

Australian Capital Territory

# Victims of Crime (Financial Assistance) Amendment Regulation 2023 (No 1)

Subordinate Law SL2023-13

made under the

*Victims of Crime (Financial Assistance) Act 2016*, sections 25 and 97 (CPI and WPI indexation of certain prescribed amounts)

## EXPLANATORY STATEMENT

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The *Victims of Crime (Financial Assistance) Act 2016* (the Act) 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 and limitations for victims of crime under the Act.

Section 25 of the Act 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 2022 to March 2023 (as issued by the Australian Statistician) at 7 per cent.

Section 97 of the *Victims of Crime (Financial Assistance) Act 2016* requires yearly Wage Price Index (WPI) increases for limitations on lawyers legal costs under section 96.

This regulation will bring limitation amounts under this section into line with the All Groups WPI (Canberra) for March 2022 to March 2023 (as issued by the Australian Statistician) at 3.6 per cent.

## **CLAUSE NOTES**

### **Clause 1      Name of regulation**

This clause provides that the regulation is the *Victims of Crime (Financial Assistance) Amendment Regulation 2023 (No 1)*.

### **Clause 2      Commencement**

This clause provides that the regulation commences on 1 July 2023.

### **Clause 3      Legislation amended**

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

### **Clause 4      Section 5**

This clause amends section 5 of the 2016 Regulation by increasing the maximum total financial assistance amounts payable in line with the CPI increase reported by the Australian statistician for the period March 2022 to March 2023. The increases are set out below:

- a) for a primary victim – from \$58,013 to \$62,074,
- b) for a class A related victim – from \$34,806 to \$37,242,
- c) for a class B related victim – from \$23,204 to \$24,828,
- d) for a class C related victim – from \$11,600 to \$12,412, and
- e) for a homicide witness – from \$11,600 to \$12,412.

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 \$11,600 to \$12,412.

### **Clause 5      Table 8**

This clause amends Table 8 of the 2016 Regulations by increasing the recognition payment amounts for primary victims with the CPI increase reported by the Australian statistician for the period March 2022 to March 2023. The increases are set out below:

<b>column 1 item</b>	<b>column 2 offence in course of which act of violence must occur</b>	<b>column 3 recognition payment— general</b>	<b>column 4 recognition payment – 1 circumstance of aggravation</b>	<b>column 5 recognition payment— 2 or more circumstances 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 \$17,402 to \$18,620	from \$21,753 to \$23,276	from \$26,104 to \$27,931	from \$30,456 to \$32,588
2	attempt or conspiracy to commit homicide	from \$17,402 to \$18,620	from \$21,753 to \$23,276	from \$26,104 to \$27,931	from \$30,456 to \$32,588
3	sexual offence punishable by imprisonment for 10 years or more, but less than 14 years	from \$9,281 to \$9,931	from \$11,600 to \$12,412	from \$13,922 to \$14,897	from \$16,241 to \$17,378
4	offence against the person resulting in grievous bodily harm	from \$9,281 to \$9,931	from \$11,600 to \$12,412	from \$13,922 to \$14,897	from \$16,241 to \$17,378
5	attempt or conspiracy to commit a sexual offence punishable by imprisonment for 14 years or more	from \$9,281 to \$9,931	from \$11,600 to \$12,412	from \$13,922 to \$14,897	from \$16,241 to \$17,378

<b>column 1 item</b>	<b>column 2 offence in course of which act of violence must occur</b>	<b>column 3 recognition payment— general</b>	<b>column 4 recognition payment – 1 circumstance of aggravation</b>	<b>column 5 recognition payment— 2 or more circumstances of aggravation</b>	<b>column 6 recognition payment— very serious injury that is likely to be permanent</b>
6	sexual offence punishable by imprisonment for less than 10 years	from \$2,318 to \$2,480	from \$2,898 to \$3,101	from \$3,480 to \$3,724	from \$4,060 to \$4,344
7	offence against the person resulting in actual bodily harm	from \$2,318 to \$2,480	from \$2,898 to \$3,101	from \$3,480 to \$3,724	from \$4,060 to \$4,344
8	robbery in company or with an offensive weapon	from \$2,318 to \$2,480	from \$2,898 to \$3,101	from \$3,480 to \$3,724	from \$4,060 to \$4,344
9	attempt or conspiracy to commit a sexual offence punishable by imprisonment for 10 years or more but less than 14 years	from \$2,318 to \$2,480	from \$2,898 to \$3,101	from \$3,480 to \$3,724	from \$4,060 to \$4,344

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10	attempt, threat or conspiracy to commit an offence against the person resulting in grievous bodily harm	from \$2,318 to \$2,480	from \$2,898 to \$3,101	from \$3,480 to \$3,724	from \$4,060 to \$4,344
11	offences involving deprivation of liberty (including kidnapping, forcible confinement)	from \$2,318 to \$2,480	from \$2,898 to \$3,101	from \$3,480 to \$3,724	from \$4,060 to \$4,344
12	offence against the person not resulting in actual bodily harm	from \$1,158 to \$1,239	from \$1,440 to \$1,541	from \$1,740 to \$1,862	from \$2,028 to \$2,170
13	attempt or conspiracy to commit a sexual offence punishable by imprisonment for less than 10 years	from \$1,158 to \$1,239	from \$1,440 to \$1,541	from \$1,740 to \$1,862	from \$2,028 to \$2,170

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14	attempt, threat or conspiracy to commit an offence against the person resulting in actual bodily harm	from \$1,158 to \$1,239	from \$1,440 to \$1,541	from \$1,740 to \$1,862	from \$2,028 to \$2,170

**Clause 6      Section 9**

This clause brings section 9, recognition payment for class A related victim, in line with CPI from \$23,204 to \$24,828.

**Clause 7      Section 10**

This clause brings section 10, recognition payment for class B related victim, in line with CPI from \$11,600 to \$12,412.

**Clause 8      Section 12**

This clause brings section 12, limitations on lawyers legal costs in line with the following amounts:

- 1) From \$1,264 to \$1,310.
- 2) From \$2,529 to \$2,620.