



Australian Capital Territory

Victims of Crime Regulations 2000

Subordinate Law 2000 No 51

The Australian Capital Territory Executive makes the following regulations under the *Victims of Crime Act 1994*.

Dated 6 December 2000.

GARY HUMPHRIES
Minister

KATE CARNELL
Minister



Australian Capital Territory

Victims of Crime Regulations 2000

Subordinate Law 2000 No 51

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Victims of Crime Act 1994

CONTENTS

Regulation

PART 1—PRELIMINARY

- 1 Name of regulations
- 2 Commencement
- 3 Dictionary
- 4 Notes

Victims of Crime No 51, 2000

CONTENTS—continued

Regulation

PART 2—VICTIMS ASSISTANCE BOARD

Division 2.1—Establishment and membership

- 5 Establishment
- 6 Functions
- 7 Membership of board
- 8 Appointed members of board
- 9 Conditions of appointment generally
- 10 Chairperson and deputy chairperson
- 11 Duration of appointment
- 12 Term of appointment to be included in instrument of appointment etc

Division 2.2—Proceedings of board

- 13 Time and place of meetings
- 14 Procedures governing conduct of meetings
- 15 Disclosure of interests
- 16 Staff of the board
- 17 Guidelines
- 18 Independent arbitrators

PART 3—VICTIMS SERVICES SCHEME

Division 3.1—The victims services scheme

- 19 Victims services scheme
- 20 Objects of the victims services scheme
- 21 Responsible service agency
- 22 Responsible service agency—functions
- 23 Responsible service agency—obligations
- 24 Eligible victims under the victims services scheme

Division 3.2—Review of eligibility decisions

- 25 Notice to be given of eligibility decisions
- 26 Who may apply for internal review of decisions
- 27 Applications for internal review
- 28 Internal review
- 29 Eligibility Review Committee
- 30 Review by committee
- 31 Committee review
- 32 Review by administrative appeals tribunal

Division 3.3—Levels of service under the victims services scheme

- 33 Level 1 service
- 34 Level 2 service

Victims of Crime No 51, 2000

CONTENTS—continued

Regulation

35	Level 3 service
36	Exceptional cases
37	How contact hours are provided
38	Arbitration—care plans
39	Case closure
	<i>Division 3.4—Service providers</i>
40	Approved service providers
41	Criteria for approval
42	Suspension of approval
43	Cancellation of approval
	<i>Division 3.5—General</i>
44	Volunteer program
45	Special financial assistance—statements
46	Notice of decisions
47	Review of decisions
	PART 4—MISCELLANEOUS
48	Guidelines—volunteers
49	Annual reporting authority
50	Fees payable for services
51	Approved forms
	PART 5—TRANSITIONAL PROVISIONS
52	Definition for pt 5
53	Repeal
54	Case management records
55	Existing approved providers
56	Existing entitlements
57	Expiration of pt 5

DICTIONARY

PART 1—PRELIMINARY

1 Name of regulations

These regulations are the *Victims of Crime Regulations 2000*.

2 Commencement

These regulations commence on 1 January 2001.

Note 1 Those provisions of regulations that provide for the name and commencement of the regulations automatically commence on the date of notification of the regulations (see *Interpretation Act 1967*, s 10B, as applied by *Subordinate Laws Act 1989*, s 9).

3 Dictionary

The dictionary at the end of these regulations is part of these regulations.

Note 1 The dictionary at the end of these regulations defines certain words and expressions used in these regulations and includes references (*signpost definitions*) to other words and expressions defined in other legislation.

For example, the signpost definition '*serious crime*—see the *Victims of Crime (Financial Assistance) Act 1983*, section 2' means the expression 'serious crime' is defined in section 2 of that Act and the definition applies to these regulations.

Note 2 A definition in the dictionary (including a signpost definition) applies to the entire regulations unless the definition, or another provision of these regulations, provides otherwise or the contrary intention otherwise appears (see *Interpretation Act 1967*, s 11F and s 11G as applied by the *Subordinate Laws Act 1989*, s 9).

4 Notes

A note included in these regulations is explanatory and is not part of these regulations.

Note See *Interpretation Act 1967*, ss 12 (1), (4) and (5) (as applied by *Subordinate Laws Act 1989*, s 9) for the legal status of notes.

PART 2—VICTIMS ASSISTANCE BOARD

Division 2.1—Establishment and membership

5 Establishment

The Victims Assistance Board is established.

6 Functions

The functions of the board are—

- (a) to monitor and evaluate the responsible service agency's management of the victims services scheme; and
- (b) to approve service providers; and
- (c) to prepare guidelines for the management of the victims services scheme; and
- (d) to manage funding arrangements for the responsible service agency; and
- (e) to make recommendations to the Minister about fees for services under the victims services scheme; and
- (f) to supervise the keeping by the responsible service agency of a statistical database about the operation of the victims services scheme; and
- (g) to approve independent arbitrators to resolve any disagreements between case coordinators for eligible victims and approved service providers; and
- (h) to advise the Minister on the operation of the victims services scheme and any change to the scheme it considers desirable; and
- (i) when asked by the coordinator, to give advice or information to the coordinator on issues about victims generally; and
- (j) to exercise any other function given to the board under the Act or any other Territory law.

7 Membership of board

- (1) The board consists of—
 - (a) the coordinator; and
 - (b) the appointed members.
- (2) The appointed members are to be appointed by the Minister.

8 Appointed members of board

- (1) The Minister must appoint as members—
 - (a) a representative of each of the following:
 - (i) the DPP (the *DPP member*);
 - (ii) the Australian Federal Police (the *AFP member*);
 - (iii) ACT courts (the *courts member*);
 - (iv) the administrative unit allocated responsibility for the administration of justice (the *justice member*);
 - (v) the administrative unit allocated responsibility for the administration of health and community care (the *health member*); and
 - (b) a person who, in the Minister's opinion, represents the interests of the indigenous communities (the *indigenous member*); and
 - (c) a person who, in the Minister's opinion, represents the interests of other persons of non-English speaking background (the *migrant member*); and
 - (d) a person who is a lawyer (the *legal profession member*); and
 - (e) a person who, in the Minister's opinion, represents the interests of health professions (other than a doctor or dentist) (the *health professions member*); and
 - (f) a person who, in the Minister's opinion, represents the interests of victims services groups (the *victims groups member*); and
 - (g) a psychiatrist or psychologist who, in the Minister's opinion, has experience in dealing with victims (the *psychiatrist/psychologist member*).

- (2) The courts member must be the registrar or a deputy registrar of the Supreme Court or the Magistrates Court.
- (3) A member must be employed, practise, or live, in the Territory.
- (4) The Minister must not appoint a public servant as a member mentioned in paragraphs (1) (b) to (g).

Note 1 A person may be reappointed to a position if the person is eligible for appointment to the position (see *Interpretation Act 1967*, par 28 (3) (c) and dict, def of *appoint*, as applied by the *Subordinate Laws Act 1989*, s 9).

Note 2 The power to appoint a person to a position includes power to appoint a person to act in the position (see *Interpretation Act 1967*, ss 28 (4)-(6) and s 28A as applied by the *Subordinate Laws Act 1989*, s 9).

9 Conditions of appointment generally

- (1) An appointed member holds the position on a part-time basis.
- (2) An appointed member holds the position on the conditions not provided by these regulations or another Territory law that are decided by the Minister.

10 Chairperson and deputy chairperson

- (1) The members of the board must, whenever necessary, elect—
 - (a) an appointed member to be chairperson; and
 - (b) another appointed member to be deputy chairperson.
- (2) The board must tell the Minister of the election of a member as chairperson or deputy chairperson.

11 Duration of appointment

- (1) An appointed member is to be appointed for a term of not longer than 2 years.
- (2) The Minister must end the appointment of—
 - (a) the DPP member, the AFP member, the courts member, the justice member or the health member if the Minister is satisfied that the member is no longer the representative of the relevant entity mentioned in paragraph 8 (1) (a) (Appointed members of board);
or

- (b) the indigenous member, the migrant member, the health professions member or the victims groups member if the Minister is satisfied that the member no longer represents the interests of the relevant communities, professions or groups mentioned in paragraph 8 (1) (b), (c), (e) or (f); or
 - (c) any member if the member ceases to be eligible for appointment.
- (3) The Minister may end the appointment of an appointed member—
- (a) for misbehaviour or physical or mental incapacity; or
 - (b) if the member becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with creditors or makes an assignment of remuneration for their benefit; or
 - (c) if the member is absent for 3 consecutive meetings; or
 - (d) if the member is convicted of an indictable offence; or
 - (e) if the member fails to comply with regulation 15 (Disclosure of interests) without reasonable excuse.

Note The appointment of a member also ends if the member resigns (see *Interpretation Act 1967*, ss 28 (8) and (9) as applied by the *Subordinate Laws Act 1989*, s 9)

12 Term of appointment to be included in instrument of appointment etc

The instrument appointing, or evidencing the appointment of, an appointed member must state the term for which the member is appointed.

Division 2.2—Proceedings of board

13 Time and place of meetings

- (1) Meetings of the board are to be held at the times and places it decides.
- (2) However, the board must meet at least once every 3 months.
- (3) The chairperson—
 - (a) may at any time call a meeting of the board; and
 - (b) must call a meeting if asked by the Minister or at least 6 members.

14 Procedures governing conduct of meetings

- (1) The chairperson presides at all meetings at which the chairperson is present.
- (2) If the chairperson is absent, the deputy chairperson presides.
- (3) If the chairperson and deputy chairperson are both absent, the member chosen by the members present presides.
- (4) The board may decide the procedure to be followed for a meeting.
- (5) At a meeting of the board—
 - (a) 6 members form a quorum; and
 - (b) each member (other than the coordinator) has a vote on each question to be decided; and
 - (c) a question is to be decided by a majority of the votes of the members present and voting but, if the votes are equal, the member presiding has a casting vote.
- (6) The board must keep minutes of its meetings.

15 Disclosure of interests

- (1) This regulation applies to a member of the board if—
 - (a) the member has a direct or indirect financial interest in an issue being considered, or about to be considered, by the board; and
 - (b) the interest could conflict with the proper exercise of the member's functions in relation to the board's consideration of the issue.
- (2) As soon as practicable after the relevant facts come to the member's knowledge, the member must disclose the nature of the interest to a meeting of the board.
- (3) The disclosure must be recorded in the board's minutes and, unless the board otherwise decides, the member must not—
 - (a) be present when the board considers the issue; or
 - (b) take part in a decision of the board on the issue.

(4) Any other member who also has a direct or indirect financial interest in the issue must not—

- (a) be present when the board is considering its decision under subregulation (3); or
- (b) take part in making the decision.

16 Staff of the board

The staff of the board are to be employed under the *Public Sector Management Act 1994*.

17 Guidelines

The board may make guidelines about—

- (a) the way a victim is assessed for eligibility to use the victims services scheme; and
- (b) the employment or engagement of people who will have contact with eligible victims; and
- (c) the preparation, content and implementation of care plans; and
- (d) the eligibility of entities to be approved as service providers; and
- (e) the referral of victims to approved service providers or other entities dealing with victims of crime; and
- (f) the establishment and operation of volunteer programs; and
- (g) the internal review of decisions made by the responsible service agency; and
- (h) the holding of indemnity insurance by approved service providers; and
- (i) other matters necessary or convenient to be decided with respect to the victims services scheme.

18 Independent arbitrators

(1) The board may approve independent arbitrators for these regulations.

Victims of Crime No 51, 2000

- (2) A person is eligible to be approved as an independent arbitrator only if the person is an approved service provider.
- (3) The board must keep a list of approved independent arbitrators.
- (4) The board must keep the list open for inspection (without charge) by an eligible victim.
- (5) If asked by an eligible victim, the board must give a copy of the list (without charge) to the victim.

PART 3—VICTIMS SERVICES SCHEME

Division 3.1—The victims services scheme

19 Victims services scheme

A victims services scheme is established.

20 Objects of the victims services scheme

The objects of the victims services scheme are—

- (a) to provide assistance to victims of crime that will—
 - (i) promote their recovery from the harm suffered because of crime; and
 - (ii) allow them to take part in the social, economic and cultural life of their community; and
- (b) to provide the assistance to victims of crime using a multidisciplinary approach; and
- (c) to provide the assistance to victims of crime in ways that are—
 - (i) timely; and
 - (ii) accessible; and
 - (iii) solution-focused; and
 - (iv) professional; and
 - (v) individualised; and
 - (vi) appropriate to the victim.

21 Responsible service agency

For paragraph 19 (2) (a) of the Act, the Australian Capital Territory Health and Community Care Service is nominated as the service agency responsible for the management of the victims services scheme.

22 Responsible service agency—functions

The functions of the responsible service agency are—

- (a) to decide the eligibility of people for the different levels of services under the victims services scheme; and
- (b) to provide, or arrange for the provision of, professional services for victims in accordance with these regulations and the guidelines made under regulation 17 (Guidelines); and
- (c) as appropriate, to refer victims to other entities who provide other assistance and support to victims; and
- (d) to keep records about victims for which services are provided; and
- (e) to train and supervise people engaged by it to provide services; and
- (f) to report to the board on the services it provides and the provision of services it arranges; and
- (g) to evaluate the day-to-day operation of the victims services scheme; and
- (h) to establish a victims support network in consultation with community organisations and other entities that deal with victims; and
- (i) to provide a telephone contact for people seeking information about, or services under, the victims services scheme; and
- (j) to develop and maintain a volunteer program to provide practical assistance and support to victims and to train and supervise volunteers for the program; and
- (k) to provide victims with information about the criminal justice system, the operation of the victims services scheme and complaint procedures; and
- (l) to keep financial records of its operations under the victims services scheme.

23 Responsible service agency—obligations

(1) The responsible service agency must comply with the guidelines made under regulation 17 (Guidelines) about the employment or engagement of people who will have contact with eligible victims.

(2) Without limiting subregulation (1), the responsible service agency must—

- (a) be satisfied that a person who will have contact with eligible victims has—
 - (i) qualifications or experience in working with victims and with people from a diversity of ethnic and cultural backgrounds; and
 - (ii) experience or knowledge of working in a multidisciplinary team environment; and
- (b) assess and evaluate the victims services it provides; and
- (c) encourage the people it engages or employs to provide those services to undertake continuing education in the provision of services to victims; and
- (d) take steps to ensure the people engaged or employed by it are familiar with the *Community and Health Services Complaints Act 1993*.

(3) The responsible service agency must take reasonable steps to ensure that a person employed or engaged by it who has been convicted of a serious crime does not have contact with an eligible victim.

24 Eligible victims under the victims services scheme

(1) An eligible victim may use the victims services scheme.

(2) An *eligible victim* is a victim other than a victim—

- (a) who suffers harm caused by, or arising out of the use of, a motor vehicle; or
- (b) who suffers harm (directly or indirectly) as a result of committing an offence.

(3) In deciding whether a person is an eligible victim, the responsible service agency may—

- (a) have regard to statements made by or on behalf of the person; and
- (b) ask the chief police officer, the DPP or the registrar of the Supreme Court or the Magistrates Court for information about whether or not the person is a suspect or has been convicted or found guilty of an offence arising from the circumstances in which the person suffered harm.

(4) The chief police officer, the DPP and the registrar of the Supreme Court or the Magistrates Court may give the responsible service agency information of the kind mentioned in paragraph (3) (b).

(5) In this regulation:

found guilty, of an offence, includes—

- (a) having the offence taken into account under section 448 of the *Crimes Act 1900*; and
- (b) having an order made in relation to the offence under section 556A of the *Crimes Act 1900* or section 96 of the *Children and Young People Act 1999*.

motor vehicle—see the *Road Transport (General) Act 1999*, dictionary.

Division 3.2—Review of eligibility decisions

25 Notice to be given of eligibility decisions

(1) If the responsible service agency decides that a person is not eligible for the victims services scheme (the *reviewable decision*), it must give written notice of the decision to the person (the *affected person*).

(2) The notice must be in accordance with the requirements of the code of practice in force under subsection 25B (1) of the *Administrative Appeals Tribunal Act 1989* and, in particular, the notice must tell the person—

- (a) that the person has the right—
 - (i) to apply for internal review of the reviewable decision by an internal reviewer; and

- (ii) to apply to the committee for a review of the decision of the internal reviewer; and
 - (iii) to apply to the administrative appeals tribunal for a review of the decision of the committee; and
- (b) how an application must be made; and
- (c) about options available under other ACT laws to have the decision reviewed by a court or the ombudsman.

26 Who may apply for internal review of decisions

- (1) If the affected person is dissatisfied with the reviewable decision, the affected person may apply in writing to the responsible service agency for an internal review of the reviewable decision.
- (2) The responsible service agency must arrange for a person not involved in making the decision (the *internal reviewer*) to review the decision.

27 Applications for internal review

- (1) Application for internal review of the reviewable decision must be made within—
- (a) 28 days after the day when the person is told about the decision by the responsible service agency; or
 - (b) any longer period allowed by the internal reviewer, either before or after the end of the 28 days.
- (2) The application must set out the grounds on which internal review of the decision is sought.

28 Internal review

- (1) The internal reviewer must review the reviewable decision, and confirm, vary or revoke the decision, within 28 days after the responsible service agency receives the application for internal review of the decision.
- (2) If the decision is not varied or revoked within the 28 days, the decision is taken to have been confirmed by the internal reviewer.

(3) As soon as practicable after reviewing the decision, the internal reviewer must give written notice of the decision on the internal review to the affected person.

(4) The notice must be in accordance with the requirements of the code of practice in force under subsection 25B (1) of the *Administrative Appeals Tribunal Act 1989*.

29 Eligibility Review Committee

(1) An Eligibility Review Committee (the *committee*) is established.

(2) The committee consists of the DPP member, the courts member and the legal profession member.

30 Review by committee

If the affected person is dissatisfied with the decision of the internal reviewer, the affected person may apply in writing to the committee for review of the decision.

31 Committee review

(1) The committee must review the decision of the internal reviewer, and confirm, vary or revoke the decision, within 28 days after the committee receives the application for review of that decision.

(2) If the decision is not varied or revoked within the 28 days, the decision is taken to have been confirmed by the committee.

(3) As soon as practicable after reviewing the decision, the committee must give written notice of the decision on its review to the affected person.

(4) The notice must be in accordance with the requirements of the code of practice in force under subsection 25B (1) of the *Administrative Appeals Tribunal Act 1989*.

32 Review by administrative appeals tribunal

If the affected person is dissatisfied with the decision of the committee, the affected person may apply to the administrative appeals tribunal for review of the committee's decision.

Division 3.3—Levels of service under the victims services scheme

33 Level 1 service

- (1) All eligible victims are entitled to receive level 1 service under the victims services scheme.
- (2) Level 1 service consists of not more than 2 contact hours.
- (3) The responsible service agency may, but is not required to, prepare a care plan for an eligible victim receiving level 1 service.

34 Level 2 service

- (1) An eligible victim is entitled to receive level 2 service under the victims services scheme if the victim has completed level 1 service under the victims services scheme for the crime concerned and the victim—
 - (a) is a primary victim; or
 - (b) is a related victim; or
 - (c) would have been a related victim if the primary victim had died; or
 - (d) is a witness to a violent crime in circumstances in which it is probable that the witness would suffer harm.
- (2) Level 2 service consists of not more than 6 contact hours in addition to the level 1 service contact hours.
- (3) The responsible service agency must appoint a case coordinator to an eligible victim receiving level 2 service.
- (4) The case coordinator is responsible for managing the delivery of services to the eligible victim under these regulations.
- (5) The case coordinator must develop a care plan in consultation with the eligible victim.
- (6) The care plan must state—
 - (a) the rehabilitation goals for the eligible victim; and
 - (b) the number of contact hours and particular services to be provided to the victim for achieving those goals

- (7) Level 2 service is to be given in accordance with the care plan.
- (8) After the level 2 service contact hours have been given in accordance with the care plan, the responsible service agency or approved service provider who provided the level 2 contact hours must prepare and give a closure report to the case coordinator.
- (9) The closure report must include particulars of the number of contact hours and the extent to which the rehabilitation goals of the care plan were achieved.
- (10) On receiving the closure report for the eligible victim, if the case coordinator decides that the eligible victim would not receive therapeutic benefit from receiving level 3 service, the case coordinator must carry out case closure in relation to the victim.
- (11) In this regulation:
- related victim*—see the *Victims of Crime (Financial Assistance) Act 1983*, section 16.
- violent crime*—see the *Victims of Crime (Financial Assistance) Act 1983*, section 2.

35 Level 3 service

- (1) An eligible victim entitled to receive level 2 service is entitled to receive level 3 service under the victims services scheme if—
- (a) the victim has completed level 2 service for the crime concerned in accordance with the care plan; and
- (b) the victim's case coordinator has decided under subregulation 34 (8) (Level 2 services) that the victim would receive therapeutic benefit from receiving level 3 service.
- (2) Level 3 service consists of not more than 12 contact hours in addition to the level 1 and level 2 contact hours.
- (3) The case coordinator must develop a revised care plan for level 3 service contact hours in consultation with the eligible victim.
- (4) The revised care plan must state—
- (a) the rehabilitation goals for the eligible victim; and

- (b) the number of contact hours and particular services to be provided to the victim for achieving the goals.

(5) After the level 3 service contact hours have been given in accordance with the revised care plan, the responsible service agency, or the approved service provider who provided the level 3 service contact hours, must prepare and give a closure report to the case coordinator.

(6) The closure report must include particulars of the number of contact hours and the extent to which the rehabilitation goals of the revised care plan were achieved.

(7) Subject to regulation 36, on receiving the closure report for the eligible victim, the case coordinator must carry out case closure in relation to the victim.

36 Exceptional cases

(1) This regulation applies if the case coordinator for an eligible victim makes a written recommendation to the manager of the responsible service agency that—

- (a) on information available to the case coordinator, further contact hours in addition to level 3 service contact hours would give substantial therapeutic benefit to the victim; and
- (b) the further contact hours cannot be provided under a scheme or program other than the victims services scheme.

(2) The manager of the responsible service agency may refer the recommendation to the chief executive.

(3) If the responsible service agency refers the recommendation to the chief executive, the chief executive must consider it and, by written notice, tell the responsible service agency whether or not the recommendation, or a variation of it, is to be carried out.

(4) If the chief executive tells the responsible service agency that the recommendation or a variation of it is to be carried out, the responsible service agency must arrange for the provision of the further contact hours in accordance with the notice.

- (5) After the further contact hours have been given, the responsible service agency, or the approved service provider who provided the service, must prepare and give a closure report to the case coordinator.
- (6) The closure report must include particulars of the number of contact hours and the extent to which the rehabilitation goals of the revised care plan were achieved.
- (7) On receiving the closure report for the victim, the case coordinator must carry out case closure in relation to the victim.

37 How contact hours are provided

- (1) Contact hours for an eligible victim who lives in the Territory must be provided by the responsible service agency or an approved service provider.
- (2) Contact hours for an eligible victim who lives outside the Territory may, with the written approval of the responsible service agency, be provided by a person that is not an approved service provider.
- (3) Contact hours under level 2 or level 3 service are to be given to an eligible victim in a way that, as far as possible, gives the victim a choice of completing the contact hours with the responsible service agency or an approved service provider chosen by the victim.

38 Arbitration—care plans

If, for an eligible victim who is entitled to receive level 2 or level 3 service, the case coordinator and approved service provider do not agree about the content of a care plan, the need for additional contact hours or both, the case coordinator must refer the issue in writing to an independent arbitrator nominated by the manager of the responsible service agency.

39 Case closure

Case closure for an eligible victim consists of the following procedure:

- (a) if the victim agrees—
 - (i) a discharge interview with the victim to measure the attainment of the victim's rehabilitation goals; and

- (ii) the completion, by or on behalf of the victim, of a survey to evaluate the services received by the victim;
- (b) the completion by the victim's case coordinator of an evaluation of, and report about, the services provided to the victim.

Division 3.4—Service providers

40 Approved service providers

- (1) The board may approve service providers for these regulations.
- (2) The board must keep an up-to-date list of approved service providers.
- (3) The board may issue guidelines for using service providers that are not approved.

41 Criteria for approval

The board may approve a person as a service provider only if satisfied that—

- (a) the person—
 - (i) is trained in the provision of services to victims; and
 - (ii) has experience or knowledge of working in a multidisciplinary team environment; and
 - (iii) holds an appropriate policy of indemnity insurance; and
- (b) if the service to be provided is a health professions service—the person is an appropriately qualified health professional; and
- (c) the person has not been convicted of a serious crime; and
- (d) the person meets the guidelines made under regulation 17 (Guidelines) for approval as a service provider for the victims services scheme; and
- (e) the person is capable of satisfying the requirements of these regulations; and
- (f) the person will—

- (i) undertake continuing education in the provision of services to victims; and
 - (ii) conduct an assessment and evaluation of the services it provides and ensure its services are subject to independent review; and
 - (iii) deal with eligible victims in a way that gives proper regard to their dignity, worth, independence, cultural diversity and human rights; and
 - (iv) provide services of appropriate quality with respect to safety, risk, health and community care outcomes and the interests of eligible victims; and
 - (v) provide services that are consistent with best practice for the particular kind of service; and
 - (vi) establish codes of conduct for people engaged or employed by it to promote the highest ethical and professional standards; and
 - (vii) ensure premises used by people engaged or employed by it are secure, give eligible victims privacy and comply with occupational health and safety requirements; and
 - (viii) take steps to ensure that people engaged or employed by it are familiar with the *Community and Health Services Complaints Act 1993*; and
- (g) the person will not use contact hours for the preparation of reports for use in proceedings.

42 Suspension of approval

- (1) The board may suspend the approval of a service provider if—
- (a) the board is no longer satisfied, based on reasonable grounds, of the matters mentioned in regulation 41; or
 - (b) the service provider is a suspect in the commission of an indictable offence; or

- (c) the service provider has been the subject of a complaint to the commissioner and the complaint has not been decided or is upheld.

(2) In this regulation:

commissioner means the Community and Health Services Complaints Commissioner under the *Community and Health Services Complaints Act 1993*.

43 Cancellation of approval

The board must cancel the approval of an approved service provider if—

- (a) on at least 3 occasions, a ground existed on which the board would have been entitled to suspend the approval of the provider; or
- (b) the approved service provider has been convicted or found guilty of an indictable offence; or
- (c) for an approved service provider who provides a health professions service—the provider has ceased to be registered as a health professional.

Division 3.5—General

44 Volunteer program

An eligible victim may use a volunteer program.

45 Special financial assistance—statements

If a primary victim asks the responsible service agency for a statement and certificate under section 27 of the *Victims of Crime (Financial Assistance) Act 1983*, the manager of the responsible service agency must provide the statement and certificate.

46 Notice of decisions

- (1) This regulation applies to a decision of the board—
 - (a) to refuse to approve a service provider under regulation 40 (Approved service providers); or

- (b) to suspend an approved service provider under regulation 42 (Suspension of approval); or
 - (c) to cancel the approval of a service provider under regulation 43 (Cancellation of approval).
- (2) The board must give written notice of a decision to which this regulation applies to the person affected by the decision.
- (3) The notice must be in accordance with the requirements of the code of practice in force under subsection 25B (1) of the *Administrative Appeals Tribunal Act 1989*.

47 Review of decisions

Application may be made to the administrative appeals tribunal for a review of a decision of the board mentioned in subregulation 46 (1).

PART 4—MISCELLANEOUS

48 Guidelines—volunteers

The board may make guidelines about the following:

- (a) fixing minimum standards of qualifications or experience for people who volunteer to provide practical assistance and support to victims;
- (b) the experience or knowledge required by a volunteer;
- (c) the undertaking by a volunteer of continuing education in the provision of services to victims;
- (d) the undertaking by a volunteer of training courses about dealing with people from a diversity of ethnic and cultural backgrounds;
- (e) the use of people who have committed a serious crime as volunteers;
- (f) the supervision of volunteers and the conducting of assessments and evaluations of the services provided by volunteers;
- (g) the occupational health and safety of volunteers;
- (h) indemnity insurance for the acts or omissions of volunteers;
- (i) the debriefing of volunteers;
- (j) other matters necessary or convenient to be decided with respect to volunteers.

Note Under the *Occupational Health and Safety Act 1989*, s 6, the Minister administering that Act can declare people included in specified classes of people to be taken to be employed by the person to whom their services are voluntarily given. The effect of the declaration is that an employer who must take all reasonably practicable steps to protect the health, safety and welfare of the employer's employees must give the same protection to a volunteer.

49 Annual reporting authority

For paragraph 19 (2) (f) of the Act, the coordinator is the annual reporting authority for the victims services scheme.

50 Fees payable for services

- (1) The Minister may determine the fees that are payable for services provided to an eligible victim under these regulations by an approved service provider.
- (2) A determination under this regulation is a disallowable instrument.

51 Approved forms

- (1) The Minister may approve forms for these regulations.
- (2) If the Minister approves a form for a particular purpose, the approved form must be used for that purpose.

PART 5—TRANSITIONAL PROVISIONS

52 Definition for pt 5

In this Part:

contract means the contract between the Australian Capital Territory and the Australian Capital Territory Health and Community Care Service dated 21 December 1999, in force immediately before the commencement of these regulations.

53 Repeal

The *Victims of Crime Regulations 1999* are repealed.

54 Case management records

If the Australian Capital Territory Health and Community Care Service is not the responsible service agency under the victims services scheme, the chief executive of the service must give to the responsible service agency all case management records in its possession relating to its provision of services under the contract.

55 Existing approved providers

A purchaser-approved provider under the contract continues to be an approved service provider until approved under regulation 40 (Approved service providers) or refused to be approved under that regulation.

56 Existing entitlements

A person who, at the end of the contract, had not received all of the services to which the person was entitled under the contract, is entitled to receive the balance of their entitlement under these regulations.

57 Expiration of pt 5

This Part expires 6 months after it commences.

DICTIONARY

(See reg 3)

affected person, in relation to a reviewable decision—see regulation 25 (1) (Notice to be given of eligibility decisions).

AFP member—see subparagraph 8 (1) (a) (ii) (Appointed members of board).

appointed member, of the board, means a member of the board other than the coordinator.

approved service provider means a person approved as a service provider under regulation 40 (Approved service providers).

board means the Victims Assistance Board.

chairperson means the chairperson of the board.

committee means the Eligibility Review Committee.

courts member—see subparagraph 8 (1) (a) (iii) (Appointed members of board).

deputy chairperson means the deputy chairperson of the board.

DPP member—see subparagraph 8 (1) (a) (i) (Appointed members of board).

eligible victim—see subregulation 24 (2) (Eligible victims under the victims services scheme).

harm—see the Act, subsection 3 (1).

health member—see subparagraph 8 (1) (a) (v) (Appointed members of board).

health professional means a person registered under a health professions Act.

health professions Act means—

- (a) for psychiatry—the *Medical Practitioners Act 1930*; or
- (b) for psychology—the *Psychologists Act 1994*; or
- (c) for podiatry—the *Podiatrists Act 1994*; or
- (d) for nursing—the *Nurses Act 1988*; or

DICTIONARY—continued

- (e) for optometry—the *Optometrists Act 1956*; or
- (f) for physiotherapy—the *Physiotherapists Act 1977*; or
- (g) for chiropractic or osteopathy—the *Chiropractors and Osteopaths Act 1983*.

health professions member—see paragraph 8 (1) (e) (Appointed members of board).

health professions service means psychiatry, psychology, podiatry, nursing, optometry, physiotherapy, chiropractic or osteopathy.

independent arbitrator means a person approved under regulation 18 (Independent arbitrators).

indigenous member—see paragraph 8 (1) (b) (Appointed members of board).

internal reviewer—see subregulation 26 (2) (Who may apply for internal review of decisions).

justice member—see subparagraph 8 (1) (a) (iv) (Appointed members of board).

legal profession member—see paragraph 8 (1) (d) (Appointed members of board).

manager, of the responsible service agency, means the person in charge of the agency.

member means a member of the board.

migrant member—see paragraph 8 (1) (c) (Appointed members of board).

primary victim—see the *Victims of Crime (Financial Assistance) Act 1983*, section 9.

psychiatrist means a doctor who holds postgraduate qualifications in psychiatry.

psychiatrist/psychologist member—see paragraph 8 (1) (g) (Appointed members of board).

DICTIONARY—continued

psychologist means a person registered under the *Psychologists Act 1994*.

responsible service agency means the entity nominated under regulation 21 (Responsible service agency).

reviewable decision—see regulation 25 (1) (Notice to be given of eligibility decisions).

serious crime—see the *Victims of Crime (Financial Assistance) Act 1983*, section 2.

suspect means—

- (a) a person whom a police officer suspects on reasonable grounds has committed an offence; or
- (b) a person charged with an offence; or
- (c) a person who has been summonsed to appear before a court in relation to the commission of an offence; or
- (d) a person who has entered into a voluntary agreement to attend court for an offence.

the Act means the *Victims of Crime Act 1994*.

victim—see the Act, subsection 3 (1).

victims groups member—see paragraph 8 (1) (f) (Appointed members of board).

victims services scheme means the victims services scheme established under regulation 19 (Victims services scheme).

Endnote

Notification

- 1 Notified in Gazette 2000 No 50 on 14 December 2000.