

1999

THE AUSTRALIAN CAPITAL TERRITORY
LEGISLATIVE ASSEMBLY

Victims of Crime Act 1994

Victims of Crime Regulations 1999

Subordinate Law No. 35 of 1999

EXPLANATORY STATEMENT

Circulated by the authority of Gary Humphries MLA
Minister for Justice and Community Safety

VICTIMS OF CRIME REGULATIONS

Outline

The *Victims of Crime (Financial Assistance) (Amendment) Act 1999* amended the *Victims of Crime Act 1994*. Among other matters, new section 19 of the *Victims of Crime Act 1994* provides that regulations may be made to establish a victims services scheme, to specify the entitlements of victims of crime to use the scheme and to set out the levels of service available to particular types of victims.

New section 19 of the *Victims of Crime Act 1994* commences on 24 December 1999. These Regulations, made under that section, will establish an interim victims services scheme which will also commence on 24 December 1999. The interim scheme will operate only until a permanent scheme can be established. An interim victims services scheme is required in order to ensure that victims of crime have access, from the date the Government's reform package commences, to the services necessary to assist their recovery from the effects of their victimisation.

In line with undertakings given by the Government in its Response to Recommendation 7 of the *Report of the Standing Committee on Justice and Community Safety on the Inquiry into the Victims of Crime (Financial Assistance) (Amendment) Bill 1998*, the establishment of the permanent scheme will occur after full public consultation on the design and structure of the service, including consultation with victims' groups and the Standing Committee on Justice and Community Safety.

It is anticipated that the permanent scheme will be established well before the end of 2000.

The interim Regulations provide that the victims services scheme is the scheme established by the contract between the Department of Justice and Community Safety and the Australian Capital Territory Health and Community Service for the provision of services to eligible victims of crime. The text of the contract forms the Schedule to the Regulations. The interim Regulations also explain that the eligibility of victims of crime to use the service, and the different levels of service to which victims in different categories are entitled, are as provided in the contract.

The eligibility criteria for access to the scheme are very broad – an eligible victim may be a primary victim, a relative of a primary victim, a witness or a person who was injured while assisting the police in relation to an offence. The Government has been guided by the recommendations of the Report of the Victim Support Working Party in developing the contract.

The main features of the interim victims services scheme are:

- when an eligible victim of an offence contacts the new scheme, he or she will be assessed by ACT Community Care and a care plan will be developed for that victim;

- all eligible victims are entitled to an initial 2 hours of services (the Level 1 entitlement) which may include debriefing, counselling and other forms of assistance;
- where an eligible victim is the victim of a violent offence, that victim has access to the Level 2 entitlement, which consists of up to another 8 hours of services provided by relevant health and rehabilitation professionals; and
- after completing Level 2, an eligible victim of a violent offence will be assessed and, if the case manager is satisfied that further services would have therapeutic value for the victim, that victim will be eligible for up to a further 12 hours of services.

The contract ensures that victims with Level 2 and Level 3 Service entitlements will have a choice of providers. Victims can select providers appropriate to their needs from a list of approved providers, which will include providers working in private practice as well as those employed by the ACT Government. Further details of the scheme are set out in the contract which comprises the Schedule to the Regulations.

Financial Implications

The services to be provided to victims of crime will be funded by money allocated to the Department of Justice and Community Safety in the 1999-2000 Budget for a victims assistance scheme. The contract at the Schedule to the Regulations sets out the costing structures for the interim scheme.

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Notes on clauses

Clause 1 Name of Regulations

This clause explains that the regulations are to be known as the *Victims of Crime Regulations 1999*.

Clause 2 Commencement

The Regulations will take effect on 24 December 1999, which is the date on which the *Victims of Crime (Financial Assistance) (Amendment) Act 1999* commences.

Clause 3 Definitions

This clause defines two key terms used in the Regulations. "Contract" refers to the service purchasing contract between the Department of Justice and Community Safety and Australian Capital Territory Health and Community Care Service under which a range of therapeutic and rehabilitative services are to be provided to victims of crimes committed in the Territory.

Clause 4 Victims services scheme

The clause formally establishes the victims services scheme, as provided for in section 19 of the *Victims of Crime Act 1994*. The details of the scheme are set out in the contract which is reproduced in the Schedule to the Regulations.

Clause 5 Responsible service agency

Under section 19 of the *Victims of Crime Act 1994*, a service agency must be nominated as the "responsible service agency" for the victims services scheme. Clause 5 provides that the Australian Capital Territory Health and Community Care Service is the responsible service agency in relation to the victims services scheme.

Clause 6 Conditions of Eligibility

This clause explains that the conditions of eligibility to use the new victims services scheme are those set out in the contract. The definition of "eligible victim" is located in the contract and derives from the definition of "victim" in the *Victims of Crime Act 1994* and covers most persons adversely affected by offences committed in the ACT.

Clause 7 Levels of services for victims

This clause explains that the different levels of services for different types of victims are as set out in the contract. The details of entitlements are located in the Schedule 1 of the contract. In brief, all eligible victims are entitled to Level 1 Service. Eligible victims of violent crimes are also entitled to Level 2 Service and, subject to

assessment once they have exhausted their Level 2 Service entitlements, may also be eligible for Level 3 Service.

Clause 8 Annual Reporting Body

The Department of Justice and Community safety will be responsible for preparing the Annual Report for the interim victims services scheme.