

## SECOND READING SPEECH – HON. MICHAEL FERGUSON MP

### *Victims of Crime Assistance Amendment (Funeral Expenses) Bill 2015*

Madam Speaker, this Bill amends the *Victims of Crime Assistance Act 1976* to ensure that the funeral expenses of a primary victim are paid separately from any compensation otherwise awarded to a secondary or related victim.

The *Victims of Crime Assistance Act* recognises three categories of victim – a “primary victim” is the person against whom an offence is actually committed; a “secondary victim” is either a person who suffers injury as a result of witnessing the event or a parent, step-parent or guardian of a primary victim who is a child; and a “related victim” is a person in a close relationship, as defined in the Act, with the primary victim.

The Act and Regulations provide for a maximum amount of compensation that may be awarded to each category of victim.

Under the current terms of the Act, an award to a primary victim is only possible if he or she is still alive. This means that if the primary victim is killed as a result of the offence no payment to the primary victim is possible, not even a payment to cover the primary victim’s funeral expenses.

While a secondary or related victim may apply for an award to cover the cost of the funeral of a primary victim, any money awarded for this purpose is calculated as part of the compensation to which that secondary or related victim is entitled.

A recent example is as follows: a young woman was murdered and the cost of her funeral was \$9,700.00. The related victim claiming compensation was the mother of the deceased primary victim, who is now raising her deceased daughter’s two young children.

The maximum award available to the mother as a related victim is \$10,000.00. Even if the maximum award is paid to her, once the cost of the funeral is deducted, the balance of \$300.00 is all the mother will receive personally.

While the children may also make claims for compensation as related victims, because they are minors any money awarded would be held on trust and would not be available to pay the funeral expenses.

As there are no other claims for compensation from a primary victim who suffers the ultimate consequence of a violent crime, death, it seems only fair that an amount to cover reasonable funeral expenses be paid from the Criminal Injuries Compensation Fund without it impacting on the amount that might be paid to those most affected by the victim’s death.

This Bill therefore amends the Act to fix this inherent inequity and provide that a person who has incurred the funeral expense may make application for compensation to ensure the primary victim has an appropriate funeral.

The claimant may be a close relative, a close friend or a charitable organisation or funeral director – any person who has incurred the cost of the funeral.

If the claimant is a secondary or related victim, the amount awarded for funeral expenses will not reduce the amount that person might be awarded as a victim under section 6A(1).

The Bill provides for a maximum “prescribed amount” that can be awarded for funeral expenses. The amount will be prescribed by Regulation and will initially be \$10,000 per funeral. The level of the “prescribed amount” will be reviewed regularly.

If the compensation for funeral expenses is shared between different persons, the total amount paid to all claimants may not exceed the prescribed maximum.

Fortunately, violent crimes that result in the death of the victim are not common in Tasmania. The Victims of Crime Assistance Unit estimates that on average there would be 5 claims per annum. The Criminal Injuries Compensation Fund has sufficient capacity to fund the projected annual increase in compensation payments.

Madam Speaker, I commend the Bill to the House.