

2002

**THE LEGISLATIVE ASSEMBLY FOR THE
AUSTRALIAN CAPITAL TERRITORY**

VICTIMS OF CRIME AMENDMENT REGULATIONS 2002 (No 1)

Subordinate Law SL2002 - 40

EXPLANATORY STATEMENT

Circulated by the authority of the Attorney-General

VICTIMS OF CRIME AMENDMENT REGULATIONS 2002 (No 1)

Subordinate Law No 40 of 2002

PURPOSE

The *Victims Of Crime Amendment Regulations 2002* are made under the *Victims of Crime Act 1994*. The purpose of these amendments is to make technical amendments to regulations dealing with the functions, membership and powers of the Victims Assistance Board (the Board).

NOTES ON THE REGULATIONS

Clause 1 explains that the regulations are the Victims of Crime Amendment Regulations 2002 (No.1).

Clause 2 explains that the regulations commence the day after they are notified.

Clause 3 explains that the regulations amend the *Victims of Crime Regulations 2000*.

Clause 4 amends regulation 6 of the *Victims of Crime Regulations 2000* to omit the function of "managing funding arrangements for the responsible service agency" from the list of the Board's functions. It is necessary to omit this function because it is inconsistent with the requirements of the *Financial Management Act 1996*. The effect of that Act is to confer the responsibility for managing the funds that have been appropriated for the Victims Services Scheme on the chief executive of the Department of Justice and Community Safety. It should be noted that the chief executive has in fact managed the funding for the scheme, as required by the *Financial Management Act 1996*.

Clause 5 provides for regulation 6 of the *Victims of Crime Regulations 2000* to be renumbered when next republished. This amendment is consequential on clause 4.

Clause 6 amends regulation 8(1)(a), which deals with membership of the Board. Amended regulation 8(1)(a)(v) will ensure that Board membership aligns more closely with the functions performed by government departments, following changes made earlier this year to the Administrative Arrangements Order. Under those arrangements, it is now the Department of Disability, Housing and Community Services that has responsibility for the administration of community support services. It is clearly desirable for that department to be represented on the Board that is responsible for monitoring the Victims Services Scheme, which provides assistance and support to victims of crime.

New regulation 8(1)(a)(vi) was included at the recommendation of the current Victims Assistance Board. It ensures that Board membership includes representation from the government agency with responsibility for youth policy and services, that is, the Department of Education, Youth and Family Services. Many young people are vulnerable to becoming victims of crime and it is important that the Board include representation from this Department to ensure that the needs of young people are taken fully into account.

Clause 7 amends regulation 11 of the *Victims of Crime Regulations 2000* to update references to members of the Board, to take account of the changes made by clause 6 to the membership of the Board.

Clause 8 amends regulation 43 of the *Victims of Crime Regulations 2000* to clarify the Board's power to cancel the approval of a service provide who continues to fail to meet the criteria for approval. At present, the Board may cancel a service provider's approval if on at least 3 occasions, there have been grounds to suspend that provider. This power is difficult to apply where the ground for suspension relates to an ongoing state of affairs, rather than to specific acts or omissions by the service provider. New regulation 43(ab) makes it clear that the Board may cancel a service provider's approval if the ground of suspension for a service provider is a state of affairs, and that state of affairs has existed for 3 months or longer.

Clause 9 provides for regulation 43 of the *Victims of Crime Regulations 2000* to be renumbered when next republished. This amendment is consequential on clause 8.

Clause 10 amends regulation 49 of the *Victims of Crime Regulations 2000* to confer responsibility for preparing the annual report of the Victims Services Scheme on the chief executive of the Department of Justice and Community Safety. This amendment ensures greater consistency with the chief executive's reporting responsibilities in relation to the funding of the scheme under the *Financial Management Act 1996*.

Clause 11 amends the dictionary to the *Victims of Crime Regulations 2000*. It is consequential on the amendment to the Board's membership in clause 6.

FINANCIAL IMPLICATIONS

Nil