**2019**

**LEGISLATIVE ASSEMBLY FOR THE**

**AUSTRALIAN CAPITAL TERRITORY**

**VICTIMS OF CRIME (FINANCIAL ASSISTANCE) AMENDMENT REGULATION 2019 (No 1)**

**SL2019-12**

**EXPLANATORY STATEMENT**

**Presented by**

**Shane Rattenbury MLA**

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

**Victims of crime (Financial assistance) amendment regulation 2019 (No 1)**

**SL 2019-12**

**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 CPI for March 2018-March 2019 (as issued by the Australian Statistician) at 1.8%.

***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 2019* *(No 1)*.

*Clause 2 – Commencement*

This clause outlines that the regulation commences on 1 July 2019.

*Clause 3 – 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 $52 173 to $53 112,
2. for a class A related victim – from $31 303 to $31 866,
3. for a class B related victim – from $20 869 to $21 244,
4. for a class C related victim – from $10 434 to $10 621, and
5. for a homicide witness – from $10 434 to $10 621.

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 $10 434 to $10 621.

*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 $15 651 to $15 932 | from $19 564 to $19 916 | from $23 477 to $23 899 | from $27 390 to $27 883 |
| 2 | attempt or conspiracy to commit homicide | from $15 651 to $15 932 | from $19 564 to $19 916 | from $23 477 to $23 899 | from $27 390 to $27 883 |
| 3 | sexual offence punishable by imprisonment for 10 years or more, but less than 14 years | from $8 347 to $8 497 | from $10 434 to $10 621 | from $12 521 to $12 746 | from $14 608 to $14 870 |
| 4 | offence against the person resulting in grievous bodily harm | from $8 347 to $8 497 | from $10 434 to $10 621 | from $12 521 to $12 746 | from $14 608 to $14 870 |
| 5 | attempt or conspiracy to commit a sexual offence punishable by imprisonment for 14 years or more | from $8 347 to $8 497 | from $10 434 to $10 621 | from $12 521 to $12 746 | from $14 608 to $14 870 |
| 6 | sexual offence punishable by imprisonment for less than 10 years | from $2 086 to $2 123 | from $2 608 to $2 654 | from $3 130 to $3 186 | from $3 652 to $3 717 |
| 7 | offence against the person resulting in actual bodily harm | from $2 086 to $2 123 | from $2 608 to $2 654 | from $3 130 to $3 186 | from $3 652 to $3 717 |
| 8 | robbery in company or with an offensive weapon | from $2 086 to $2 123 | from $2 608 to $2 654 | from $3 130 to $3 186 | from $3 652 to $3 717 |
| 9 | attempt or conspiracy to commit a sexual offence punishable by imprisonment for 10 years or more but less than 14 years | from $2 086 to $2 123 | from $2 608 to $2 654 | from $3 130 to $3 186 | from $3 652 to $3 717 |
| 10 | attempt, threat or conspiracy to commit an offence against the person resulting in grievous bodily harm | from $2 086 to $2 123 | from $2 608 to $2 654 | from $3 130 to $3 186 | from $3 652 to $3 717 |
| 11 | offences involving deprivation of liberty (including kidnapping, forcible confinement) | from $2 086 to $2 123 | from $2 608 to $2 654 | from $3 130 to $3 186 | from $3 652 to $3 717 |
| 12 | offence against the person not resulting in actual bodily harm | from $1 043 to $1 061 | from $1 304 to $1 327 | from $1 565 to $1 593 | from $1 826 to $1 858 |
| 13 | attempt or conspiracy to commit a sexual offence punishable by imprisonment for less than 10 years | from $1 043 to $1 061 | from $1 304 to $1 327 | from $1 565 to $1 593 | from $1 826 to $1 858 |
| 14 | attempt, threat or conspiracy to commit an offence against the person resulting in actual bodily harm | from $1 043 to $1 061 | from $1 304 to $1 327 | from $1 565 to $1 593 | from $1 826 to $1 858 |

*Clause 6 – Section 9*

This clause brings section 9, recognition payment for class A related victim, in line with CPI from $20 869 to $21 244.

*Clause 7 – Section 10*

This clause brings section 10, recognition payment for class B related victim, in line with CPI from $10 434 to $10 621.

***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.