

2024

THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

(As presented)

(Minister for Human Rights)

Victims of Crime (Financial Assistance) Amendment Bill 2024

Contents

	Page
1 Name of Act	2
2 Commencement	2
3 Legislation amended	2
4 Meaning of <i>act of violence</i> Section 7 (1), new note	2
5 Meaning of <i>circumstance of aggravation</i> for an offence Section 8	3
6 Meaning of <i>class B related victim</i> Section 14, definition of <i>class B related victim</i> , paragraph (b), except note	3

J2022-1259

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

Contents

	Page	
7	Meaning of <i>class C related victim</i> Section 15 (2), definition of <i>family member</i>	3
8	Recognition payment for primary victim Section 28 (2) (b)	3
9	Deciding matters relevant to application for financial assistance generally Section 43, example 2	4
10	Deciding whether applications involve related acts of violence Section 44 (7)	4
11	Circumstances in which financial assistance must not be given Section 45 (3) (b)	4
12	Deciding amount of financial assistance Section 46 (2) (c) (ii)	4
13	Secrecy Section 89 (4), new note	4
14	New section 95A	5
15	New section 98	6
16	General offences Schedule 1, division 1.2.1, new item 2A	7
17	Dictionary, definitions of <i>circumstance of aggravation</i> and <i>very serious injury</i>	7

2024

THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

(As presented)

(Minister for Human Rights)

Victims of Crime (Financial Assistance) Amendment Bill 2024

A Bill for

An Act to amend the *Victims of Crime (Financial Assistance) Act 2016*

The Legislative Assembly for the Australian Capital Territory enacts as follows:

1 **1 Name of Act**

2 This Act is the *Victims of Crime (Financial Assistance) Amendment*
3 *Act 2024*.

4 **2 Commencement**

5 (1) This Act (other than the provisions mentioned in subsection (2))
6 commences on the day after its notification day.

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

9 (2) The following provisions commence on 1 July 2025:

- 10 • sections 4 and 5
- 11 • sections 8 to 10
- 12 • section 12
- 13 • section 15
- 14 • section 17.

15 **3 Legislation amended**

16 This Act amends the *Victims of Crime (Financial Assistance)*
17 *Act 2016*.

18 **4 Meaning of *act of violence***
19 **Section 7 (1), new note**

20 *insert*

21 *Note* For criminal injuries before the commencement of this Act, see s 98
22 (Applications for financial assistance in relation to criminal injuries
23 before commencement of this Act).

1 **5** **Meaning of *circumstance of aggravation* for an offence**
2 **Section 8**

3 *omit*

4 **6** **Meaning of *class B related victim***
5 **Section 14, definition of *class B related victim*, paragraph**
6 **(b), except note**

7 *substitute*

8 (b) is 1 of the following:

9 (i) a close family member of the primary victim;

10 (ii) an intimate partner of the primary victim.

11 **7** **Meaning of *class C related victim***
12 **Section 15 (2), definition of *family member***

13 *substitute*

14 ***family member***, of a primary victim, means a person who is—

15 (a) a brother, sister, stepbrother, stepsister, half-brother or
16 half-sister of the primary victim; or

17 (b) if the primary victim was an Aboriginal or a Torres Strait
18 Islander person—regarded, in accordance with the traditions and
19 customs of the primary victim’s Aboriginal community or
20 Torres Strait Islander community, as a person mentioned in
21 paragraph (a).

22 **8** **Recognition payment for primary victim**
23 **Section 28 (2) (b)**

24 *substitute*

25 (b) the amount of the recognition payment in relation to the offence.

- 1 **9 Deciding matters relevant to application for financial**
2 **assistance generally**
3 **Section 43, example 2**
- 4 *omit*
- 5 **10 Deciding whether applications involve related acts of**
6 **violence**
7 **Section 44 (7)**
- 8 *omit*
- 9 **11 Circumstances in which financial assistance must not be**
10 **given**
11 **Section 45 (3) (b)**
- 12 *substitute*
- 13 (b) tell the applicant, by written notice, the commissioner’s decision
14 if—
- 15 (i) the commissioner decided that no disqualifying
16 circumstances apply in relation to the applicant; or
- 17 (ii) the applicant gave reasons and the commissioner decided
18 that a disqualifying circumstance applies in relation to the
19 applicant.
- 20 **12 Deciding amount of financial assistance**
21 **Section 46 (2) (c) (ii)**
- 22 *omit*
- 23 **13 Secrecy**
24 **Section 89 (4), new note**
- 25 *insert*
- 26 *Note* See also s 95A (Application material not admissible in certain court
27 proceedings).

14 **New section 95A**

in part 10, insert

95A Application material not admissible in certain court proceedings

- (1) Application material, or information about its contents, is not admissible in evidence in a court proceeding.
- (2) No-one may be compelled, in or in relation to a court proceeding—
 - (a) to produce a document that is application material; or
 - (b) to disclose application material or information about its contents.
- (3) However, this section does not apply to a court proceeding—
 - (a) under or in relation to this Act; or
 - (b) for an offence that involves dishonesty in which the application material is a fact in issue; or
 - (c) related to a proceeding mentioned in paragraph (a) or (b).
- (4) In this section:

application material means—

 - (a) an application—
 - (i) for financial assistance; or
 - (ii) under section 49 to vary an amount of financial assistance; or
 - (iii) under section 52 for a funeral expense payment; or
 - (b) a document accompanying the application; or
 - (c) any other document given to an official about the application (whether or not given by the applicant); or

- 1 (d) an oral communication made to an official about the application
2 (whether or not made by the applicant); or
3 (e) a document prepared by an official in relation to the application.
4 *official*—see section 85.

5 **15 New section 98**

6 *insert*

7 **98 Applications for financial assistance in relation to**
8 **criminal injuries before commencement of this Act**

- 9 (1) This section applies if, immediately before 1 July 2016, a person was
10 entitled to make an application in relation to a criminal injury under
11 the *Victims of Crime (Financial Assistance) Act 1983* (repealed),
12 section 27 (Application for financial assistance).

13 *Note* The *Victims of Crime (Financial Assistance) Act 1983* was repealed, and
14 this Act commenced, on 1 July 2016.

- 15 (2) The person may apply for financial assistance under this Act as if the
16 conduct that resulted in the criminal injury had occurred on or after
17 1 July 2016.

18 *Note* Time limits apply for making an application for financial assistance (see
19 s 32).

- 20 (3) However, subsection (2) does not apply if the person has received
21 financial assistance in relation to the criminal injury under—

- 22 (a) the *Victims of Crime (Financial Assistance) Act 1983* (repealed);
23 or
24 (b) this Act, in accordance with expired section 203.

1 (4) Any right of the person to make an application, on or after the
 2 commencement day, for financial assistance in accordance with
 3 expired section 203 is extinguished.

4 *Note* Expired section 203 was a transitional provision that allowed applications
 5 that could have been made under the *Victims of Crime (Financial*
 6 *Assistance) Act 1983* to be made under this Act despite the former Act's
 7 repeal.

8 (5) Subsection (4) does not affect the person's right to receive financial
 9 assistance under expired section 203 for an application made under
 10 that section, but not decided by the commissioner, before the
 11 commencement day.

12 (6) In this section:

13 *commencement day* means the day the *Victims of Crime (Financial*
 14 *Assistance) Amendment Act 2024*, section 15 commences.

15 *expired section 203* means section 203, as in force immediately
 16 before 1 July 2021.

17 **16 General offences**
 18 **Schedule 1, division 1.2.1, new item 2A**

19 *insert*

2A	Crimes Act	an offence against pt 3A	intimate image abuse
----	----------------------------	-----------------------------	----------------------

20 **17 Dictionary, definitions of *circumstance of aggravation***
 21 **and *very serious injury***

22 *omit*

Endnotes

1 Presentation speech

Presentation speech made in the Legislative Assembly on 11 April 2024.

2 Notification

Notified under the [Legislation Act](#) on 2024.

3 Republications of amended laws

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

© Australian Capital Territory 2024