**2018**

**LEGISLATIVE ASSEMBLY FOR THE**

**AUSTRALIAN CAPITAL TERRITORY**

**VICTIMS OF CRIME (FINANCIAL ASSISTANCE) AMENDMENT REGULATION 2018 (No 1)**

**SL2018-20**

**EXPLANATORY STATEMENT**

**Presented by**

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**Minister for Justice, Consumer Affairs and Road Safety**

**Victims of crime (Financial assistance) amendment regulation 2018 (No 1)**

**SL2018-22**

**Increase of Victim of Crime Financial Assistance Scheme payments by Consumer Price Index**

***Overview***

The *Victims of Crime (Financial Assistance) Act 2016* commenced on 1 May 2017 to provide financial assistance for people affected by acts of violence.

These amendments to the *Victims of Crime (Financial Assistance) Regulation 2016* are made under section 25 of the *Victims of Crime (Financial Assistance) Act 2016.*

***Purpose of the amendment***

Section 25 of the *Victims of Crime (Financial Assistance) Act 2016* requires yearly Consumer Price Index (CPI) increases for payments provided to victims under four sections:

* 1. maximum total financial assistance payments (section 24),
  2. recognition payment for primary victim (section 28),
  3. recognition payment for class A related victim (section 29), and
  4. recognition payment for class B related victim (section 30).

This regulation amendment will bring payment amounts in line with the current CPI.

***Outline of amendments***

Financial Assistance Scheme payments have amounts prescribed by the *Victims of Crime (Financial Assistance) Regulation 2016.*

*Clause 1 – Name of regulation*

This clause outlines that the regulation is the *Victims of Crime (Financial Assistance) Amendment Regulation 2018* *(No 1)*.

*Clause 2 – Commencement*

This clause outlines that the regulation commences on the day after its notification, according to the *Legislation Act 2001* (section 75).

*Clause 2 – Legislation amended*

This clause outlines that the regulation amends the *Victims of Crime (Financial Assistance) Regulation 2016*.

*Clause 4 – Section 5*

This clause brings maximum total financial assistance payments in line with CPI as per the below figures:

1. for a primary victim – from $50 000 to $52 173,
2. for a class A related victim – from $30 000 to $31 303,
3. for a class B related victim – from $20 000 to $20 869,
4. for a class C related victim – from $10 000 to $10 434, and
5. for a homicide witness – from $10 000 to $10 434.

If an application for financial assistance relates only to an act of violence that occurs in the course of a family violence offence, the amount will increase from $10 000 to $10 434.

*Clause 5 – Table 8*

This clause brings table 8, recognition payment for primary victims, in line with CPI as per the below table.

Table: CPI increase to recognition payments for primary victims

| column 1  item | column 2  offence in course of which act of violence must occur | column 3  recognition payment—general | column 4  recognition payment—1 circumstance of aggravation | column 5  recognition payment—2 or more circumstances of aggravation | column 6  recognition payment—very serious injury that is likely to be permanent |
| --- | --- | --- | --- | --- | --- |
| 1 | sexual offence punishable by imprisonment for 14 years or more | from $15 000 to $15 651 | from $18 750 to $19 564 | from $22 500 to $23 477 | from $26 250 to $27 390 |
| 2 | attempt or conspiracy to commit homicide | from $15 000 to $15 651 | from $18 750 to $19 564 | from $22 500 to $23 477 | from $26 250 to $27 390 |
| 3 | sexual offence punishable by imprisonment for 10 years or more, but less than 14 years | from $8 000 to $8 347 | from $10 000 to $10 434 | from $12 000 to $12 521 | from $14 000 to $14 608 |
| 4 | offence against the person resulting in grievous bodily harm | from $8 000 to $8 347 | from $10 000 to $10 434 | from $12 000 to $12 521 | from $14 000 to $14 608 |
| 5 | attempt or conspiracy to commit a sexual offence punishable by imprisonment for 14 years or more | from $8 000 to $8 347 | from $10 000 to $10 434 | from $12 000 to  $12 521 | from $14 000 to $14 608 |
| 6 | sexual offence punishable by imprisonment for less than 10 years | from $2 000 to $2 086 | from $2 500 to $2 608 | from $3 000 to $3 130 | from $3 500 to $3 652 |
| 7 | offence against the person resulting in actual bodily harm | from $2 000 to $2 086 | from $2 500 to $2 608 | from $3 000 to $3 130 | from $3 500 to $3 652 |
| 8 | robbery in company or with an offensive weapon | from $2 000 to $2 086 | from $2 500 to $2 608 | from $3 000 to $3 130 | from $3 500 to $3 652 |
| 9 | attempt or conspiracy to commit a sexual offence punishable by imprisonment for 10 years or more but less than 14 years | from $2 000 to $2 086 | from $2 500 to $2 608 | from $3 000 to $3 130 | from $3 500 to $3 652 |
| 10 | attempt, threat or conspiracy to commit an offence against the person resulting in grievous bodily harm | from $2 000 to $2 086 | from $2 500 to $2 608 | from $3 000 to $3 130 | from $3 500 to $3 652 |
| 11 | offences involving deprivation of liberty (including kidnapping, forcible confinement) | from $2 000 to $2 086 | from $2 500 to $2 608 | from $3 000 to $3 130 | from $3 500 to $3 652 |
| 12 | offence against the person not resulting in actual bodily harm | from $1 000 to $1 043 | from $1 250 to $1 304 | from $1 500 to $1 565 | from $1 750 to $1 826 |
| 13 | attempt or conspiracy to commit a sexual offence punishable by imprisonment for less than 10 years | from $1 000 to $1 043 | from $1 250 to $1 304 | from $1 500 to $1 565 | from $1 750 to $1 826 |
| 14 | attempt, threat or conspiracy to commit an offence against the person resulting in actual bodily harm | from $1 000 to $1 043 | from $1 250 to $1 304 | from $1 500 to $1 565 | from $1 750 to $1 826 |

*Clause 6 – Section 9*

This clause brings section 9, recognition payment for class A related victim, in line with CPI from $20 000 to $20 869.

*Clause 7 – Section 10*

This clause brings section 10, recognition payment for class B related victim, in line with CPI from $10 000 to $10 434.

***Human rights implications***

This regulation amendment supports the human rights of victims of crime by bringing financial assistance payments in line with CPI.

***Regulatory impact analysis***

This regulation amendment will not impose an appreciable cost on the community.

***Climate Change impacts***

This regulation amendment has no identified climate change impacts.