



Australian Capital Territory

Victims of Crime (Financial Assistance) Regulation 2016

Subordinate Law SL2016-10

The Australian Capital Territory Executive makes the following regulation under the *Victims of Crime (Financial Assistance) Act 2016*.

Dated 6 May 2016.

SIMON CORBELL
Minister

YVETTE BERRY
Minister



Australian Capital Territory

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[Victims of Crime \(Financial Assistance\) Act 2016](#)

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1 Name of regulation

This regulation is the *Victims of Crime (Financial Assistance) Regulation 2016*.

2 Commencement

This regulation commences on the commencement of the *Victims of Crime (Financial Assistance) Act 2016*, section 6.

Note The naming and commencement provisions automatically commence on the notification day (see [Legislation Act](#), s 75 (1)).

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.

Note 2 A definition in the dictionary applies to the entire regulation unless the definition, or another provision of the 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.

5 Maximum total financial assistance—Act, s 24

- (1) The following amounts are prescribed:
- (a) for a primary victim—\$50 000;
 - (b) for a class A related victim—\$30 000;
 - (c) for a class B related victim—\$20 000;

(d) for a class C related victim—\$10 000;

(e) for a homicide witness—\$10 000.

- (2) However, if an application for financial assistance relates only to an act of violence that occurs in the course of an offence mentioned in the [Act](#), schedule 1, division 1.2.2 (Domestic violence offences), the amount prescribed is \$10 000.

6 Immediate need payment—Act, s 26 (3)

- (1) A need mentioned in an item in table 6, column 2 is prescribed as an immediate need for which an immediate need payment may be made.
- (2) A condition mentioned in an item in table 6, column 3, is prescribed as a condition to making the immediate need payment for the immediate need mentioned in the item, column 2.
- (3) An amount mentioned in an item in table 6, column 4 is prescribed as the maximum amount of the immediate need payment for the immediate need mentioned in the item, column 2.

Table 6 Immediate need

column 1 item	column 2 immediate need	column 3 condition	column 4 maximum amount payable
1	cleaning scene of homicide		\$5 000
2	measures for personal security of a victim		\$1 000
3	relocation for personal security of a victim		\$4 000

column 1 item	column 2 immediate need	column 3 condition	column 4 maximum amount payable
4	emergency medical costs and related services that would contribute to victim's recovery	only available if applicant does not have financial ability to pay for treatment or service not available for homicide witness	\$10 000

- (4) The maximum aggregate amount of all immediate need payments that may be made for a single act of violence is \$10 000.

7 Economic loss payment—Act, s 27 (2)

- (1) A loss mentioned in an item in table 7, column 2 is prescribed as an economic loss for which an economic loss payment may be made.
- (2) A condition mentioned in an item in table 7, column 3 is prescribed as a condition to making the economic loss payment for the economic loss mentioned in the item, column 2.
- (3) An amount mentioned in an item in table 7, column 4 is prescribed as the maximum amount of the economic loss payment for the economic loss mentioned in the item, column 2.

column 1 item	column 2 economic loss	column 3 condition	column 4 maximum amount payable
1	expenses for counselling or other psychological support	only available if the person applying for financial assistance was not able to access appropriate counselling or other psychological support under the victims services scheme	
2	expenses, other than legal costs, incurred in making the application		
3	medical and dental expenses	not available for a homicide witness	
4	travel expenses	not available for a homicide witness	
5	justice related expenses	not available for a homicide witness	\$5 000
6	loss of actual earnings (including loss of earnings incurred by the parent or carer of a primary victim as a result of an act of violence)	not available for a homicide witness	\$30 000
7	reasonable expenses incurred by the parent or carer of a primary victim as a result of an act of violence	an amount given to a parent or carer for the expenses mentioned in column 2 is counted as part of the maximum amount prescribed for the primary victim under s 5 not available for a homicide witness	

column 1 item	column 2 economic loss	column 3 condition	column 4 maximum amount payable
8	other expenses in exceptional circumstances	not available for a homicide witness	
9	loss of or damage to personal items	only available for a primary victim	

Note For the economic loss mentioned in table 7, col 2, item 2, lawyers legal costs are limited—see the [Act](#), s 96.

8 Recognition payment for primary victim—Act, s 28 (2)

- (1) An offence mentioned in an item in table 8, column 2 is prescribed as an offence in the course of which the act of violence must occur for a recognition payment.
- (2) An amount mentioned in an item in table 8, column 3 is prescribed as the amount payable as a recognition payment generally for the offence mentioned in the item, column 2.
- (3) An amount mentioned in an item in table 8, column 4 is prescribed as the amount payable as a recognition payment for the offence mentioned in the item, column 2 if the offence involves 1 circumstance of aggravation.
- (4) An amount mentioned in an item in table 8, column 5 is prescribed as the amount payable as a recognition payment for the offence mentioned in the item, column 2 if the offence involves 2 or more circumstances of aggravation.
- (5) An amount mentioned in an item in table 8, column 6 is prescribed as the amount payable as a recognition payment for the offence mentioned in the item, column 2 if the offence results in a very serious injury that is permanent in the primary victim.

Note For the maximum total financial assistance, see the [Act](#), s 24.

- (6) If the *Crimes Act 1900*, section 66 (1) (b), applies to an offence mentioned in table 8, column 2, item 3, the offence is taken to be an offence mentioned in table 8, column 2, item 6.

Table 8 Recognition payment for primary victim

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	\$15 000	\$18 750	\$22 500	\$26 250
2	attempt or conspiracy to commit homicide	\$15 000	\$18 750	\$22 500	\$26 250
3	sexual offence punishable by imprisonment for 10 years or more, but less than 14 years	\$8 000	\$10 000	\$12 000	\$14 000
4	offence against the person resulting in grievous bodily harm	\$8 000	\$10 000	\$12 000	\$14 000

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
5	attempt or conspiracy to commit a sexual offence punishable by imprisonment for 14 years or more	\$8 000	\$10 000	\$12 000	\$14 000
6	sexual offence punishable by imprisonment for less than 10 years	\$2 000	\$2 500	\$3 000	\$3 500
7	offence against the person resulting in actual bodily harm	\$2 000	\$2 500	\$3 000	\$3 500
8	robbery in company or with an offensive weapon	\$2 000	\$2 500	\$3 000	\$3 500
9	attempt or conspiracy to commit a sexual offence punishable by imprisonment for 10 years or more but less than 14 years	\$2 000	\$2 500	\$3 000	\$3 500

Section 8

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
10	attempt, threat or conspiracy to commit an offence against the person resulting in grievous bodily harm	\$2 000	\$2 500	\$3 000	\$3 500
11	offences involving deprivation of liberty (including kidnapping, forcible confinement)	\$2 000	\$2 500	\$3 000	\$3 500
12	offence against the person not resulting in actual bodily harm	\$1 000	\$1 250	\$1 500	\$1 750
13	attempt or conspiracy to commit a sexual offence punishable by imprisonment for less than 10 years	\$1 000	\$1 250	\$1 500	\$1 750

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
14	attempt, threat or conspiracy to commit an offence against the person resulting in actual bodily harm	\$1 000	\$1 250	\$1 500	\$1 750

**9 Recognition payment for class A related victim—
Act, s 29 (2)**

The amount prescribed is \$20 000.

**10 Recognition payment for class B related victim—
Act, s 30 (2)**

The amount prescribed is \$10 000.

11 Funeral expenses—Act, s 53 (b)

The amount prescribed is \$8 000.

12 Limitation on lawyers legal costs—Act, s 96 (1)

- (1) The amount prescribed for legal services that relate to an application for financial assistance is \$1 123.
- (2) The amount prescribed for legal services that relate to an appeal or review process for financial assistance is \$2 246.

Dictionary

(see s 3)

Note 1 The [Legislation Act](#) contains definitions and other provisions relevant to this regulation.

Note 2 For example, the [Legislation Act](#), dict, pt 1, defines the following terms:

- lawyer
- may (see s 146)
- must (see s 146).

Note 3 Terms used in this regulation have the same meaning that they have in the [Victims of Crime \(Financial Assistance\) Act 2016](#) (see [Legislation Act](#), s 148). For example, the following terms are defined in the [Victims of Crime \(Financial Assistance\) Act 2016](#), dict:

- act of violence (see s 7)
- class A related victim (see s 13)
- class B related victim (see s 14)
- class C related victim (see s 15)
- economic loss payment
- financial assistance
- homicide witness (see s 16)
- immediate need payment
- primary victim (see s 11)
- recognition payment
- related victim (see s 12).

victim includes a homicide witness, primary victim and related victim.

Endnotes

1 Notification

Notified under the [Legislation Act](#) on 12 May 2016.

2 Republications of amended laws

For the latest republication of amended laws, see www.legislation.act.gov.au.

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