

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:

- a) maximum total financial assistance payments (section 24),
- b) recognition payment for primary victim (section 28),
- c) recognition payment for class A related victim (section 29), and
- d) 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:

- a) for a primary victim – from \$52 173 to \$53 112,
- b) for a class A related victim – from \$31 303 to \$31 866,
- c) for a class B related victim – from \$20 869 to \$21 244,
- d) for a class C related victim – from \$10 434 to \$10 621, and
- e) 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 recognitio n payment —general	column 4 recognition payment— 1 circumstan ce of aggravation	column 5 recognition payment— 2 or more circumstanc es 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

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 circumstan ce of aggravation	column 5 recognition payment— 2 or more circumstanc es of aggravation	column 6 recognition payment— very serious injury that is likely to be permanent
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

column 1 item	column 2 offence in course of which act of violence must occur	column 3 recognitio n payment —general	column 4 recognition payment— 1 circumstan ce of aggravation	column 5 recognition payment— 2 or more circumstanc es of aggravation	column 6 recognition payment— very serious injury that is likely to be permanent
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

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 circumstan ce of aggravation	column 5 recognition payment— 2 or more circumstanc es of aggravation	column 6 recognition payment— very serious injury that is likely to be permanent
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.