

First print



New South Wales

Victims Rights and Support Bill 2013

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

Overview of Bill

The objects of this Bill are as follows:

- (a) to repeal the *Victims Support and Rehabilitation Act 1996* (the *VSRA*) and to replace the statutory scheme for compensation for victims of crimes of violence and approved counselling under that Act with a new support scheme (the *new Scheme*) that:
 - (i) provides for the approval of the giving of financial support and counselling and making of payments in recognition of the trauma suffered by certain such victims (*recognition payments*), and
 - (ii) provides for the Victims Compensation Tribunal to be abolished and its members to become a new Victims Support Division of the Administrative Decisions Tribunal, which is to have the power to review determinations relating to the approval of the making of recognition payments, and
 - (iii) provides for the cost of support paid under the new Scheme to be recovered from persons found guilty of the crimes giving rise to the approval of the giving of support, and

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- (iv) imposes a levy on persons found guilty of crimes punishable by imprisonment for the purpose of partially funding the new Scheme that is similar to the levy that currently funds the statutory scheme for compensation under the VSRA, and
 - (v) continues the alternative scheme established under the VSRA under which a court may order the person it finds guilty of a crime to pay compensation to any victim of the crime,
- (b) to repeal and re-enact (with minor modifications) the provisions of the *Victims Rights Act 1996*,
 - (c) to provide for a Commissioner of Victims Rights and confer on the Commissioner functions similar to those currently exercised by Victims Services under the VSRA and additional functions intended (among other things) to lead to greater compliance with the Charter of Victims Rights.

Outline of provisions

Part 1 Preliminary

Clause 1 sets out the name (also called the short title) of the proposed Act.

Clause 2 provides for the commencement of the proposed Act on the date of assent to the proposed Act.

Clause 3 defines certain words and expressions used in the proposed Act. *Victims support* is defined as support in the form of approved counselling services, financial support or a recognition payment under the new Scheme.

Part 2 Victims rights

Division 1 Preliminary

Clause 4 specifies the object of the proposed Part as being to recognise and promote the rights of victims of crime.

Clause 5 defines *victim of crime* for the purposes of the proposed Part in the same way as that term is currently defined in the *Victims Rights Act 1996*.

Division 2 Charter of Victims Rights

Clause 6 sets out the Charter of Victims Rights. It is essentially the same as the Charter currently set out in the *Victims Rights Act 1996*.

Clause 7 provides for the implementation of the Charter.