

Australian Capital Territory

Victims of Crime (Financial Assistance) Amendment Regulation 2022 (No 1)

Subordinate law SL2022–11

made under the

Victims of Crime (Financial Assistance) Act 2016, section 25 (CPI indexation of certain prescribed amounts)

EXPLANATORY STATEMENT

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

This regulation amends the *Victims of Crime (Financial Assistance) Regulation 2016*, which prescribes payment amounts and limitations for victims of crime under the *Victims of Crime (Financial Assistance) Act 2016* (the Act).

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 (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 will bring payment amounts under these sections in line with the All Groups CPI (Canberra) for March 2021-March 2022 (as issued by the Australian Statistician) at 5.4 %.

Section 97 of the *Victims of Crime (Financial Assistance) Act 2016* requires yearly Wage Price Index (WPI) increases for limitations on lawyers legal costs under Section 96.

The amendments to the regulation will bring limitation amounts under this section into line with the WPI for Australia over a 5-year period. Annual WPI rates since 2017-2018 have been 2.10 percent, 2.30 percent, 2.20 percent, 1.50 percent and

2.40 percent. This change ensures that the maximum payments are at the proper prescribed level taking into account those annual WPI rates.

CLAUSE NOTES

Clause 1 Name of regulation

This clause outlines that the regulation is the *Victims of Crime (Financial Assistance) Amendment Regulation 2022 (No 1)*.

Clause 2 Commencement

This clause outlines that the regulation commences on 1 July 2022.

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 \$55,041 to \$58,013,
- b) for a class A related victim – from \$33,023 to \$34,806,
- c) for a class B related victim – from \$22,016 to \$23,205,
- d) for a class C related victim – from \$11,006 to \$11,600, and
- e) for a homicide witness – from \$11,006 to \$11,600.

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 \$11,006 to \$11,600.

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 \$16,511 to \$17,403 | from \$20,639 to \$21,754 | from \$24,767 to \$26,104 | from \$28,896 to \$30,456 |
| 2 | attempt or conspiracy to commit homicide | from \$16,511 to \$17,403 | from \$20,639 to \$21,754 | from \$24,767 to \$26,104 | from \$28,896 to \$30,456 |
| 3 | sexual offence punishable by imprisonment for 10 years or more, but less than 14 years | from \$8,806 to \$9,282 | from \$11,006 to \$11,600 | from \$13,209 to \$13,922 | from \$15,409 to \$16,241 |
| 4 | offence against the person resulting in grievous bodily harm | from \$8,806 to \$9,282 | from \$11,006 to \$11,600 | from \$13,209 to \$13,922 | from \$15,409 to \$16,241 |
| 5 | attempt or conspiracy to commit a sexual offence punishable by imprisonment for 14 years or more | from \$8,806 to \$9,282 | from \$11,006 to \$11,600 | from \$13,209 to \$13,922 | from \$15,409 to \$16,241 |
| 6 | sexual offence punishable by imprisonment for less than 10 years | from \$2,200 to \$2,319 | from \$2,750 to \$2,899 | from \$3,302 to \$3,480 | from \$3,852 to \$4,060 |

| 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 |
|--------------------------|---|--|---|---|---|
| 7 | offence against the person resulting in actual bodily harm | from \$2,200 to \$2,319 | from \$2,750 to \$2,899 | from \$3,302 to \$3,480 | from \$3,852 to \$4,060 |
| 8 | robbery in company or with an offensive weapon | from \$2,200 to \$2,319 | from \$2,750 to \$2,899 | from \$3,302 to \$3,480 | from \$3,852 to \$4,060 |
| 9 | attempt or conspiracy to commit a sexual offence punishable by imprisonment for 10 years or more but less than 14 years | from \$2,200 to \$2,319 | from \$2,750 to \$2,899 | from \$3,302 to \$3,480 | from \$3,852 to \$4,060 |
| 10 | attempt, threat or conspiracy to commit an offence against the person resulting in grievous bodily harm | from \$2,200 to \$2,319 | from \$2,750 to \$2,899 | from \$3,302 to \$3,480 | from \$3,852 to \$4,060 |
| 11 | offences involving deprivation of liberty (including kidnapping, forcible confinement) | from \$2,200 to \$2,319 | from \$2,750 to \$2,899 | from \$3,302 to \$3,480 | from \$3,852 to \$4,060 |

| 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 |
|--------------------------|---|--|---|---|---|
| 12 | offence against the person not resulting in actual bodily harm | from \$1,099 to \$1,158 | from \$1,367 to \$1,441 | from \$1,651 to \$1,740 | from \$1,925 to \$2,029 |
| 13 | attempt or conspiracy to commit a sexual offence punishable by imprisonment for less than 10 years | from \$1,099 to \$1,158 | from \$1,367 to \$1,441 | from \$1,651 to \$1,740 | from \$1,925 to \$2,029 |
| 14 | attempt, threat or conspiracy to commit an offence against the person resulting in actual bodily harm | from \$1,099 to \$1,158 | from \$1,367 to \$1,441 | from \$1,651 to \$1,740 | from \$1,925 to \$2,029 |

Clause 6 Section 9

This clause brings section 9, recognition payment for class A related victim, in line with CPI from \$22,016 to \$23,205.

Clause 7 Section 10

This clause brings section 10, recognition payment for class B related victim, in line with CPI from \$11,006 to \$11,600.

Clause 8 Section 12

This clause brings section 12, limitations on lawyers legal costs in line with the following amounts:

- 1) From \$1,123 to \$1,264
- 2) From \$2,246 to \$2,529