

**2016**

**LEGISLATIVE ASSEMBLY FOR THE  
AUSTRALIAN CAPITAL TERRITORY**

**VICTIMS OF CRIME (FINANCIAL ASSISTANCE) AMENDMENT REGULATION**

**2016 (No 1)**

**SL2016-25**

**EXPLANATORY STATEMENT**

**Presented by  
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# **Victims of Crime (Financial Assistance) Amendment Regulation 2016 (No 1)**

## **Outline**

The Victims of Crime (Financial Assistance) Regulation 2016 is made under the *Victims of Crime (Financial Assistance) Act 2016* (the Act).

The Act establishes an administrative scheme for providing financial assistance to victims who have been injured as a result of an act of violence. The Act provides three main categories of financial assistance for victims of crime: immediate need payments; economic loss payments; and recognition payments.

Among other things, the Regulation prescribes maximum amounts payable for specific immediate need and economic loss payments. This amending Regulation amends the maximum amount payable for personal security of a victim and loss of, or damage to, personal items.

Clause 2(1) applies the increase to the maximum amount payable for personal security of a victim with effect from 1 July 2016. This will operate beneficially and provide consistent access to the increased limit for all applicants under the new scheme. Section 76 of the *Legislation Act 2001* allows for retrospective commencement of a non-prejudicial provision of a statutory instrument.

## **Human Rights Considerations**

A detailed analysis of the Human Rights considerations arising under the Act and Regulation have been provided in the respective Explanatory Statements to the Act and Regulation. The following *Human Rights Act 2004* rights are supported by the Regulation and the amending Regulation:

- protection of family and children, section 11; and
- right to liberty and security of person, section 18.

# Detail

## Notes on Clauses

### Clause 1 – Name of regulation

This clause is a formal provision that sets out the name of the regulation.

### Clause 2 – Commencement

This clause provides the date for commencement of the regulation.

The effect of clause 2(1) is that the increase to the maximum amount payable for personal security of a victim is taken to have commenced on the same day the *Victims of Crime (Financial Assistance) Act 2016* commenced. This will operate beneficially and provide consistent access to the increased limit for all applicants under the new scheme.

The effect of clause 2(2) is that the amendment to limit payments available for loss or damage to personal items will commence on the day after the amending regulation's notification day.

### Clause 3 – Legislation amended

This is a technical clause identifying that the regulation amends the *Victims of Crime (Financial Assistance) Regulation 2016*.

### Clause 4 – Table 6, item 2

This clause prescribes \$4,000 as the maximum amount payable for measures for personal security of a victim.

This is the same payment limit as for relocation. Having the same payment limit for measures for personal security and for relocation expenses will provide greater equity in the assistance for applicants who can manage the risk to their safety by improving the security of their home and applicants who need to relocate. It will also provide broader access to measures for personal security.

It is expected that access to an amount for this immediate need will support measures such as changing locks, installing a security system in the victim's home, purchasing a telephone to enable the victim to contact police and installing an alarm in the victim's vehicle.

### Clause 5 – Table 7, item 9

This clause prescribes \$1,500 as the maximum amount payable for loss of, or damage to, personal items. The limit is intended to ensure payments are directed to necessary and reasonable expenses and to maintain the financial viability of the scheme. Similar interstate schemes limit the amount available for loss or damage to personal items.