision in which it appears (see
19 Legislation Act, s 126 and s 132).

20 *Note 2* If a form is approved under s 73 for an application, the form must be
21 used.

Part 8 Transitional—Victims of Crime (Financial Assistance) Amendment Act 2003

In this part:

81 Pre-commencement day applications

82 Pre-commencement day injuries

83 Expiry of part 8

- ## 14 New dictionary

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Dictionary

(see s 2)

Note 1 The Legislation Act contains definitions and other provisions relevant to this Act.

Note 2 For example, the Legislation Act, dict, pt 1 defines the following terms:

- ACT
- chief executive (see s 163)
- government solicitor
- police officer
- the Territory.

assisted person, for part 4 (Recovery of financial assistance)—see section 52.

convicted—see section 6 (References to convictions—finding of proof without proceeding to conviction).

Note For an extended meaning of ***convicted*** for pt 5 (Compensation levy), see s 67.

conviction—see section 6.

defendant, for part 4 (Recovery of financial assistance)—see section 52.

levy, for part 5 (Compensation levy)—see section 65.

notice of objection, for part 4 (Recovery of financial assistance)—see section 52.

order for restitution, for part 4 (Recovery of financial assistance)—see section 52.

provisional order for restitution, for part 4 (Recovery of financial assistance)—see section 52.

recovery proceedings, for part 4 (Recovery of financial assistance)—see section 52.

1 *related crime*, for part 4 (Recovery of financial assistance)—see
2 section 52.

3 **15 Victims of Crime (Financial Assistance) Regulations 1998,**
4 **regulation 3A**

5 *omit*

6 \$650

7 *substitute*

8 \$800

Endnote

Republications of amended laws

For the latest republication of amended laws, see www.legislation.act.gov.au.