

2011

**LEGISLATIVE ASSEMBLY FOR THE
AUSTRALIAN CAPITAL TERRITORY**

VICTIMS OF CRIME AMENDMENT REGULATION 2011 (No 1)

SL2011-25

EXPLANATORY STATEMENT

**Presented b the
Attorney General
Simon Corbell MLA**

VICTIMS OF CRIME AMENDMENT REGULATION 2011 (No 1)

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Notification and review of eligibility decisions

Overview

The *Victims of Crime Act 1994* was amended by the Legislative Assembly by the *Victims of Crime Amendment Act 2010* on 17 August 2010. The *Victims of Crime Act* aims to acknowledge, protect and promote the interest of victims in the administration of justice; to establish appropriate ways for the treatment of victims by agencies involved in the administration of justice; and help victims deal with the effects of criminal offences.

These amendments to the *Victims of Crime Regulation 2000* are made under section 30 of the *Victims of Crime Act 1994*.

These amendments remove reference to the Health Services Commissioner with respect to any role related to the review of internal decisions. The oversight of administrative decisions is not in keeping with the role of the Health Services Commissioner, whose duty according to the *Human Rights Commission Act (2004)*, part 3.6 s 25, is to ‘exercise functions for the commission in relation to health services and services for older people’. The review by the Health Services Commissioner of complaints made regarding counselling services offered by Victim Support ACT is an appropriate function of the Commissioner.

Clause 1 – Name of regulation – provides that the regulation is the *Victims of Crime Amendment Regulation 2011 (No 1)*.

Clause 2 – Commencement – provides that the regulation commences on the day after its notification day.

Clause 3 – Legislation amended – provides that this regulation amends the *Victims of Crime Regulation 2000*.

Clause 4 – Section 25 - definition of *reviewable decision* – omits the definition as it refers to ‘a decision of the health services commissioner’ who is not appropriately accorded that function.

Clause 5 – Sections 29 to 31 – Applications to committee for internal review, Review by committee and Reviewable decision notices - these sections are omitted as they refer to applications to the health services commissioner for review of internal review and subsequent reviewable decision notices. The review of internally reviewed decisions was previously undertaken by a subcommittee of the Victims Assistance Board. The current Victims Advisory Board has a more strategic focus than the previous Victims Assistance Board, and is unsuited to review of decisions. As the relevant decisions have already been reviewed internally, it is appropriate that the next review option is the ACAT. It is also open to people to approach the ACT Ombudsman.

Clause 6 – Section 32 – omit a reviewable decision and substitute an internal reviewer’s decision when an ‘affected person’ applies to the ACAT for review of a decision.
A person aggrieved by a decision of an internal reviewer may seek review of the decision in the ACAT.