

**2018**

**LEGISLATIVE ASSEMBLY FOR THE  
AUSTRALIAN CAPITAL TERRITORY**

**VICTIMS OF CRIME (FINANCIAL ASSISTANCE) AMENDMENT REGULATION  
2018 (No 1)**

**SL2018-20**

**EXPLANATORY STATEMENT**

**Presented by  
Shane Rattenbury MLA  
Minister for Justice, Consumer Affairs and Road Safety**

# VICTIMS OF CRIME (FINANCIAL ASSISTANCE) AMENDMENT REGULATION 2018 (No 1)

SL2018-22

## Increase of Victim of Crime Financial Assistance Scheme payments by Consumer Price Index

### *Overview*

The *Victims of Crime (Financial Assistance) Act 2016* commenced on 1 May 2017 to provide financial assistance for people affected by acts of violence.

These amendments to the *Victims of Crime (Financial Assistance) Regulation 2016* are made under section 25 of the *Victims of Crime (Financial Assistance) Act 2016*.

### *Purpose of the amendment*

Section 25 of the *Victims of Crime (Financial Assistance) Act 2016* requires yearly Consumer Price Index (CPI) increases for payments provided to victims under four sections:

- a) maximum total financial assistance payments (section 24),
- b) recognition payment for primary victim (section 28),
- c) recognition payment for class A related victim (section 29), and
- d) recognition payment for class B related victim (section 30).

This regulation amendment will bring payment amounts in line with the current CPI.

### *Outline of amendments*

Financial Assistance Scheme payments have amounts prescribed by the *Victims of Crime (Financial Assistance) Regulation 2016*.

#### Clause 1 – Name of regulation

This clause outlines that the regulation is the *Victims of Crime (Financial Assistance) Amendment Regulation 2018 (No 1)*.

#### Clause 2 – Commencement

This clause outlines that the regulation commences on the day after its notification, according to the *Legislation Act 2001* (section 75).

Clause 2 – Legislation amended

This clause outlines that the regulation amends the *Victims of Crime (Financial Assistance) Regulation 2016*.

Clause 4 – Section 5

This clause brings maximum total financial assistance payments in line with CPI as per the below figures:

- a) for a primary victim – from \$50 000 to \$52 173,
- b) for a class A related victim – from \$30 000 to \$31 303,
- c) for a class B related victim – from \$20 000 to \$20 869,
- d) for a class C related victim – from \$10 000 to \$10 434, and
- e) for a homicide witness – from \$10 000 to \$10 434.

If an application for financial assistance relates only to an act of violence that occurs in the course of a family violence offence, the amount will increase from \$10 000 to \$10 434.

Clause 5 – Table 8

This clause brings table 8, recognition payment for primary victims, in line with CPI as per the below table.

Table: CPI increase to recognition payments for primary victims

<b>column 1 item</b>	<b>column 2 offence in course of which act of violence must occur</b>	<b>column 3 recognitio n payment —general</b>	<b>column 4 recognition payment— 1 circumstan ce of aggravation</b>	<b>column 5 recognition payment— 2 or more circumstanc es of aggravation</b>	<b>column 6 recognition payment— very serious injury that is likely to be permanent</b>
1	sexual offence punishable by imprisonment for 14 years or more	from \$15 000 to \$15 651	from \$18 750 to \$19 564	from \$22 500 to \$23 477	from \$26 250 to \$27 390
2	attempt or conspiracy to commit homicide	from \$15 000 to \$15 651	from \$18 750 to \$19 564	from \$22 500 to \$23 477	from \$26 250 to \$27 390

<b>column 1 item</b>	<b>column 2 offence in course of which act of violence must occur</b>	<b>column 3 recognitio n payment —general</b>	<b>column 4 recognition payment— 1 circumstan ce of aggravation</b>	<b>column 5 recognition payment— 2 or more circumstanc es of aggravation</b>	<b>column 6 recognition payment— very serious injury that is likely to be permanent</b>
3	sexual offence punishable by imprisonment for 10 years or more, but less than 14 years	from \$8 000 to \$8 347	from \$10 000 to \$10 434	from \$12 000 to \$12 521	from \$14 000 to \$14 608
4	offence against the person resulting in grievous bodily harm	from \$8 000 to \$8 347	from \$10 000 to \$10 434	from \$12 000 to \$12 521	from \$14 000 to \$14 608
5	attempt or conspiracy to commit a sexual offence punishable by imprisonment for 14 years or more	from \$8 000 to \$8 347	from \$10 000 to \$10 434	from \$12 000 to \$12 521	from \$14 000 to \$14 608
6	sexual offence punishable by imprisonment for less than 10 years	from \$2 000 to \$2 086	from \$2 500 to \$2 608	from \$3 000 to \$3 130	from \$3 500 to \$3 652
7	offence against the person resulting in actual bodily harm	from \$2 000 to \$2 086	from \$2 500 to \$2 608	from \$3 000 to \$3 130	from \$3 500 to \$3 652
8	robbery in company or with an offensive weapon	from \$2 000 to \$2 086	from \$2 500 to \$2 608	from \$3 000 to \$3 130	from \$3 500 to \$3 652

<b>column 1 item</b>	<b>column 2 offence in course of which act of violence must occur</b>	<b>column 3 recognitio n payment —general</b>	<b>column 4 recognition payment— 1 circumstan ce of aggravation</b>	<b>column 5 recognition payment— 2 or more circumstanc es of aggravation</b>	<b>column 6 recognition payment— very serious injury that is likely to be permanent</b>
9	attempt or conspiracy to commit a sexual offence punishable by imprisonment for 10 years or more but less than 14 years	from \$2 000 to \$2 086	from \$2 500 to \$2 608	from \$3 000 to \$3 130	from \$3 500 to \$3 652
10	attempt, threat or conspiracy to commit an offence against the person resulting in grievous bodily harm	from \$2 000 to \$2 086	from \$2 500 to \$2 608	from \$3 000 to \$3 130	from \$3 500 to \$3 652
11	offences involving deprivation of liberty (including kidnapping, forcible confinement)	from \$2 000 to \$2 086	from \$2 500 to \$2 608	from \$3 000 to \$3 130	from \$3 500 to \$3 652
12	offence against the person not resulting in actual bodily harm	from \$1 000 to \$1 043	from \$1 250 to \$1 304	from \$1 500 to \$1 565	from \$1 750 to \$1 826

<b>column 1 item</b>	<b>column 2 offence in course of which act of violence must occur</b>	<b>column 3 recognitio n payment —general</b>	<b>column 4 recognition payment— 1 circumstan ce of aggravation</b>	<b>column 5 recognition payment— 2 or more circumstanc es of aggravation</b>	<b>column 6 recognition payment— very serious injury that is likely to be permanent</b>
13	attempt or conspiracy to commit a sexual offence punishable by imprisonment for less than 10 years	from \$1 000 to \$1 043	from \$1 250 to \$1 304	from \$1 500 to \$1 565	from \$1 750 to \$1 826
14	attempt, threat or conspiracy to commit an offence against the person resulting in actual bodily harm	from \$1 000 to \$1 043	from \$1 250 to \$1 304	from \$1 500 to \$1 565	from \$1 750 to \$1 826

### Clause 6 – Section 9

This clause brings section 9, recognition payment for class A related victim, in line with CPI from \$20 000 to \$20 869.

### Clause 7 – Section 10

This clause brings section 10, recognition payment for class B related victim, in line with CPI from \$10 000 to \$10 434.

### ***Human rights implications***

This regulation amendment supports the human rights of victims of crime by bringing financial assistance payments in line with CPI.

### ***Regulatory impact analysis***

This regulation amendment will not impose an appreciable cost on the community.

### ***Climate Change impacts***

This regulation amendment has no identified climate change impacts.