



Australian Capital Territory

Victims of Crime (Financial Assistance) Regulation 2016

SL2016-10

made under the

Victims of Crime (Financial Assistance) Act 2016

Republication No 1

Effective: 1 July 2016 – 31 August 2016

Republication date: 1 July 2016

Regulation not amended

Authorised by the ACT Parliamentary Counsel

About this republication

The republished law

This is a republication of the *Victims of Crime (Financial Assistance) Regulation 2016*, made under the *Victims of Crime (Financial Assistance) Act 2016* (including any amendment made under the *Legislation Act 2001*, part 11.3 (Editorial changes)) as in force on 1 July 2016. It also includes any commencement, repeal or expiry affecting this republished law.

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

Kinds of republications

The Parliamentary Counsel's Office prepares 2 kinds of republications of ACT laws (see the ACT legislation register at www.legislation.act.gov.au):

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

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

Editorial amendments

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, the symbol **U** appears immediately before the provision heading. Any uncommenced amendments that affect this republished law are accessible on the ACT legislation register (www.legislation.act.gov.au). For more information, see the home page for this law on the register.

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 the *Legislation Act 2001*, section 95.

Penalties

At the republication date, the value of a penalty unit for an offence against this law is \$150 for an individual and \$750 for a corporation (see *Legislation Act 2001*, s 133).



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Australian Capital Territory

Victims of Crime (Financial Assistance) Regulation 2016

made under the

Victims of Crime (Financial Assistance) Act 2016

1 Name of regulation

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

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
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.

Table 7 Economic loss

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

column 1 item	column 2 economic loss	column 3 condition	column 4 maximum amount payable
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	
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

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
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
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

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
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
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

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
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
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 About the endnotes

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 are not included in the republished law. The details of these laws are underlined in the legislation history. Uncommenced expiries are underlined in the legislation history and amendment history.

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

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

3 Legislation history

Victims of Crime (Financial Assistance) Regulation 2016 SL2016-10

notified LR 12 May 2016

s 1, s 2 commenced 12 May 2016 (LA s 75 (1))

remainder commenced 1 July 2016 (s 2 and see [Victims of Crime \(Financial Assistance\) Act 2016](#) A2016-12, s 2 (1) (a))

4 Amendment history

Commencement

s 2 om LA s 89 (4)

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