

**Authorised Version**

**Victims of Crime Assistance (Special Financial Assistance) Regulations 2021**

**S.R. No. 151/2021**

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## **Authorised Version**

### **STATUTORY RULES 2021**

S.R. No. 151/2021

#### ***Victims of Crime Assistance Act 1996***

### **Victims of Crime Assistance (Special Financial Assistance) Regulations 2021**

The Governor in Council makes the following Regulations:

Dated: 30 November 2021

Responsible Minister:

NATALIE HUTCHINS  
Minister for Victim Support

ALEXANDRA DEBELJAKOVIC  
Clerk of the Executive Council

#### **1 Objective**

The objective of these Regulations is to facilitate the payment of special financial assistance to certain victims of crime.

#### **2 Authorising provision**

These Regulations are made under section 72 of the **Victims of Crime Assistance Act 1996**.

#### **3 Commencement**

These Regulations come into operation on 5 December 2021.

#### **4 Revocation**

The Victims of Crime Assistance (Special Financial Assistance) Regulations 2011<sup>1</sup> are **revoked**.

## 5 Definitions

In these Regulations—

***Aboriginal person*** means a person who—

- (a) is descended from an Aboriginal person or Torres Strait Islander; and
- (b) identifies as an Aboriginal person or Torres Strait Islander; and
- (c) is accepted as an Aboriginal person or Torres Strait Islander by an Aboriginal or Torres Strait Island community;

***elderly*** means—

- (a) in relation to an Aboriginal person, 55 years of age or older; or
- (b) in relation to any other person, 65 years of age or older;

***HIV*** means the human immuno-deficiency virus which is a causative agent of the acquired immune deficiency syndrome and other related conditions;

***impaired mental functioning*** means—

- (a) a mental illness within the meaning of the **Mental Health Act 2014**; or
- (b) an intellectual disability within the meaning of the **Disability Act 2006**; or
- (c) an acquired brain injury; or
- (d) an autism spectrum disorder; or
- (e) a neurological impairment, including but not limited to dementia;

***sexual assault*** has the meaning given by section 40 of the **Crimes Act 1958**;

***sexual penetration*** has the meaning given by section 35A of the **Crimes Act 1958**;

***the Act*** means the **Victims of Crime Assistance Act 1996**;

***very serious physical injury*** means actual physical bodily harm that is permanent or of long-term duration and involves—

- (a) loss of a bodily function; or
- (b) disfigurement of a part of the body; or
- (c) total or partial loss of a part of the body; or
- (d) loss of a foetus; or
- (e) loss of fertility.

## **6 Specified categories of acts of violence**

For the purposes of section 8A(6)(a) of the Act, the acts of violence and classes of acts of violence that are categorised as category A, B, C or D acts of violence are those specified in Schedule 1.

## **7 When category A maximum amount is available for category B, C or D acts of violence**

- (1) For the purposes of section 8A(6)(b) of the Act, the prescribed higher maximum amount in relation to a category B, C or D act of violence is \$10 000 if the circumstances set out in subregulation (2) apply.
- (2) For the purposes of section 8A(6)(c) of the Act and subregulation (1), the prescribed circumstances are the circumstances in which, as a direct result of the act of violence, the victim—
  - (a) has suffered a very serious physical injury; or
  - (b) has been infected with a life-threatening disease, including HIV; or

- (c) is a victim of a series of related criminal acts that are acts of sexual penetration or sexual assault.

**8 When category B maximum amount is available for category C or D acts of violence**

- (1) For the purposes of section 8A(6)(b) of the Act, the prescribed higher maximum amount in relation to a category C or D act of violence (other than in the circumstances set out in regulation 7) is \$3250 if the circumstances set out in subregulation (2) apply.
- (2) For the purposes of section 8A(6)(c) of the Act and subregulation (1), the prescribed circumstances are the circumstances in which—
  - (a) as a direct result of the act of violence, the victim—
    - (i) has suffered a serious injury; or
    - (ii) is a victim of related criminal acts; or
    - (iii) has suffered a deprivation of their liberty; and
  - (b) on the date of the act of violence (or the date of any criminal act in the case of related criminal acts), the victim—
    - (i) was a child under 18 years of age; or
    - (ii) was elderly; or
    - (iii) had impaired mental functioning.

**9 When category C maximum amount is available for category D acts of violence**

- (1) For the purposes of section 8A(6)(b) of the Act, the prescribed higher maximum amount in relation to a category D act of violence (other than in the circumstances set out in regulation 7 or 8) is

\$1300 if the circumstances set out in subregulation (2) apply.

- (2) For the purposes of section 8A(6)(c) of the Act and subregulation (1), the prescribed circumstances are the circumstances in which—
- (a) as a direct result of the act of violence, the victim is a victim of related criminal acts; or
  - (b) on the date of the act of violence (or the date of any criminal act in the case of related criminal acts), the victim—
    - (i) was a child under 18 years of age; or
    - (ii) was elderly; or
    - (iii) had impaired mental functioning.

## **Schedule 1—Categories of acts of violence**

Regulation 6

### **1 Category A acts of violence**

A category A act of violence is any act of violence that is an offence involving—

- (a) sexual penetration of a person; or
- (b) attempted murder.

### **2 Category B acts of violence**

A category B act of violence is any act of violence that is an offence involving—

- (a) attempted sexual penetration of a person; or
- (b) sexual assault of a person; or
- (c) armed robbery; or
- (d) aggravated burglary; or
- (e) the deprivation of liberty of a person for the purpose of—
  - (i) sexual penetration; or
  - (ii) demanding any ransom for their release.

### **3 Category C acts of violence**

A category C act of violence is any act of violence that is an offence involving—

- (a) an attempt to commit a category B act of violence (other than an act of violence referred to in clause 2(a)); or
- (b) a threat of death; or
- (c) conduct endangering life; or
- (d) conduct inflicting serious injury; or
- (e) robbery.



Schedule 1—Categories of acts of violence

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**4 Category D acts of violence**

A category D act of violence is any—

- (a) act of violence that is an offence involving—
    - (i) an attempt to commit a category C act of violence (other than an act of violence referred to clause 3(a)); or
    - (ii) a threat of injury; or
    - (iii) an assault against a person; or
    - (iv) an attempted assault; or
    - (v) the deprivation of the liberty of a person (other than for a purpose referred to in clause 2(e)); or
  - (b) act of violence not otherwise specified as a category A, B, C or D act of violence.
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## **Endnotes**

<sup>1</sup> Reg. 4: S.R. No. 145/2011.