

Questions and Answers:

Victims of Crime Rights and Services Bill 2006

Victims of Crime Assistance Bill 2006

CRIME VICTIMS SERVICES UNIT

1. What will be the new Crime Victims Services Unit's role and functions?

The Crime Victims Services Unit (CVSU) will act as the central point to provide financial assistance, support and rehabilitation services to victims of crime. It will assess and award the assistance payable to victims (replacing the current court-based assessment), and co-ordinate victims' services, such as free counselling.

The CVSU will also operate a Victims Register to inform victims of an offender's status in the criminal justice system (such as when an offender is eligible for parole).

COMPENSATION

2. How will the new compensation scheme assist victims of crime?

Under the new scheme, the maximum awards available will be increased from \$25,000 to \$40,000 – a sixty per cent increase. The new scheme also allows for up to \$5000 for immediate financial assistance in circumstances of hardship – for example, for medical or funeral expenses, lost wages, and damaged clothing. These reforms reflect the Government's commitment to help those most affected or injured by crime to get on with their lives as quickly as possible.

The new administrative assessment scheme will also provide greater simplicity and certainty for victims. Application forms will be easy to fill out and lodge with the CVSU. The CVSU will use a comprehensive table of 'compensable injuries' to quickly assess financial assistance for injuries. An administrative system will allow assessments to be made much more quickly and will be less intimidating and confrontational than the previous court-based assessment scheme.

3. Will the Government put a cap on funding to limit the amount of money paid in claims?

There will be no cap on the number of claims made, or funding provided, under this scheme.

All victims of crime who lodge an application that meets the scheme's requirements will receive appropriate compensation. The scheme is fully funded to provide financial assistance, counselling, and other victim support and rehabilitation services.

Under the court-based assessment scheme, last year approximately 40% of total Government funding went to paying legal fees and costs. This new administratively-based assessment scheme puts the emphasis back on supporting victims of crime, and ensures victims receive a much higher proportion of funding, through both direct financial assistance and counselling services.

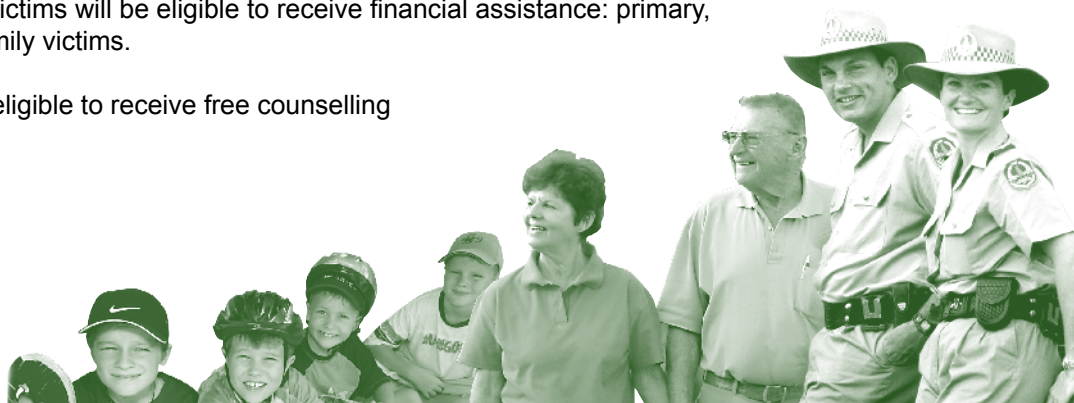
4. Who will be able to receive assistance?

There are four classes of victims that will be eligible to access assistance under the new scheme: primary, secondary, family and related victims.

Three classes of victims will be eligible to receive financial assistance: primary, secondary and family victims.

All victims will be eligible to receive free counselling services,

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A **primary victim** is a person who suffers an injury as a direct result of a violent criminal act. They will be eligible for up to \$40,000 in compensation.

A **secondary victim** is a person who is present at the scene of the crime, and suffers an injury as a direct result of witnessing the crime. It also includes parents of children and children who suffer an injury as a result of becoming aware of an offence resulting in the death of their child or parent, as the case may be. All secondary victims of the one crime will share up to a maximum aggregate amount of \$40,000, with the victim's parents (if present) given priority.

Family victims are parents, guardians, children and spouses of a primary victim. Family victims will be entitled to an aggregate maximum of \$40,000, to be shared amongst all family victims.

Related victims are relatives of a victim who aren't classified as family victims, or someone in an intimate personal relationship with the victim.

5. Why is there a \$7500 minimum threshold for compensation?

This minimum threshold is only for non-economic loss (eg 'pain and suffering'). There is no minimum threshold for economic loss, such as medical expenses, lost wages, broken glasses, or dental bills. These losses will be compensated under this scheme. In cases of financial hardship, up front immediate financial assistance may be provided for out-of-pocket expenses.

The threshold requires that to receive compensation for non-economic loss, the injury or injuries must be assessed to be worth a total of \$7500 in compensation or over.

The Government believes that financial assistance for non-economic loss should be awarded to those in the community who are most seriously affected and injured by crime. Evidence suggests that most cases falling under the minimum threshold are for relatively minor offences and relate to feelings of distress, which would be best dealt with by counselling. Under this scheme all victims of crime are eligible to access free counselling services.

6. Will I be able to claim financial assistance for the same injury under this scheme and under other compensation schemes, like the *Work Health Act*?

No. While the new scheme does not exclude anyone on the basis of their employment, if a victim is eligible to apply for compensation or entitlements under the *Work Health Act* or *Motor Accidents (Compensation) Act* they will not be able to receive additional compensation under this scheme.

7. What will my financial assistance be if I am the victim of a related series of crimes?

If the CVSU assessor determines that a victim's injuries were caused by a series of related criminal acts, they will be assessed as constituting a single act under the compensation scheme.

8. What if the defendant is acquitted of the crime, or the offender is never caught? Can I still receive financial assistance?

An arrest or conviction is not necessary to receive assistance under this scheme. The CVSU assessor only needs to be satisfied that the victim has suffered the injury as a direct result of a violent criminal act. This ensures that even if the offender is never identified or caught, a victim of crime will still be able to receive financial assistance.

9. Will the CVSU's Table of Injuries accurately measure specific injuries and the level of appropriate compensation for victims?

Yes. The Table is modelled on a similar New South Wales scheme, which has proven effective in assessing specific injuries. The table's level of detail will guarantee a simple, transparent and speedy application process. If a victim is unhappy with their award, they have a right to appeal to the Local Court to review their claim.

VICTIMS REGISTER

10. What sort of information will registered people receive?

Victims listed on the Victims Register will receive relevant information relating to the offender. This could include the offender's earliest possible release date, whether the sentence has changed, whether the offender has been transferred interstate, the date when the Parole Board is considering release, and the actual date of release from prison.

If the offender is released, the registered person is also entitled to receive information on where the offender intends to reside (if known), and any parole conditions.

11. Who will be able to receive information from the register?

The Register will provide information to people affected by a criminal act. Any person who has suffered an injury as a direct result of a criminal offence will generally be able to receive this information.

The Director of the CVSU may also approve other people to be included on the register. This may include a family member or primary care-giver of someone who has suffered an injury. It may also cover someone who was inside a building at the time an offender unlawfully entered the building, or a person who has been the target of domestic violence committed by the offender in the past.

CRIME VICTIMS ADVISORY COMMITTEE

12. Will there still be a Crime Victims Advisory Committee?

Yes – the powers and functions of the Crime Victims Advisory Committee will remain substantially the same under the new scheme. The Committee will still advise the Minister, distribute information on victims' rights, and assist coordination of victims' services. The Director of the CVSU will be added as a member of the Committee.

GENERAL

13. Why not compensate for property crime?

The scheme is aimed at compensating victims of violent crime, not property crime. Victims of violent crime can receive compensation for personal property damaged as a result of the crime, eg broken glasses.

There is a finite amount of Government money available to compensate victims of crime. No other jurisdiction provides compensation for victims of property crime.

The NT Government funds Victims of Crime NT to provide a clean-up service and assistance to secure premises after a property break-in.

Offenders paying for their crimes

We will continue the current cost recovery process from offenders. The Territory can apply to the Court for an order to recover from the offender. Such recovery has always been difficult as most offenders are either in prison, impecunious or removed from the Northern Territory.

A victim is not prevented from taking any other civil action against the offender. However, any money received from the offender may impact on the victim's award of financial assistance.

Levies will continue to be imposed on people found guilty of an offence or who expiate an offence via an infringement notice.