



New South Wales

# Victims Rights and Support Amendment (Victims Support Counselling) Bill 2024

## Explanatory note

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

## Overview of Bill

The object of this Bill is to amend the *Victims Rights and Support Act 2013 (the Act)* to allow a family member of a person killed in a road crime to access approved counselling under the Victims Support Scheme.

## Outline of provisions

**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.

## Schedule 1      **Amendment of Victims Rights and Support Act 2013 No 37**

**Schedule 1[1]** inserts definitions for certain words and expressions for the Act.

**Schedule 1[2]** omits a redundant provision.

**Schedule 1[3]** updates the definition of *victim of crime* to make it clear that a victim of crime includes a person who suffers harm as a direct result of a criminal offence involving a motor vehicle.

**Schedule 1[4]** provides that 1 of the objects of the Victims Support Scheme under the Act, Part 4 (the *Scheme*) is to provide support for family victims of road crimes.

**Schedule 1[6]** clarifies that, in relation to receiving support under the Scheme, a road crime is not an act of violence unless the road crime was an intentional killing of the primary victim and a person has been charged with murder for the death of the primary victim.

**Schedule 1[7]** inserts a definition for *road crime*. **Schedule 1[5]** makes a consequential amendment.

**Schedule 1[8]** inserts a definition for a *family victim* of a road crime. **Schedule 1[9]–[11], [16] and [17]** make consequential amendments.

**Schedule 1[12] and [18]** provide that a family victim of a road crime is eligible for certain counselling services under the Scheme. **Schedule 1[13]** makes a consequential amendment.

**Schedule 1[14]** provides that a family victim of a road crime who is a member of the immediate family of the alleged offender is not eligible for support under the Scheme unless they are also an immediate family member of a victim who died as a result of the road crime.

**Schedule 1[15]** provides that the regulations may prescribe persons or classes of persons who are not eligible to receive victims support in relation to a road crime.

**Schedule 1[19]** provides for the support a victim may receive under the Scheme if they are a victim of 2 or more of the following acts—

- (a) an act of violence,
- (b) an act of modern slavery,
- (c) a road crime.

However, a victim is eligible for each type of support under the Scheme only once in relation to the act.

**Schedule 1[20]** provides that the Commissioner of Victims Rights (the *Commissioner*) may, for a family victim of a road crime who resides outside Australia, approve a professional counsellor of the victim's choice to provide counselling services.

**Schedule 1[21] and [22]** provide that the regulations may make provision for the authorisation of payments for approved counselling services for family victims of road crimes and relatives of persons who died as a result of road crimes.

**Schedule 1[23]** provides that a family victim of a road crime may make an application for victims support. **Schedule 1[24]** provides that the Commissioner must not approve the giving of victims support unless the Commissioner is satisfied the person is a family victim of a road crime.

**Schedule 1[26] and [27]** set out the factors the Commissioner must consider when determining whether or not to give support, and the amount of financial support to be given, for a family victim of a road crime. **Schedule 1[25] and [28]** make consequential amendments.

**Schedule 1[29]** contains a transitional provision consequent on the enactment of the proposed Act.

## **Schedule 2      Amendment of Victims Rights and Support Regulation 2019**

**Schedule 2[1]** provides that a relevant family member includes a person who is a relative of a person killed in a road crime but is not a family victim.

**Schedule 2[2] and [3]** provide that the Commissioner may consider a person a family victim of a road crime for the purposes of authorising payments for approved counselling services for that person in certain circumstances.