



Australian Capital Territory

# **Victims of Crime Regulation 2000**

**SL2000-51**

made under the

**Victims of Crime Act 1994**

**Republication No 15**

**Effective: 10 January 2009 – 1 February 2009**

Republication date: 10 January 2009

Last amendment made by SL2008-47  
(republication for commenced expiry)

Not all amendments are in force: see last endnote

Authorised by the ACT Parliamentary Counsel

## About this republication

### The republished law

This is a republication of the *Victims of Crime Regulation 2000*, made under the *Victims of Crime Act 1994* (including any amendment made under the *Legislation Act 2001*, part 11.3 (Editorial changes)) as in force on 10 January 2009. It also includes any amendment, repeal or expiry affecting the republished law to 10 January 2009.

The legislation history and amendment history of the republished law are set out in endnotes 3 and 4.

### Kinds of republications

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- authorised republications to which the *Legislation Act 2001* applies
- unauthorised republications.

The status of this republication appears on the bottom of each page.

### Editorial changes

The *Legislation Act 2001*, part 11.3 authorises the Parliamentary Counsel to make editorial amendments and other changes of a formal nature when preparing a law for republication. Editorial changes do not change the effect of the law, but have effect as if they had been made by an Act commencing on the republication date (see *Legislation Act 2001*, s 115 and s 117). The changes are made if the Parliamentary Counsel considers they are desirable to bring the law into line, or more closely into line, with current legislative drafting practice.

This republication does not include amendments made under part 11.3 (see endnote 1).

### Uncommenced provisions and amendments

If a provision of the republished law has not commenced or is affected by an uncommenced amendment, the symbol **U** appears immediately before the provision heading. The text of the uncommenced provision or amendment appears only in the last endnote.

### Modifications

If a provision of the republished law is affected by a current modification, the symbol **M** appears immediately before the provision heading. The text of the modifying provision appears in the endnotes. For the legal status of modifications, see *Legislation Act 2001*, section 95.

### Penalties

The value of a penalty unit for an offence against this republished law at the republication date is—

- (a) if the person charged is an individual—\$100; or
- (b) if the person charged is a corporation—\$500.



Australian Capital Territory

# Victims of Crime Regulation 2000

made under the

**Victims of Crime Act 1994**

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Australian Capital Territory

# Victims of Crime Regulation 2000

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made under the

**Victims of Crime Act 1994**

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## Part 1 Preliminary

### 1 Name of regulation

This regulation is the *Victims of Crime Regulation 2000*.

### 3 Dictionary

The dictionary at the end of this regulation is part of this regulation.

*Note 1* The dictionary at the end of this regulation defines certain terms used in this regulation and includes references (*signpost definitions*) to other terms defined elsewhere.

For example, the signpost definition '*serious crime*—see the *Victims of Crime (Financial Assistance) Act 1983*, section 2' means that the term 'serious crime' is defined in that section and the definition applies to this regulation.

*Note 2* A definition in the dictionary (including a signpost definition) applies to the entire regulation unless the definition, or another provision of this regulation, provides otherwise or the contrary intention otherwise appears (see Legislation Act, s 155 and s 156 (1)).

### 4 Notes

A note included in this regulation is explanatory and is not part of this regulation.

*Note* See the Legislation Act, s 127 (1), (4) and (5) for the legal status of notes.



## **Part 2**                      **Victims assistance board**

### **Division 2.1**              **Establishment and membership**

#### **5**                      **Establishment**

The Victims Assistance Board is established.

#### **6**                      **Functions**

The functions of the board are—

- (a) to monitor and evaluate the responsible service agency's management of the victims services scheme; and
- (b) to approve service providers; and
- (c) to prepare guidelines for the management of the victims services scheme; and
- (d) to make recommendations to the Minister about fees for services under the victims services scheme; and
- (e) to supervise the keeping by the responsible service agency of a statistical database about the operation of the victims services scheme; and
- (f) to approve independent arbitrators to resolve any disagreements between case coordinators for eligible victims and approved service providers; and
- (g) to advise the Minister on the operation of the victims services scheme and any change to the scheme it considers desirable; and
- (h) when asked by the coordinator, to give advice or information to the coordinator on issues about victims generally; and

- (i) to exercise any other function given to the board under the Act or any other Territory law.

## **7           Membership of board**

- (1) The board consists of—
  - (a) the coordinator; and
  - (b) the appointed members.
- (2) The appointed members are to be appointed by the Minister.

*Note 1*   For the making of appointments (including acting appointments), see the Legislation Act, pt 19.3.

*Note 2*   Certain Ministerial appointments require consultation with an Assembly committee and are disallowable (see Legislation Act, div 19.3.3).

## **8           Appointed members of board**

- (1) The Minister must appoint as members—
  - (a) a representative of each of the following:
    - (i) the DPP (the *DPP member*);
    - (ii) the Australian Federal Police (the *AFP member*);
    - (iii) ACT courts (the *courts member*);
    - (iv) the administrative unit allocated responsibility for the administration of justice (the *justice member*);
    - (v) the administrative unit allocated responsibility for the administration of community support services (the *community support member*);
    - (vi) the administrative unit allocated responsibility for the administration of youth policy and services (the *youth policy and services member*); and
  - (b) a person who, in the Minister’s opinion, represents the interests of the indigenous communities (the *indigenous member*); and

- (c) a person who, in the Minister's opinion, represents the interests of other persons of non-English speaking background (the ***migrant member***); and
  - (d) a person who is a lawyer (the ***legal profession member***); and
  - (e) a person who, in the Minister's opinion, represents the interests of health professions (other than a doctor or dentist) (the ***health professions member***); and
  - (f) a person who, in the Minister's opinion, represents the interests of victims services groups (the ***victims groups member***); and
  - (g) a psychiatrist or psychologist who, in the Minister's opinion, has experience in dealing with victims (the ***psychiatrist/psychologist member***).
- (2) The courts member must be the registrar or a deputy registrar of the Supreme Court or the Magistrates Court.
  - (3) A member must be employed, practise, or live, in the ACT.
  - (4) The Minister must not appoint a public servant as a member mentioned in subsection (1) (b) to (g).

*Note 1* For the making of appointments (including acting appointments), see the Legislation Act, pt 19.3.

*Note 2* In particular, an appointment may be made by naming a person or nominating the occupant of a position (see Legislation Act, s 207).

*Note 3* Certain Ministerial appointments require consultation with an Assembly committee and are disallowable (see Legislation Act, div 19.3.3).

*Note 4* A person may be reappointed to a position if the person is eligible to be appointed to the position (see Legislation Act, s 208 and dict, pt 1, def ***appoint***).

**9 Conditions of appointment generally**

- (1) An appointed member holds the position on a part-time basis.
- (2) An appointed member holds the position on the conditions not provided by this regulation or another territory law that are decided by the Minister.

**10 Chairperson and deputy chairperson**

- (1) The members of the board must, whenever necessary, elect—
  - (a) an appointed member to be chairperson; and
  - (b) another appointed member to be deputy chairperson.
- (2) The board must tell the Minister of the election of a member as chairperson or deputy chairperson.

**11 Duration of appointment**

- (1) An appointed member must not be appointed for longer than 2 years.
- (2) The Minister must end the appointment of—
  - (a) the DPP member, the AFP member, the courts member, the justice member, the community support member or the youth policy and services member if the Minister is satisfied that the member is no longer the representative of the relevant entity mentioned in section 8 (1) (a) (Appointed members of board); or
  - (b) the indigenous member, the migrant member, the health professions member or the victims groups member if the Minister is satisfied that the member no longer represents the interests of the relevant communities, professions or groups mentioned in section 8 (1) (b), (c), (e) or (f); or
  - (c) any member if the member ceases to be eligible for appointment.

- (3) The Minister may end the appointment of an appointed member—
- (a) for misbehaviour or physical or mental incapacity; or
  - (b) if the member becomes bankrupt, executes a personal insolvency agreement or otherwise applies to take the benefit of any law for the relief of bankrupt or insolvent debtors; or
  - (c) if the member is absent for 3 consecutive meetings; or
  - (d) if the member is convicted of an indictable offence; or
  - (e) if the member fails to comply with section 15 (Disclosure of interests) without reasonable excuse.

*Note* A person's appointment also ends if the person resigns (see Legislation Act, s 210).

## **Division 2.2 Proceedings of board**

### **13 Time and place of meetings**

- (1) Meetings of the board are to be held at the times and places it decides.
- (2) However, the board must meet at least once every 3 months.
- (3) The chairperson—
  - (a) may at any time call a meeting of the board; and
  - (b) must call a meeting if asked by the Minister or at least 6 members.

### **14 Procedures governing conduct of meetings**

- (1) The chairperson presides at all meetings at which the chairperson is present.
- (2) If the chairperson is absent, the deputy chairperson presides.
- (3) If the chairperson and deputy chairperson are both absent, the member chosen by the members present presides.

- (4) The board may decide the procedure to be followed for a meeting.
- (5) At a meeting of the board—
  - (a) 6 members form a quorum; and
  - (b) each member (other than the coordinator) has a vote on each question to be decided; and
  - (c) a question is to be decided by a majority of the votes of the members present and voting but, if the votes are equal, the member presiding has a casting vote.
- (6) The board must keep minutes of its meetings.

**15                      Disclosure of interests**

- (1) This section applies to a member of the board if—
  - (a) the member has a direct or indirect financial interest in an issue being considered, or about to be considered, by the board; and
  - (b) the interest could conflict with the proper exercise of the member's functions in relation to the board's consideration of the issue.
- (2) As soon as practicable after the relevant facts come to the member's knowledge, the member must disclose the nature of the interest to a meeting of the board.
- (3) The disclosure must be recorded in the board's minutes and, unless the board otherwise decides, the member must not—
  - (a) be present when the board considers the issue; or
  - (b) take part in a decision of the board on the issue.

- (4) Any other member who also has a direct or indirect financial interest in the issue must not—
- (a) be present when the board is considering its decision under subsection (3); or
  - (b) take part in making the decision.

**16 Staff of the board**

The staff of the board are to be employed under the *Public Sector Management Act 1994*.

**17 Guidelines**

The board may make guidelines about—

- (a) the way a victim is assessed for eligibility to use the victims services scheme; and
- (b) the employment or engagement of people who will have contact with eligible victims; and
- (c) the preparation, content and implementation of care plans; and
- (d) the eligibility of entities to be approved as service providers; and
- (e) the referral of victims to approved service providers or other entities dealing with victims of crime; and
- (f) the establishment and operation of volunteer programs; and
- (g) the internal review of decisions made by the responsible service agency; and
- (h) the holding of indemnity insurance by approved service providers; and
- (i) other matters necessary or convenient to be decided with respect to the victims services scheme.

**18           Independent arbitrators**

- (1) The board may approve independent arbitrators for this regulation.
- (2) A person is eligible to be approved as an independent arbitrator only if the person is an approved service provider.
- (3) The board must keep a list of approved independent arbitrators.
- (4) The board must keep the list open for inspection (without charge) by an eligible victim.
- (5) If asked by an eligible victim, the board must give a copy of the list (without charge) to the victim.



## **Part 3**                      **Victims services scheme**

### **Division 3.1**              **The victims services scheme**

#### **19**              **Victims services scheme**

A victims services scheme is established.

#### **20**              **Objects of the victims services scheme**

The objects of the victims services scheme are—

- (a) to provide assistance to victims of crime that will—
  - (i) promote their recovery from the harm suffered because of crime; and
  - (ii) allow them to take part in the social, economic and cultural life of their community; and
- (b) to provide the assistance to victims of crime using a multidisciplinary approach; and
- (c) to provide the assistance to victims of crime in ways that are—
  - (i) timely; and
  - (ii) accessible; and
  - (iii) solution-focused; and
  - (iv) professional; and
  - (v) individualised; and
  - (vi) appropriate to the victim.

**21           Responsible service agency**

For the Act, section 19 (2) (a), the chief executive is nominated as the service agency responsible for the management of the victims services scheme.

**22           Responsible service agency—functions**

The functions of the responsible service agency are—

- (a) to decide the eligibility of people for the different levels of services under the victims services scheme; and
- (b) to provide, or arrange for the provision of, professional services for victims in accordance with this regulation and the guidelines made under section 17 (Guidelines); and
- (c) as appropriate, to refer victims to other entities who provide other assistance and support to victims; and
- (d) to keep records about victims for which services are provided; and
- (e) to train and supervise people engaged by it to provide services; and
- (f) to report to the board on the services it provides and the provision of services it arranges; and
- (g) to evaluate the day-to-day operation of the victims services scheme; and
- (h) to establish a victims support network in consultation with community organisations and other entities that deal with victims; and
- (i) to provide a telephone contact for people seeking information about, or services under, the victims services scheme; and

- (j) to develop and maintain a volunteer program to provide practical assistance and support to victims and to train and supervise volunteers for the program; and
- (k) to provide victims with information about the criminal justice system, the operation of the victims services scheme and complaint procedures; and
- (l) to keep financial records of its operations under the victims services scheme.

## **23 Responsible service agency—obligations**

- (1) The responsible service agency must comply with the guidelines made under section 17 (Guidelines) about the employment or engagement of people who will have contact with eligible victims.
- (2) Without limiting subsection (1), the responsible service agency must—
  - (a) be satisfied that a person who will have contact with eligible victims has—
    - (i) qualifications or experience in working with victims and with people from a diversity of ethnic and cultural backgrounds; and
    - (ii) experience or knowledge of working in a multidisciplinary team environment; and
  - (b) assess and evaluate the victims services it provides; and
  - (c) encourage the people it engages or employs to provide those services to undertake continuing education in the provision of services to victims; and
  - (d) take steps to ensure the people engaged or employed by it are familiar with the *Human Rights Commission Act 2005*.

- (3) The responsible service agency must take reasonable steps to ensure that a person employed or engaged by it who has been convicted of a serious crime does not have contact with an eligible victim.

## 24           **Eligible victims under the victims services scheme**

- (1) An eligible victim may use the victims services scheme.
- (2) An *eligible victim* is a victim other than a victim—
- (a) who suffers harm caused by, or arising out of the use of, a motor vehicle; or
  - (b) who suffers harm (directly or indirectly) as a result of committing an offence.
- (3) In deciding whether a person is an eligible victim, the responsible service agency may—
- (a) have regard to statements made by or on behalf of the person; and
  - (b) ask the chief police officer, the DPP or the registrar of the Supreme Court or the Magistrates Court for information about whether or not the person is a suspect or has been convicted or found guilty of an offence arising from the circumstances in which the person suffered harm.
- (4) The chief police officer, the DPP and the registrar of the Supreme Court or the Magistrates Court may give the responsible service agency information of the kind mentioned in subsection (3) (b).
- (5) In this section:
- motor vehicle*—see the *Road Transport (General) Act 1999*, dictionary.

**U** **Division 3.2**                      **Review of eligibility decisions**

**U** **25**                      **Notice to be given of eligibility decisions**

- (1) If the responsible service agency decides that a person is not eligible for the victims services scheme (the *reviewable decision*), it must give written notice of the decision to the person (the *affected person*).
- (2) The notice must be in accordance with the requirements of the code of practice in force under the *Administrative Appeals Tribunal Act 1989*, section 25B (1) and, in particular, the notice must tell the person—
  - (a) that the person has the right—
    - (i) to apply for internal review of the reviewable decision by an internal reviewer; and
    - (ii) to apply to the committee for a review of the decision of the internal reviewer; and
    - (iii) to apply to the administrative appeals tribunal for a review of the decision of the committee; and
  - (b) how an application must be made; and
  - (c) about options available under other ACT laws to have the decision reviewed by a court or the ombudsman.

**U** **25A**                      **Internal review notices—responsible service agency**

**U** **26**                      **Who may apply for internal review of decisions**

- (1) If the affected person is dissatisfied with the reviewable decision, the affected person may apply in writing to the responsible service agency for an internal review of the reviewable decision.

- (2) The responsible service agency must arrange for a person not involved in making the decision (the *internal reviewer*) to review the decision.

**U** 26A           **Internal reviewer**

**U** 27           **Applications for internal review**

- (1) Application for internal review of the reviewable decision must be made within—
  - (a) 28 days after the day when the person is told about the decision by the responsible service agency; or
  - (b) any longer period allowed by the internal reviewer, either before or after the end of the 28 days.
- (2) The application must set out the grounds on which internal review of the decision is sought.

**U** 27A           **Internal review notices—internal reviewer**

**U** 28           **Internal review**

- (1) The internal reviewer must review the reviewable decision, and confirm, vary or revoke the decision, within 28 days after the responsible service agency receives the application for internal review of the decision.
- (2) If the decision is not varied or revoked within the 28 days, the decision is taken to have been confirmed by the internal reviewer.
- (3) As soon as practicable after reviewing the decision, the internal reviewer must give written notice of the decision on the internal review to the affected person.
- (4) The notice must be in accordance with the requirements of the code of practice in force under the *Administrative Appeals Tribunal Act 1989*, section 25B (1).

**U 29 Eligibility Review Committee**

- (1) An Eligibility Review Committee (the *committee*) is established.
- (2) The committee consists of the DPP member, the courts member and the legal profession member.

**U 30 Review by committee**

If the affected person is dissatisfied with the decision of the internal reviewer, the affected person may apply in writing to the committee for review of the decision.

**U 31 Committee review**

- (1) The committee must review the decision of the internal reviewer, and confirm, vary or revoke the decision, within 28 days after the committee receives the application for review of that decision.
- (2) If the decision is not varied or revoked within the 28 days, the decision is taken to have been confirmed by the committee.
- (3) As soon as practicable after reviewing the decision, the committee must give written notice of the decision on its review to the affected person.
- (4) The notice must be in accordance with the requirements of the code of practice in force under the *Administrative Appeals Tribunal Act 1989*, section 25B (1).

**U 32 Review by administrative appeals tribunal**

If the affected person is dissatisfied with the decision of the committee, the affected person may apply to the administrative appeals tribunal for review of the committee's decision.

## **Division 3.3                   Levels of service under the victims services scheme**

### **33                   Level 1 service**

- (1) All eligible victims are entitled to receive level 1 service under the victims services scheme.
- (2) Level 1 service consists of not more than 2 contact hours.
- (3) The responsible service agency may, but is not required to, prepare a care plan for an eligible victim receiving level 1 service.

### **34                   Level 2 service**

- (1) An eligible victim is entitled to receive level 2 service under the victims services scheme if the victim has completed level 1 service under the victims services scheme for the crime concerned and the victim—
  - (a) is a primary victim; or
  - (b) is a related victim; or
  - (c) would have been a related victim if the primary victim had died; or
  - (d) is a witness to a violent crime in circumstances in which it is probable that the witness would suffer harm.
- (2) Level 2 service consists of not more than 6 contact hours in addition to the level 1 service contact hours.
- (3) The responsible service agency must appoint a case coordinator to an eligible victim receiving level 2 service.
- (4) The case coordinator is responsible for managing the delivery of services to the eligible victim under this regulation.
- (5) The case coordinator must develop a care plan in consultation with the eligible victim.



- (6) The care plan must state—
  - (a) the rehabilitation goals for the eligible victim; and
  - (b) the number of contact hours and particular services to be provided to the victim for achieving those goals
- (7) Level 2 service is to be given in accordance with the care plan.
- (8) After the level 2 service contact hours have been given in accordance with the care plan, the responsible service agency or approved service provider who provided the level 2 contact hours must prepare and give a closure report to the case coordinator.
- (9) The closure report must include particulars of the number of contact hours and the extent to which the rehabilitation goals of the care plan were achieved.
- (10) On receiving the closure report for the eligible victim, if the case coordinator decides that the eligible victim would not receive therapeutic benefit from receiving level 3 service, the case coordinator must carry out case closure in relation to the victim.
- (11) In this section:

*related victim*—see the *Victims of Crime (Financial Assistance) Act 1983*, section 16.

*violent crime*—see the *Victims of Crime (Financial Assistance) Act 1983*, section 3.

### **35 Level 3 service**

- (1) An eligible victim entitled to receive level 2 service is entitled to receive level 3 service under the victims services scheme if—
  - (a) the victim has completed level 2 service for the crime concerned in accordance with the care plan; and

- (b) the victim's case coordinator has decided under section 34 (8) (Level 2 services) that the victim would receive therapeutic benefit from receiving level 3 service.
- (2) Level 3 service consists of not more than 12 contact hours in addition to the level 1 and level 2 contact hours.
- (3) The case coordinator must develop a revised care plan for level 3 service contact hours in consultation with the eligible victim.
- (4) The revised care plan must state—
  - (a) the rehabilitation goals for the eligible victim; and
  - (b) the number of contact hours and particular services to be provided to the victim for achieving the goals.
- (5) After the level 3 service contact hours have been given in accordance with the revised care plan, the responsible service agency, or the approved service provider who provided the level 3 service contact hours, must prepare and give a closure report to the case coordinator.
- (6) The closure report must include particulars of the number of contact hours and the extent to which the rehabilitation goals of the revised care plan were achieved.
- (7) Subject to section 36, on receiving the closure report for the eligible victim, the case coordinator must carry out case closure in relation to the victim.

### **36 Exceptional cases**

- (1) This section applies if the case coordinator for an eligible victim makes a written recommendation to the manager of the responsible service agency that—
  - (a) on information available to the case coordinator, further contact hours in addition to level 3 service contact hours would give substantial therapeutic benefit to the victim; and

- (b) the further contact hours cannot be provided under a scheme or program other than the victims services scheme.
- (2) The manager of the responsible service agency may refer the recommendation to the chief executive.
- (3) If the responsible service agency refers the recommendation to the chief executive, the chief executive must consider it and, by written notice, tell the responsible service agency whether or not the recommendation, or a variation of it, is to be carried out.
- (4) If the chief executive tells the responsible service agency that the recommendation or a variation of it is to be carried out, the responsible service agency must arrange for the provision of the further contact hours in accordance with the notice.
- (5) After the further contact hours have been given, the responsible service agency, or the approved service provider who provided the service, must prepare and give a closure report to the case coordinator.
- (6) The closure report must include particulars of the number of contact hours and the extent to which the rehabilitation goals of the revised care plan were achieved.
- (7) On receiving the closure report for the victim, the case coordinator must carry out case closure in relation to the victim.

### **37 How contact hours are provided**

- (1) Contact hours for an eligible victim who lives in the ACT must be provided by the responsible service agency or an approved service provider.
- (2) Contact hours for an eligible victim who lives outside the ACT may, with the written approval of the responsible service agency, be provided by a person that is not an approved service provider.

- (3) Contact hours under level 2 or level 3 service are to be given to an eligible victim in a way that, as far as possible, gives the victim a choice of completing the contact hours with the responsible service agency or an approved service provider chosen by the victim.

**38                      Arbitration—care plans**

If, for an eligible victim who is entitled to receive level 2 or level 3 service, the case coordinator and approved service provider do not agree about the content of a care plan, the need for additional contact hours or both, the case coordinator must refer the issue in writing to an independent arbitrator nominated by the manager of the responsible service agency.

**39                      Case closure**

Case closure for an eligible victim consists of the following procedure:

- (a) if the victim agrees—
- (i) a discharge interview with the victim to measure the attainment of the victim’s rehabilitation goals; and
  - (ii) the completion, by or on behalf of the victim, of a survey to evaluate the services received by the victim;
- (b) the completion by the victim’s case coordinator of an evaluation of, and report about, the services provided to the victim.

**Division 3.4                      Service providers**

**40                      Approved service providers**

- (1) The board may approve service providers for this regulation.
- (2) The board must keep an up-to-date list of approved service providers.

- (3) The board may issue guidelines for using service providers that are not approved.

#### **41 Criteria for approval**

The board may approve a person as a service provider only if satisfied that—

- (a) the person—
  - (i) is trained in the provision of services to victims; and
  - (ii) has experience or knowledge of working in a multidisciplinary team environment; and
  - (iii) holds an appropriate policy of indemnity insurance; and
- (b) if the service to be provided is a health professions service— the person is an appropriately qualified health professional; and
- (c) the person has not been convicted of a serious crime; and
- (d) the person meets the guidelines made under section 17 (Guidelines) for approval as a service provider for the victims services scheme; and
- (e) the person is capable of satisfying the requirements of this regulation; and
- (f) the person will—
  - (i) undertake continuing education in the provision of services to victims; and
  - (ii) conduct an assessment and evaluation of the services it provides and ensure its services are subject to independent review; and
  - (iii) deal with eligible victims in a way that gives proper regard to their dignity, worth, independence, cultural diversity and human rights; and

- (iv) provide services of appropriate quality with respect to safety, risk, health and community care outcomes and the interests of eligible victims; and
  - (v) provide services that are consistent with best practice for the particular kind of service; and
  - (vi) establish codes of conduct for people engaged or employed by it to promote the highest ethical and professional standards; and
  - (vii) ensure premises used by people engaged or employed by it are secure, give eligible victims privacy and comply with occupational health and safety requirements; and
  - (viii) take steps to ensure that people engaged or employed by it are familiar with the *Human Rights Commission Act 2005*; and
- (g) the person will not use contact hours for the preparation of reports for use in proceedings.

## 42                   **Suspension of approval**

- (1) The board may suspend the approval of a service provider if—
- (a) the board is no longer satisfied, based on reasonable grounds, of the matters mentioned in section 41; or
  - (b) the service provider is a suspect in the commission of an indictable offence; or
  - (c) the service provider has been the subject of a complaint to the commission and the complaint has not been decided or is upheld.

- (2) In this section:

***commission*** means the human rights commission.

**43 Cancellation of approval**

The board must cancel the approval of an approved service provider if—

- (a) on at least 3 occasions, a ground existed on which the board would have been entitled to suspend the approval of the provider; or
- (b) if the ground for suspension of the approval of the provider is a state of affairs—the state of affairs has existed for 3 months or longer; or
- (c) the approved service provider has been convicted or found guilty of an indictable offence; or
- (d) for an approved service provider who provides a health professions service—the provider has ceased to be registered as a health professional.

**Division 3.5 General**

**44 Volunteer program**

An eligible victim may use a volunteer program.

**45 Special financial assistance—statements**

If a primary victim asks the responsible service agency for a statement and certificate under the *Victims of Crime (Financial Assistance) Act 1983*, section 27, the manager of the responsible service agency must provide the statement and certificate.

**U** **Division 3.6 Notification and review of decisions about service providers**

**U** **46 Notice of decisions**

- (1) This section applies to a decision of the board—
  - (a) to refuse to approve a service provider under section 40 (Approved service providers); or
  - (b) to suspend an approved service provider under section 42 (Suspension of approval); or
  - (c) to cancel the approval of a service provider under section 43 (Cancellation of approval).
- (2) The board must give written notice of a decision to which this section applies to the person affected by the decision.
- (3) The notice must be in accordance with the requirements of the code of practice in force under the *Administrative Appeals Tribunal Act 1989*, section 25B (1).

**U** **46A Reviewable decision notices**

**U** **47 Review of decisions**

Application may be made to the administrative appeals tribunal for a review of a decision of the board mentioned in section 46 (1).



## Part 4                      Miscellaneous

### 48                      Guidelines—volunteers

The board may make guidelines about the following:

- (a) fixing minimum standards of qualifications or experience for people who volunteer to provide practical assistance and support to victims;
- (b) the experience or knowledge required by a volunteer;
- (c) the undertaking by a volunteer of continuing education in the provision of services to victims;
- (d) the undertaking by a volunteer of training courses about dealing with people from a diversity of ethnic and cultural backgrounds;
- (e) the use of people who have committed a serious crime as volunteers;
- (f) the supervision of volunteers and the conducting of assessments and evaluations of the services provided by volunteers;
- (g) the occupational health and safety of volunteers;
- (h) indemnity insurance for the acts or omissions of volunteers;
- (i) the debriefing of volunteers;

- (j) other matters necessary or convenient to be decided with respect to volunteers.

*Note* Under the *Occupational Health and Safety Act 1989*, s 8, the Minister administering that Act can declare people included in specified classes of people to be taken to be employed by the person to whom their services are voluntarily given. The effect of the declaration is that an employer who must take all reasonably practicable steps to protect the health, safety and welfare of the employer's employees must give the same protection to a volunteer.

#### **49 Annual reporting authority**

For the Act, section 19 (2) (f), the chief executive is the annual reporting authority for the victims services scheme.

#### **U 49A Victims services levy—excluded offences**

For the Act, section 23, the offences mentioned in schedule 1 are prescribed offences to which the victims services levy does not apply.

#### **50 Determination of fees for services provided by approved service providers**

- (1) The Minister may, in writing, determine the fees that are payable for services provided to an eligible victim under this regulation by an approved service provider.
- (2) A determination is a disallowable instrument.

*Note* A disallowable instrument must be notified, and presented to the Legislative Assembly, under the Legislation Act.

#### **51 Approved forms**

- (1) The Minister may, in writing, approve forms for this regulation.

*Note* For other provisions about forms, see the Legislation Act, s 255.

- (2) If the Minister approves a form for a particular purpose, the approved form must be used for that purpose.

(3) An approved form is a notifiable instrument.

Note A notifiable instrument must be notified under the Legislation Act.

**U** **Schedule 1**      **Victims services levy—  
excluded offences**

(s 49A)

**U** **Part 1.1**      **Australian Road Rules**

<b>column 1 item</b>	<b>column 2 offence provision and, if relevant, case</b>	<b>column 3 short description</b>
1	167	disobey no stopping sign
2	168 (1)	disobey no parking sign
3	169	stop at side of road with continuous yellow edge line
4	170 (2)	stop on/near intersection (traffic lights)
5	170 (3)	stop on/near intersection (no traffic lights)
6	171 (1)	stop on/near children's crossing
7	172 (1)	stop on/near pedestrian crossing
8	173 (1)	stop on/near marked foot crossing
9	174 (2)	stop near bicycle crossing lights
10	175 (1)	stop on/near level crossing
11	176 (1)	stop on clearway
12	177 (1)	stop on freeway
13	178	stop in emergency stopping lane
14	179 (1)	stop in loading zone
15	179 (2) (a)	stop in loading zone longer than ½ hour
16	179 (2) (b)	stop in loading zone longer than indicated
17	179 (2) (c)	stop in loading zone longer than permitted

<b>column 1 item</b>	<b>column 2 offence provision and, if relevant, case</b>	<b>column 3 short description</b>
18	180 (1)	stop in truck zone
19	181 (1)	stop in works zone
20	182 (1)	stop in taxi zone
21	183 (1)	
21.1	<ul style="list-style-type: none"> <li>for a bus zone in a clearway, transit lane or bus lane</li> </ul>	stop in bus zone (clearway/transit lane/bus lane)
21.2	<ul style="list-style-type: none"> <li>other than for a bus zone in a clearway, transit lane or bus lane</li> </ul>	stop in bus zone (not clearway/transit lane/bus lane)
22	184 (1)	
22.1	<ul style="list-style-type: none"> <li>for a minibus zone in a clearway, transit lane or bus lane</li> </ul>	stop in minibus zone (clearway/transit lane/bus lane)
22.2	<ul style="list-style-type: none"> <li>other than for a minibus zone in a clearway, transit lane or bus lane</li> </ul>	stop in minibus zone (not clearway/transit lane/bus lane)
23	185 (1)	stop in permit zone
24	186 (1)	stop in mail zone
25	187	stop in/on bus/transit/truck/bicycle/tram lane/tracks
26	188	stop in shared zone
27	189 (1)	double park
28	190 (1)	stop in/near safety zone
29	191	stop near obstruction so as to obstruct traffic
30	192 (1)	stop on structure

**Schedule 1**  
**Part 1.1**

Victims services levy—excluded offences  
Australian Road Rules

<b>column 1 item</b>	<b>column 2 offence provision and, if relevant, case</b>	<b>column 3 short description</b>
31	192 (2)	stop in tunnel/underpass
32	193 (1)	stop on crest/curve outside built-up area
33	194 (1)	stop near fire hydrant/indicator/plug indicator
34	195 (1)	stop at/near bus stop
35	196 (1)	stop at/near tram stop
36	197 (1)	stop on path/strip in built-up area
37	198 (1)	obstruct access to ramp/path/passageway
38	198 (2)	stop on/across driveway/other access to/from land
39	199 (1)	stop near postbox
40	200 (1)	not stop heavy/long vehicle on road shoulder
41	200 (2)	stop heavy/long vehicle longer than 1 hr
42	201	disobey bicycle parking sign
43	202	disobey motorbike parking sign
44	203 (1)	stop in parking area for disabled
45	203A	stop in slip lane
46	205	park continuously for longer than permitted
47	208 (1)	
47.1	<ul style="list-style-type: none"> <li>• by contravening 208 (2)</li> </ul>	not parallel park in direction of travel
47.2	<ul style="list-style-type: none"> <li>• by contravening 208 (3)</li> </ul>	not parallel park near left
47.3	<ul style="list-style-type: none"> <li>• by contravening 208 (4)</li> </ul>	not parallel park near road side

<b>column 1 item</b>	<b>column 2 offence provision and, if relevant, case</b>	<b>column 3 short description</b>
47.4	<ul style="list-style-type: none"> <li>by contravening 208 (5)</li> </ul>	parallel park close to front/back of vehicle
47.5	<ul style="list-style-type: none"> <li>by contravening 208 (6)</li> </ul>	parallel park close to dividing line/strip
47.6	<ul style="list-style-type: none"> <li>by contravening 208 (7)</li> </ul>	parallel park close if no dividing line/strip
47.7	<ul style="list-style-type: none"> <li>by contravening 208 (8)</li> </ul>	park so as to obstruct vehicles/pedestrians
48	209 (2) (a)	not parallel park in direction of travel
49	209 (2) (b)	not parallel park near centre of median strip
50	209 (2) (c)	parallel park close to front/back of vehicle
51	210 (1)	
51.1	<ul style="list-style-type: none"> <li>by contravening 210 (2) (a)</li> </ul>	not park at specified angle
51.2	<ul style="list-style-type: none"> <li>by contravening 210 (2) (b)</li> </ul>	not park rear out at specified angle
51.3	<ul style="list-style-type: none"> <li>by contravening 210 (2A) (a)</li> </ul>	not park at 45° (no angle specified)
51.4	<ul style="list-style-type: none"> <li>by contravening 210 (2A) (b)</li> </ul>	not park rear out at 45°
51.5	<ul style="list-style-type: none"> <li>by contravening 210 (3) (a)</li> </ul>	not park at 90°
51.6	<ul style="list-style-type: none"> <li>by contravening 210 (3) (b) (i)</li> </ul>	not park rear in/front in at 90° as specified
51.7	<ul style="list-style-type: none"> <li>by contravening 210 (4) (a) (i)</li> </ul>	not park rear in at specified angle
51.8	<ul style="list-style-type: none"> <li>by contravening 210 (4) (a) (ii)</li> </ul>	not park rear in at 45° (no angle specified)

**Schedule 1**  
**Part 1.1**

Victims services levy—excluded offences  
Australian Road Rules

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<b>column 1 item</b>	<b>column 2 offence provision and, if relevant, case</b>	<b>column 3 short description</b>
52	211 (1)	disobey park in bays only sign
53	211 (2)	not park wholly within parking bay
54	211 (3)	use more parking bays than necessary



**U Part 1.2 Road Transport (Safety and Traffic Management) Regulation 2000**

<b>column 1 item</b>	<b>column 2 offence provision and, if relevant, case</b>	<b>column 3 short description</b>
1	44 (1)	park outside metered space
2	44 (2)	park in occupied metered space
3	44 (3)	park not completely in metered space
4	44A (1)	park without paying meter fee
5	44B (1)	park after meter expired
6	44B (2)	park for longer than allowed by meter signs
7	46 (2)	park in closed metered space
8	49 (1)	park outside ticket space
9	49 (3)	park in occupied ticket space
10	49 (4)	park not completely in ticket space
11	49A (1)	park without current/current equivalent ticket displayed/properly displayed
12	49B (1)	park after ticket expired
13	49B (2)	park for longer than allowed by ticket signs
14	51 (3)	park in closed ticket area/space
15	52 (2) (a)	display thing falsely resembling parking ticket
16	52 (2) (b)	display changed/damaged/defaced parking ticket

**Schedule 1**  
**Part 1.2**

Victims services levy—excluded offences  
Road Transport (Safety and Traffic Management) Regulation 2000

<b>column 1 item</b>	<b>column 2 offence provision and, if relevant, case</b>	<b>column 3 short description</b>
17	57A (1)	
17.1	<ul style="list-style-type: none"> <li>for a bus zone in a clearway, transit lane or bus lane</li> </ul>	stop public bus in bus zone (clearway/transit lane/bus lane)
17.2	<ul style="list-style-type: none"> <li>other than for a bus zone in a clearway, transit lane or bus lane</li> </ul>	stop public bus in bus zone (not clearway/transit lane/bus lane)
18	57A (3)	stop public bus at/near bus stop
19	85 (2)	park stock truck/enclosed semitrailer/commercial vehicle with height > 3.6m on residential land
20	85A	park more than 1 heavy vehicle/second heavy vehicle on residential land
21	85B	park heavy vehicle on residential land—any part of vehicle in front of setback line of front boundary/less than 1.5m from any other boundary
22	86 (2)	park vehicle/combination with length > 7.5m and GVM > 4.5t on land adjoining residential land longer than 1 hour
23	87 (2)	park commercial vehicle with length > 6m/height > 2.6m/GVM > 3.75t on residential land with multi-unit development

**U Part 1.3 Australian National University Act 1991 (Cwlth)—Parking and Traffic Statute (No 2) 2007**

<b>column 1 item</b>	<b>column 2 offence provision and, if relevant, case</b>	<b>column 3 short description</b>
1	16 (1)	stand or park without voucher displayed
2	16 (2)	stand or park after voucher expired
3	29 (3) (a)	park outside marked parking bay
4	29 (3) (b)	park on or across bay road marking
5	29 (4) (a)	park in a way that obstructs other drivers
6	29 (4) (b)	park in a way that impedes other drivers
7	29 (4) (c)	park in a way that inconveniences other drivers
8	30 (3)	park in loading zone
9	30 (4) (a)	park in loading zone after unloading or loading completed
10	30 (4) (b)	park in loading zone longer than signs indicate
11 11.1	31 (1) <ul style="list-style-type: none"> <li>• in the case of parking a vehicle</li> </ul>	park in area other than road or off-street parking area without permission
12	32 (1)	stop or park other than adjacent to left-hand road boundary
13	32 (2)	stop or park adjacent to right- hand road boundary other than in accordance with parking sign
14	33 (1)	park contrary to road marking or parking sign

**Schedule 1**  
**Part 1.3**

Victims services levy—excluded offences  
Australian National University Act 1991 (Cwth)—Parking and Traffic  
Statute (No 2) 2007

<b>column 1 item</b>	<b>column 2 offence provision and, if relevant, case</b>	<b>column 3 short description</b>
15	33 (2)	stop or park contrary to no stopping sign
16	33 (3) (a)	stop or park alongside red kerb or barrier
17	33 (3) (b)	stop or park over red kerb or red part of road
18	33 (4)	park contrary to no parking sign
19	33 (5) (a)	park alongside yellow kerb or barrier
20	33 (5) (b)	park over yellow kerb or yellow part of road
21	33 (6)	park adjacent to road side or parking area marked with continuous yellow line
22	33 (7) (a)	park contrary to time period indicated on parking sign
23	33 (7) (b)	not park at specified angle indicated on parking sign
24	33 (7) (c) (i)	park unauthorised vehicle in authorised vehicle area contrary to parking sign
25	33 (7) (c) (ii)	park in authorised vehicle area without displaying label
26	33 (7) (d) (i)	park in permit parking area without permit
27	33 (7) (d) (ii)	park in permit parking area without displaying permit parking label
28	34 (1)	stop or park in bus stop
29	35 (1)	park or stop in off-road parking area contrary to no parking or no stopping sign
30	35 (2)	park or stop in off-road parking area contrary to time period indicated on sign
31	35 (3) (a)	park unauthorised vehicle in off-road authorised vehicle area contrary to sign

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<b>column 1 item</b>	<b>column 2 offence provision and, if relevant, case</b>	<b>column 3 short description</b>
32	35 (3) (b)	park in off-road authorised vehicle area without displaying label
33	35 (3) (c)	park in off-road disabled driver vehicle area without displaying valid disability permit
34	35 (4)	park in off-road permit parking area without displaying permit parking label
35	36 (1)	stop or park so as to cause danger/obstruction/inconvenience

## **U** Dictionary

(see s 3)

*Note 1* The Legislation Act contains definitions and other provisions relevant to this Act.

*Note 2* For example, the Legislation Act, dict, pt 1, defines the following terms:

- administrative appeals tribunal
- chief executive
- chief police officer
- dentist
- disallowable instrument
- doctor
- DPP
- entity
- found guilty
- human rights commission
- lawyer
- Magistrates Court
- Minister
- Supreme Court.

*Note 3* Terms used in this regulation have the same meaning that they have in the *Victims of Crime Act 1994* (see Legislation Act, s 148). For example, the following terms are defined in the *Victims of Crime Act 1994*, dict:

- harm
- victim.

***affected person***, in relation to a reviewable decision—see section 25 (1) (Notice to be given of eligibility decisions).

***AFP member***—see section 8 (1) (a) (ii) (Appointed members of board).

***appointed member***, of the board, means a member of the board other than the coordinator.

***approved service provider*** means a person approved as a service provider under section 40 (Approved service providers).

***board*** means the Victims Assistance Board.

***chairperson*** means the chairperson of the board.

***committee*** means the Eligibility Review Committee.

***community support member***—see section 8 (1) (a) (v) (Appointed members of board).

***courts member***—see section 8 (1) (a) (iii) (Appointed members of board).

***deputy chairperson*** means the deputy chairperson of the board.

***DPP member***—see section 8 (1) (a) (i) (Appointed members of board).

***eligible victim***—see section 24 (2) (Eligible victims under the victims services scheme).

***health professional*** means a person registered under the *Health Professions Act 2004*.

***health professions member***—see section 8 (1) (e) (Appointed members of board).

***health professions service*** means psychiatry, psychology, podiatry, nursing, optometry, physiotherapy, chiropractic or osteopathy.

***independent arbitrator*** means a person approved under section 18 (Independent arbitrators).

***indigenous member***—see section 8 (1) (b) (Appointed members of board).

***internal reviewer***—see section 26 (2) (Who may apply for internal review of decisions).

***justice member***—see section 8 (1) (a) (iv) (Appointed members of board).

**legal profession member**—see section 8 (1) (d) (Appointed members of board).

**manager**, of the responsible service agency, means the person in charge of the agency.

**member** means a member of the board.

**migrant member**—see section 8 (1) (c) (Appointed members of board).

**primary victim**—see the *Victims of Crime (Financial Assistance) Act 1983*, section 9.

**psychiatrist** means a doctor who holds postgraduate qualifications in psychiatry.

**psychiatrist/psychologist member**—see section 8 (1) (g) (Appointed members of board).

**psychologist** means a person registered as a psychologist under the *Health Professionals Act 2004*.

**responsible service agency** means the entity nominated under section 21 (Responsible service agency).

**reviewable decision**—see section 25 (1) (Notice to be given of eligibility decisions).

**serious crime**—see the *Victims of Crime (Financial Assistance) Act 1983*, section 2.

**suspect** means—

- (a) a person whom a police officer suspects on reasonable grounds has committed an offence; or
- (b) a person charged with an offence; or
- (c) a person who has been summonsed to appear before a court in relation to the commission of an offence; or



(d) a person who has entered into a voluntary agreement to attend court for an offence.

***victims groups member***—see section 8 (1) (f) (Appointed members of board).

***victims services scheme*** means the victims services scheme established under section 19 (Victims services scheme).

***youth policy and services member***—see section 8 (1) (a) (vi) (Appointed members of board).

## Endnotes

1 About the endnotes

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## Endnotes

### 1 About the endnotes

Amending and modifying laws are annotated in the legislation history and the amendment history. Current modifications are not included in the republished law but are set out in the endnotes.

Not all editorial amendments made under the *Legislation Act 2001*, part 11.3 are annotated in the amendment history. Full details of any amendments can be obtained from the Parliamentary Counsel's Office.

Uncommenced amending laws and expiries are listed in the legislation history and the amendment history. These details are underlined. Uncommenced provisions and amendments are not included in the republished law but are set out in the last endnote.

If all the provisions of the law have been renumbered, a table of renumbered provisions gives details of previous and current numbering.

The endnotes also include a table of earlier republications.

### 2 Abbreviation key

am = amended	ord = ordinance
amdt = amendment	orig = original
ch = chapter	par = paragraph/subparagraph
def = definition	pres = present
dict = dictionary	prev = previous
disallowed = disallowed by the Legislative Assembly	(prev...) = previously
div = division	pt = part
exp = expires/expired	r = rule/subrule
Gaz = gazette	renum = renumbered
hdg = heading	reloc = relocated
IA = Interpretation Act 1967	R[X] = Republication No
ins = inserted/added	RI = reissue
LA = Legislation Act 2001	s = section/subsection
LR = legislation register	sch = schedule
LRA = Legislation (Republication) Act 1996	sdiv = subdivision
mod = modified/modification	sub = substituted
o = order	SL = Subordinate Law
om = omitted/repealed	<u>underlining</u> = whole or part not commenced or to be expired

### 3 Legislation history

This regulation was originally the *Victims of Crime Regulations 2000*. It was renamed under the *Legislation Act 2001*.

#### **Victims of Crime Regulation 2000 No 51**

notified 14 December 2000 (Gaz 2000 No 50)  
s 1, s 2 commenced 14 December 2000 (IA s 10B)  
remainder commenced 1 January 2001 (s 2)

as amended by

#### **Legislation (Consequential Amendments) Act 2001 No 44 pt 408**

notified 26 July 2001 (Gaz 2001 No 30)  
s 1, s 2 commenced 26 July 2001 (IA s 10B)  
pt 408 commenced 12 September 2001 (s 2 and see Gaz 2001 No S65)

#### **Statute Law Amendment Act 2001 (No 2) 2001 No 56 pt 3.53**

notified 5 September 2001 (Gaz 2001 No S65)  
pt 3.53 commenced 5 September 2001 (s 2 (1))

#### **Health and Community Care Services (Repeal and Consequential Amendments) Act 2002 No 47 pt 1.4**

notified LR 20 December 2002  
s 1, s 2 commenced 20 December 2002 (LA s 75 (1))  
pt 1.4 commences 5pm 31 December 2002 (s 2)

#### **Victims of Crime Amendment Regulations 2002 (No 1) SL2002-40**

notified LR 20 December 2002  
s 1, s 2 commenced 20 December 2002 (LA s 75 (1))  
remainder commenced 21 December 2002 (s 2)

#### **Statute Law Amendment Act 2003 A2003-41 sch 3 pt 3.22**

notified LR 11 September 2003  
s 1, s 2 commenced 11 September 2003 (LA s 75 (1))  
sch 3 pt 3.22 commenced 9 October 2003 (s 2 (1))

## Endnotes

3 Legislation history

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**Statute Law Amendment Act 2003 (No 2) A2003-56 sch 3 pt 3.29**

notified LR 5 December 2003

s 1, s 2 commenced 5 December 2003 (LA s 75 (1))

sch 3 pt 3.29 commenced 19 December 2003 (s 2)

**Health Professionals Legislation Amendment Act 2004 A2004-39**

**sch 1 pt 1.9**

notified LR 8 July 2004

s 1, s 2 commenced 8 July 2004 (LA s 75 (1))

sch 1 pt 1.9 commenced 7 July 2005 (s 2 and see Health Professionals Act 2004 A2004-38, s 2 and CN2005-11)

**Human Rights Commission Legislation Amendment Act 2005**

**A2005-41 sch 1 pt 1.14 (as am by A2006-3 amdt 1.3)**

notified LR 1 September 2005

s 1, s 2 commenced 1 September 2005 (LA s 75 (1))

sch 1 pt 1.14 commenced 1 November 2006 (s 2 (3) (as am by A2006-3 amdt 1.3) and see Human Rights Commission Act 2005 A2005-40, s 2 (as am by A2006-3 s 4) and CN2006-21)

**Human Rights Commission Legislation Amendment Act 2006**

**A2006-3 amdt 1.3**

notified LR 22 February 2006

s 1, s 2 commenced 22 February 2006 (LA s 75 (1))

amdt 1.3 commenced 23 February 2006 (s 2)

*Note* This Act only amends the Human Rights Commission Legislation Amendment Act 2005 A2005-41

**Victims of Crime Amendment Regulation 2006 (No 1) SL2006-61**

notified LR 21 December 2006

s 1, s 2 commenced 21 December 2006 (LA s 75 (1))

remainder commenced 1 January 2007 (s 2)

**Victims of Crime Amendment Act 2007 A2007-44 sch 1 pt 1.3**

notified LR 13 December 2007

s 1, s 2 commenced 13 December 2007 (LA s 75 (1))

sch 1 pt 1.3 commenced 20 December 2007 (s 2)

**Victims of Crime Amendment Regulation 2007 (No 1) SL2007-40**

notified LR 17 December 2007

s 1, s 2 commenced 17 December 2007 (LA s 75 (1))

remainder commenced 20 December 2007 (s 2 and see A2007-44 s 2)

**Justice and Community Safety Legislation Amendment Act 2008  
A2008-7 sch 1 pt 1.21**

notified LR 16 April 2008  
s 1, s 2 commenced 16 April 2008 (LA s 75 (1))  
sch 1 pt 1.21 commenced 7 May 2008 (s 2)

**Statute Law Amendment Act 2008 A2008-28 sch 3 pt 3.60**

notified LR 12 August 2008  
s 1, s 2 commenced 12 August 2008 (LA s 75 (1))  
sch 3 pt 3.60 commenced 26 August 2008 (s 2)

**ACT Civil and Administrative Tribunal Legislation Amendment  
Act 2008 (No 2) A2008-37 sch 1 pt 1.104**

notified LR 4 September 2008  
s 1, s 2 commenced 4 September 2008 (LA s 75 (1))  
sch 1 pt 1.104 commences on the commencement of ACT Civil and  
Administrative Tribunal Act 2008 A2008-35 s 6 (s 2 (1))

*Note* default commencement under A2008-35: 4 September 2010

**Road Transport Legislation Amendment Regulation 2008 (No 2)  
SL2008-47 sch 1 pt 1.4**

notified LR 1 December 2008  
s 1, s 2 commenced 1 December 2008 (LA s 75 (1))  
sch 1 pt 1.4 commenced 2 December 2008 (s 2)

## 4 Amendment history

**Name of regulation**

s 1 am R7 LA

**Commencement**

s 2 om Act 2001 No 44 amdt 1.4234

**Dictionary**

s 3 am Act 2001 No 44 amdt 1.4235

**Notes**

s 4 am Act 2001 No 44 amdt 1.4236

**Functions**

s 6 am 2002 No 40 s 4; pars renum R3 LA (see 2002 No 40 s 5)

**Membership of board**

s 7 am A2003-41 amdt 3.489

## Endnotes

4 Amendment history

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### **Appointed members of board**

s 8 am Act 2001 No 44 amdt 1.4237, amdt 1.4238; 2002 No 40 s 6; A2003-41 amdt 3.490, amdt 3.491; A2003-56 amdt 3.279

### **Duration of appointment**

s 11 am Act 2001 No 44 amdt 1.4238; 2002 No 40 s 7; A2003-41 amdt 3.492; A2008-28 amdt 3.173

### **Term of appointment to be included in instrument of appointment etc**

s 12 om A2003-41 amdt 3.493

### **Responsible service agency**

s 21 am Act 2002 No 47 amdt 1.33; SL2006-61 s 4

### **Responsible service agency—obligations**

s 23 am A2007-8 amdt 1.79

### **Eligible victims under the victims services scheme**

s 24 am A2003-41 amdt 3.494

### **Notification and review of eligibility decisions**

div 3.2 hdg sub A2008-37 amdt 1.537

### **Definitions—div 3.2**

s 25 sub A2008-37 amdt 1.537  
def *affected person* ins A2008-37 amdt 1.537  
def *internally reviewable decision* ins A2008-37 amdt 1.537  
def *internal reviewer* ins A2008-37 amdt 1.537  
def *internal reviewer's decision* ins A2008-37 amdt 1.537  
def *internal review notice* ins A2008-37 amdt 1.537  
def *reviewable decision* ins A2008-37 amdt 1.537

### **Internal review notices—responsible service agency**

s 25A ins A2008-37 amdt 1.537

### **Applications to responsible service agency for internal review**

s 26 sub A2008-37 amdt 1.537

### **Internal reviewer**

s 26A ins A2008-37 amdt 1.537

### **Review by internal reviewer**

s 27 sub A2008-37 amdt 1.537

### **Internal review notices—internal reviewer**

s 27A ins A2008-37 amdt 1.537

### **Eligibility Review Committee**

s 28 sub A2008-37 amdt 1.537

### **Applications to committee for internal review**

s 29 sub A2008-37 amdt 1.537

**Review by committee**

s 30 [sub A2008-37 amdt 1.537](#)

**Reviewable decision notices**

s 31 [sub A2008-37 amdt 1.537](#)

**Applications to ACAT**

s 32 [sub A2008-37 amdt 1.537](#)

**How contact hours are provided**

s 37 [am A2003-41 amdt 3.495](#)

**Criteria for approval**

s 41 [am A2007-8 amdt 1.79](#)

**Suspension of approval**

s 42 [am A2005-41 amdt 1.127, amdt 1.128](#)

**Cancellation of approval**

s 43 [am 2002 No 40 s 8; pars renum R3 LA \(see 2002 No 40 s 9\)](#)

**Notification and review of decisions about service providers**

[div 3.6 hdg](#) [ins A2008-37 amdt 1.538](#)

**Meaning of reviewable decision—div 3.6**

s 46 [sub A2008-37 amdt 1.538](#)

**Reviewable decision notices**

s 46A [ins A2008-37 amdt 1.538](#)

**Applications for review**

s 47 [sub A2008-37 amdt 1.538](#)

**Annual reporting authority**

s 49 [am 2002 No 40 s 10](#)

**Victims services levy—excluded offences**

s 49A [ins A2007-44 amdt 1.5](#)  
[am A2008-37 amdt 1.539](#)

**Determination of fees for services provided by approved service providers**

s 50 [sub Act 2001 No 44 amdt 1.4239](#)

**Approved forms**

s 51 [sub Act 2001 No 44 amdt 1.4239](#)  
[am A2003-41 amdt 3.496](#)

**Modification of regulation**

pt 5 hdg [exp 1 July 2001 \(s 57\)](#)  
[ins A2004-39 amdt 1.40](#)  
[exp 9 January 2009 \(s 55\)](#)

## Endnotes

4 Amendment history

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### **Application of pt 5**

s 52 exp 1 July 2001 (s 57)  
ins A2004-39 amdt 1.40  
exp 9 January 2009 (s 55)

### **Dictionary, definition of *health professional***

s 53 om R1 (LRA)  
ins A2004-39 amdt 1.40  
exp 9 January 2009 (s 55)

### **Dictionary, definition of *psychologist***

s 54 exp 1 July 2001 (s 57)  
ins A2004-39 amdt 1.40  
exp 9 January 2009 (s 55)

### **Expiry of pt 5**

s 55 exp 1 July 2001 (s 57)  
ins A2004-39 amdt 1.40  
exp 9 January 2009 (s 55)

### **Existing entitlements**

s 56 exp 1 July 2001 (s 57)

### **Expiration of pt 5**

s 57 exp 1 July 2001 (s 57)

### **Victims services levy—excluded offences**

sch 1 ins A2007-44 amdt 1.6  
am A2008-37 amdt 1.540, amdt 1.541

### **Australian Road Rules**

sch 1 pt 1.1 hdg am A2008-37 amdt 1.542  
sch 1 pt 1.1 ins A2007-44 amdt 1.6

### **Road Transport (Safety and Traffic Management) Regulation 2000**

sch 1 pt 1.2 hdg am A2008-37 amdt 1.543  
sch 1 pt 1.2 ins A2007-44 amdt 1.6  
sub SL2007-40 s 4  
am SL2008-47 amdt 1.17; items renum R14 LA

### **Australian National University Act 1991 (Cwlth)—Parking and Traffic Statute (No 2) 2007**

sch 1 pt 1.3 hdg am A2008-37 amdt 1.544  
sch 1 pt 1.3 ins A2007-44 amdt 1.6



**Dictionary**

dict

am A2003-41 amdt 3.497; A2005-41 amdt 1.129, amdt 1.130;  
A2008-37 amdt 1.545, amdt 1.546  
 def **affected person** sub A2008-37 amdt 1.547  
 def **community support member** ins 2002 No 40 s 11  
 def **harm** om A2003-41 amdt 3.498  
 def **health member** om 2002 No 40 s 12  
 def **health professional** sub A2004-39 amdt 1.41  
 def **health professions Act** om A2004-39 amdt 1.41  
 def **internally reviewable decision** ins A2008-37 amdt 1.548  
 def **internal reviewer** sub A2008-37 amdt 1.549  
 def **internal reviewer's decision** ins A2008-37 amdt 1.550  
 def **internal review notice** ins A2008-37 amdt 1.550  
 def **psychologist** sub A2004-39 amdt 1.42  
 def **reviewable decision** sub A2008-37 amdt 1.551  
 def **the Act** om Act 2001 No 56 amdt 3.892  
 def **victim** om A2003-41 amdt 3.499  
 def **youth policy and services member** ins 2002 No 40 s 11

**5 Earlier republications**

Some earlier republications were not numbered. The number in column 1 refers to the publication order.

Since 12 September 2001 every authorised republication has been published in electronic pdf format on the ACT legislation register. A selection of authorised republications have also been published in printed format. These republications are marked with an asterisk (\*) in column 1. Electronic and printed versions of an authorised republication are identical.

<b>Republication No</b>	<b>Amendments to</b>	<b>Republication date</b>
1	not amended	2 July 2001
2	Act 2001 No 44	6 December 2001
3	SL2002-40	21 December 2002
4	SL2002-40	31 December 2002
5	A2003-41	9 October 2003
6	A2003-56	19 December 2003
7	<u>A2004-39</u>	1 November 2004
8	A2004-39	7 July 2005
9	A2006-3	1 November 2006

## Endnotes

6 Uncommenced amendments

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Republication No	Amendments to	Republication date
10	SL2006-61	1 January 2007
11	SL2007-40	20 December 2007
12	A2008-7	7 May 2008
13	A2008-28	26 August 2008
14	SL2008-47	2 December 2008

## 6 Uncommenced amendments

The following amendments have not been included in this republication because they were uncommenced at the republication date:

<b>ACT Civil and Administrative Tribunal Legislation Amendment Act 2008 (No 2) A2008-37 sch 1 pt 1.104</b>
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## Part 1.104 Victims of Crime Regulation 2000

### [1.537] Division 3.2

*substitute*

### Division 3.2 Notification and review of eligibility decisions

#### 25 Definitions—div 3.2

In this division:

*affected person* means a person the responsible service agency decides is not eligible for the victims services scheme.

*internally reviewable decision* means a decision of the responsible service agency that a person is not eligible for the victims services scheme.

*internal reviewer*—see section 26A.

*internal reviewer's decision* means a decision of an internal reviewer in relation to an internally reviewable decision.

*internal review notice*—see the *ACT Civil and Administrative Tribunal Act 2008*, section 67B (1).

*reviewable decision* means a decision of the committee in relation to an internal reviewer's decision.

## **25A Internal review notices—responsible service agency**

If the responsible service agency makes an internally reviewable decision, the agency must give an internal review notice only to the affected person.

*Note* The requirements for internal review notices are prescribed under the *ACT Civil and Administrative Tribunal Act 2008*.

## **26 Applications to responsible service agency for internal review**

- (1) The affected person may apply to the responsible service agency for review of the internally reviewable decision.
- (2) The application must—
  - (a) be in writing; and
  - (b) state the applicant's name and address; and
  - (c) set out the applicant's reasons for making the application.

*Note* If a form is approved under s 51 for the application, the form must be used.

- (3) The application must be given to the responsible service agency within—
  - (a) 28 days after the day the applicant is given the internal review notice by the responsible service agency; or
  - (b) any longer period allowed by the responsible service agency before or after the end of the 28-day period.

**26A Internal reviewer**

The responsible service agency must arrange for a person (the *internal reviewer*) who did not make the internally reviewable decision to review the decision.

**27 Review by internal reviewer**

- (1) The internal reviewer for an internally reviewable decision must review the decision.
- (2) The review must happen within 28 days (the *28-day period*) after the day the responsible service agency receives the application for review of the internally reviewable decision.
- (3) The internal reviewer must—
  - (a) confirm the decision; or
  - (b) vary the decision; or
  - (c) set aside the decision and substitute the reviewer's own decision.
- (4) If the decision is not varied or set aside within the 28-day period, the decision is taken to have been confirmed by the internal reviewer.

**27A Internal review notices—internal reviewer**

If an internal reviewer makes an internal reviewer's decision, the internal reviewer must give an internal review notice only to the affected person.

*Note* The requirements for internal review notices are prescribed under the *ACT Civil and Administrative Tribunal Act 2008*.

**28 Eligibility Review Committee**

- (1) The Eligibility Review Committee is continued in existence.
- (2) The committee consists of the DPP member, the courts member and the legal profession member.

## 29 Applications to committee for internal review

- (1) The affected person may apply to the committee for review of the internal reviewer's decision.
- (2) The application must—
  - (a) be in writing; and
  - (b) state the applicant's name and address; and
  - (c) set out the applicant's reasons for making the application.

*Note* If a form is approved under s 51 for the application, the form must be used.

- (3) The application must be given to the committee within—
  - (a) 28 days after the day the applicant is given the internal review notice by the internal reviewer; or
  - (b) any longer period allowed by the committee before or after the end of the 28-day period.

## 30 Review by committee

- (1) The committee for an internal reviewer's decision must review the decision.
- (2) The review must happen within 28 days (the ***28-day period***) after the day the committee receives the application for review of the internal reviewer's decision.
- (3) The committee must—
  - (a) confirm the decision; or
  - (b) vary the decision; or
  - (c) set aside the decision and substitute the committee's own decision.
- (4) If the decision is not varied or set aside within the 28-day period, the decision is taken to have been confirmed by the committee.

## Endnotes

6 Uncommenced amendments

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### 31 Reviewable decision notices

If the committee makes a reviewable decision, the committee must give a reviewable decision notice only to the affected person.

*Note* The requirements for reviewable decision notices are prescribed under the *ACT Civil and Administrative Tribunal Act 2008*.

### 32 Applications to ACAT

The affected person may apply to the ACAT for review of a reviewable decision.

*Note* If a form is approved under the *ACT Civil and Administrative Tribunal Act 2008* for the application, the form must be used.

## [1.538] Sections 46 and 47

*substitute*

### Division 3.6 Notification and review of decisions about service providers

#### 46 Meaning of *reviewable decision*—div 3.6

In this division:

*reviewable decision* means a decision mentioned in schedule 1, column 3 under a provision of this regulation mentioned in column 2 in relation to the decision.

#### 46A Reviewable decision notices

If the board makes a reviewable decision, the board must give a reviewable decision notice to each entity mentioned in schedule 1, column 4 in relation to the decision.

*Note 1* The board must also take reasonable steps to give a reviewable decision notice to any other person whose interests are affected by the decision (see *ACT Civil and Administrative Tribunal Act 2008*, s 67A).

*Note 2* The requirements for reviewable decision notices are prescribed under the *ACT Civil and Administrative Tribunal Act 2008*.

## 47 Applications for review

The following may apply to the ACAT for review of a reviewable decision:

- (a) an entity mentioned in schedule 1, column 4 in relation to the decision;
- (b) any other person whose interests are affected by the decision.

*Note* If a form is approved under the *ACT Civil and Administrative Tribunal Act 2008* for the application, the form must be used.

### [1.539] Section 49A

*omit*

schedule 1

*substitute*

schedule 2

## Endnotes

6 Uncommenced amendments

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### **[1.540] New schedule 1**

*insert*

## **Schedule 1      Reviewable decisions about service providers**

(see div 3.6)

<b>column 1 item</b>	<b>column 2 section</b>	<b>column 3 decision</b>	<b>column 4 entity</b>
1	40	refuse to approve service provider	applicant
2	42	suspend service provider's approval	service provider
3	43	cancel approval of service provider	person who was approved service provider



**[1.541] Schedule 1 heading***substitute***Schedule 2 Victims services levy—  
excluded offences**

(s 49A)

**[1.542] Schedule 1, part 1.1 heading***substitute***Part 2.1 Australian Road Rules****[1.543] Schedule 1, part 1.2 heading***substitute***Part 2.2 Road Transport (Safety and  
Traffic Management) Regulation  
2000****[1.544] Schedule 1, part 1.3 heading***substitute***Part 2.3 Australian National University  
Act 1991 (Cwlth)—Parking and  
Traffic Statute (No 2) 2007**

## Endnotes

6 Uncommenced amendments

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### [1.545] Dictionary, note 2, dot points

*omit*

- administrative appeals tribunal

*substitute*

- ACAT

### [1.546] Dictionary, note 2, new dot point

*insert*

- reviewable decision notice

### [1.547] Dictionary, definition of *affected person*

*substitute*

*affected person*, for division 3.2 (Notification and review of eligibility decisions)—see section 25.

### [1.548] Dictionary, new definition of *internally reviewable decision*

*insert*

*internally reviewable decision*, for division 3.2 (Notification and review of eligibility decisions)—see section 25.

### [1.549] Dictionary, definition of *internal reviewer*

*substitute*

*internal reviewer*, for division 3.2 (Notification and review of eligibility decisions)—see section 26A.

### [1.550] Dictionary, new definitions

*insert*

*internal reviewer's decision*, for division 3.2 (Notification and review of eligibility decisions)—see section 25.

*internal review notice*, for division 3.2 (Notification and review of eligibility decisions)—see the *ACT Civil and Administrative Tribunal Act 2008*, section 67B (1).

**[1.551] Dictionary, definition of *reviewable decision***

*substitute*

*reviewable decision*—

- (a) for division 3.2 (Notification and review of eligibility decisions)—see section 25; and
- (b) for division 3.6 (Notification and review of decisions)—see section 46.

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