

**NORTHERN TERRITORY OF AUSTRALIA**

**VICTIMS OF CRIME ASSISTANCE REGULATIONS 2007**

As in force at 25 March 2024

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# NORTHERN TERRITORY OF AUSTRALIA

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As in force at 25 March 2024

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## VICTIMS OF CRIME ASSISTANCE REGULATIONS 2007

### Regulations under the *Victims of Crime Assistance Act 2006*

#### Part 1 Preliminary matters

##### 1 Citation

These Regulations may be cited as the *Victims of Crime Assistance Regulations 2007*.

##### 2 Commencement

These Regulations commence on the commencement of the *Victims of Crime Assistance Act 2006*.

#### Part 2 Interpretation

##### 3 Definitions

In these Regulations:

***approved examiner*** means a psychologist, psychiatrist or other person approved under regulation 28.

***category***, see:

- (a) for a compensable violent act – regulation 14(1), (2), (3) or (3A); or
- (b) for a psychological or psychiatric disorder – regulation 15(1) or (2).

***compensable injury***, see regulation 16(1).

***domestic violence injuries***, see regulation 5.

***harm***, see section 1A of the Criminal Code.

***offensive weapon***, see section 1 of the Criminal Code.

**pattern of abuse**, see regulation 6.

**serious harm**, see section 1 of the Criminal Code.

**standard amount**, see:

- (a) for a compensable violent act – regulation 14(4); or
- (b) for a compensable injury – regulation 16(3).

#### **4 Violent acts – sexual offences**

- (1) For section 5(1)(a) of the Act, a criminal act that constitutes, or under section 5(2)(b) of the Act would otherwise constitute, an offence mentioned in Schedule 1, Part 1, 2, 3 or 4, subject to any qualification specified opposite the offence, is a violent act.

*Notes for subregulation (1)*

*1 Under section 5(1)(b) of the Act, other criminal acts are also violent acts.*

*2 Under section 7(1) of the Act, a violent act prescribed under this regulation is a compensable violent act.*

- (2) To avoid doubt, despite section 43BJA of the Criminal Code, a reference in Schedule 1 to an offence does not include a reference to an offence of attempting, or of conspiracy or incitement, to commit the offence.

#### **5 Domestic violence injuries**

- (1) A victim suffers domestic violence injuries if:
  - (a) the victim suffers 1 or more injuries as a direct result of:
    - (i) a violent act involving a pattern of abuse, committed by an offender with whom the victim is in a domestic relationship; or
    - (ii) a violent act of unlawful stalking under section 189 of the Criminal Code in contravention, or apparent contravention, of a domestic violence order; or
    - (iii) a combination of violent acts mentioned in subparagraphs (i) and (ii) if committed by the same offender; and
  - (b) the injuries are more than transient or trifling, though they need not be serious.

(2) In this section:

**domestic relationship**, see the *Domestic and Family Violence Act 2007*.

**domestic violence order**, see the *Domestic and Family Violence Act 2007*.

## **6 Pattern of abuse**

A violent act involves a pattern of abuse if:

- (a) the violent act is a series of 3 or more related criminal acts that occur over a period of time; and
- (b) the acts are committed against the same victim by the same offender.

*Note for regulation 6*

*See section 5 of the Act for general information about related criminal acts.*

## **7 Factor of aggravation**

A factor of aggravation applies for an offence if:

- (a) the victim suffers serious harm as a direct result of the offence; or
- (b) the offence was committed by the use or threatened use of an offensive weapon; or
- (c) the offence was committed by a person in the company of another person.

## **7A References to offences in Schedules 1 and 2**

To avoid doubt, despite section 43BJA of the Criminal Code, a reference to an offence in Schedule 1 or 2 does not include a reference to an offence of attempting, or of conspiracy or incitement, to commit the offence.

# **Part 3 Applications for interim payments and awards**

## **8 General information required**

For sections 26(3)(j) and 32(1)(m) of the Act, an application for an interim payment or award must include the following information:

- (a) the eligible victim's name, address and date of birth;

- (b) if the application is made for the eligible victim by a person mentioned in section 25(5) of the Act – the person's name, address, date of birth and relationship to the eligible victim;
- (c) if the application is made because the violent act resulted in the death of the primary victim – the name, date of birth and date of death of the primary victim and the applicant's relationship to the primary victim;
- (d) if the applicant is applying for financial assistance for the loss of clothing or other personal effects – a description of the personal effects and the expenses incurred in replacing them.

## **9 Information required for application for interim payment**

For section 26(3)(j) of the Act, an application for an interim payment must include the following information:

- (a) a statement of:
  - (i) all expenses or financial loss incurred or likely to be incurred by the applicant, substantiated by copies of relevant documents, including, for example, invoices and receipts; and
  - (ii) reimbursements expected by the applicant for expenses or financial loss incurred or likely to be incurred;
- (b) if the applicant is a primary victim or secondary victim of the violent act – a statement of whether the applicant has received, or is likely to receive, any refunds from Medicare or a private health insurer for financial loss for medical expenses.

## **10 Information required for application for award**

- (1) For section 32(1)(m) of the Act, an application for an award must include the following information:
  - (a) a statement of whether the applicant has received, or is likely to receive, any refunds from Medicare or a private health insurer for financial loss for medical expenses;
  - (b) if the applicant has suffered a compensable injury described in Schedule 3 – a description of the injury in accordance with the description in Schedule 3;
  - (c) if the applicant has suffered a compensable injury that is not described in Schedule 3:
    - (i) a description of the injury; and

- (ii) the period for which the injury has caused symptoms or disability; and
    - (iii) the injury described in the Schedule that is most similar to it;
  - (d) if the applicant is applying for financial assistance for more than 1 injury suffered as a result of the same violent act – identification of the most serious injury, second most serious injury and third most serious injury as defined in regulation 18(2);
  - (e) a statement of whether, since the occurrence of the injury described in the application or during the 2 years before the occurrence, the applicant has:
    - (i) suffered another injury as a direct result of a violent act and, if so, the name of the offender (if known); and
    - (ii) made another application for an interim payment or award relating to the other injury.
- (2) For section 32(3)(c) of the Act, an application for an award must be accompanied by the following documents:
- (a) if the application is for financial assistance for loss of earnings – copies of all relevant documents to substantiate the loss, including, for example, a statement by the applicant's employer or the applicant's payslips or business records;
  - (b) if the application is for financial assistance for a compensable injury for a category 1 or 2 psychological or psychiatric disorder – a written report about the applicant's condition.

*Note for regulation 10*

*Under regulation 29, the assessor may require the victim to undergo an examination by an approved examiner.*

## **11 Amendment of application and lodgment of further information**

- (1) On receiving an application for an award, the Director may require the applicant to amend it so that it complies with the Act and these Regulations.
- (2) After accepting an application for an award, the Director must accept further relevant information or documents given by the applicant.

**12 Costs of giving information or documents**

The reasonable expenses of a person in giving information or documents required under section 36(2) or (4) of the Act are payable by the Territory.

**13 Application relating to injury suffered in course of employment**

- (1) This regulation applies in relation to an application for an interim payment or award if:
  - (a) the person who suffered the injury described in the application (the *injured person*) has made a claim for compensation under the *Return to Work Act 1986* for the same (or substantially the same) injury; and
  - (b) the injured person has been notified under that Act of the employer's decision to dispute liability for compensation claimed; and
  - (c) the injured person has referred the dispute to mediation or started a proceeding for a determination (including an interim determination) of the claim; and
  - (d) at the time the application is considered by the Director or assessor, the injured person's entitlement to compensation has not been determined.
- (2) For section 18 of the Act, the Director or assessor must presume the injured person is not entitled to compensation under the *Return to Work Act 1986* for the injury and decide the application accordingly.
- (3) However, if exceptional circumstances exist, the assessor may defer consideration of the application until the injured person's entitlement to compensation is decided.

*Example for regulation 13(3)*

*The injured person has applied for an award only a short time before the person's claim for compensation is to be determined.*

**Part 4 Compensable violent acts and injuries and standard amounts****14 Compensable violent acts and standard amounts**

- (1) A violent act mentioned in Schedule 1, Part 1, is a category 1 compensable violent act.



- (2) A violent act mentioned in Schedule 1, Part 2, is a category 2 compensable violent act.
- (3) A violent act mentioned in Schedule 1, Part 3, is a category 3 compensable violent act.
- (3A) A violent act mentioned in Schedule 1, Part 4, is a category 4 compensable violent act.
- (4) The **standard amount** for a compensable violent act is specified in Schedule 1, Part 5.

## 15 Categories of psychological and psychiatric disorders

- (1) A category 1 psychological or psychiatric disorder is a recognisable psychological or psychiatric disorder that:
  - (a) is moderately disabling and chronic; and
  - (b) is suffered as a direct result of an offence against the Criminal Code specified in Schedule 1 or 2 to which the qualification specified opposite applies.
- (2) A category 2 psychological or psychiatric disorder is a recognisable psychological or psychiatric disorder that:
  - (a) is severely disabling and chronic; and
  - (b) is suffered as a direct result of:
    - (i) an offence against the Criminal Code specified in Schedule 1 or 2 to which the qualification specified opposite applies; or
    - (ii) a violent act causing domestic violence injuries.

## 16 Compensable injuries and standard amounts

- (1) For section 7(2) of the Act, a compensable injury is:
  - (a) an injury described in Schedule 3, Part 2; or
  - (b) an injury other than an injury described in Schedule 3, Part 2 that an assessor is satisfied:
    - (i) is similar to an injury described in Schedule 3, Part 2 (the **listed injury**); and
    - (ii) has caused symptoms or disability lasting for the duration specified in Schedule 3, Part 2 for the listed injury.

- (3) The **standard amount** for a compensable injury is:
- (a) for an injury described in Schedule 3, Part 2 – the amount specified opposite the injury; or
  - (ab) for an injury described in Schedule 3, Part 2, item 5.1, 5.2, 6.2 to 6.4, 6.7, 7.4(a), 8, 14.1 or 14.4 that occurs on each side of the body – double the amount specified opposite the injury; or
  - (b) for another injury – the standard amount that may be awarded for the most similar compensable injury.

*Notes for regulation 16(3)*

- 1 *Under regulations 18 and 19, the standard amount that may be awarded for compensable injuries may be limited or reduced in certain circumstances.*
- 2 *Under regulation 22, a victim may apply for an award for each compensable injury instead of an award of the standard amount for domestic violence injuries.*

## **Part 5 Awards of financial assistance**

### **18 Award for multiple compensable injuries**

- (1) If an eligible victim has suffered more than 1 injury as a result of the same violent act, the standard amount that may be awarded for all the injuries is the total of the following amounts:
- (a) the standard amount for the victim's most serious injury;
  - (b) 30% of the standard amount for the victim's second most serious injury;
  - (c) if there are more than 2 injuries – 15% of the standard amount for the victim's third most serious injury.
- (2) For subregulation (1):
- (a) the victim's most serious injury is the injury, or 1 of the injuries, for which is prescribed the highest standard amount out of all the victim's injuries (the **first amount**); and
  - (b) the victim's second most serious injury is:
    - (i) if there is another injury for which the first amount is prescribed – that injury; or
    - (ii) the injury, or 1 of the injuries, for which is prescribed the second highest standard amount out of all the victim's injuries (the **second amount**); and

- (c) the victim's third most serious injury is:
  - (i) if paragraph (b)(i) applies and there is a further injury for which the first amount is prescribed – that injury; or
  - (ii) if paragraph (b)(ii) applies and there is a further injury for which the second amount is prescribed – that injury; or
  - (iii) the injury, or 1 of the injuries, for which is prescribed the third highest standard amount out of all the victim's injuries.
- (3) No financial assistance may be awarded for another injury suffered by the victim as a result of the same violent act.
- (4) This regulation does not apply in relation to financial assistance awarded for domestic violence injuries.

## **19 Reduction of standard amount because of existing condition**

If a violent act results in a compensable injury because of the aggravation, acceleration, exacerbation or deterioration of an existing condition, the standard amount that may be awarded for the injury must be reduced by the proportionate amount the assessor considers is attributable to the existing condition.

## **20 Assessment of financial assistance in certain circumstances**

- (1) In deciding the extent of an injury, the assessor must disregard the extent to which the injury, or effect of the injury, may be reduced or limited by an external removable aid or appliance.
- (2) If the victim has only 1 leg, arm, eye or other body part, an injury to the remaining body part is taken to be an injury to both of the body parts.

## **21 Burns and scarring**

- (1) An award for burns or scarring is subject to a reasonable inspection of the injury as required by the assessor.
- (2) The assessor must not award financial assistance for scarring unless the scarring is permanent.
- (3) The assessor must not award financial assistance for both burns to a part of the body and scarring of that part of the body caused by burns.

**22 Domestic violence injuries**

- (1) Instead of applying for an award for domestic violence injuries, a victim may apply for an award for each compensable injury (**separate domestic injuries**) suffered as a direct result of the violent act.
- (2) The assessor must not award financial assistance to an eligible victim for separate domestic injuries if:
  - (a) the victim has applied for an award for the domestic violence injuries and the separate domestic injuries occurred before the victim made the application; and
  - (b) the same offender is responsible for the domestic violence injuries and the separate domestic injuries.
- (3) Subregulation (2) does not prevent the assessor from taking the separate domestic injuries into account in making an award for the domestic violence injuries.

**23 Calculation of loss of earnings**

- (1) This regulation applies if:
  - (a) a primary victim of a violent act applies for financial assistance for loss of earnings mentioned in section 10(5)(a) of the Act; or
  - (b) a secondary victim of a violent act applies for financial assistance for loss of earnings mentioned in section 12(6)(a) of the Act.
- (2) The amount of financial assistance to which the applicant is entitled for each week during the period when the loss of earnings is suffered (the **relevant period**) is calculated as the lesser of the following amounts:
  - (a) 75% of the difference between average weekly earnings at the date of the violent act and the applicant's net weekly earnings during the relevant period;
  - (b) 75% of the difference between the applicant's net weekly earnings at the date of the violent act and the applicant's net weekly earnings during the relevant period.
- (3) In this regulation:

**average weekly earnings** means the Average Weekly Earnings for Full Time Adult Persons, Weekly Ordinary Time Earnings for the Northern Territory last published by the Australian Statistician

before the date on which the applicants weekly actual loss of earnings is calculated, less a notional deduction for income tax.

## **Part 6                      Review proceeding costs**

### **24                      Costs allowable to legal practitioner**

For section 55(2) of the Act, the costs allowable to a legal practitioner for work done in a review proceeding are 80% of the costs allowable for the work under the *Supreme Court Rules 1987*.

### **25                      Territory's liability for applicant's costs in relation to review proceeding**

For section 55(3) of the Act, the Territory is liable to pay the costs of a person who applies to NTCAT for review of a decision in the following circumstances:

- (a) for an application for review of a decision of an assessor under section 34 of the Act on an application for an award:
  - (i) if NTCAT varies the decision by increasing an amount of an award; or
  - (ii) if NTCAT sets aside a decision refusing to award financial assistance and substitutes a decision awarding financial assistance;
- (b) for an application for review of a decision of an assessor under section 46(4) of the Act on an application for an increased award:
  - (i) if NTCAT varies the decision by further increasing an amount of an increased award; or
  - (ii) if NTCAT sets aside a decision refusing to increase the award and substitutes a decision increasing the award;
- (c) for an application for review of a decision of an assessor under section 47(1) of the Act to require a person to refund an amount:
  - (i) if NTCAT varies the decision by decreasing the amount to be refunded; or
  - (ii) if NTCAT sets aside the decision;

- (d) for an application for review of a decision of the Director under section 47E of the Act on an application for funeral expense assistance:
  - (i) if NTCAT varies the decision by increasing the amount of the payment; or
  - (ii) if NTCAT sets aside a decision refusing the application and substitutes a decision granting the application;
- (e) for an application for review of a decision of the Director under section 47G(1) of the Act to require an individual to refund an amount of funeral expense assistance:
  - (i) if NTCAT varies the decision by decreasing the amount to be refunded; or
  - (ii) if NTCAT sets aside the decision.

## **Part 7 Levy for victims assistance fund**

### **26 Imposition of levy – exceptions**

For section 61(2) of the Act, a levy is not imposed on any of the following persons:

- (a) a person found guilty of an offence against any of the following:
  - (i) the *Return to Work Act 1986*;
  - (ii) the *Public Sector Employment and Management Act 1993*;
  - (iii) the *Public and Environmental Health Act 2011*;
  - (iv) the *Litter Act 1972*;
  - (v) Part 12 of the *Australian Road Rules*;
  - (vi) a by-law of a local government council;
  - (vii) the *Territory Parks and Wildlife Conservation By-Laws 1984*;
  - (ix) a by-law or rule made under the *Charles Darwin University Act 2003*;

- (b) a person issued a notice under a law of the Territory specified in paragraph (a) providing for the payment of a prescribed amount instead of a penalty that may otherwise be imposed for an offence against the law;
- (c) a person found guilty of an offence prosecuted by a local government council.

## **Part 8                    Administrative matters**

### **27                    Supply and lodgment of documents**

- (1) The CVSU must supply approved forms free of charge.
- (2) No fee is payable for the lodgment of an application or document at an office of the CVSU or with a person acting for the CVSU.

### **28                    Approved examiners**

For section 35 of the Act, the Director may approve:

- (a) a medical practitioner, psychologist or psychiatrist to conduct examinations and make reports; and
- (b) approve other persons to conduct examinations of, and make reports about, victims who may have a recognisable psychological or psychiatric disorder.

### **29                    Assessor may require examination by approved examiner**

If:

- (a) a report mentioned in regulation 10(2)(b) is made by a person who is not an approved examiner; and
- (b) the assessor considers the report does not give sufficient information about the eligible victim's condition;

the assessor may, under section 35 of the Act, require the victim to undergo an examination by an approved examiner.

**Part 9 Transitional matters for Victims of Crime Assistance Amendment Regulations 2013****30 Application of exception to imposition of levy**

- (1) Regulation 26(a)(ix) applies in relation to an offence against a by-law or rule it mentions only if all of the acts, omissions or events constituting the offence occur after the commencement of this regulation.
- (2) Regulation 26(b) applies in relation to a notice issued under a by-law or rule mentioned in regulation 26(a)(ix) only if the notice is issued after the commencement of this regulation.

**Part 10 Transitional matters for Victims of Crime Assistance Amendment Regulations 2023****31 Application of amendments**

The amendments made to these Regulations by the *Victims of Crime Assistance Amendment Regulations 2023* apply in relation to:

- (a) all applications for financial assistance made after the commencement of this Part; and
- (b) all applications for financial assistance that had not been decided before the commencement of this Part.



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**Schedule 1 Categories of compensable violent acts and standard amounts**

regulations 4, 14(1) to (4) and 15(1)(b) and (2)(b)

**Part 1 Category 1 compensable violent acts**

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**Criminal Code**

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**Offence**

An offence against section 208AB

An offence of attempting to commit an offence against section 208H or 208HA

An offence against section 208HB, 208HC or 208HD

An offence of attempting to commit an offence against section 208J or 208JA

An offence against section 208JB, 208JC, 208JD, 208JE, 208JF, 208JG or 208JH

An offence of attempting to commit an offence against section 208K or 208KA

An offence against section 208KB or 208KC

An offence of attempting to commit an offence against section 208LB or 208LC

An offence against section 208LD or 208LE

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**Criminal Code as in force before the commencement of Part 2 of the *Criminal Justice Legislation Amendment (Sexual Offences) Act 2023***

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**Offence**

**Qualification**

An offence of attempting to commit an offence against section 127(1)(a)

An offence against section 127(1)(b)

An offence of attempting to commit an offence against section 130(2)(a) or (3A)(a)

An offence against section 130(2)(b) or (3A)(b)

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An offence against section 188	If the circumstances mentioned in section 188(2)(a), (c) and (k) of the Code applied
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An offence of attempting to commit an offence against section 192(3) or 192B

An offence against section 192(6)

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**Part 2 Category 2 compensable violent acts**

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**Criminal Code**

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<b>Offence</b>	<b>Qualification</b>
An offence against section 125D	
An offence against section 208AB	If a factor of aggravation applies for the offence
An offence of attempting to commit an offence against section 186B	
An offence of attempting to commit an offence against section 208H or 208HA	If a factor of aggravation applies for the offence
An offence against section 208H or 208HA	
An offence against section 208HB, 208HC or 208HD	If a factor of aggravation applies for the offence
An offence of attempting to commit an offence against section 208J or 208JA	If a factor of aggravation applies for the offence
An offence against section 208J or 208JA	
An offence against section 208JB, 208JC, 208JD, 208JE, 208JF, 208JG or 208JH	If a factor of aggravation applies for the offence

An offence of attempting to commit an offence against section 208K or 208KA	If a factor of aggravation applies for the offence
An offence against section 208K or 208KA	
An offence against section 208KB or 208KC	If a factor of aggravation applies for the offence
An offence of attempting to commit an offence against section 208LB or 208LC	If a factor of aggravation applies for the offence
An offence against section 208LB or 208LC	
An offence against section 208LD or 208LE	If a factor of aggravation applies for the offence

**Criminal Code as in force before the commencement of Part 2 of the Criminal Justice Legislation Amendment (Sexual Offences) Act 2023**

<b>Offence</b>	<b>Qualification</b>
An offence of attempting to commit an offence against section 127(1)(a)	If a factor of aggravation applies for the offence
An offence against section 127(1)(a)	
An offence against section 127(1)(b)	If a factor of aggravation applies for the offence
An offence of attempting to commit an offence against section 130(2)(a) or (3A)(a)	If a factor of aggravation applies for the offence
An offence against section 130(2)(a) or (3A)(a)	
An offence against section 130(2)(b) or (3A)(b)	If a factor of aggravation applies for the offence
An offence against section 188	If the circumstances mentioned in section 188(2)(a), (c) and (k) of the Code applied and a factor of aggravation applies for the offence

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An offence of attempting to commit an offence against section 192(3) or 192B	If a factor of aggravation applies for the offence
An offence against section 192(3)	
An offence against section 192(6)	If a factor of aggravation applies for the offence
An offence against section 192B	

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*Note for Part 2*

*Regulation 7 specifies the circumstances in which a factor of aggravation applies for an offence.*

**Part 3 Category 3 compensable violent acts**

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**Criminal Code**

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<b>Offence</b>	<b>Qualification</b>
An offence against section 125D	If a factor of aggravation applies for the offence
An offence against section 186B	
An offence against section 208H, 208HA, 208J, 208JA, 208K, 208KA, 208LB or 208LC	If a factor of aggravation applies for the offence

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**Criminal Code as in force before the commencement of Part 2 of the Criminal Justice Legislation Amendment (Sexual Offences) Act 2023**

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<b>Offence</b>	<b>Qualification</b>
An offence against section 127(1)(a) or 130(2)(a) or (3A)(a)	If a factor of aggravation applies for the offence
An offence against section 192(3) or 192B	If a factor of aggravation applies for the offence

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*Note for Part 3*

*Regulation 7 specifies the circumstances in which a factor of aggravation applies for an offence.*

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## **Part 4 Category 4 compensable violent acts**

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### **Criminal Code**

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<b>Offence</b>	<b>Qualification</b>
An offence against section 208JI	
An offence mentioned in Part 1, 2 or 3, or a combination of those offences	The offence or offences must involve a pattern of abuse
An offence mentioned in Part 3	If at least 2 factors of aggravation apply for the offence

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### **Criminal Code as in force before the commencement of Part 2 of the *Criminal Justice Legislation Amendment (Sexual Offences) Act 2023***

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An offence against section 131A

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## **Part 5 Standard amounts for compensable violent acts**

The standard amount for a compensable violent act is as follows:

- (a) for a category 1 compensable violent act – an amount of \$10 000;
- (b) for a category 2 compensable violent act – an amount of \$20 000;
- (c) for a category 3 compensable violent act – an amount of \$30 000;
- (d) for a category 4 compensable violent act – an amount of \$40 000.

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**Schedule 2 Offences that may result in category 1 or 2 psychological or psychiatric disorder**

regulation 15(1)(b) and (2)(b)

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**Criminal Code**

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<b>Offence</b>	<b>Qualification</b>
An offence against section 156, 160, 161A, 162, 165, 189, 194 or 195	
An offence against section 196	If committed by a person on the person's unlawful entry of a building under:  (a) section 221 of the Code; or  (b) section 213 of the Code as in force immediately before the commencement of section 10 of the <i>Criminal Code Amendment (Property Offences) Act 2022</i>
An offence against section 202	
An offence against section 218	If committed in a circumstance mentioned in section 219(1) of the Code

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**Criminal Code as in force before the commencement of Part 2 of the *Criminal Justice Legislation Amendment (Sexual Offences) Act 2023***

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<b>Offence</b>	<b>Qualification</b>
An offence against section 132(2)	
An offence against section 188	If the circumstances mentioned in section 188(2)(c) and (k) of the Code applied
An offence against section 192(7)	

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**Criminal Code as in force before the commencement of section 10 of the  
*Criminal Code Amendment (Property Offences) Act 2023***

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An offence against section 211(1) of  
the Criminal Code

If committed in a circumstance  
mentioned in section 211(2) of the  
Code

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## Schedule 3 Compensable injuries and standard amounts

regulation 16

### Part 1 Definitions

In this Schedule:

**functional impairment** means a significant impairment that results in any of the following:

- (a) an inability to work or work without a modified work environment;
- (b) an inability to walk or walk independently without a walking aid or other assistance;
- (c) an inability to drive or drive a vehicle without modifications;
- (d) an inability to perform self-care tasks or perform self-care tasks without assistance or aids;
- (e) loss of sexual function.

**TBSA** means total body surface area.

### Part 2 Compensable injuries and standard amounts

Description of compensable injury		Standard amount of financial assistance (\$)
<b>1</b>	<b>Brain injuries</b>	
<b>1.1</b>	<b>Concussion</b>	
	(a) Concussion lasting at least 1 week but not more than 13 weeks	3 000
	(b) Persistent post concussive syndrome lasting more than 13 weeks	10 000



<b>1.2</b>	<b>Impairment</b>	
	(a) Any structural brain injury resulting in functional impairment lasting:	
	(i) at least 1 week but not more than 26 weeks	12 000
	(ii) more than 26 weeks but not more than 52 weeks	24 000
	(iii) more than 52 weeks or permanently	40 000
	(b) No effective control of functions lasting more than 52 weeks or permanently	40 000
<b>1.3</b>	<b>Vestibular system injury</b>	
	Injury to vestibular system leading to impairment of balance for more than 52 weeks or permanently	15 500
<b>2</b>	<b>Burns</b>	
	(a) Superficial burns covering more than 4.5% TBSA but not affecting the face, genitals or anus	3 000
	(b) Superficial burns to the face, genitals or anus covering more than 0.5% TBSA	7 500
	(c) Partial/full thickness burns to the face, genitals, anus or hands covering more than 0.5% TBSA	16 000
	(d) Partial/full thickness burns covering:	
	(i) more than 0.5% TBSA but not more than 4.5% TBSA	3 000
	(ii) more than 4.5% TBSA but not more than 18% TBSA	8 000
	(iii) more than 18% TBSA but not more than 27% TBSA	20 000
	(iv) more than 27% TBSA	40 000

<b>3</b>	<b>Disability (not otherwise mentioned in this Schedule) caused by a disease or other recognised medical illness</b>	
	Disability lasting:	
	(a) more than 4 weeks but not more than 13 weeks	2 000
	(b) more than 13 weeks but not more than 26 weeks	8 000
	(c) more than 26 weeks but not more than 52 weeks	15 500
	(d) more than 52 weeks or permanently	40 000
<b>4</b>	<b>Domestic violence injuries</b>	
	Domestic violence injuries	10 000
<b>5</b>	<b>Facial injuries</b>	
<b>5.1</b>	<b>Ear</b>	
	(a) Loss of more than 50% of ear tissue but not whole ear	8 000
	(b) Loss of whole ear	20 000
	(c) Perforated ear drum	3 500
	(d) Partial deafness of ear lasting:	
	(i) more than 13 weeks but not more than 52 weeks	2 500
	(ii) more than 52 weeks or permanently	7 500
	(e) Total deafness of ear lasting:	
	(i) more than 13 weeks but not more than 52 weeks	6 000
	(ii) more than 52 weeks or permanently	20 000

	(f) Tinnitus lasting:	
	(i) more than 13 weeks but not more than 52 weeks	4 000
	(ii) more than 52 weeks or permanently	16 000
<b>5.2</b>	<b>Eye</b>	
	(a) Cataracts	6 000
	(b) Detached retina or dislocation of lens	10 000
	(c) Double vision (diplopia) lasting:	
	(i) more than 4 weeks but not more than 52 weeks	3 500
	(ii) more than 52 weeks or permanently	24 000
	(d) Glaucoma	5 000
	(e) Hyphaema	5 000
	(f) Loss of eye (enucleation)	40 000
	(g) Permanent partial loss of vision of eye resulting in:	
	(i) 6/9 vision	2 000
	(ii) 6/12 vision	4 000
	(iii) 6/24 vision	12 000
	(iv) 6/36 vision	20 000
	(h) Complete loss of vision of eye, being 6/60 vision or greater, lasting:	
	(i) more than 13 weeks but not permanently	30 000
	(ii) permanently	40 000
	(i) Vitreous haemorrhage	4 000

<b>5.3</b>	<b>Face</b>	
	(a) Facial numbness lasting more than 13 weeks	4 000
	(b) Facial weakness significantly impacting facial expression or daily functioning	8 000
	(c) Dislocation of jaw (temporomandibular joint)	4 000
	(d) Dysfunction of temporomandibular joint lasting more than 52 weeks or permanently	7 500
<b>5.4</b>	<b>Nose</b>	
	(a) Deviated nasal septum	3 000
	(b) Partial loss of at least 10% but not more than 50% of nasal tissue	8 000
	(c) Partial loss of more than 50% of nasal tissue	12 000
	(d) Partial loss of smell or taste or both	10 000
	(e) Total loss of smell or taste	20 000
	(f) Total loss of smell and taste	30 500
<b>5.5</b>	<b>Teeth</b>	
	(a) One or more chipped or fractured teeth requiring crown	3 000
	(b) Slackening of one or more teeth requiring dental treatment	3 000
	(c) Loss of no more than 3 teeth	4 000
	(d) Loss of more than 3 teeth	7 500
<b>5.6</b>	<b>Tongue</b>	
	(a) Partial impairment of speech lasting:	
	(i) more than 13 weeks but not more than 52 weeks	7 500
	(ii) more than 52 weeks or permanently	28 000

	(b) Complete loss of speech lasting:	
	(i) more than 13 weeks but not more than 52 weeks	24 000
	(ii) more than 52 weeks or permanently	40 000
	(c) Loss of tongue	40 000
<b>6</b>	<b>Fractures and dislocations</b>	
<b>6.1</b>	<b>Facial</b>	
	Fracture of:	
	(a) any facial bone other than nasal bones	6 000
	(b) nasal bones	2 500
<b>6.2</b>	<b>Foot</b>	
	Fracture of:	
	(a) one big toe or 2 other toes on one foot	4 000
	(b) any bone, other than toes, on one foot	8 000
<b>6.3</b>	<b>Hand</b>	
	(a) Any interphalangeal joint dislocation or fracture of finger or fingers or thumb on one hand	3 000
	(b) Fracture of any bone or bones, other than fingers or thumb, on one hand	6 000
<b>6.4</b>	<b>Lower limb</b>	
	(a) Fracture of any bone from distal to femur:	
	(i) not causing inability to walk independently without walking aid or other assistance for more than 52 weeks or permanently	8 000
	(ii) causing inability to walk independently without walking aid or other assistance for more than 52 weeks or permanently	16 000
	(b) Dislocation of patella	2 000

	(c) Injury requiring arthroscopy (investigative surgery/repair)	4 000
<b>6.5</b>	<b>Skull</b> Any fracture of skull, other than facial bones:	
	(a) not requiring surgical procedure	5 000
	(b) requiring surgical procedure	12 000
<b>6.6</b>	<b>Torso</b>	
	(a) Dislocation of the hip	9 000
	(b) Fractured hip or pelvis	15 500
	(c) Fracture of:	
	(i) one or more ribs	3 000
	(ii) 2 or more ribs in 2 or more places leading to floating segment (flail chest)	12 000
	(d) Fracture of tail bone (coccyx), shoulder blade (scapula), sternum (breast bone) or collarbone (clavicle)	5 000
	(e) Fracture of one or more vertebra:	
	(i) not requiring surgery	8 000
	(ii) requiring surgery	16 000
<b>6.7</b>	<b>Upper limb</b>	
	(a) Fracture of any bone between shoulder and forearm	10 000
	(b) Any dislocation from shoulder to metacarpophalangeal joints	6 000
<b>7</b>	<b>Internal organ injuries</b>	
<b>7.1</b>	<b>Bowel</b>	
	(a) Bowel injury requiring surgical procedure	12 000
	(b) Bowel injury requiring surgical procedure and need for colostomy/ileostomy for more than 4 weeks	24 000

<b>7.2</b>	<b>Kidney</b>	
	(a) Traumatic kidney injury requiring one or both of the following but not requiring dialysis:	
	(i) placement of catheter for more than 4 weeks;	
	(ii) any interventional radiology or surgical procedure	10 000
	(b) Traumatic kidney injury requiring dialysis for:	
	(i) not more than 13 weeks	10 000
	(ii) more than 13 weeks but not more than 26 weeks	20 000
	(iii) more than 26 weeks	40 000
	(c) Loss of kidney (nephrectomy)	40 000
<b>7.3</b>	<b>Liver</b>	
	Any liver injury:	
	(a) not requiring interventional radiology or surgical intervention	8 000
	(b) requiring interventional radiology or surgical intervention	20 000
<b>7.4</b>	<b>Lung</b>	
	(a) Pneumothorax or haemothorax:	
	(i) not requiring chest drain, or surgical procedure, in operating theatre	7 500
	(ii) requiring chest drain, or surgical procedure, in operating theatre	15 500
	(b) Smoke inhalation leading to acute injury and ongoing symptoms lasting more than 26 weeks	10 000
<b>7.5</b>	<b>Other</b>	
	(a) Hernia	7 500
	(b) Traumatic pancreatitis	8 000
	(c) Injury requiring laparotomy or thoracotomy	12 000

	(d) Loss of spleen or other spleen injury requiring interventional radiological procedure (for example embolisation) or open surgery	15 000
<b>8</b>	<b>Loss of body part</b>	
	(a) Loss of one interphalangeal joint of:	
	(i) one or more fingers, other than index finger	5 000
	(ii) index finger	8 000
	(b) Partial loss of big toe or thumb with no loss of interphalangeal joint	8 000
	(c) Loss of both interphalangeal joints of:	
	(i) one finger, other than index finger	10 000
	(ii) index finger	15 500
	(iii) 2 or more fingers	20 000
	(d) Loss of one or both interphalangeal joints of one or more toes, other than a big toe, if unable to walk independently without walking aid or other assistance for:	
	(i) more than 4 weeks but not more than 52 weeks	10 000
	(ii) more than 52 weeks or permanently	20 000
	(e) Loss of interphalangeal joint of:	
	(i) big toe	15 500
	(ii) thumb	30 500
	(f) Loss of arm, hand or leg, being any amputation through the metatarsals or metacarpophalangeal joints or more proximally	40 000
<b>9</b>	<b>Paralysis</b>	
	Paralysis of whole of one or more upper or lower limbs, including quadriplegia, hemiparesis, paraparesis or a single limb paresis, quadriplegia, tetraplegia, hemiplegia, paraplegia or a single limb paralysis (partial or complete paralysis)	40 000



<b>10</b>	<b>Post traumatic seizures</b>	
	(a) One or more seizures for not more than 52 weeks	15 500
	(b) One or more seizures per year for more than 52 weeks or permanently	25 500
	(c) One or more seizures per month for more than 52 weeks or permanently	40 000
<b>11</b>	<b>Injuries affecting genitalia, fertility or pregnancy</b>	
<b>11.1</b>	<b>Genitalia</b>	
	(a) Injury to genitalia requiring medical treatment	7 500
	(b) Loss of function of genitalia lasting:	
	(i) more than 1 week but not more than 13 weeks	10 000
	(ii) more than 13 weeks but not more than 52 weeks	20 000
	(iii) more than 52 weeks or permanently	40 000
<b>11.2</b>	<b>Fertility and pregnancy</b>	
	(a) Loss of fertility	40 000
	(b) Loss of foetus	40 000
	(c) Pregnancy	40 000
<b>12</b>	<b>Psychological or psychiatric disorder</b>	
	(a) Category 1 psychological or psychiatric disorder lasting:	
	(i) more than 13 weeks but not more than 52 weeks	10 000
	(ii) more than 52 weeks or permanently	20 000
	(b) Category 2 psychological or psychiatric disorder lasting:	
	(i) more than 13 weeks but not more than 52 weeks	30 000
	(ii) more than 52 weeks or permanently	40 000

<b>13</b>	<b>Scarring</b>	
	(a) Minor scarring, being scarring of at least 2% but not more than 10%, or more than 5 cm but not more than 10 cm, of the face, head, neck, torso or upper or lower limbs	4 000
	(b) Moderate scarring, being scarring of: <ul style="list-style-type: none"> <li>(i) more than 10% but not more than 25%, or more than 10 cm but not more than 15 cm, of the face or neck; or</li> <li>(ii) more than 10% or 10 cm of the head, torso or upper or lower limbs</li> </ul>	7 500
	(c) Severe scarring, being scarring of more than 25% or 15 cm of the face or neck	15 500
<b>14</b>	<b>Structural injury / tendons or ligaments</b>	
<b>14.1</b>	<b>Lower limb</b>	
	(a) Strain or sprain of lower limb and inability to walk independently without walking aid or other assistance lasting: <ul style="list-style-type: none"> <li>(i) more than 4 weeks but not more than 26 weeks</li> <li>(ii) more than 26 weeks</li> </ul>	3 000 8 000
	(b) Ligamentous tear of lower limb requiring surgical management	10 000
<b>14.2</b>	<b>Neck</b>	
	(a) Demonstrated structural injury to major artery or vein in neck, nerve, oesophagus, trachea, larynx or thyroid: <ul style="list-style-type: none"> <li>(i) not requiring an interventional radiology or surgical procedure</li> <li>(ii) requiring an interventional radiology or surgical procedure</li> </ul>	8 000 20 000

	(b) Strain with functional impairment lasting:	
	(i) more than 13 weeks but not more than 52 weeks	6 500
	(ii) more than 52 weeks or permanently	16 000
<b>14.3</b>	<b>Torso</b>	
	(a) Strain of back with functional impairment lasting:	
	(i) more than 4 weeks but not more than 26 weeks	5 000
	(ii) more than 26 weeks or permanently	12 500
	(b) Prolapsed or ruptured intervertebral disc or discs	14 000
<b>14.4</b>	<b>Upper limb</b>	
	(a) Frozen shoulder	7 500
	(b) Sprain or strain of upper limb with functional impairment lasting:	
	(i) more than 4 weeks but not more than 26 weeks	3 000
	(ii) more than 26 weeks or permanently	6 000
	(c) Ligamentous tear of upper limb requiring surgical management	10 000
	(d) Permanently and seriously impaired grip in one arm	15 500

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**ENDNOTES**
**1 KEY**

Key to abbreviations

<b>amd = amended</b>	<b>od = order</b>
<b>app = appendix</b>	<b>om = omitted</b>
<b>bl = by-law</b>	<b>pt = Part</b>
<b>ch = Chapter</b>	<b>r = regulation/rule</b>
<b>cl = clause</b>	<b>rem = remainder</b>
<b>div = Division</b>	<b>renum = renumbered</b>
<b>exp = expires/expired</b>	<b>rep = repealed</b>
<b>f = forms</b>	<b>s = section</b>
<b>Gaz = Gazette</b>	<b>sch = Schedule</b>
<b>hdg = heading</b>	<b>sdiv = Subdivision</b>
<b>ins = inserted</b>	<b>SL = Subordinate Legislation</b>
<b>lt = long title</b>	<b>sub = substituted</b>
<b>nc = not commenced</b>	

**2 LIST OF LEGISLATION*****Victims of Crime Assistance Regulations (SL No. 11, 2007)***

Notified	2 May 2007
Commenced	1 May 2007 (r 2, s 2 <i>Victims of Crime Assistance Act 2006</i> (Act No. 15, 2006) and Gaz G17, 26 April 2007, p 7)

***Victims of Crime Assistance Amendment Regulations 2007 (SL No. 36, 2007)***

Notified	19 December 2007
Commenced	19 December 2007

***Law Reform (Work Health) Amendment Act 2007 (Act No. 30, 2007)***

Assent date	12 December 2007
Commenced	1 July 2008 (Gaz S29, 25 June 2008)

***Domestic and Family Violence Act 2007 (Act No. 34, 2007)***

Assent date	12 December 2007
Commenced	1 July 2008 (Gaz G25, 25 June 2008, p 4)

***Local Government (Consequential Amendments) Act 2008 (Act No. 28, 2008)***

Assent date	14 November 2008
Commenced	1 July 2008 (s 2)

***Victims of Crime Assistance Amendment Regulations 2013 (No. 42, 2013)***

Notified	19 December 2013
Commenced	19 December 2013

***Local Government Amendment Act 2014 (Act No. 19, 2014)***

Assent date	2 June 2014
Commenced	s 16: 1 July 2014; s 18: 1 December 2014; rem: 2 June 2014, (s 2)

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**Northern Territory Civil and Administrative Tribunal (Conferral of Jurisdiction Amendments) Act 2014 (Act No. 34, 2014)**

Assent date 13 November 2014  
Commenced 1 January 2015 (*Gaz* G51, 24 December 2014, p 7)

**Workers Rehabilitation and Compensation Legislation Amendment Act 2015 (Act No. 9, 2015)**

Assent date 23 April 2015  
Commenced ss 3, 4, 5, 24, 25 and pt 4: 22 May 2015; rem: 1 July 2015 (*Gaz* S50, 22 May 2015)

**Statute Law Revision Act 2020 (Act No. 26, 2020)**

Assent date 19 November 2020  
Commenced 20 November 2020 (s 2)

**Criminal Code Amendment (Property Offences) Act 2022 (Act No. 24, 2022)**

Assent date 31 October 2022  
Commenced 30 April 2023 (*Gaz* G8, 13 April 2023, p 1)

**Criminal Justice Legislation Amendment (Sexual Offences) Act 2023 (Act No. 20, 2023)**

Assent date 17 August 2023  
Commenced 25 March 2024 (*Gaz* S20, 22 March 2024)

**Victims of Crime Assistance Amendment Regulations 2023 (No. 26, 2023)**

Date made 21 December 2023  
Commenced pt 3: 25 March 2024 (r 2(2), s 2 *Criminal Justice Legislation Amendment (Sexual Offences) Act 2023* (Act No. 20, 2023) and *Gaz* S20, 22 March 2024); rem: 2 January 2024 (r 2(1)), s 2 *Victims of Crime Assistance Amendment Act 2023* (Act No. 30, 2023) and *Gaz* G26, 21 December 2023, p 1)

### 3 GENERAL AMENDMENTS

General amendments of a formal nature (which are not referred to in the table of amendments to this reprint) are made by the *Interpretation Legislation Amendment Act 2018* (Act No. 22, 2018) to: rr 1, 5, 13, 24 and 26.

### 4 LIST OF AMENDMENTS

r 3 amd No. 26, 2023, r 4; Act No. 20, 2023, s 50  
r 4 amd No. 42, 2013, s 5; No. 26, 2023, r 5; Act No. 20, 2023, s 51; No. 26, 2023, r 22  
r 5 amd Act No. 34, 2007, s 146  
r 6 amd No. 42, 2013, s 5  
7A ins No. 26, 2023, r 23  
pt 3 hdg amd No. 26, 2023, r 6  
r 8 amd No. 26, 2023, r 7  
r 9 amd No. 26, 2023, r 8  
r 10 amd No. 26, 2023, r 9  
r 13 amd Act No. 30, 2007, s 59; Act No. 9, 2015, s 31; Act No. 26, 2020, s 3; No. 26, 2023, r 10  
r 14 amd No. 42, 2013, s 5; No. 26, 2023, r 11  
r 15 amd No. 26, 2023, r 12; Act No. 20, 2023, s 52; No. 26, 2023, r 24  
r 16 amd No. 36, 2007, r 3, No. 42, 2013, s 5; No. 26, 2023, r 13

## ENDNOTES

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r 17	amd No. 45, 2013, s5 rep No. 26, 2023, r 14
pt 6 hdg	sub No. 26, 2023, r 15
r 24	amd No. 26, 2023, r 16
r 25	amd Act No. 34, 2014, s 28 sub No. 26, 2023, r 17
r 26	amd Act No. 30, 2007, s 59; Act No. 28, 2008, s 4; No. 42, 2013, s 3; Act No. 19, 2014, s 26; Act No. 9, 2015, s 31; Act No. 26, 2020, s 3
pt 9 hdg	ins No. 42, 2013, s 4
r 30	ins No. 40, 2013, s 4
pt 10 hdg	ins No. 26, 2023, r 18
r 31	ins No. 26, 2023, r 18
sch 1	amd No. 36, 2007, r 4; No. 26, 2023, r 19 sub Act No. 20, 2023, s 53; No. 26, 2023, r 25
sch 2	amd Act No. 24, 2022 s 35; No. 26, 2023, r 20 sub Act No. 20, 2023, s 53; No. 26, 2023, r 25
sch 3	amd No. 36, 2007, r 5 sub No. 26, 2023, r 21