

Authorised Version No. 001
**Victims of Crime Assistance (Special
Financial Assistance) Regulations 2011**

S.R. No. 145/2011

Authorised Version as at
17 December 2011

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**Victims of Crime Assistance (Special
Financial Assistance) Regulations 2011**

S.R. No. 145/2011

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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 17 December 2011.

4 Revocation

The Victims of Crime Assistance (Special Financial Assistance) Regulations 2000¹ are **revoked**.

5 Definitions

In these Regulations—

impaired includes impaired because of mental illness, intellectual disability within the meaning of the **Disability Act 2006**, dementia or brain injury;

sexual penetration has the meaning given by section 35(1) of the **Crimes Act 1958**;

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

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very serious disease means a disease that is life threatening in nature and includes HIV within the meaning of the **Public Health and Wellbeing Act 2008**;

very serious physical injury means actual physical bodily harm to the body of a permanent or long term duration that involves—

- (a) loss of a body 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 Prescribed categories of acts of violence

For the purposes of section 8A of the Act, Schedule 1 specifies the acts of violence and classes of acts of violence that are categorised as category A, B, C or D.

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

For the purposes of section 8A of the Act, the maximum amount in relation to a category A act of violence is prescribed as the maximum amount in relation to a category B, C or D act of violence where as a direct result of the act of violence the victim has—

- (a) suffered a very serious physical injury; or
- (b) been infected with a very serious disease; or
- (c) been the victim of a series of related criminal acts being acts of indecent assault or sexual penetration.

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

For the purposes of section 8A of the Act, the maximum amount in relation to a category B act of violence (apart from regulation 7) is prescribed as the maximum amount in relation to a category C or D act of violence where, as a result of the act of violence, the victim has—

- (a) suffered a serious injury; or
- (b) been the victim of related criminal acts of violence; or
- (c) suffered a deprivation of their liberty—

and at the date of the occurrence of the act of violence or, in the case of related criminal acts of violence, any of those acts, the victim was a child under the age of 18, elderly or impaired.

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

For the purposes of section 8A of the Act, the maximum amount in relation to a category C act of violence (apart from regulation 7 or 8) is prescribed as the maximum amount in relation to a category D act of violence where—

- (a) as a result of the act of violence, the victim has been the victim of related criminal acts of violence; or
 - (b) at the date of the occurrence of the act of violence or, in the case of related criminal acts of violence, any of those acts, the victim was a child under the age of 18, elderly or impaired.
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SCHEDULE

Regulation 6

CATEGORIES OF ACTS OF VIOLENCE

<i>Category of act of violence</i>	<i>Acts of violence and classes of acts of violence</i>
A	Any offence that involves— the sexual penetration of a person; or attempted murder.
B	Any offence that involves— attempted sexual penetration of a person; or an indecent act with, or indecent assault against, a person; or armed robbery; or aggravated burglary; or the deprivation of liberty of a person for the purpose of— sexual penetration; or demanding any ransom for their release.
C	Any offence that involves— an attempt to commit a category B act of violence; or a threat of death; or conduct endangering life; or inflicting serious injury; or robbery.

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<i>Category of act of violence</i>	<i>Acts of violence and classes of acts of violence</i>
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D	Any offence that involves— an attempt to commit a category C act of violence; or a threat of injury; or an assault against a person; or an attempted assault; or the deprivation of the liberty of a person, excluding a category B act of violence; or an act of violence not otherwise specified as a category A, B, C or D act of violence.
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ENDNOTES

1. General Information

The Victims of Crime Assistance (Special Financial Assistance) Regulations 2011, S.R. No. 145/2011 were made on 6 December 2011 by the Lieutenant-Governor as the Governor's deputy with the advice of the Executive Council under section 72 of the **Victims of Crime Assistance Act 1996**, No. 81/1996 and came into operation on 17 December 2011: regulation 3.

The Victims of Crime Assistance (Special Financial Assistance) Regulations 2011 will sunset 10 years after the day of making on 6 December 2021 (see section 5 of the **Subordinate Legislation Act 1994**).

2. Table of Amendments

There are no amendments made to the Victims of Crime Assistance (Special Financial Assistance) Regulations 2011 by statutory rules, subordinate instruments and Acts.

Endnotes

3. Explanatory Details

¹ Reg. 4: S.R. No. 135/2000.