

Victims of Crime (Financial Assistance) Amendment Regulation 2025 (No 1)

Subordinate Law SL2025–9

made under the

Victims of Crime (Financial Assistance) Act 2016

EXPLANATORY STATEMENT

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 2024 to March 2025 (as issued by the Australian Statistician) at 2.2 per cent. These amounts have then been rounded up to the nearest dollar.

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 2024 to March 2025 (as issued by the Australian Statistician) at 3.4 per cent. These amounts have been rounded to the nearest dollar.

The *Victims of Crime (Financial Assistance) Amendment Act 2024* provided for the removal of circumstances of aggravation from the Act, commencing on 1 July

2025. Currently, section 46(2)(c) of the Act provides that an application for a recognition payment must include information identifying:

- i. the act of violence (type of offence);
- ii. whether aggravating circumstances apply; and
- iii. whether the act caused in a very serious injury that is likely to be permanent.

The Projects Assisting Victims Recovery and Experiences Review (PAVER Review) identified these payment categories and sub-categories as an unnecessarily complex barrier to victims trying to access payments, which also substantially increased application processing times. Consistent with the PAVER Review, these differential payment rates have been removed from Table 8 of the Regulation from 1 July 2025. Any application for financial assistance lodged prior to 1 July 2025 will be assessed according to the eligibility that applied at the time at which the application was lodged.

CLAUSE NOTES

Clause 1 Name of regulation

This clause provides that the regulation is the *Victims of Crime (Financial Assistance) Amendment Regulation 2025 (No 1)*.

Clause 2 Commencement

This clause provides that the regulation commences on 1 July 2025.

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 (1)

This clause amends section 5(1) of the 2016 Regulation by increasing the maximum total financial assistance amounts payable in line with the All Groups CPI (Canberra) issued by the Australian statistician for the period March 2024 to March 2025. The increases are set out below:

- a) for a primary victim – from \$64,123 to \$65,534,
- b) for a class A related victim – from \$38,471 to \$39,318,
- c) for a class B related victim – from \$25,648 to \$26,213,
- d) for a class C related victim – from \$12,822 to \$13,105, and
- e) for a homicide witness – from \$12,822 to \$13,105.

Clause 5 Section 5 (2)

This clause amends section 5(2) of the 2016 Regulation. 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 in line with All Groups CPI (Canberra) from \$12,822 to \$13,105.

Clause 6 Section 8 (2)

This clause amends section 8(2) of the 2016 Regulation to remove the word ‘generally’ in line with amendments made in the *Victims of Crime (Financial Assistance) Amendment Act 2024* which remove aggravating circumstances from recognition payments.

Clause 7 Section 8 (3) to (5)

This clause removes sections 8(3) to (5) of the 2016 Regulation as they concern the application of circumstances of aggravation which were repealed as a result of the *Victims of Crime (Financial Assistance) Amendment Act 2024*.

Clause 8 Table 8

This clause amends Table 8 of the 2016 Regulation by removing references to circumstances of aggravation and increasing the flat-rate payment amounts for primary victims with the All Groups CPI (Canberra) issued by the Australian statistician for the period March 2024 to March 2025.

The changes to Table 8 are set out below:

Column 1 Item	Column 2 Offence in course of which act of violence must occur	Column 3 Recognition payment
1	sexual offence punishable by imprisonment for 14 years or more	\$19,659
2	attempt or conspiracy to commit homicide	\$19,659
3	sexual offence punishable by imprisonment for 10 years or more, but less than 14 years	\$10,485
4	offence against the person resulting in grievous bodily harm	\$10,485

5	attempt or conspiracy to commit a sexual offence punishable by imprisonment for 14 years or more	\$10,485
6	sexual offence punishable by imprisonment for less than 10 years	\$2,619
7	offence against the person resulting in actual bodily harm	\$2,619
8	robbery in company or with an offensive weapon	\$2,619
9	attempt or conspiracy to commit a sexual offence punishable by imprisonment for 10 years or more, but less than 14 years	\$2,619
10	attempt, threat or conspiracy to commit an offence against the person resulting in grievous bodily harm	\$2,619
11	offence involving deprivation of liberty (including kidnapping, forcible confinement)	\$2,619
12	offence against the person not resulting in actual bodily harm	\$1,309
13	attempt or conspiracy to commit a sexual offence punishable by imprisonment for less than 10 years	\$1,309
14	attempt, threat or conspiracy to commit an offence against the person resulting in actual bodily harm	\$1,309

Clause 9 Section 9

This clause brings section 9, recognition payment for class A related victim, in line with CPI from \$25,648 to \$26,213.

Clause 10 Section 10

This clause brings section 10, recognition payment for class B related victim, in line with CPI from \$12,822 to \$13,105.

Clause 11 Section 12 (1)

This clause brings section 12 (1), limitations on lawyers legal costs that relate to an application for financial assistance, in line with WPI and rounded to the nearest dollar from \$1,364 to \$1,410.

Clause 12 Section 12 (2)

This clause brings section 12 (2), limitations on lawyers legal costs relating to an appeal or review of a decision made under the Act, in line with WPI and rounded to the nearest dollar from \$2,727 to \$2,820.