



Australian Capital Territory

Victims of Crime (Financial Assistance) Amendment Act 2024

A2024-28

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Australian Capital Territory

Victims of Crime (Financial Assistance) Amendment Act 2024

A2024-28

An Act to amend the *Victims of Crime (Financial Assistance) Act 2016*

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

1 Name of Act

This Act is the *Victims of Crime (Financial Assistance) Amendment Act 2024*.

2 Commencement

- (1) This Act (other than the provisions mentioned in subsection (2)) commences on the day after its notification day.

Note The naming and commencement provisions automatically commence on the notification day (see [Legislation Act](#), s 75 (1)).

- (2) The following provisions commence on 1 July 2025:

- sections 4 and 5
- sections 8 to 10
- section 12
- section 15
- section 17.

3 Legislation amended

This Act amends the *Victims of Crime (Financial Assistance) Act 2016*.

4 Meaning of *act of violence* Section 7 (1), new note

insert

Note For criminal injuries before the commencement of this Act, see s 98 (Applications for financial assistance in relation to criminal injuries before commencement of this Act).

**5 Meaning of *circumstance of aggravation* for an offence
Section 8**

omit

**6 Meaning of *class B related victim*
Section 14, definition of *class B related victim*, paragraph
(b), except note**

substitute

- (b) is 1 of the following:
- (i) a close family member of the primary victim;
 - (ii) an intimate partner of the primary victim.

**7 Meaning of *class C related victim*
Section 15 (2), definition of *family member***

substitute

family member, of a primary victim, means a person who is—

- (a) a brother, sister, stepbrother, stepsister, half-brother or half-sister of the primary victim; or
- (b) if the primary victim was an Aboriginal or a Torres Strait Islander person—regarded, in accordance with the traditions and customs of the primary victim’s Aboriginal community or Torres Strait Islander community, as a person mentioned in paragraph (a).

**8 Recognition payment for primary victim
Section 28 (2) (b)**

substitute

- (b) the amount of the recognition payment in relation to the offence.

**9 Deciding matters relevant to application for financial assistance generally
Section 43, example 2**

omit

**10 Deciding whether applications involve related acts of violence
Section 44 (7)**

omit

**11 Circumstances in which financial assistance must not be given
Section 45 (3) (b)**

substitute

- (b) tell the applicant, by written notice, the commissioner's decision if—
- (i) the commissioner decided that no disqualifying circumstances apply in relation to the applicant; or
 - (ii) the applicant gave reasons and the commissioner decided that a disqualifying circumstance applies in relation to the applicant.

**12 Deciding amount of financial assistance
Section 46 (2) (c) (ii)**

omit

**13 Secrecy
Section 89 (4), new note**

insert

Note See also s 95A (Application material not admissible in certain court proceedings).

14 New section 95A

in part 10, insert

95A Application material not admissible in certain court proceedings

- (1) Application material, or information about its contents, is not admissible in evidence in a court proceeding.
- (2) No-one may be compelled, in or in relation to a court proceeding—
 - (a) to produce a document that is application material; or
 - (b) to disclose application material or information about its contents.
- (3) However, this section does not apply to a court proceeding—
 - (a) under or in relation to this Act; or
 - (b) for an offence that involves dishonesty in which the application material is a fact in issue; or
 - (c) related to a proceeding mentioned in paragraph (a) or (b).
- (4) In this section:
application material means—
 - (a) an application—
 - (i) for financial assistance; or
 - (ii) under section 49 to vary an amount of financial assistance; or
 - (iii) under section 52 for a funeral expense payment; or
 - (b) a document accompanying the application; or
 - (c) any other document given to an official about the application (whether or not given by the applicant); or

- (d) an oral communication made to an official about the application (whether or not made by the applicant); or
 - (e) a document prepared by an official in relation to the application.
- official*—see section 85.

15 New section 98

insert

98 Applications for financial assistance in relation to criminal injuries before commencement of this Act

- (1) This section applies if, immediately before 1 July 2016, a person was entitled to make an application in relation to a criminal injury under the *Victims of Crime (Financial Assistance) Act 1983* (repealed), section 27 (Application for financial assistance).

Note The *Victims of Crime (Financial Assistance) Act 1983* was repealed, and this Act commenced, on 1 July 2016.

- (2) The person may apply for financial assistance under this Act as if the conduct that resulted in the criminal injury had occurred on or after 1 July 2016.

Note Time limits apply for making an application for financial assistance (see s 32).

- (3) However, subsection (2) does not apply if the person has received financial assistance in relation to the criminal injury under—
 - (a) the *Victims of Crime (Financial Assistance) Act 1983* (repealed); or
 - (b) this Act, in accordance with expired section 203.

- (4) Any right of the person to make an application, on or after the commencement day, for financial assistance in accordance with expired section 203 is extinguished.

Note Expired section 203 was a transitional provision that allowed applications that could have been made under the [Victims of Crime \(Financial Assistance\) Act 1983](#) to be made under this Act despite the former Act's repeal.

- (5) Subsection (4) does not affect the person's right to receive financial assistance under expired section 203 for an application made under that section, but not decided by the commissioner, before the commencement day.

- (6) In this section:

commencement day means the day the *Victims of Crime (Financial Assistance) Amendment Act 2024*, section 15 commences.

expired section 203 means section 203, as in force immediately before 1 July 2021.

16 General offences Schedule 1, division 1.2.1, new item 2A

insert

2A	Crimes Act	an offence against pt 3A	intimate image abuse
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17 Dictionary, definitions of *circumstance of aggravation* and *very serious injury*

omit

Endnotes

1 Presentation speech

Presentation speech made in the Legislative Assembly on 11 April 2024.

2 Notification

Notified under the [Legislation Act](#) on 19 June 2024.

3 Republications of amended laws

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

I certify that the above is a true copy of the Victims of Crime (Financial Assistance) Amendment Bill 2024, which was passed by the Legislative Assembly on 6 June 2024.

Clerk of the Legislative Assembly

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