

# Move to lower youth levy for \$178m Victims of Crime Fund

## NEWS

Young offenders could be set to pay a lower Victims of Crime Levy under moves to make the compulsory fine contribution more affordable, as the State Government reveals the fund now holds a huge \$178 million.



Adelaide Youth Court. Photo: AAP/Tim Dornin

Despite the fund's swollen balance, approximately \$26 million was paid out during the past financial year.

The Victims of Crime Levy was introduced in the 1980s and is added to all convictions and fines to provide a pool of funds from which the Government compensates people who are left injured by a crime. The levy also funds grants for victims support programs.

The last time the Government significantly increased the Levy was in the 2020–21 State Budget, when Treasurer Rob Lucas increased the amount by 50 per cent.

As at 31 May, \$178 million was in the Victims of Crime Fund. A government spokesperson said all the money is used to support victims of crime through compensation, programs and support services.

“The Victims of Crime Levy is an important means of ensuring victims can access compensation and support, however concerns have been raised about the size of the levy and its impact on young offenders,” the spokesperson told *InDaily*.

“Having listened to these concerns, the Government is considering changes to better balance the need to hold offenders to account, ensure victims of crime receive the support they need and maintain a levy rate that is realistic for young offenders to pay.”

Under the proposed changes, offenders under the age of 18 would have their levy slashed from \$180 to \$100 for listed offences.

The fine for non-enforced expiated offences would be reduced from \$90 to \$20.

It comes after the Commissioner for Children and Young People Helen Connolly and Royal Commissioner Margaret Nyland recommended that the government waive the levy entirely for young offenders.

The state parliament subsequently amended the Victims of Crimes Act to give courts the discretion to exonerate young offenders from paying the levy, but those changes were not carried over to other pieces of legislation such as the Passenger Transport Act, meaning young offenders in some circumstances are still being hit with the charge.

In a 2019 report, Connolly wrote that forcing young offenders to pay the Victims of Crime Levy on top of public transport fines appeared “discriminatory”.

“This levy increases the cost of the fine by \$60; a large amount of money for many children and young people, and their families,” she wrote.

A government spokesperson said it considered waiving the levy entirely for young offenders, but it had received feedback suggesting that “such a move would send the wrong message to offenders, their victims and the broader community about the seriousness of their offence”.

Connolly told *InDaily* that she welcomed a reduction in the levy for young offenders, but the proposed amounts would “still result in children and young people incurring a fine that they are rarely in a position to pay”.

“Fines for children need to be set at significantly lower levels than those of adults, taking into account that children often have limited, little, or no income of their own with which to pay fines, and that added to this burden, can incur late payment fees which can grow exponentially over time,” she said.

The Law Society of SA is also advocating for the levy to be waived entirely for young offenders, with president Rebecca Sandford writing to Attorney-General Vickie Chapman to express her view that “rehabilitative measures should be prioritised over monetary punishment for children and young people”.

“A lot of the offences committed by youths are offences such as breach of bail, minor thefts, property damage and driving offences,” she wrote.

“As a result, in the professional experience of members of the Society’s Criminal Law Committee, youths often come to court with multiple counts across multiple files.

“Application of the levy to each offence, even if the levy has been drastically reduced, can still amount to a substantial figure in total.”

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The government spokesperson said stakeholder feedback was being considered.

Victims of Crime compensation payments are indexed annually, with the latest increase occurring earlier this year.

According to government data provided to *InDaily*, compensation payouts are expected to decrease by \$9 million between 2019-20 and 2020-21.

The government says victims must apply for compensation, so payments from the fund are partly dependent upon the number and size of applications received.

Payments peaked during 2017-18 at \$173 million, which included \$146 million for recipients of the National Redress Scheme.

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