

NORTHERN TERRITORY OF AUSTRALIA

VICTIMS OF CRIME ASSISTANCE AMENDMENT REGULATIONS 2023

Subordinate Legislation No. 26 of 2023

Table of provisions

Part 1	Preliminary matters	
1	Title.....	2
2	Commencement	2
3	Regulations amended.....	2
Part 2	Amendments commencing on commencement of Victims of Crime Assistance Amendment Act 2023	
4	Regulation 3 amended (Definitions)	2
5	Regulation 4 amended (Violent acts – sexual offences).....	3
6	Part 3 heading amended	3
7	Regulation 8 amended (General information required).....	3
8	Regulation 9 amended (Information required for application for immediate payment)	3
9	Regulation 10 amended (Information required for application for award)	4
10	Regulation 13 amended (Application relating to injury suffered in course of employment)	4
11	Regulation 14 amended (Compensable violent acts and standard amounts).....	5
12	Regulation 15 amended (Categories of psychological and psychiatric disorders).....	5
13	Regulation 16 amended (Compensable injuries and standard amounts).....	6
14	Regulation 17 repealed	6
15	Part 6 heading replaced	6
16	Regulation 24 amended (Costs allowable to legal practitioner)	7
17	Regulation 25 replaced.....	7
25	Territory's liability for applicant's costs in relation to review proceeding	
18	Part 10 inserted	8
Part 10	Transitional matters for Victims of Crime Assistance Amendment Regulations 2023	
31	Application of amendments	

19	Schedule 1 amended (Violent acts and categories of compensable violent acts)	9
20	Schedule 2 amended (Category 1 offences for psychological or psychiatric disorder)	10
21	Schedule 3 replaced	11
	Schedule 3 Compensable injuries and standard amounts	

Part 3 Amendments commencing on commencement of Criminal Justice Legislation Amendment (Sexual Offences) Act 2023

22	Regulation 4 amended (Violent acts – sexual offences).....	23
23	Regulation 7A inserted	23
	7A References to offences in Schedules 1 and 2	
24	Regulation 15 amended (Categories of psychological and psychiatric disorders).....	23
25	Schedules 1 and 2 replaced	24
	Schedule 1 Categories of compensable violent acts and standard amounts	
	Schedule 2 Offences that may result in category 1 or 2 psychological or psychiatric disorder	

Part 4 Repeal of Regulations

26	Repeal of Regulations	30
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NORTHERN TERRITORY OF AUSTRALIA

Subordinate Legislation No. 26 of 2023

Victims of Crime Assistance Amendment Regulations 2023

I, Hugh Crosby Heggie, Administrator of the Northern Territory of Australia, acting with the advice of the Executive Council, make the following regulations under the *Victims of Crime Assistance Act 2006*.

Responsible Minister:

C. J. PAECH
Attorney-General and Minister for Justice

H. C. HEGGIE
Administrator

Date of making: 21 December 2023

Part 1 Preliminary matters

1 Title

These Regulations may be cited as the *Victims of Crime Assistance Amendment Regulations 2023*.

2 Commencement

- (1) These Regulations, other than Part 3, commence on the commencement of section 3 of the *Victims of Crime Assistance Amendment Act 2023*.
- (2) Part 3 commences immediately after the commencement of Part 7, Division 7 of the *Criminal Justice Legislation Amendment (Sexual Offences) Act 2023*.

3 Regulations amended

These Regulations amend the *Victims of Crime Assistance Regulations 2007*.

Part 2 Amendments commencing on commencement of Victims of Crime Assistance Amendment Act 2023

4 Regulation 3 amended (Definitions)

- (1) Regulation 3, definition ***category***, paragraph (a)
omit
(2) or (3)
insert
(2), (3) or (3A)
- (2) Regulation 3, definition ***compensable injury***
omit
and (2)

5 Regulation 4 amended (Violent acts – sexual offences)

Regulation 4

omit

2 or 3

insert

2, 3 or 4

6 Part 3 heading amended

Part 3, heading

omit

financial assistance

insert

interim payments and awards

7 Regulation 8 amended (General information required)

Regulation 8

omit

financial assistance must

insert

an interim payment or award must

8 Regulation 9 amended (Information required for application for immediate payment)

(1) Regulation 9, heading

omit

immediate

insert

interim

(2) Regulation 9

omit

immediate

insert

interim

9 Regulation 10 amended (Information required for application for award)

Regulation 10(1)(e)(ii)

omit

financial assistance

insert

an interim payment or award

10 Regulation 13 amended (Application relating to injury suffered in course of employment)

(1) Regulation 13(1)

omit

immediate

insert

interim

(2) Regulation 13(3), example

omit

financial assistance

insert

an award

11 Regulation 14 amended (Compensable violent acts and standard amounts)

(1) After regulation 14(3)

insert

(3A) A violent act mentioned in Schedule 1, Part 4, is a category 4 compensable violent act.

(2) Regulation 14(4)

omit

Schedule 3, Part 1

insert

Schedule 1, Part 5

12 Regulation 15 amended (Categories of psychological and psychiatric disorders)

(1) Regulation 15(1)(b), before "2"

insert

1 or

(2) Regulation 15(2)

omit, insert

(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; or

(ii) a violent act causing domestic violence injuries.

13 Regulation 16 amended (Compensable injuries and standard amounts)

(1) Regulation 16(1) and (2)

omit, insert

(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.

(2) Regulation 16(3)(a)

omit, insert

- (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

14 Regulation 17 repealed

Regulation 17

repeal

15 Part 6 heading replaced

Part 6, heading

omit, insert

Part 6 Review proceeding costs

16 Regulation 24 amended (Costs allowable to legal practitioner)

Regulation 24

omit

all words from "The" to "appeal"

insert

For section 55(2) of the Act, the costs allowable to a legal practitioner for work done in a review proceeding

17 Regulation 25 replaced

Regulation 25

repeal, insert

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.

18 Part 10 inserted

After regulation 30

insert

**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.

19 Schedule 1 amended (Violent acts and categories of compensable violent acts)

(1) Schedule 1, heading

omit, insert

Schedule 1 Categories of compensable violent acts and standard amounts

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

(2) Schedule 1, Part 1, heading

omit, insert

Part 1 Category 1 compensable violent acts

(3) Schedule 1, Part 2, heading

omit, insert

Part 2 Category 2 compensable violent acts

(4) Schedule 1, Part 3, heading

omit, insert

Part 3 Category 3 compensable violent acts

(5) Schedule 1, Part 3, items 1 and 4

omit

(6) Schedule 1, at the end

insert

Part 4 Category 4 compensable violent acts

1. An offence mentioned in Part 1, 2 or 3, or a combination of those offences, involving a pattern of abuse.
2. An offence against section 131A of the Criminal Code of sexual relationship with a child.

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.

20 Schedule 2 amended (Category 1 offences for psychological or psychiatric disorder)

- (1) Schedule 2, heading

omit, insert

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

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

- (2) Schedule 2, after item 3

insert

- 3A. An offence against section 160 of the Criminal Code of manslaughter.
- 3B. An offence against section 161A of the Criminal Code of a violent act causing death.
- 3C. An offence against section 162 of the Criminal Code of assisting or encouraging suicide.
- 3D. An offence against section 165 of the Criminal Code of attempt to murder.
- 3E. An offence against section 189 of the Criminal Code of unlawful stalking.

- (3) Schedule 2, item 7

omit

under section 213 of the Code.

insert

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 *Criminal Code Amendment (Property Offences) Act 2022*.
- (4) Schedule 2, item 9

omit

all words after "offence"

insert

against:

- (a) section 218 of the Criminal Code in a circumstance mentioned in section 219(1) of the Code; or
- (b) section 211(1) of the Criminal Code in a circumstance mentioned in section 211(2) of the Code, as the Code was in force immediately before the commencement of section 10 of the *Criminal Code Amendment (Property Offences) Act 2022*.

21 Schedule 3 replaced

Schedule 3

repeal, insert

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 (\$)
1	Brain injuries	
1.1	Concussion	
	(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
1.2	Impairment	
	(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

1.3	Vestibular system injury Injury to vestibular system leading to impairment of balance for more than 52 weeks or permanently	15 500
2	Burns	
	(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
3	Disability (not otherwise mentioned in this Schedule) caused by a disease or other recognised medical illness	
	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
4	Domestic violence injuries	
	Domestic violence injuries	10 000

5	Facial injuries	
5.1	Ear (a) Loss of more than 50% of ear tissue but not whole ear (b) Loss of whole ear (c) Perforated ear drum (d) Partial deafness of ear lasting: (i) more than 13 weeks but not more than 52 weeks (ii) more than 52 weeks or permanently (e) Total deafness of ear lasting: (i) more than 13 weeks but not more than 52 weeks (ii) more than 52 weeks or permanently (f) Tinnitus lasting: (i) more than 13 weeks but not more than 52 weeks (ii) more than 52 weeks or permanently	8 000 20 000 3 500 2 500 7 500 6 000 20 000 4 000 16 000
5.2	Eye (a) Cataracts (b) Detached retina or dislocation of lens (c) Double vision (diplopia) lasting: (i) more than 4 weeks but not more than 52 weeks (ii) more than 52 weeks or permanently (d) Glaucoma (e) Hyphaema	6 000 10 000 3 500 24 000 5 000 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
5.3	Face	
	(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
5.4	Nose	
	(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

5.5	Teeth	
	(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
5.6	Tongue	
	(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
6	Fractures and dislocations	
6.1	Facial	
	Fracture of:	
	(a) any facial bone other than nasal bones	6 000
	(b) nasal bones	2 500
6.2	Foot	
	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

6.3	Hand	
	(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
6.4	Lower limb	
	(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
6.5	Skull	
	Any fracture of skull, other than facial bones:	
	(a) not requiring surgical procedure	5 000
	(b) requiring surgical procedure	12 000
6.6	Torso	
	(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
6.7	Upper limb	
	(a) Fracture of any bone between shoulder and forearm	10 000
	(b) Any dislocation from shoulder to metacarpophalangeal joints	6 000
7	Internal organ injuries	
7.1	Bowel	
	(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
7.2	Kidney	
	(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
7.3	Liver	
	Any liver injury:	
	(a) not requiring interventional radiology or surgical intervention	8 000

	(b) requiring interventional radiology or surgical intervention	20 000
7.4	Lung	
	(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
7.5	Other	
	(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
8	Loss of body part	
	(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
9	Paralysis	
	Paralysis of whole of one or more upper or lower limbs, including quadriparesis, hemiparesis, paraparesis or a single limb paresis, quadriplegia, tetraplegia, hemiplegia, paraplegia or a single limb paralysis (partial or complete paralysis)	40 000
10	Post traumatic seizures	
	(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
11	Injuries affecting genitalia, fertility or pregnancy	
11.1	Genitalia	
	(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
11.2	Fertility and pregnancy	
	(a) Loss of fertility	40 000
	(b) Loss of foetus	40 000
	(c) Pregnancy	40 000
12	Psychological or psychiatric disorder	
	(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
13	Scarring	
	(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:	
	(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	
	(ii) more than 10% or 10 cm of the head, torso or upper or lower limbs	7 500
	(c) Severe scarring, being scarring of more than 25% or 15 cm of the face or neck	15 500

14	Structural injury / tendons or ligaments	
14.1	<p>Lower limb</p> <p>(a) Strain or sprain of lower limb and inability to walk independently without walking aid or other assistance lasting:</p> <p>(i) more than 4 weeks but not more than 26 weeks</p> <p>(ii) more than 26 weeks</p> <p>(b) Ligamentous tear of lower limb requiring surgical management</p>	<p>3 000</p> <p>8 000</p> <p>10 000</p>
14.2	<p>Neck</p> <p>(a) Demonstrated structural injury to major artery or vein in neck, nerve, oesophagus, trachea, larynx or thyroid:</p> <p>(i) not requiring an interventional radiology or surgical procedure</p> <p>(ii) requiring an interventional radiology or surgical procedure</p> <p>(b) Strain with functional impairment lasting:</p> <p>(i) more than 13 weeks but not more than 52 weeks</p> <p>(ii) more than 52 weeks or permanently</p>	<p>8 000</p> <p>20 000</p> <p>6 500</p> <p>16 000</p>
14.3	<p>Torso</p> <p>(a) Strain of back with functional impairment lasting:</p> <p>(i) more than 4 weeks but not more than 26 weeks</p> <p>(ii) more than 26 weeks or permanently</p> <p>(b) Prolapsed or ruptured intervertebral disc or discs</p>	<p>5 000</p> <p>12 500</p> <p>14 000</p>
14.4	<p>Upper limb</p> <p>(a) Frozen shoulder</p>	<p>7 500</p>

	(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

Part 3 Amendments commencing on commencement of Criminal Justice Legislation Amendment (Sexual Offences) Act 2023

22 Regulation 4 amended (Violent acts – sexual offences)

Regulation 4(1), after "4,"

insert

subject to any qualification specified opposite the offence,

23 Regulation 7A inserted

After regulation 7, in Part 2

insert

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.

24 Regulation 15 amended (Categories of psychological and psychiatric disorders)

(1) Regulation 15(2)(b)(i), after "2"

insert

to which the qualification specified opposite applies

(2) Regulation 15(3)

omit

25 Schedules 1 and 2 replaced

Schedules 1 and 2

repeal, insert

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

Criminal Code

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

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

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)

An offence against section 188 If the circumstances mentioned in section 188(2)(a), (c) and (k) of the Code applied

An offence of attempting to commit an offence against section 192(3) or 192B

An offence against section 192(6)

Part 2 Category 2 compensable violent acts

Criminal Code

Offence	Qualification
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

Offence	Qualification
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
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	

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

Criminal Code

Offence	Qualification
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

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

Offence	Qualification
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

Note for Part 3

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

Part 4 Category 4 compensable violent acts

Criminal Code

Offence	Qualification
An offence against section 208Jl	
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

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

An offence against section 131A

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.

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

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

Criminal Code

Offence	Qualification
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: <ul style="list-style-type: none"> (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

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

Offence	Qualification
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)	

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

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

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

Part 4 Repeal of Regulations

26 Repeal of Regulations

These Regulations are repealed on the day after they commence.