

Australian Capital Territory

Victims of Crime (Financial Assistance) Amendment Regulation 2020 (No 1)

Subordinate law SL2020–23

made under the

Victims of Crime (Financial Assistance) Act 2016, section 25 (CPI indexation of certain prescribed amounts)

EXPLANATORY STATEMENT

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

This regulation amends the *Victims of Crime (Financial Assistance) Regulation 2016*, which prescribes payment amounts for victims of crime under the *Victims of Crime (Financial Assistance) Act 2016* (the Act).

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

- a) maximum total financial assistance (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 will bring payment amounts under these sections in line with the All Groups CPI (Canberra) for March 2019-March 2020 (as issued by the Australian Statistician) at 2%.

Human rights considerations

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

Regulatory impact implications

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

Climate change implications

This regulation has no identified climate change impacts.

CLAUSE NOTES

Clause 1 Name of regulation

This clause outlines that the regulation is the *Victims of Crime (Financial Assistance) Amendment Regulation 2020 (No 1)*.

Clause 2 Commencement

This clause outlines that the regulation commences on 1 July 2020.

Clause 3 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 \$53 112 to \$54 174,
- b) for a class A related victim – from \$31 866 to \$32 503,
- c) for a class B related victim – from \$21 244 to \$21 669,
- d) for a class C related victim – from \$10 621 to \$10 833, and
- e) for a homicide witness – from \$10 621 to \$10 833.

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 \$10 621 to \$10 833.

Clause 5 Section 8 (5)

This clause rectifies an inconsistency between the *Victims of Crime (Financial Assistance) Regulation 2016* and the Act. Previously, Section 8 (5) of the *Victims of Crime (Financial Assistance) Regulation 2016* referred to “serious injury that is permanent”, rather than “serious injury that is likely to be permanent” as stated in the Act under section 28 (2) (b) (iii). This clause rectifies that by adding the words “likely to be”.

This clause does not relate to bringing payments in line with CPI but aligns wording to ensure payments are applied correctly.

Clause 6 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

column 1 item	column 2 offence in course of which act of violence must occur	column 3 recognition payment— general	column 4 recognition payment— 1 circumstance of aggravation	column 5 recognition payment— 2 or more circumstances of aggravation	column 6 recognition payment— very serious injury that is likely to be permanent
1	sexual offence punishable by imprisonment for 14 years or more	from \$15 932 to \$16 251	from \$19 916 to \$20 314	from \$23 899 to \$24 377	from \$27 883 to \$28 441
2	attempt or conspiracy to commit homicide	from \$15 932 to \$16 251	from \$19 916 to \$20 314	from \$23 899 to \$24 377	from \$27 883 to \$28 441
3	sexual offence punishable by imprisonment for 10 years or more, but less than 14 years	from \$8 497 to \$8 667	from \$10 621 to \$10 833	from \$12 746 to \$13 001	from \$14 870 to \$15 167
4	offence against the person resulting in grievous bodily harm	from \$8 497 to \$8 667	from \$10 621 to \$10 833	from \$12 746 to \$13 001	from \$14 870 to 15 167
5	attempt or conspiracy to commit a sexual offence punishable by imprisonment for 14 years or more	from \$8 497 to \$8 667	from \$10 621 to \$10 833	from \$12 746 to \$13 001	from \$14 870 to \$15 167
6	sexual offence punishable by imprisonment for less than 10 years	from \$2 123 to \$2 165	from \$2 654 to \$2 707	from \$3 186 to \$3 250	from \$3 717 to \$3 791

column 1 item	column 2 offence in course of which act of violence must occur	column 3 recognition payment— general	column 4 recognition payment— 1 circumstan ce of aggravation	column 5 recognition payment— 2 or more circumstances of aggravation	column 6 recognition payment— very serious injury that is likely to be permanent
7	offence against the person resulting in actual bodily harm	from \$2 123 to \$2 165	from \$2 654 to \$2 707	from \$3 186 to \$3 250	from \$3 717 to \$3 791
8	robbery in company or with an offensive weapon	from \$2 123 to \$2 165	from \$2 654 to \$2 707	from \$3 186 to \$3 250	from \$3 717 to \$3 791
9	attempt or conspiracy to commit a sexual offence punishable by imprisonment for 10 years or more but less than 14 years	from \$2 123 to \$2 165	from \$2 654 to \$2 707	from \$3 186 to \$3 250	from \$3 717 to \$3 791
10	attempt, threat or conspiracy to commit an offence against the person resulting in grievous bodily harm	from \$2 123 to \$2 165	from \$2 654 to \$2 707	from \$3 186 to \$3 250	from \$3 717 to \$3 791
11	offences involving deprivation of liberty (including kidnapping, forcible confinement)	from \$2 123 to \$2 165	from \$2 654 to \$2 707	from \$3 186 to \$3 250	from \$3 717 to \$3 791

column 1 item	column 2 offence in course of which act of violence must occur	column 3 recognition payment— general	column 4 recognition payment— 1 circumstance of aggravation	column 5 recognition payment— 2 or more circumstances of aggravation	column 6 recognition payment— very serious injury that is likely to be permanent
12	offence against the person not resulting in actual bodily harm	from \$1 061 to \$1 082	from \$1 327 to \$1 354	from \$1 593 to \$1 625	from \$1 858 to \$1 895
13	attempt or conspiracy to commit a sexual offence punishable by imprisonment for less than 10 years	from \$1 061 to \$1 082	from \$1 327 to \$1 354	from \$1 593 to \$1 625	from \$1 858 to \$1 895
14	attempt, threat or conspiracy to commit an offence against the person resulting in actual bodily harm	from \$1 061 to \$1 082	from \$1 327 to \$1 354	from \$1 593 to \$1 625	from \$1 858 to \$1 895

Clause 7 Section 9

This clause brings section 9, recognition payment for class A related victim, in line with CPI from \$21 244 to \$21 669.

Clause 8 Section 10

This clause brings section 10, recognition payment for class B related victim, in line with CPI from \$10 621 to \$10 833.