



Out of scope



2 **Bills and Regulations in Principle**

Out of scope



204

AGO0036/07CS

Victims of Crime Levy (Michael Atkinson)
APPROVED

MINUTES forming ENCLOSURE to

AGO036/07CS

to

THE HON. THE PREMIER FOR CABINET

about

VICTIMS OF CRIME LEVY

1. PROPOSAL

- 1.1 I propose that Cabinet approve the drafting of a regulation to vary the *Victims of Crime (Fund and Levy) Regulations 2003*, made under the *Victims of Crime Act 2001*, to increase the victims of crime levy from 1 July 2007 and remove references to the *Kidnapping Act 1960*.

2. BACKGROUND

- 2.1 The Victims of Crime Fund ('the fund') is established under s.30 of the *Victims of Crime Act 2001* ('the Act'). Money from the fund can be used to assist in the prevention of crime or advance the interests of victims of crime. It can also be used to help victims of crime recover from the effects of crime or advance the interests of victims in other ways.
- 2.2 For the purpose of providing a source of revenue for the fund, s.32 of the Act provides that a levy may be imposed on both people who are convicted of an offence and people who expiate offences.
- 2.3 The amount of the levy is prescribed by the *Victims of Crime (Fund and Levy) Regulations 2003* ('the regulations'). The amount varies depending on whether or not the offence is expiated and the seriousness of the offence. The current levy is:—
- \$10 for a summary offence that is expiated
 - \$35 for a summary offence that is not expiated
 - \$60 for an indictable offence; and
 - \$120 for some listed serious offences.

204

CABINET COVER SHEET

1. **TITLE:** Victims of Crime Levy

2. **MINISTER:** **THE HON. M.J. ATKINSON M.P.**
ATTORNEY-GENERAL

3. **PURPOSE:** To seek approval for the drafting of a regulation to increase the victims of crime levy

4. **IDENTIFY THE RELEVANT GOVERNMENT POLICY OR TARGET IN SOUTH AUSTRALIA'S STRATEGIC PLAN OR BOTH:** The proposal will help offset the costs of the Government's Justice for Victims election pledge.

5. **I.C.T. COMPONENT:** This submission does not have an I.C.T. component.

6. **RESOURCES REQUIRED FOR FULFILMENT:** No additional resources are required for the fulfilment of this proposal. The revenue impact, approved as part of the 2006-07 Budget, will be an additional \$11.54 million per annum from 2007-08 and is currently factored into the forward budget estimates.

7. **PUBLIC AND ENVIRONMENTAL EFFECT:** Higher levies will be a burden on people who commit offences. This includes people who commit road traffic offences (such as speeding).

8. RISKS:

The cost of many fines (including speeding fines) will increase. People on limited incomes, including young offenders, may find it more difficult to pay these fines. There may therefore be a higher rate of default. There may also be criticism from the public about the increase. Moreover, there might be pressure to fund more services for victims of crime.

9. CONSULTATION:

The Commissioner for Victims' Rights has written to the Commissioner for Police and the State Courts Administrator about the proposed increase in the victims of crime levy. The Commissioner has also spoken with the Crown Solicitor's Office (which administers the victims of crime compensation scheme).

There has been no consultation with motoring groups, such as the R.A.A. Those groups, however, have a history of opposing the levy because a substantial proportion of the income derived from the levy comes from speeding motorists.

10. COMMUNICATION STRATEGY:

The Commissioner for Victims' Rights has written to the Commissioner for Police and the State Courts Administrator about the proposed increase in the victims of crime levy.

Other government agencies issue expiation notices that attract the victims of crime levy. The Commissioner for Victims' Rights will communicate with staff in those agencies once the regulation has been drafted.

11. URGENCY:

Normal

12. RECOMMENDATION:


4.1 I recommend Cabinet approve the drafting of a regulation to vary the *Victims of Crime (Fund and Levy) Regulations 2003*, made under the *Victims of Crime Act 2001*, to increase the victims of crime levy and remove references to the *Kidnapping Act 1960*.

I declare that I have no actual or potential conflict of interest about the proposals contained in this submission.

MICHAEL ATKINSON M.P.

PORTFOLIO:

DATE:


ATTORNEY-GENERAL
17/05/2007

Michael O'Connell
Commissioner for Victims' Rights
Attorney-General's Department
8207 1969

Andrew Parkinson
Policy and Legislation Section
Attorney-General's Department
8207 1788

to

THE HON. THE PREMIER FOR CABINET

about

VICTIMS OF CRIME LEVY

1. PROPOSAL

- 1.1 I propose that Cabinet approve the drafting of a regulation to vary the *Victims of Crime (Fund and Levy) Regulations 2003*, made under the *Victims of Crime Act 2001*, to increase the victims of crime levy from 1 July 2007 and remove references to the *Kidnapping Act 1960*.

2. BACKGROUND

- 2.1 The Victims of Crime Fund ('the fund') is established under s.30 of the *Victims of Crime Act 2001* ('the Act'). Money from the fund can be used to assist in the prevention of crime or advance the interests of victims of crime. It can also be used to help victims of crime recover from the effects of crime or advance the interests of victims in other ways.
- 2.2 For the purpose of providing a source of revenue for the fund, s.32 of the Act provides that a levy may be imposed on both people who are convicted of an offence and people who expiate offences.
- 2.3 The amount of the levy is prescribed by the *Victims of Crime (Fund and Levy) Regulations 2003* ('the regulations'). The amount varies depending on whether or not the offence is expiated and the seriousness of the offence. The current levy is:—
- \$10 for a summary offence that is expiated
 - \$20 for a summary offence that is not expiated
 - \$60 for an indictable offence; and
 - \$120 for some listed serious offences.

2.4 The levy was last adjusted on 1 January, 2003.

3. DISCUSSION

3.1 During the 2006 election campaign the Government pledged to strengthen the rights of victims of crime and create a new, independent Commissioner for Victims' Rights. The Government also promised to increase compensation payments to victims of crime.

3.2 The 2006-07 State Budget also included a revenue measure to increase the victims of crime levy. More specifically, the 2006-07 Budget includes additional revenue of \$11.54 million *per annum* from 1 July 2007.

3.3 To achieve the revenue measure included in the forward estimates from 1 July 2007 and offset the costs associated with the Government's Justice for Victims proposals, I therefore propose these increases in the victims of crime levy:—

Offence	Current Levy	Proposed Levy
A summary offence that is expiated [schedule 1, clause 1(1)(a)(i)]	\$10	\$20
A summary offence that is not expiated [schedule 1, clause 1(1)(a)(ii)]	\$35	\$70
An indictable offence [schedule 1, clause 1(1)(b)]	\$60	\$120

3.4 The regulations provide that the levy for serious offences (listed in clause 2 of schedule 1) is *twice the levy that would otherwise be payable*. The levy for serious offences will therefore double, automatically, as a result of the increases proposed above.

3.5 The regulations also provide some safeguards for young offenders who are less able to pay fines and levies. Clause 3 of schedule 1 provides that the maximum levy for people under the age of 18 years is \$20 (in the case of an ordinary offence) or \$40 (in the case of prescribed serious offences). Consistent with the revenue measures included in the forward estimates from 1 July, 2007, I propose to increase the maximum levy for young offenders to \$40 (for ordinary offences) and \$80 (for listed serious offences).

Commencement date

- 3.6 Cabinet has approved the drafting of a Bill to strengthen the rights of victims and fulfil the Government's election pledges. I expect the Bill to be introduced into Parliament soon. To offset the costs associated with the Government's Justice for Victims proposals and meet the revenue measure included in the forward estimates, the proposed increase in the victims of crime levy should commence on 1 July, 2007.

Change to the list of offences

- 3.7 As I have already noted, some serious offences attract twice the ordinary levy. Those offences are listed in clause 2 of schedule 1 of the regulations. The list includes offences under *Kidnapping Act 1960*. The *Kidnapping Act 1960* has been repealed and so references to that Act should be removed from the list of offences.

3.8 **Economic, Financial and Budget Effects**

There will be no additional budget impacts arising from the proposed amendments outlined in this submission.

As part of the 2006-07 State Budget a continuing budget adjustment was made to the forward estimates to increase revenue collected by the Courts Administration Authority and S.A. Police of \$11.54 million commencing 1 July, 2007. Therefore, no additional adjustment is required.

3.9 **Effects on the public (including family, small business, regional and regulatory impacts) and the environment**

Higher levies will be a burden on people who commit offences. This includes people who commit road traffic offences (such as speeding).

3.10 **Consultation**

The Commissioner for Victims' Rights has consulted the Crown Solicitor's Office, which administers the victims of crime compensation scheme. He has also consulted S.A. Police about the proposed increase and I understand that S.A. Police has incorporated the proposed increase into its forward estimates.

There has been no consultation with motoring groups, such as the R.A.A. However, it is important to note that the R.A.A. has a history of opposing the levy because of its application to road traffic offences.

3.11 **Risks**

The levy will increase the cost of many fines, including speeding fines. People on small incomes, including young offenders, may find it more difficult to pay these fines. There may therefore be a higher rate of default. There may also be criticism from the public about the increase. Moreover, there might be pressure to fund more services for victims of crime.

3.12 **Fulfilment Plan and Communication Strategy**

The Commissioner for Victims' Rights has written to the Commissioner for Police and the State Courts Administrator about the proposed increase in the victims of crime levy.

Other government agencies issue expiation notices that attract the victims levy. The Commissioner for Victims' Rights will communicate with staff in those agencies once the regulation has been drafted.

Agencies that issue expiation notices that attract the victims of crime levy will have to amend documents (including guidelines about the sums to be inserted on expiation notices) and make staff aware of the changes.

4. **RECOMMENDATIONS**

4.1 I recommend that Cabinet approve the drafting of a regulation to vary the *Victims of Crime (Fund and Levy) Regulations 2003*, made under the *Victims of Crime Act 2001*, to increase the victims of crime levy from 1 July 2007 and remove references to the *Kidnapping Act 1960*.

I declare that I have no actual or potential conflict of interest about the proposals contained in this submission.


MICHAEL ATKINSON M.P.
ATTORNEY-GENERAL

171 05 12007

In Cabinet

28 MAY 2007

APPROVED

PREMIER

Drafting Instructions

Clause 10(1)

