Australian Capital Territory

Victims of Crime (Financial Assistance) Amendment Regulation 2021 (No 1)

**Subordinate law SL2020–11**

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:

* 1. maximum total financial assistance (section 24),
  2. recognition payment for primary victim (section 28),
  3. recognition payment for class A related victim (section 29), and
  4. 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 2020-March 2021 (as issued by the Australian Statistician) at 1.6%.

**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 2021* *(No 1)*.

**Clause 2 Commencement**

This clause outlines that the regulation commences on 1 July 2021.

**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:

1. for a primary victim – from $54 174 to $55 041,
2. for a class A related victim – from $32 503 to $33 023,
3. for a class B related victim – from $21 669 to $22 016,
4. for a class C related victim – from $10 833 to $11 006, and
5. for a homicide witness – from $10 833 to $11 006.

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 $10 833 to $11 006.

**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

| **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 $16 251 to $16 511 | from $20 314 to $20 639 | from $24 377 to $24 767 | from $28 441 to $28 896 |
| 2 | attempt or conspiracy to commit homicide | from $16 251 to $16 511 | from $20 314 to $20 639 | from $24 377 to $24 767 | from $28 441 to $28 896 |
| 3 | sexual offence punishable by imprisonment for 10 years or more, but less than 14 years | from $8 667 to $8 806 | from $10 833 to $11 006 | from $13 001 to $13 209 | from $15 167 to $15 409 |
| 4 | offence against the person resulting in grievous bodily harm | from $8 667 to $8 806 | from $10 833 to $11 006 | from $13 001 to $13 209 | from $15 167 to $15 409 |
| 5 | attempt or conspiracy to commit a sexual offence punishable by imprisonment for 14 years or more | from $8 667 to $8 806 | from $10 833 to $11 006 | from $13 001 to $13 209 | from $15 167 to $15 409 |
| 6 | sexual offence punishable by imprisonment for less than 10 years | from $2 165 to $2 200 | from $2 707 to $2 750 | from $3 250 to $3 302 | from $3 791 to $3 852 |
| 7 | offence against the person resulting in actual bodily harm | from $2 165 to $2 200 | from $2 707 to $2 750 | from $3 250 to $3 302 | from $3 791 to $3 852 |
| 8 | robbery in company or with an offensive weapon | from $2 165 to $2 200 | from $2 707 to $2 750 | from $3 250 to $3 302 | from $3 791 to $3 852 |
| 9 | attempt or conspiracy to commit a sexual offence punishable by imprisonment for 10 years or more but less than 14 years | from $2 165 to $2 200 | from $2 707 to $2 750 | from $3 250 to $3 302 | from $3 791 to $3 852 |
| 10 | attempt, threat or conspiracy to commit an offence against the person resulting in grievous bodily harm | from $2 165 to $2 200 | from $2 707 to $2 750 | from $3 250 to $3 302 | from $3 791 to $3 852 |
| 11 | offences involving deprivation of liberty (including kidnapping, forcible confinement) | from $2 165 to $2 200 | from $2 707 to $2 750 | from $3 250 to $3 302 | from $3 791 to $3 852 |
| 12 | offence against the person not resulting in actual bodily harm | from $1 082 to $1 099 | from $1 354 to $1 367 | from $1 625 to $1 651 | from $1 895 to $1 925 |
| 13 | attempt or conspiracy to commit a sexual offence punishable by imprisonment for less than 10 years | from $1 082 to $1 099 | from $1 354 to $1 367 | from $1 625 to $1 651 | from $1 895 to $1 925 |
| 14 | attempt, threat or conspiracy to commit an offence against the person resulting in actual bodily harm | from $1 082 to $1 099 | from $1 354 to $1 367 | from $1 625 to $1 651 | from $1 895 to $1 925 |

**Clause 6 Section 9**

This clause brings section 9, recognition payment for class A related victim, in line with CPI from $21 669 to $22 016.

**Clause 7 Section 10**

This clause brings section 10, recognition payment for class B related victim, in line with CPI from $10 833 to $11 006.