

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:

- 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 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:

- a) for a primary victim – from \$54 174 to \$55 041,
- b) for a class A related victim – from \$32 503 to \$33 023,
- c) for a class B related victim – from \$21 669 to \$22 016,
- d) for a class C related victim – from \$10 833 to \$11 006, and
- e) 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

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 \$2 165 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

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
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.