

Labor to reverse Liberals' retrospective cuts to victims of crime compensation

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A Foley Labor Government will reverse the Liberals retrospective cuts to compensation payments for victims of crime.

In 2013 the Liberals cut payments to victims of crime – reducing for some the amount of compensation they could receive from \$50,000 to \$15,000.

The new rules were also retrospective, meaning all claims lodged before 2013 were only eligible for a maximum of \$15,000 in compensation.

As a result of these cruel new rules, more than 20,000 victims have had their compensation retrospectively cut – many of whom are survivors of sexual assault and domestic violence.

This disgraceful legislation from the Liberals was unashamedly all about cost cutting at the expense of a properly funded scheme that gave victims of crime decent compensation.

Labor will right the wrongs of the Liberals retrospective laws – meaning all claims arising up until the introduction of the 2013 legislation will be handled under the pre-2013 legislative scheme.

A Labor Government will also review the Victims Rights and Support Act 2013.

Quotes attributable to Labor Leader Luke Foley:

“The Liberals’ reform of victims compensation reflects a Government with no compassion or sympathy towards victims of crime.

“This is just another example of the Liberals putting the budget bottom line above respect and dignity for victims of crime.

“Over twenty thousand victims of violent crime have had their compensation retrospectively cut – often after waiting years to have their claim assessed in the first place.

“A Labor Government will reverse the Liberals’ cruel retrospective cuts to compensation for victims of violent crime.”

Quotes attributable to Shadow Attorney General Paul Lynch:

“Labor opposed these retrospective changes back in 2013. This was all about cost cutting rather than supporting victims of crime.

“Labor’s pledge to reverse the cruel retrospective cuts to compensation will help ease at least some of the heavy burden felt by victims of violent crime.”

Key Facts:

- The Liberals’ Victims Rights and Support Act 2013, cutting compensation payments to a maximum recognition payment of \$15,000, applied to all claims. This includes claims that had already been lodged and were awaiting final determination; claims that had been decided but were subject to appeal; and claims that had been determined but the appeal period had not expired.
- Labor opposed these changes, including their retrospective nature, noting it would substantially reduce payments to victims of historic sexual assault, a category expected to increase due to the Royal Commission inquiries.
- In Government, Labor implemented these laws to give victims of violent crime up to \$50,000 in compensation. The Liberals based their compensation cut on a PriceWaterhouse Coopers (PwC) study that noted an increase in claims for sexual assault and domestic violence. Despite this increased need, the Liberals went ahead and slashed payments to victims.
- Notably, PwC did not suggest making these changes retrospective.

Read more on [Labor's plan to reverse the Liberals' cruel cuts to compensation for victims of crime](#).

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VICTIMS of CRIME COMPENSATION

A Foley Labor Government will reverse the retrospective cuts to victims of crime as a result of the Baird Government's changes to the victims compensation scheme.

Around 24,000 victims of crime had their compensation retrospectively cut in 2013 by the Liberal Government. For some victims, their compensation was cut from \$50,000 to \$15,000. A Labor Government will reverse these cuts.

The previous Labor Government introduced and, from time to time, amended the *Victims Support and Rehabilitation Act 1996*. In 2011 victims of violent crime could receive up to \$50,000 in compensation for criminal acts of violence (plus limited legal costs).

However, in 2013 the Liberal Government introduced the *Victims Rights and Support Act 2013* which cut the payments to victims of crime. The legislation was reflective of a Government with no compassion or sympathy towards victims of crime.

It was a retrospective piece of legislation that applied to all claims, including claims which had already been lodged and were awaiting final determination. It also included claims that had been decided but were subject to appeal, as well as claims that had been determined but the appeal period had not expired.

Labor opposed this Bill including the retrospective nature of the changes, noting that it would substantially reduce payments to victims of historic sexual assault, a category expected to increase due to the Royal Commission inquiries. Shadow Attorney-General Paul Lynch described it in Parliament as “the triumph of unfeeling Treasury bureaucrats over the real and all too human needs of victims of crime”.

The Liberal Government justified the changes as being based on a Price Waterhouse Coopers report from July 2012 – however even PWC did not recommend retrospective application of the changes.

The PWC report highlighted that there had been an increase in claims for sexual assault and domestic violence. But despite this increased need, the legislation slashed payments to victims, in some cases quite significantly.

Katrina Keshishian was sexually assaulted by a number of men in 2008. She was 20 at the time and has experienced ongoing trauma and flashbacks since the attack, as well as developing post-traumatic stress disorder.

She lodged her application for victim-of-crime compensation within the time and provided all requested documentation. However during the six years it took the Government to process her claim, the law was changed. Her claim was eventually dealt with by the retrospective *Victims Rights and Support Act 2013*, instead of the scheme which had applied when she lodged her claim.

Consequently she received considerably less compensation than she would have under the 1996 Act. If she was assessed to have been raped – under the previous scheme, she would have been entitled to up to \$50,000. However, while processing her claim the Government retrospectively changed the compensation award and her payout had been slashed from a possible \$50,000 to just \$15,000. Katina Keshishian started a change.org petition that has been signed by over 126,000 people, including other victims.

More than 20,000 victims have had their compensation retrospectively cut – many of whom, like Katrina Keshishian, are survivors of sexual assault and domestic violence.

POLICY SCOPE

A Labor Government will remove the retrospective nature of the *Victims Rights and Support Act 2013*. NSW Labor will handle all claims arising up until the introduction of the 2013 legislation under the pre-2013 legislative scheme.

This means that, for example, Katrina Keshishian's claim will be assessed under the previous compensation scheme and she would once again be eligible for up to \$50,000 in compensation.

A Labor Government will also review the *Victims Rights and Support Act 2013*.

