



Australian Capital Territory

# **Victims of Crime Regulation 2000**

**SL2000-51**

made under the

**Victims of Crime Act 1994**

**Republication No 8**

**Effective: 7 July 2005 – 31 October 2006**

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Authorised by the ACT Parliamentary Counsel

## About this republication

### The republished law

This is a republication of the *Victims of Crime Regulation 2000*, made under the *Victims of Crime Act 1994* (including any amendment made under the *Legislation Act 2001*, part 11.3 (Editorial changes)) as in force on 7 July 2005. It also includes any amendment, repeal or expiry affecting the republished law to 7 July 2005.

The legislation history and amendment history of the republished law are set out in endnotes 3 and 4.

### Kinds of republications

The Parliamentary Counsel's Office prepares 2 kinds of republications of ACT laws (see the ACT legislation register at [www.legislation.act.gov.au](http://www.legislation.act.gov.au)):

- authorised republications to which the *Legislation Act 2001* applies
- unauthorised republications.

The status of this republication appears on the bottom of each page.

### Editorial changes

The *Legislation Act 2001*, part 11.3 authorises the Parliamentary Counsel to make editorial amendments and other changes of a formal nature when preparing a law for republication. Editorial changes do not change the effect of the law, but have effect as if they had been made by an Act commencing on the republication date (see *Legislation Act 2001*, s 115 and s 117). The changes are made if the Parliamentary Counsel considers they are desirable to bring the law into line, or more closely into line, with current legislative drafting practice.

This republication does not include amendments made under part 11.3 (see endnote 1).

### Uncommenced provisions and amendments

If a provision of the republished law has not commenced or is affected by an uncommenced amendment, the symbol **U** appears immediately before the provision heading. The text of the uncommenced provision or amendment appears only in the last endnote.

### Modifications

If a provision of the republished law is affected by a current modification, the symbol **M** appears immediately before the provision heading. The text of the modifying provision appears in the endnotes. For the legal status of modifications, see *Legislation Act 2001*, section 95.

### Penalties

The value of a penalty unit for an offence against this republished law at the republication date is—

- (a) if the person charged is an individual—\$100; or
- (b) if the person charged is a corporation—\$500.



Australian Capital Territory

# Victims of Crime Regulation 2000

made under the

**Victims of Crime Act 1994**

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Australian Capital Territory

# Victims of Crime Regulation 2000

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## Part 1 Preliminary

### 1 Name of regulation

This regulation is the *Victims of Crime Regulation 2000*.

### 3 Dictionary

The dictionary at the end of this regulation is part of this regulation.

*Note 1* The dictionary at the end of this regulation defines certain terms used in this regulation and includes references (*signpost definitions*) to other terms defined elsewhere.

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

*Note 2* A definition in the dictionary (including a signpost definition) applies to the entire regulation unless the definition, or another provision of this regulation, provides otherwise or the contrary intention otherwise appears (see Legislation Act, s 155 and s 156 (1)).

### 4 Notes

A note included in this regulation is explanatory and is not part of this regulation.

*Note* See the Legislation Act, s 127 (1), (4) and (5) 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 make recommendations to the Minister about fees for services under the victims services scheme; and
- (e) to supervise the keeping by the responsible service agency of a statistical database about the operation of the victims services scheme; and
- (f) to approve independent arbitrators to resolve any disagreements between case coordinators for eligible victims and approved service providers; and
- (g) to advise the Minister on the operation of the victims services scheme and any change to the scheme it considers desirable; and
- (h) when asked by the coordinator, to give advice or information to the coordinator on issues about victims generally; and

- (i) 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.

*Note 1*   For the making of appointments (including acting appointments), see the Legislation Act, pt 19.3.

*Note 2*   Certain Ministerial appointments require consultation with an Assembly committee and are disallowable (see Legislation Act, div 19.3.3).

## 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 community support services (the *community support member*);
    - (vi) the administrative unit allocated responsibility for the administration of youth policy and services (the *youth policy and services 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 ACT.
  - (4) The Minister must not appoint a public servant as a member mentioned in subsection (1) (b) to (g).

*Note 1* For the making of appointments (including acting appointments), see the Legislation Act, pt 19.3.

*Note 2* In particular, an appointment may be made by naming a person or nominating the occupant of a position (see Legislation Act, s 207).

*Note 3* Certain Ministerial appointments require consultation with an Assembly committee and are disallowable (see Legislation Act, div 19.3.3).

*Note 4* A person may be reappointed to a position if the person is eligible to be appointed to the position (see Legislation Act, s 208 and dict, pt 1, def *appoint*).

## **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 this regulation 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 must not be appointed for 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, the community support member or the youth policy and services member if the Minister is satisfied that the member is no longer the representative of the relevant entity mentioned in section 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 section 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 section 15 (Disclosure of interests) without reasonable excuse.

*Note* A person's appointment also ends if the person resigns (see Legislation Act, s 210).

## **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 section 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 subsection (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 this regulation.
- (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 the Act, section 19 (2) (a), the chief executive for the *Health Act 1993* 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 this regulation and the guidelines made under section 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 section 17 (Guidelines) about the employment or engagement of people who will have contact with eligible victims.
- (2) Without limiting subsection (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 subsection (3) (b).
- (5) In this section:
- 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 the *Administrative Appeals Tribunal Act 1989*, section 25B (1) 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 the *Administrative Appeals Tribunal Act 1989*, section 25B (1).

## **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 the *Administrative Appeals Tribunal Act 1989*, section 25B (1).

**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 this regulation.
- (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 section:

*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 3.

### **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 section 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 section 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 section 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 ACT must be provided by the responsible service agency or an approved service provider.
- (2) Contact hours for an eligible victim who lives outside the ACT 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 this regulation.
- (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 section 17 (Guidelines) for approval as a service provider for the victims services scheme; and
- (e) the person is capable of satisfying the requirements of this regulation; 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 section 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 section:

*commissioner* means the commissioner for health complaints.

#### 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) if the ground for suspension of the approval of the provider is a state of affairs—the state of affairs has existed for 3 months or longer; or

- (c) the approved service provider has been convicted or found guilty of an indictable offence; or
- (d) 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 the *Victims of Crime (Financial Assistance) Act 1983*, section 27, the manager of the responsible service agency must provide the statement and certificate.

### **46            Notice of decisions**

- (1) This section applies to a decision of the board—
  - (a) to refuse to approve a service provider under section 40 (Approved service providers); or
  - (b) to suspend an approved service provider under section 42 (Suspension of approval); or
  - (c) to cancel the approval of a service provider under section 43 (Cancellation of approval).
- (2) The board must give written notice of a decision to which this section 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 the *Administrative Appeals Tribunal Act 1989*, section 25B (1).

**47           Review of decisions**

Application may be made to the administrative appeals tribunal for a review of a decision of the board mentioned in section 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 8, 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 voluntary 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 the Act, section 19 (2) (f), the chief executive is the annual reporting authority for the victims services scheme.

**50 Determination of fees for services provided by approved service providers**

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

*Note* A disallowable instrument must be notified, and presented to the Legislative Assembly, under the Legislation Act.

**51 Approved forms**

- (1) The Minister may, in writing, approve forms for this regulation.

*Note* For other provisions about forms, see the Legislation Act, s 255.

- (2) If the Minister approves a form for a particular purpose, the approved form must be used for that purpose.
- (3) An approved form is a notifiable instrument.

*Note* A notifiable instrument must be notified under the Legislation Act.

## Part 5                      Modification of regulation

### 52                      Application of pt 5

This part modifies this regulation.

### 53                      Dictionary, definition of *health professional*

*substitute*

*health professional*—

- (a) means a person registered under the *Health Professionals Act 2004*; and
- (b) includes a person registered under 1 of the following Acts (unless repealed):
  - (i) *Chiropractors and Osteopaths Act 1983*;
  - (ii) *Dental Technicians and Dental Prosthetists Registration Act 1988*;
  - (iii) *Dentists Act 1931*;
  - (iv) *Nurses Act 1988*;
  - (v) *Optometrists Act 1956*;
  - (vi) *Pharmacy Act 1931*;
  - (vii) *Physiotherapists Act 1977*;
  - (viii) *Podiatrists Act 1994*;
  - (ix) *Psychologists Act 1994*.

**54 Dictionary, definition of *psychologist***

*substitute*

*psychologist* means—

- (a) a person registered as a psychologist under the *Health Professionals Act 2004*; and
- (b) a person registered under the *Psychologists Act 1994* (unless repealed).

**55 Expiry of pt 5**

This part expires on the day the *Health Professionals Act 2004*, section 136 (Repeals) expires.

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## Dictionary

(see s 3)

*Note 1* The Legislation Act contains definitions and other provisions relevant to this Act.

*Note 2* For example, the Legislation Act, dict, pt 1, defines the following terms:

- administrative appeals tribunal
- chief executive
- chief police officer
- commissioner for health complaints
- dentist
- disallowable instrument
- doctor
- DPP
- entity
- found guilty
- lawyer
- Magistrates Court
- Minister
- Supreme Court.

*Note 3* Terms used in this regulation have the same meaning that they have in the *Victims of Crime Act 1994* (see Legislation Act, s 148). For example, the following terms are defined in the *Victims of Crime Act 1994*, dict:

- harm
- victim.

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

***AFP member***—see section 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 section 40 (Approved service providers).

***board*** means the Victims Assistance Board.

***chairperson*** means the chairperson of the board.

***committee*** means the Eligibility Review Committee.

***community support member***—see section 8 (1) (a) (v) (Appointed members of board).

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

***deputy chairperson*** means the deputy chairperson of the board.

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

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

***health professional*** means a person registered under the *Health Professions Act 2004*.

***health professions member***—see section 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 section 18 (Independent arbitrators).

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

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

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

**legal profession member**—see section 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 section 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 section 8 (1) (g) (Appointed members of board).

**psychologist** means a person registered as a psychologist under the *Health Professionals Act 2004*.

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

**reviewable decision**—see section 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.

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

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

***youth policy and services member***—see section 8 (1) (a) (vi) (Appointed members of board).



## Endnotes

### 1 About the endnotes

Amending and modifying laws are annotated in the legislation history and the amendment history. Current modifications are not included in the republished law but are set out in the endnotes.

Not all editorial amendments made under the *Legislation Act 2001*, part 11.3 are annotated in the amendment history. Full details of any amendments can be obtained from the Parliamentary Counsel's Office.

Uncommenced amending laws and expiries are listed in the legislation history and the amendment history. These details are underlined. Uncommenced provisions and amendments are not included in the republished law but are set out in the last endnote.

If all the provisions of the law have been renumbered, a table of renumbered provisions gives details of previous and current numbering.

The endnotes also include a table of earlier republications.

### 2 Abbreviation key

am = amended	ord = ordinance
amdt = amendment	orig = original
ch = chapter	par = paragraph/subparagraph
def = definition	pres = present
dict = dictionary	prev = previous
disallowed = disallowed by the Legislative Assembly	(prev...) = previously
div = division	pt = part
exp = expires/expired	r = rule/subrule
Gaz = gazette	renum = renumbered
hdg = heading	reloc = relocated
IA = Interpretation Act 1967	R[X] = Republication No
ins = inserted/added	RI = reissue
LA = Legislation Act 2001	s = section/subsection
LR = legislation register	sch = schedule
LRA = Legislation (Republication) Act 1996	sdiv = subdivision
mod = modified/modification	sub = substituted
o = order	SL = Subordinate Law
om = omitted/repealed	<u>underlining</u> = whole or part not commenced or to be expired

## Endnotes

3 Legislation history

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### 3 Legislation history

This regulation was originally the *Victims of Crime Regulations 2000*. It was renamed under the *Legislation Act 2001*.

#### **Victims of Crime Regulation 2000 No 51**

notified 14 December 2000 (Gaz 2000 No 50)

s 1, s 2 commenced 14 December 2000 (IA s 10B)

remainder commenced 1 January 2001 (s 2)

as amended by

#### **Legislation (Consequential Amendments) Act 2001 No 44 pt 408**

notified 26 July 2001 (Gaz 2001 No 30)

s 1, s 2 commenced 26 July 2001 (IA s 10B)

pt 408 commenced 12 September 2001 (s 2 and see Gaz 2001 No S65)

#### **Statute Law Amendment Act 2001 (No 2) 2001 No 56 pt 3.53**

notified 5 September 2001 (Gaz 2001 No S65)

pt 3.53 commenced 5 September 2001 (s 2 (1))

#### **Health and Community Care Services (Repeal and Consequential Amendments) Act 2002 No 47 pt 1.4**

notified LR 20 December 2002

s 1, s 2 commenced 20 December 2002 (LA s 75 (1))

pt 1.4 commences 5pm 31 December 2002 (s 2)

#### **Victims of Crime Amendment Regulations 2002 (No 1) SL2002-40**

notified LR 20 December 2002

s 1, s 2 commenced 20 December 2002 (LA s 75 (1))

remainder commenced 21 December 2002 (s 2)

#### **Statute Law Amendment Act 2003 A2003-41 sch 3 pt 3.22**

notified LR 11 September 2003

s 1, s 2 commenced 11 September 2003 (LA s 75 (1))

sch 3 pt 3.22 commenced 9 October 2003 (s 2 (1))

**Statute Law Amendment Act 2003 (No 2) A2003-56 sch 3 pt 3.29**

notified LR 5 December 2003

s 1, s 2 commenced 5 December 2003 (LA s 75 (1))

sch 3 pt 3.29 commenced 19 December 2003 (s 2)

**Health Professionals Legislation Amendment Act 2004 A2004-39****sch 1 pt 1.9**

notified LR 8 July 2004

s 1, s 2 commenced 8 July 2004 (LA s 75 (1))

sch 1 pt 1.9 commenced 7 July 2005 (s 2 and see Health Professionals Act 2004 A2004-38, s 2 and CN2005-11)

**4 Amendment history****Name of regulation**

s 1 am R7 LA

**Commencement**

s 2 om Act 2001 No 44 amdt 1.4234

**Dictionary**

s 3 am Act 2001 No 44 amdt 1.4235

**Notes**

s 4 am Act 2001 No 44 amdt 1.4236

**Functions**

s 6 am 2002 No 40 s 4; pars renum R3 LA (see 2002 No 40 s 5)

**Membership of board**

s 7 am A2003-41 amdt 3.489

**Appointed members of board**

s 8 am Act 2001 No 44 amdt 1.4237, amdt 1.4238; 2002 No 40 s 6; A2003-41 amdt 3.490, amdt 3.491; A2003-56 amdt 3.279

**Duration of appointment**

s 11 am Act 2001 No 44 amdt 1.4238; 2002 No 40 s 7; A2003-41 amdt 3.492

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

s 12 om A2003-41 amdt 3.493

**Responsible service agency**

s 21 am Act 2002 No 47 amdt 1.33

**Eligible victims under the victims services scheme**

s 24 am A2003-41 amdt 3.494

## Endnotes

4 Amendment history

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### **How contact hours are provided**

s 37 am A2003-41 amdt 3.495

### **Cancellation of approval**

s 43 am 2002 No 40 s 8; pars renum R3 LA (see 2002 No 40 s 9)

### **Annual reporting authority**

s 49 am 2002 No 40 s 10

### **Determination of fees for services provided by approved service providers**

s 50 sub Act 2001 No 44 amdt 1.4239

### **Approved forms**

s 51 sub Act 2001 No 44 amdt 1.4239  
am A2003-41 amdt 3.496

### **Modification of regulation**

pt 5 hdg exp 1 July 2001 (s 57)  
ins A2004-39 amdt 1.40  
exp on the day the Health Professionals Act 2004, s 136  
expires (s 55)

### **Application of pt 5**

s 52 exp 1 July 2001 (s 57)  
ins A2004-39 amdt 1.40  
exp on the day the Health Professionals Act 2004, s 136  
expires (s 55)

### **Dictionary, definition of *health professional***

s 53 om R1 (LRA)  
ins A2004-39 amdt 1.40  
exp on the day the Health Professionals Act 2004, s 136  
expires (s 55)

### **Dictionary, definition of *psychologist***

s 54 exp 1 July 2001 (s 57)  
ins A2004-39 amdt 1.40  
exp on the day the Health Professionals Act 2004, s 136  
expires (s 55)

### **Expiry of pt 5**

s 55 exp 1 July 2001 (s 57)  
ins A2004-39 amdt 1.40  
exp on the day the Health Professionals Act 2004, s 136  
expires (s 55)

### **Existing entitlements**

s 56 exp 1 July 2001 (s 57)

### **Expiration of pt 5**

s 57 exp 1 July 2001 (s 57)

**Dictionary**

dict

am A2003-41 amdt 3.497  
 def **community support member** ins 2002 No 40 s 11  
 def **harm** om A2003-41 amdt 3.498  
 def **health member** om 2002 No 40 s 12  
 def **health professional** sub A2004-39 amdt 1.41  
 def **health professions Act** om A2004-39 amdt 1.41  
 def **psychologist** sub A2004-39 amdt 1.42  
 def **the Act** om Act 2001 No 56 amdt 3.892  
 def **victim** om A2003-41 amdt 3.499  
 def **youth policy and services member** ins 2002 No 40 s 11

**5 Earlier republications**

Some earlier republications were not numbered. The number in column 1 refers to the publication order.

Since 12 September 2001 every authorised republication has been published in electronic pdf format on the ACT legislation register. A selection of authorised republications have also been published in printed format. These republications are marked with an asterisk (\*) in column 1. Electronic and printed versions of an authorised republication are identical.

<b>Republication No</b>	<b>Amendments to</b>	<b>Republication date</b>
1	not amended	2 July 2001
2	Act 2001 No 44	6 December 2001
3	SL2002-40	21 December 2002
4	SL2002-40	31 December 2002
5	A2003-41	9 October 2003
6	A2003-56	19 December 2003
7	<u>A2004-39</u>	1 November 2004

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