



Australian Capital Territory

# **Victims of Crime Act 1994**

**A1994-83**

**Republication No 17**

**Effective: 26 August 2016 – 31 August 2016**

Republication date: 26 August 2016

Last amendment made by [A2016-53](#)

Authorised by the ACT Parliamentary Counsel

## About this republication

### The republished law

This is a republication of the *Victims of Crime Act 1994* (including any amendment made under the *Legislation Act 2001*, part 11.3 (Editorial changes)) as in force on 26 August 2016. It also includes any commencement, amendment, repeal or expiry affecting this republished law to 26 August 2016.

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](http://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 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, 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](http://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).



Australian Capital Territory

# Victims of Crime Act 1994

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Australian Capital Territory

# Victims of Crime Act 1994

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An Act relating to victims of crime

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## Part 1 Preliminary

### 1 Name of Act

This Act is the *Victims of Crime Act 1994*.

### 2 Dictionary

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

*Note 1* The dictionary at the end of this Act defines certain words and expressions used in this Act.

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

### 3 Notes

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

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

### 3A Offences against Act—application of Criminal Code etc

Other legislation applies in relation to offences against this Act.

*Note 1* *Criminal Code*  
The [Criminal Code](#), ch 2 applies to all offences against this Act (see Code, pt 2.1).

The chapter sets out the general principles of criminal responsibility (including burdens of proof and general defences), and defines terms used for offences to which the Code applies (eg *conduct*, *intention*, *recklessness* and *strict liability*).

*Note 2* *Penalty units*  
The [Legislation Act](#), s 133 deals with the meaning of offence penalties that are expressed in penalty units.



## Part 2                      Objects and principles

### 3B                      Object of Act

The object of this Act is to—

- (a) acknowledge, protect and promote the interests of victims in the administration of justice; and
- (b) establish appropriate ways for the treatment of victims by agencies involved in the administration of justice; and
- (c) help victims deal with the effects of criminal offences.

### 4                              Governing principles

In the administration of justice, the following principles are to, as far as practicable and appropriate, govern the treatment of victims:

- (a) a victim should be dealt with at all times in a sympathetic, constructive and reassuring way and with appropriate regard to his or her personal situation, rights and dignity;
- (b) a victim should be told at reasonable intervals (generally not more than 1 month) of the progress of police investigations about the relevant offence, except if the disclosure might jeopardise the investigation, and, in that case, the victim should be told accordingly;
- (c) a victim should be told about the charges laid against the accused and of any modification of the charges;
- (d) a victim should be told about any decision concerning the accused to accept a plea of guilty to a lesser charge or a guilty plea in return for a recommendation of leniency in sentencing;
- (e) a victim should be told about any decision not to proceed with a charge against the accused;

- (f) if any victim's property is held by the Territory for the purposes of investigation or evidence—inconvenience to the victim should be minimised and the property returned promptly;
- (g) a victim should be told about the trial process and of the rights and responsibilities of witnesses;
- (h) a victim should be protected from unnecessary contact with the accused and defence witnesses during the course of the trial;
- (i) a victim's home address should be withheld unless the court directs otherwise;
- (j) a victim should not have to appear at preliminary hearings or committal proceedings unless the court directs the victim to appear;
- (k) a victim should be given an explanation of the outcome of criminal proceedings and of any sentence and its implications;
- (l) a victim who is known to have expressed concern about the need for protection from an offender should be told about the offender's impending release from custody.

## **5 Compliance with principles**

- (1) A person who exercises a function in the administration of justice must have regard to the governing principles, as well as other relevant matters.
- (2) If a primary victim is a child, the person must consider the child's views, wishes and circumstances before treating a guardian of the child as a victim when applying the governing principles.

## Part 2A                      Important concepts

### 6                      Who is a *victim*?

(1) In this Act:

*victim* means a person who suffers harm because of an offence and includes—

- (a) a person (the *primary victim*) who suffers harm—
    - (i) in the course of, or as a result of, the commission of an offence; or
    - (ii) as a result of witnessing an offence; and
  - (b) a family member, of the primary victim, who suffers harm because of the harm to the primary victim; and
  - (c) a person who is financially or psychologically dependent on the primary victim and who suffers harm because of the harm to the primary victim; and
  - (d) the following people under the *Victims of Crime (Financial Assistance) Act 2016*:
    - (i) a primary victim;
    - (ii) a related victim;
    - (iii) a homicide witness; and
  - (e) if a person mentioned for this definition is a child or legally incompetent person—a guardian of the child or legally incompetent person.
- (2) However, a *victim* does not include a person who suffers harm because of an offence he or she committed or is alleged to have committed.

(3) In this section:

**guardian** means—

- (a) for a child—a parent, a legally appointed guardian of the child or someone else with parental responsibility for the child under the *Children and Young People Act 2008*, division 1.3.2 (Parental responsibility); or
- (b) for a legally incompetent person—a person who is—
  - (i) a legally appointed guardian of the legally incompetent person; or
  - (ii) an attorney, appointed under an enduring power of attorney that has become operative, for the legally incompetent person.

**harm** includes 1 or more of the following:

- (a) physical injury;
- (b) mental injury or emotional suffering (including grief);
- (c) pregnancy;
- (d) economic loss;
- (e) substantial impairment of a person's legal rights.

**legally incompetent person** means an adult who is subject to—

- (a) an enduring power of attorney that has become operative; or
- (b) a guardianship order.

## Part 3                      Victims of crime commissioner

### 11                      Functions

The commissioner has the following functions in connection with the administration of justice:

- (a) to manage the victims services scheme, the financial assistance scheme and any other program for the benefit of victims;
- (b) to advocate for the interests of victims;
- (c) to advocate for the interests of affected people under the *Mental Health Act 2015*;
- (d) to monitor and promote compliance with the governing principles;
- (e) to ensure concerns and formal complaints about non-compliance with the governing principles are dealt with promptly and effectively;
- (f) to ensure the provision of efficient and effective services for victims;
- (g) to consult on and promote reforms to meet the interests of victims;
- (h) to develop educational and other programs to promote awareness of the interests of victims;
- (i) to distribute information about the operation of this Act and the commissioner's functions;
- (j) to ensure that victims receive information and assistance they need in connection with their involvement in the administration of justice;
- (k) to encourage and facilitate cooperation between agencies involved in the administration of justice with respect to victims;

- (l) to advise the Minister on matters relating to the interests of victims;
- (m) any other function given to the commissioner under this Act or another territory law.

*Note 1* The commissioner is a member of the human rights commission appointed under the [Human Rights Commission Act 2005](#), s 18D.

*Note 2* A provision of a law that gives an entity (including a person) a function also gives the entity powers necessary and convenient to exercise the function (see [Legislation Act](#), s 196 and dict, pt 1, def *entity*).

## 12 Concerns and complaints

- (1) The commissioner must try to resolve any concern raised with the commissioner by a victim about non-compliance with the governing principles by an agency involved in the administration of justice.
- (2) An agency must, with the victim's consent, give the commissioner any document or information that the agency could provide to the victim and which is reasonably required by the commissioner to resolve a concern under subsection (1).
- (3) Nothing in subsection (1) prevents a victim or the commissioner from making a formal complaint about a concern, or requires a victim to raise a concern with the commissioner before making a formal complaint.
- (4) If the commissioner receives a formal complaint about non-compliance with the governing principles by an agency involved in the administration of justice, the commissioner must refer the complaint to a relevant complaints entity.
- (5) If a complaint is referred to a relevant complaints entity, the commissioner must give the entity all documents and information held by the commissioner about the complaint.
- (6) In this section:

*relevant complaints entity* means—

- (a) the human rights commission; or
- (b) the ombudsman; or
- (c) any other entity authorised to investigate a complaint relating to the administration of justice.

### **13 Attendance at criminal proceedings**

For the exercise of the commissioner's functions under this Act, the commissioner is entitled to be present at the hearing of a proceeding in a court in respect of an offence, including any part of the proceeding held in private, unless the court directs otherwise.

## Part 4 Victims services scheme

### 19 Victims services scheme—establishment

- (1) A victims services scheme must be established in accordance with the regulations.
- (2) Regulations made for this section may provide for the following matters:
  - (a) conditions for eligibility for the scheme;
  - (b) different levels of services for different categories of victim, or for victims in different circumstances;
  - (c) the exercise of functions in relation to the scheme by the commissioner (other than functions inconsistent with the commissioner's other functions under this Act);
  - (d) the nomination of a person or body as the annual reporting authority for the scheme;
  - (e) any other matters necessary or convenient for the establishment or operation of the scheme.

### 20 Victims services scheme—eligibility

All victims are eligible for assistance under the victims services scheme, subject to regulations made for section 19.

### 21 Victims services scheme—annual report

The *Annual Reports (Government Agencies) Act 2004* applies in relation to the victims services scheme as if—

- (a) the annual reporting authority nominated in accordance with the regulations were a public authority under that Act; and



- (b) that Act required the annual reporting authority to prepare an annual report relating to the operations of the scheme within the relevant financial year.

*Note* **Financial year** has an extended meaning in the [Annual Reports \(Government Agencies\) Act 2004](#).

## **22 Victims services scheme—access to information and protection of privacy**

For the avoidance of doubt—

- (a) the victims services scheme is declared to be a health service provider for the [Health Records \(Privacy and Access\) Act 1997](#); and
- (b) that Act accordingly applies in relation to any health record (under that Act) held by the victims services scheme in relation to a victim.

## Part 4A Victims advisory board

### Division 4A.1 Establishment and membership

#### 22A Establishment of board

The Victims Advisory Board is established.

#### 22B Functions of board

The functions of the board are—

- (a) to advise the Minister on policies, priorities and strategies for the acknowledgment, protection and promotion of the interests of victims in the administration of justice; and
- (b) if asked by the Minister—to help develop and maintain protocols and procedures for the treatment of victims by agencies involved in the administration of justice; and
- (c) any other function given to the board under this Act or another territory law.

#### 22C Membership of board

- (1) The board consists of—
  - (a) the director-general; and
  - (b) the commissioner; and
  - (c) the members (the *appointed members*) appointed under section 22D.
- (2) The director-general may delegate his or her functions under this Act to a public servant.

## **22D Appointed members of board**

- (1) The Minister must appoint the following members of the board:
  - (a) a representative of each of the following entities:
    - (i) the DPP;
    - (ii) the Australian Federal Police;
    - (iii) ACT courts;
    - (iv) the administrative unit allocated responsibility for the administration of corrective services;
    - (v) the administrative unit allocated responsibility for the administration of youth justice;
    - (vi) the administrative unit allocated responsibility for restorative justice;
  - (b) 3 people who, in the Minister's opinion, represent the interests of victims services groups;
  - (c) 1 person who, in the Minister's opinion, represents the interests of indigenous communities;
  - (d) 1 person who is a lawyer.
- (2) A member must be employed, practise, or live, in the ACT.
- (3) The Minister must not appoint a public servant as a member mentioned in subsection (1) (b) to (d).
- (4) The [Legislation Act](#), division 19.3.3 does not apply to the appointment of a member mentioned in subsection (1) (a).

*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*).

## **22E Chair**

The chair of the board is the director-general.

## **22F Conditions of appointment generally**

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

## **22G Term of appointment**

- (1) An appointed member must be appointed for not longer than 3 years.
- (2) The Minister must end the appointment of—
  - (a) an appointed member mentioned in section 22D (1) (a) if the Minister is satisfied that the member is no longer the representative of the entity the member was appointed to represent; or
  - (b) an appointed member mentioned in section 22D (1) (b) or (c) if the Minister is satisfied that the member no longer represents the interests of the group or community the member was appointed to represent; 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 or personally insolvent; 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 22J (Disclosure of interests) without reasonable excuse.

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

## **Division 4A.2 Proceedings of board**

### **22H 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 twice every year.
- (3) The chair—
  - (a) may at any time call a meeting of the board; and
  - (b) must call a meeting if asked to do so by the Minister or at least 7 members.

### **22I Procedures governing conduct of meetings**

- (1) The chair presides at all meetings at which the chair is present.
- (2) If the chair is absent, the member chosen by the members present presides.
- (3) The board may decide the procedure to be followed for a meeting.
- (4) At a meeting of the board—
  - (a) 7 members form a quorum; and
  - (b) each member 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.

- (5) The board must keep minutes of its meetings.

**22J 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.

## Part 5                      Victims services levy

### 23            **Meaning of *offence*—pt 5**

In this part:

*offence* means an offence dealt with by the Supreme Court or the Magistrates Court other than an offence prescribed by regulation.

### 24            **Imposition of victims services levy**

- (1) A levy (a *victims services levy*) is imposed to provide a source of revenue to improve services for victims of crime.
- (2) An adult who is convicted of an offence and ordered by a court to pay a fine in relation to the offence is liable to pay the Territory a victims services levy of \$50.

*Note*        The victims services levy is recoverable under the [Crimes \(Sentence Administration\) Act 2005](#), ch 6A (Court imposed fines).

- (3) The victims services levy is in addition to, and does not form part of, the fine.

### 25            **Notice of levy**

- (1) The amount of the victims services levy payable by a person must be stated on—
  - (a) the fine order; and
  - (b) any notice or copy of the fine order given to the person.
- (2) In this section:  
*fine order*—see the [Crimes \(Sentencing\) Act 2005](#), section 14 (2).

### 26            **Levy not to be reduced**

- (1) A court must not reduce the victims services levy payable by a person or exonerate a person from liability to pay the levy.

- (2) However, the court may exonerate the person from liability to pay the levy if satisfied in the circumstances of the case that paying the levy is likely to cause undue hardship.

**27 Effect of appeal etc**

- (1) The commencement of any proceeding to appeal against, or for review of, a conviction for an offence for which a victims services levy is imposed on a person stays the person's liability to pay the levy.
- (2) Setting aside the conviction annuls the person's liability to pay the victims services levy.
- (3) Dismissal of the appeal or review removes the stay of liability.



## Part 6                      Miscellaneous

### 28                      Protection from liability

- (1) An official is not civilly liable for conduct engaged in honestly and without recklessness—
  - (a) in the exercise of a function under this Act; or
  - (b) in the reasonable belief that the conduct was in the exercise of a function under this Act.
- (2) Any civil liability that would, apart from this section, attach to the official attaches instead to the Territory.
- (3) In this section:

*conduct* means an act or omission to do an act.

*official* means—

- (a) the commissioner; or
- (b) a member of the staff of the commissioner; or
- (c) a person authorised under this Act to do or not to do a thing.

### 29                      Secrecy

- (1) A person to whom this section applies commits an offence if—
  - (a) the person—
    - (i) makes a record of protected information about someone else; and
    - (ii) is reckless about whether the information is protected information about someone else; or
  - (b) the person—
    - (i) does something that divulges protected information about someone else; and

- (ii) is reckless about whether—
  - (A) the information is protected information about someone else; and
  - (B) doing the thing would result in the information being divulged to someone else.

Maximum penalty: 50 penalty units, imprisonment for 6 months or both.

- (2) Subsection (1) does not apply if the record is made, or the information is divulged—
  - (a) under this Act or another law applying in the Territory; or
  - (b) in relation to the exercise of a function, as a person to whom this section applies, under this Act or another law applying in the Territory.

*Note* The defendant has an evidential burden in relation to the matters mentioned in s (2) (see [Criminal Code](#), s 58).

- (3) Subsection (1) does not apply to the divulging of protected information about someone with the person's consent.

*Note* The defendant has an evidential burden in relation to the matters mentioned in s (3) (see [Criminal Code](#), s 58).

- (4) A person to whom this section applies need not divulge protected information to a court, or produce a document containing protected information to a court, unless it is necessary to do so for this Act or another law applying in the Territory.

- (5) In this section:

***court*** includes a tribunal, authority or person having power to require the production of documents or the answering of questions.

***divulge*** includes communicate.

*person to whom this section applies* means a person who—

- (a) is or has been—
  - (i) the commissioner; or
  - (ii) a member of the staff of the commissioner; or
- (b) exercises, or has exercised, a function under this Act.

*produce* includes allow access to.

*protected information* means information about a person that is disclosed to, or obtained by, a person to whom this section applies because of the exercise of a function under this Act by the person or someone else.

### **30 Regulation-making power**

The Executive may make regulations for this Act.

*Note* A regulation must be notified, and presented to the Legislative Assembly, under the [Legislation Act](#).

## Dictionary

(see s 2)

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

*Note 2* In particular, the [Legislation Act](#), dict, pt 1, defines the following terms:

- ACT
- adult
- bankrupt or personally insolvent
- child
- director-general (see s 163)
- domestic partner (see s 169 (1))
- home address
- human rights commission
- Magistrates Court
- Minister (see s 162)
- ombudsman
- parent
- penalty unit (see s 133)
- police officer
- public servant
- Supreme Court
- territory law
- the Territory.

***administration of justice*** includes the provision of police services.

***appointed member***—see section 22C (1) (c).

***board*** means the victims advisory board.

***commissioner*** means the Victims of Crime Commissioner appointed under the [Human Rights Commission Act 2005](#), section 18D.

*Note* The commissioner is a member of the human rights commission (see [Human Rights Commission Act 2005](#), s 12 (1) (g)).

***financial assistance scheme*** means the scheme established under the *Victims of Crime (Financial Assistance) Act 2016* to provide financial assistance for victims.

***governing principles*** means the principles mentioned in section 4.

***guardian***—see section 6 (3).

***offence***—

(a) for this Act generally—means an offence against a law in force in the ACT; and

(b) for part 5 (Victims services levy)—see section 23.

***primary victim***—see section 6.

***victim***—see section 6.

***victims advisory board*** means the board established under section 22A.

***victims services levy***—see section 24.

***victims services scheme*** means the scheme established under part 4.

## 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 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 Act 1994 A1994-83**

notified 15 December 1994 ([Gaz 1994 No S280](#))  
s 1, s 2 commenced 15 December 1994 (s 2 (1))  
remainder (ss 3-19) commenced 15 June 1995 (s 2 (3))

as amended by

#### **Statute Law Revision (Penalties) Act 1998 A1998-54 sch**

notified 27 November 1998 ([Gaz 1998 No S207](#))  
s 1, s 2 commenced 27 November 1998 (s 2 (1))  
sch commenced 9 December 1998 (s 2 (2) and [Gaz 1998 No 49](#))

#### **Victims of Crime (Financial Assistance) (Amendment) Act 1999 A1999-91 pt 3**

notified 23 December 1999  
s 1, s 2 commenced 23 December 1999 (s 2 (1))  
pt 3 commenced 24 December 1999 (s 2 (2) and [Gaz 1999 No S69](#))

#### **Legislation (Consequential Amendments) Act 2001 A2001-44 pt 407**

notified 26 July 2001 ([Gaz 2001 No 30](#))  
s 1, s 2 commenced 26 July 2001 (IA s 10B)  
pt 407 commenced 12 September 2001 (s 2 and see [Gaz 2001 No S65](#))

#### **Statute Law Amendment Act 2003 A2003-41 sch 3 pt 3.21**

notified LR 11 September 2003  
s 1, s 2 commenced 11 September 2003 (LA s 75 (1))  
sch 3 pt 3.21 commenced 9 October 2003 (s 2 (1))

#### **Annual Reports Legislation Amendment Act 2004 A2004-9 sch 1 pt 1.36**

notified LR 19 March 2004  
s 1, s 2 commenced 19 March 2004 (LA s 75 (1))  
sch 1 pt 1.36 commenced 13 April 2004 (s 2 and see [Annual Reports \(Government Agencies\) Act 2004 A2004-8, s 2 and CN2004-5](#))

## Endnotes

3 Legislation history

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### **Justice and Community Safety Legislation Amendment Act 2007 A2007-22 sch 1 pt 1.15**

notified LR 5 September 2007  
s 1, s 2 commenced 5 September 2007 (LA s 75 (1))  
sch 1 pt 1.15 commenced 6 September 2007 (s 2)

### **Victims of Crime Amendment Act 2007 A2007-44**

notified LR 13 December 2007  
s 1, s 2 commenced 13 December 2007 (LA s 75 (1))  
remainder commenced 20 December 2007 (s 2)

### **Statute Law Amendment Act 2009 (No 2) A2009-49 sch 3 pt 3.82**

notified LR 26 November 2009  
s 1, s 2 commenced 26 November 2009 (LA s 75 (1))  
sch 3 pt 3.82 commenced 17 December 2009 (s 2)

### **Crimes (Sentence Administration) Amendment Act 2010 A2010-21 sch 1 pt 1.10**

notified LR 30 June 2010  
s 1, s 2 commenced 30 June 2010 (LA s 75 (1))  
sch 1 pt 1.10 commenced 1 July 2010 (s 2)

### **Victims of Crime Amendment Act 2010 A2010-29 pt 2**

notified LR 31 August 2010  
s 1, s 2 commenced 31 August 2010 (LA s 75 (1))  
pt 2 commenced 28 February 2011 (s 2 and LA s 79)

### **Administrative (One ACT Public Service Miscellaneous Amendments) Act 2011 A2011-22 sch 1 pt 1.167**

notified LR 30 June 2011  
s 1, s 2 commenced 30 June 2011 (LA s 75 (1))  
sch 1 pt 1.167 commenced 1 July 2011 (s 2 (1))

### **Justice and Community Safety Legislation Amendment Act 2012 A2012-30 sch 1 pt 1.6**

notified LR 13 June 2012  
s 1, s 2 commenced 13 June 2012 (LA s 75 (1))  
sch 1 pt 1.6 commenced 14 June 2012 (s 2)



**Justice and Community Safety Legislation Amendment Act 2013  
(No 4) A2013-45 sch 1 pt 1.5**

notified LR 11 November 2013  
s 1, s 2 commenced 11 November 2013 (LA s 75 (1))  
sch 1 pt 1.5 commenced 12 November 2013 (s 2)

**Mental Health (Treatment and Care) Amendment Act 2014 A2014-51  
sch 1 pt 1.11 (as am by A2015-38 amdt 2.54)**

notified LR 12 November 2014  
s 1, s 2 commenced 12 November 2014 (LA s 75 (1))  
sch 1 pt 1.11 commenced 1 March 2016 (s 2 (as am by A2015-38  
amdt 2.54))

**Mental Health Act 2015 A2015-38 sch 2 pt 2.2, sch 2 pt 2.4 div 2.4.16**

notified LR 7 October 2015  
s 1, s 2 commenced 7 October 2015 (LA s 75 (1))  
sch 2 pt 2.2 (amdt 2.54) commenced 8 October 2015 (s 2 (2))  
sch 2 pt 2.4 div 2.4.16 commenced 1 March 2016 (s 2 (1) and see  
[Mental Health \(Treatment and Care\) Amendment Act 2014 A2014-51](#),  
s 2 (as am by A2015-38 amdt 2.54))

*Note* Sch 2 pt 2.2 (amdt 2.54) only amends the [Mental Health  
\(Treatment and Care\) Amendment Act 2014 A2014-51](#)

**Victims of Crime (Victims Services Levy) Amendment Act 2015  
A2015-39**

notified LR 6 October 2015  
s 1, s 2 commenced 6 October 2015 (LA s 75 (1))  
remainder commenced 7 October 2015 (s 2)

**Protection of Rights (Services) Legislation Amendment Act 2016  
A2016-1 sch 1 pt 1.3**

notified LR 23 February 2016  
s 1, s 2 commenced 23 February 2016 (LA s 75 (1))  
sch 1 pt 1.3 commenced 1 April 2016 (s 2)

**Victims of Crime (Financial Assistance) Act 2016 A2016-12 sch 3  
pt 3.5**

notified LR 16 March 2016  
s 1, s 2 commenced 16 March 2016 (LA s 75 (1))  
sch 3 pt 3.5 commenced 1 July 2016 (s 2 (1) (a))

## Endnotes

3 Legislation history

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**Public Sector Management Amendment Act 2016 A2016-52 sch 1  
pt 1.63**

notified LR 25 August 2016  
s 1, s 2 commenced 25 August 2016 (LA s 75 (1))  
sch 1 pt 1.63 commences 1 September 2016 (s 2)

**Justice and Community Safety Legislation Amendment Act 2016  
(No 2) A2016-53 pt 5**

notified LR 25 August 2016  
s 1, s 2 taken to have commenced 23 June 2016 (LA s 75 (2))  
s 14 commences 1 July 2017 (s 2 (3))  
pt 5 remainder commenced 26 August 2016 (s 2 (1))

## 4 Amendment history

### Name of Act

s 1 sub [A2003-41](#) amdt 3.455

### Dictionary

s 2 om [A2001-44](#) amdt 1.4232  
ins [A2003-41](#) amdt 3.459

### Notes

s 3 defs reloc to dict [A2003-41](#) amdt 3.458  
sub [A2003-41](#) amdt 3.459

### Offences against Act—application of Criminal Code etc

s 3A ins [A2010-29](#) s 4

### Objects and principles

pt 2 hdg sub [A2010-29](#) s 5

### Object of Act

s 3B ins [A2010-29](#) s 5

### Governing principles

s 4 am [A2003-41](#) amdts 3.460–3.468; [A2009-49](#) amdt 3.207

### Compliance with principles

s 5 sub [A2003-41](#) amdt 3.469  
am [A2010-29](#) s 6, s 7

### Important concepts

pt 2A hdg ins [A2010-29](#) s 9

### Who is a *victim*?

s 6 sub [A2003-41](#) amdt 3.469  
om [A2010-29](#) s 8  
ins [A2010-29](#) s 9  
am [A2016-12](#) amdt 3.6

### Victims of crime commissioner

pt 3 hdg sub [A2010-29](#) s 10

### Appointment of commissioner

div 3.1 hdg (prev pt 3 div 1 hdg) renum R2 LA  
sub [A2010-29](#) s 10  
om [A2016-1](#) amdt 1.21

### Appointment

s 7 am [A2003-41](#) amdts 3.470–3.472  
sub [A2010-29](#) s 10  
om [A2016-1](#) amdt 1.21

## Endnotes

### 4 Amendment history

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#### Ending appointment

s 8 sub [A2010-29](#) s 10  
om [A2016-1](#) amdt 1.21

#### Staff

s 9 am [A2003-41](#) amdts 3.473–3.475  
sub [A2010-29](#) s 10  
om [A2016-1](#) amdt 1.21

#### Delegation by commissioner

s 10 om [A2003-41](#) amdt 3.476  
ins [A2010-29](#) s 10  
om [A2016-1](#) amdt 1.21

#### Functions of commissioner

div 3.2 hdg (prev pt 3 div 2 hdg) renum R2 LA  
sub [A2003-41](#) amdt 3.480; [A2010-29](#) s 10  
om R15 LA

#### Functions

s 11 am [A1998-54](#) sch  
sub [A2010-29](#) s 10  
am [A2014-51](#) amdt 1.73; [A2015-38](#) amdt 2.91 pars renum R14  
LA; [A2016-1](#) amdt 1.22; [A2016-12](#) amdt 3.7

#### Concerns and complaints

s 12 am [A2003-41](#) amdt 3.477, amdt 3.478  
sub [A2010-29](#) s 10

#### Attendance at criminal proceedings

s 13 sub [A2003-41](#) amdt 3.479; [A2010-29](#) s 10

#### The Victims of Crime Coordinator

s 14 sub [A2003-41](#) amdt 3.480  
om [A2010-29](#) s 10

#### Appointment of coordinator

s 15 sub [A2003-41](#) amdt 3.480  
om [A2010-29](#) s 10

#### Term of appointment of coordinator

s 16 sub [A2003-41](#) amdt 3.480  
om [A2010-29](#) s 10

#### Conditions of appointment of coordinator

s 17 sub [A2003-41](#) amdt 3.480  
om [A2010-29](#) s 10

#### Ending of appointment of coordinator

s 18 sub [A2003-41](#) amdt 3.480  
om [A2010-29](#) s 10

**Delegation by coordinator**

s 18A ins [A2007-22](#) amdt 1.56  
om [A2010-29](#) s 10

**Victims services scheme**

pt 4 hdg ins [A1999-91](#) s 10

**Victims services scheme—establishment**

s 19 ins [A1999-91](#) s 10  
am [A2003-41](#) amdts 3.481–3.483; [A2010-29](#) s 11, s 12

**Victims services scheme—eligibility**

s 20 ins [A1999-91](#) s 10  
am [A2003-41](#) amdt 3.484

**Victims services scheme—annual report**

s 21 ins [A1999-91](#) s 10  
am [A2003-41](#) amdt 3.485, amdt 3.486  
sub [A2004-9](#) amdt 1.49

**Victims services scheme—access to information and protection of privacy**

s 22 ins [A1999-91](#) s 10  
am [A2003-41](#) amdt 3.486, amdt 3.487

**Victims advisory board**

pt 4A hdg ins [A2010-29](#) s 13

**Establishment and membership**

div 4A.1 hdg ins [A2010-29](#) s 13

**Establishment of board**

s 22A hdg ins [A2010-29](#) s 13

**Functions of board**

s 22B hdg ins [A2010-29](#) s 13

**Membership of board**

s 22C hdg ins [A2010-29](#) s 13  
s 22C am [A2011-22](#) amdt 1.464

**Appointed members of board**

s 22D hdg ins [A2010-29](#) s 13  
am [A2012-30](#) amdt 1.27

**Chair**

s 22E hdg ins [A2010-29](#) s 13  
s 22E am [A2011-22](#) amdt 1.465

**Conditions of appointment generally**

s 22F hdg ins [A2010-29](#) s 13

**Term of appointment**

s 22G hdg ins [A2010-29](#) s 13

## Endnotes

### 4 Amendment history

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#### **Proceedings of board**

div 4A.2 hdg ins [A2010-29](#) s 13

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

s 22H hdg ins [A2010-29](#) s 13

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

s 22I hdg ins [A2010-29](#) s 13

#### **Disclosure of interests**

s 22J hdg ins [A2010-29](#) s 13

#### **Victims services levy**

pt 5 hdg (prev pt 4 hdg) renum [A1999-91](#) s 11  
sub [A2007-44](#) s 4

#### **Meaning of offence—pt 5**

s 23 (prev s 19) renum [A1999-91](#) s 11  
am [A2001-44](#) amdt 1.4233  
sub [A2007-44](#) s 4

#### **Imposition of victims services levy**

s 24 ins [A2007-44](#) s 4  
am [A2010-21](#) amdt 1.25; [A2013-45](#) amdt 1.15; [A2015-39](#) s 4;  
[A2016-53](#) s 13

#### **Notice of levy**

s 25 ins [A2007-44](#) s 4

#### **Levy not to be reduced**

s 26 ins [A2007-44](#) s 4

#### **Effect of appeal etc**

s 27 ins [A2007-44](#) s 4

#### **Miscellaneous**

pt 6 hdg ins [A2007-44](#) s 4  
sub [A2010-29](#) s 14

#### **Protection from liability**

s 28 ins [A2007-44](#) s 4  
sub [A2010-29](#) s 14

#### **Secrecy**

s 29 ins [A2010-29](#) s 14

#### **Regulation-making power**

s 30 ins [A2010-29](#) s 14

**Dictionary**

dict

ins [A2003-41](#) amdt 3.488  
am [A2007-44](#) s 5; [A2009-49](#) amdt 3.208; [A2010-29](#) ss 15-17;  
[A2011-22](#) amdt 1.466  
def **administration of justice** reloc from s 3 [A2003-41](#)  
amdt 3.458  
def **appointed member** ins [A2010-29](#) s 18  
def **board** ins [A2010-29](#) s 18  
def **commissioner** ins [A2010-29](#) s 18  
am [A2016-1](#) amdt 1.23  
def **coordinator** sub [A2003-41](#) amdt 3.456  
reloc from s 3 [A2003-41](#) amdt 3.458  
om [A2010-29](#) s 19  
def **financial assistance scheme** ins [A2016-12](#) amdt 3.8  
def **governing principles** ins [A2010-29](#) s 20  
def **guardian** ins [A2010-29](#) s 20  
def **harm** reloc from s 3 [A2003-41](#) amdt 3.458  
om [A2010-29](#) s 21  
def **offence** am [A2003-41](#) amdt 3.457  
reloc from s 3 [A2003-41](#) amdt 3.458  
sub [A2007-44](#) s 6  
def **primary victim** ins [A2010-29](#) s 22  
def **victim** am [A1999-91](#) s 9  
reloc from s 3 [A2003-41](#) amdt 3.458  
sub [A2010-29](#) s 23  
def **victims advisory board** ins [A2010-29](#) s 24  
def **victims services levy** ins [A2007-44](#) s 7  
def **victims services scheme** ins [A1999-91](#) s 9  
reloc from s 3 [A2003-41](#) amdt 3.458

## Endnotes

### 5 Earlier republications

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#### 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 and date</b>	<b>Effective</b>	<b>Last amendment made by</b>	<b>Republication for</b>
R0A 17 Oct 2007	9 Dec 1998– 23 Dec 1999	<a href="#">A1998-54</a>	amendments by <a href="#">A1998-54</a>
R1 12 June 2000	12 June 2000– 11 Sept 2001	<a href="#">A1999-91</a>	amendments by <a href="#">A1999-91</a>
R1 (RI) 17 Oct 2007	12 June 2000– 11 Sept 2001	<a href="#">A1999-91</a>	reissue of printed version
R2 12 Sept 2001	12 Sept 2001– 8 Oct 2003	<a href="#">A2001-44</a>	amendments by <a href="#">A2001-44</a>
R3 9 Oct 2003	9 Oct 2003– 12 Apr 2004	<a href="#">A2003-41</a>	amendments by <a href="#">A2003-41</a>
R4 13 Apr 2004	13 Apr 2004– 5 Sept 2007	<a href="#">A2004-9</a>	amendments by <a href="#">A2004-9</a>
R5 6 Sept 2007	6 Sept 2007– 19 Dec 2007	<a href="#">A2007-22</a>	amendments by <a href="#">A2007-22</a>
R6 20 Dec 2007	20 Dec 2007– 16 Dec 2009	<a href="#">A2007-44</a>	amendments by <a href="#">A2007-44</a>
R7 17 Dec 2009	17 Dec 2009– 30 June 2010	<a href="#">A2009-49</a>	amendments by <a href="#">A2009-49</a>
R8 1 July 2010	1 July 2010– 27 Feb 2011	<a href="#">A2010-21</a>	amendments by <a href="#">A2010-21</a>
R9 28 Feb 2011	28 Feb 2011– 30 June 2011	<a href="#">A2010-29</a>	amendments by <a href="#">A2010-29</a>
R10 1 July 2011	1 July 2011– 13 June 2012	<a href="#">A2011-22</a>	amendments by <a href="#">A2011-22</a>



<b>Republication No and date</b>	<b>Effective</b>	<b>Last amendment made by</b>	<b>Republication for</b>
R11 14 June 2012	14 June 2012– 11 Nov 2013	<a href="#">A2012-30</a>	amendments by <a href="#">A2012-30</a>
R12 12 Nov 2013	12 Nov 2013– 6 Oct 2015	<a href="#">A2013-45</a>	amendments by <a href="#">A2013-45</a>
R13 7 Oct 2015	7 Oct 2015– 29 Feb 2016	<a href="#">A2015-39</a>	amendments by <a href="#">A2015-39</a>
R14 1 Mar 2016	1 Mar 2016– 31 Mar 2016	<a href="#">A2015-39</a>	amendments by <a href="#">A2014-51</a> and <a href="#">A2015-38</a>
R15 1 Apr 2016	1 Apr 2016– 30 Jun 2016	<a href="#">A2016-1</a>	amendments by <a href="#">A2016-1</a>
R16 1 July 2016	1 July 2016– 25 Aug 2016	<a href="#">A2016-12</a>	amendments by <a href="#">A2016-12</a>

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