

# NORTHERN TERRITORY OF AUSTRALIA

## CRIMES (VICTIMS ASSISTANCE) ACT

As in force at 1 November 2002

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# NORTHERN TERRITORY OF AUSTRALIA

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As in force at 1 November 2002

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## CRIMES (VICTIMS ASSISTANCE) ACT

**An Act to provide assistance to certain persons injured or who suffer grief as a result of criminal acts**

### Part I Preliminary

#### 1 Short title

This Act may be cited as the *Crimes (Victims Assistance) Act*.

#### 2 Commencement

This Act shall come into operation on a date to be fixed by the Administrator by notice in the *Gazette*.

#### 3 Repeal

The *Criminal Injuries (Compensation) Ordinance 1976* is repealed.

#### 4 Interpretation

(1) In this Act, unless the contrary intention appears:

***applicant*** means a person who makes an application under section 5.

***assistance certificate*** means an assistance certificate issued by the Court under section 8(1).

***Court*** means the Local Court.

***de facto partner***, in relation to a deceased victim, means:

- (a) where the victim was a man – a woman who, immediately before the victim's death, was living with him as his wife on a bona fide domestic basis although not married to him; and
- (b) where the victim was a woman – a man who, immediately before the victim's death, was living with her as her husband on a bona fide domestic basis although not married to her.

**dependant**, in relation to a deceased victim, means a relative of the victim who:

- (a) at the time of the death of the victim was wholly or substantially dependent upon the victim financially; or
- (b) would have been so dependent but for the injury suffered by the deceased victim.

**Fund** means the Victims' Assistance Fund established by section 25A.

**injury** means bodily harm, mental injury, pregnancy, mental shock or nervous shock but does not include an injury arising from the loss of or damage to property (which loss or damage is the result of an offence relating to that property).

**offence** means an offence, whether indictable or not, committed by one or more persons which results in injury to another person.

**offender** means a person who commits an offence which results in an injury to another person.

**relative**, in relation to a deceased victim, means a person who:

- (a) is the widow or widower of the victim;
- (b) is the de facto partner of the victim;
- (c) was a stepchild of the victim, including a child of the de facto partner of the victim; or
- (d) was related by blood or adoption to the victim.

**victim** means a person who is injured or dies as the result of the commission of an offence by another person.

- (2) For the purpose of determining whether a person is a relative of a deceased victim, an Aboriginal who has entered into a relationship with another Aboriginal that is recognized as a traditional marriage by the community or group to which either Aboriginal belongs is married to the other Aboriginal, and all relationships shall be determined accordingly.
- (3) Where a child of a victim is born after the death of the victim, the child is deemed, for the purposes of this Act, to be a dependant of the deceased victim in all respects as if the child was born during the life of the victim.

## **Part II Assistance certificate**

### **5 Application for assistance certificate**

- (1) A victim or, where the victim is an infant or the Court is satisfied the victim, because of injury, disease or physical or mental infirmity, is not capable of managing his or her affairs in relation to the application, a person who, in the opinion of the Court, is a suitable person to represent the interests of a victim, may, within 12 months after the date of the offence, apply to a Court for an assistance certificate in respect of the injury suffered by the victim as a result of that offence.
- (2) Where a victim has died, as a result of the injury suffered by the victim, prior to the issue to him or her of an assistance certificate, a person who, in the opinion of the Court, is a suitable person to represent the interests of the dependants of the deceased victim may, within 12 months after the death of the victim, apply to the Court, on behalf of the dependants of the deceased victim, for an assistance certificate in respect of the financial loss suffered by the dependants.
- (2A) Where a victim has died as a result of the injury suffered by the victim:
  - (a) the widow or widower, or the de facto partner; or
  - (b) where the victim at the date of death had not attained the age of 18 years, a parent,of the victim may, within 12 months after the death of the victim, apply to the Court for an assistance certificate in respect of the grief suffered by that person as a result of the death of the victim.
- (3) The Court may, as it thinks fit, extend the period within which an application under this section may be made.
- (4) Subject to subsection (3), the limitation on the time for making an application under this section shall apply to and in relation to a person under a disability notwithstanding any provision to the contrary in the *Limitation Act*.

### **6 Service of copy of application**

- (1) A copy of an application under section 5 is to be served on the Territory at the Office of the Solicitor for the Northern Territory not later than 7 days after the application is filed at the Court.
- (2) Service under subsection (1) may be effected by post, facsimile transmission or personal service.

**7 Parties**

The parties to proceedings in respect of an application under section 5 are the applicant or applicants and the Territory.

**8 Assistance certificate**

- (1) Upon hearing an application under section 5, the Court may issue an assistance certificate, but shall not issue more than one certificate in respect of any one application.
- (2) An assistance certificate shall certify that the Territory shall pay:
  - (a) in respect of an application under section 5(1), to the victim, an amount specified in the certificate by way of assistance for the injury suffered by the victim;
  - (b) in respect of an application under section 5(2), to the dependants, an amount specified in the certificate by way of assistance for the financial loss suffered by them as a result of the death of the victim (to be apportioned between the dependants, as the Court thinks fit); or
  - (c) in respect of an application under:
    - (i) section 5(2A)(a) – to the widow or widower or the de facto partner; or
    - (ii) section 5(2A)(b) – to the parent,  
of the victim, an amount specified in the certificate for grief suffered by that person or those persons, as the case may be, as a result of the death of the victim (to be apportioned, where applicable, as the Court thinks fit).
- (3) Subject to subsection (5), the Court shall not issue an assistance certificate in respect of an application under section 5(2A)(a) or (b) for grief suffered by an applicant as a result of the death of a victim unless it is satisfied that no other person has applied, or may apply, for assistance under the same paragraph for grief suffered as a result of the death of that victim.
- (4) Where, under subsection (3), the Court is satisfied that another person has applied, or may apply, for assistance under the same paragraph of section 5(2A), the Court shall adjourn the hearing of the application and order that, where another person:
  - (a) has applied for assistance, the applications be heard together;  
or

- (b) may apply for assistance, the applicant,  
serve a copy of the application and a notice specifying the date and place to which the application is adjourned on such persons as the Court directs.
- (5) Where a person referred to in subsection (4) is served with a copy of the application and notice in accordance with that subsection, and that person:
- (a) attends the Court on the date and at the place specified in the notice, that person shall be deemed to have made the application jointly with the applicant, and the Court may proceed to hear and determine the application on that basis, and the amount specified in an assistance certificate, if issued, on the determination of the application shall be apportioned between the person and the applicant as the Court thinks fit; or
- (b) fails to attend the Court on the date and at the place specified in the notice, the Court shall, on being satisfied that the person has been served with a copy of the application and notice referred to in subsection (4), hear the application.
- (6) Service of the copy of an application and the notice referred to in subsection (4) shall be effected in such manner as the Court directs.
- (7) A person referred to in subsection 5(b) is, by virtue of this subsection, barred from making any other application under section 5(2A) in respect of the victim in relation to whose death the first application was made.
- (8) Where an application under section 5 is made by a person on behalf of another person, the Court may make such order as it thinks fit as to whom the assistance specified in the assistance certificate shall be paid and how that assistance is to be used or managed.
- (9) An order made under subsection (8) shall be endorsed on the assistance certificate.
- (10) Where the Court issues an assistance certificate it may, subject to this Act and the Regulations, such order as to costs and disbursements as it thinks fit.

**9 Principles for assessment of assistance**

- (1) In assessing the amount of assistance to be specified in an assistance certificate in respect of an application under section 5(1) or (2), the Court may, subject to this Act include an amount in respect of:
  - (a) expenses actually incurred as a result of the injury suffered by, or the death of, the victim;
  - (b) pecuniary loss to the victim as a result of his or her total or partial incapacity for work;
  - (c) pecuniary loss to the dependants of the victim as a result of his or her death;
  - (d) any other pecuniary loss arising in consequence of injury suffered by, or the death of, the victim and any other expenses reasonably so incurred;
  - (e) pain and suffering of the victim;
  - (f) mental distress of the victim;
  - (g) loss of the amenities of life by the victim;
  - (h) loss of expectation of life by the victim; and
  - (j) loss of, or damage to, the clothing of the victim being worn at the time of the commission of the offence.
- (2) For the purposes of subsection (1)(f), mental distress does not include grief.

**10 Behaviour of victim, &c., to be taken into account**

- (1) In considering an application for assistance, and in assessing the amount of assistance to be specified in an assistance certificate, the Court shall have regard to the conduct of the victim and to any other matters it considers relevant.
- (2) Where the Court, on having regard under subsection (1) to the conduct of the victim, is satisfied that the victim's conduct contributed to the injury or death of the victim it shall reduce the amount of assistance specified in the assistance certificate by such amount as it considers appropriate in all the circumstances.



**10A Consent agreement**

- (1) Notwithstanding this Act, but subject to this section, where the parties to the proceedings agree on the amount of assistance to be specified in an assistance certificate, the Court shall, on being satisfied that such an agreement has been reached, issue an assistance certificate specifying the agreed amount.
- (2) Nothing in subsection (1) permits the issuing of an assistance certificate specifying an amount greater than that permitted by section 13.
- (3) If an applicant rejects an offer made by the Territory to pay an amount of assistance to him or her and, after hearing the application in respect of which that offer was made, the Court:
  - (a) issues an assistance certificate that specifies an amount of assistance equal to or less than the amount offered; and
  - (b) makes an order that the applicant is entitled to be paid costs in respect of his or her application,

the applicant is not entitled to costs incurred by him or her after the date on which the Territory made that offer.

**11 Circumstances in which assistance not payable**

In assessing the amount of assistance to be specified in an assistance certificate, the Court shall not include an amount:

- (a) by way of exemplary, punitive or aggravated damages;
- (b) in respect of loss or damage to personal property other than property referred to in section 9(j); or
- (c) where the offence directly resulted in the victim becoming pregnant and the victim gives birth to a – in respect of the maintenance of the child.

**12 Assistance certificate not to be issued in certain circumstances**

The Court shall not issue an assistance certificate:

- (a) where it is not satisfied, on the balance of probabilities, that the person whom the applicant claims was injured or killed was a victim within the meaning of this Act;
- (b) where the commission of the offence was not reported to a member of the Police Force within a reasonable time after the

commission of the offence, unless it is satisfied that circumstances existed which prevented the reporting of the commission of the offence;

- (ba) where the commission of the offence has not been reported to a member of the Police Force before the date on which the Court considers the issuing of the assistance certificate, unless the Court is satisfied that circumstances existed which prevented the reporting of the commission of the offence;
- (c) where an applicant or victim has failed to assist the Police Force in the investigation or prosecution of the offence;
- (d) where it is satisfied that the applicant has made the application in collusion with the offender;
- (e) in respect of an injury or death caused by, or arising out of, the use of a motor vehicle except where that use constitutes an offence under the Criminal Code; or
- (f) in respect of an injury or death that occurred during the commission of a crime by the victim.

### **13 Limitation on amount**

- (1) The amount specified in an assistance certificate in respect of an application under:
  - (a) section 5(1) or (2) – shall be not more than \$25,000 (including any amounts specified under section 9) or less than \$100; or
  - (b) section 5(2A) – subject to subsection (3), shall be \$3,000.
- (2) In assessing the amount to be specified in an assistance certificate the Court shall have regard to the amount of any payment received by or payable to the victim or a dependant of the victim for the injury or death of the victim caused by the commission of the offence including the amount of any payment received or payable:
  - (a) by way of compensation or damages from the offender or any person on behalf of the offender;
  - (aa) by way of private medical insurance benefit; or
  - (b) under:
    - (i) the *Motor Accidents (Compensation) Act*;
    - (ii) the *Work Health Act*; or

- (iii) a law of the Commonwealth, a State or another Territory of the Commonwealth relating to the payment of compensation to an employee in respect of death or injury resulting from an accident in or in connection with the employee's employment,

and the Court shall reduce the amount so specified in the assistance certificate by such amount as it considers appropriate in the circumstances.

- (3) Notwithstanding subsection (1)(b), where more than one application is made under the same paragraph of section 5(2A) for grief suffered as the result of the death of a victim, the total of the amounts specified in the assistance certificates issued following the hearing of those applications shall be not greater than \$3000, apportioned as the Court thinks fit.

### **13A Repayment of assistance in certain circumstances**

- (1) Where the Court issues an assistance certificate and is satisfied that a victim or a dependant of a victim is, or may be, entitled to a payment referred to in section 13(2), the Court may make such order as to the repayment of the whole or a part of the amount specified in the certificate, if such a payment is received, under such circumstances as it thinks fit and specifies in the certificate.
- (2) A person who contravenes or fails to comply with an order under subsection (1) is guilty of an offence.

Penalty: \$2,000 or imprisonment for 6 months.

### **14 Joint offenders, &c.**

Where a victim suffers an injury or dies as a result of:

- (a) an offence committed by more than one offender;
- (b) a series of offences committed consecutively by one offender in circumstances in which those offences constitute a single incident; or
- (c) a series of offences committed simultaneously or consecutively by more than one offender acting in concert or in circumstances in which those offences constitute a single incident,

only one application may be made:

- (d) under section 5(1) by or on behalf of the victim;

(e) under section 5(2) by or on behalf of the dependants of the victim; or

(f) under section 5(2A) by each person permitted to make an application under that subsection,

in respect of that offence or incident, as the case may be.

## **Part III Procedure, hearing and appeals**

### **15 Procedure**

(1) On the hearing by the Court of an application under section 5, the procedure of the Court is, subject to this Act, the Regulations and any rules or practice directions made or given specifically for the conduct of the business of the Court under this Act, within the discretion of the Court.

(2) The hearing of an application under section 5 shall be conducted with as little formality and technicality, and with as much expedition, as the requirements of this Act and a proper consideration of the application permit.

(3) Subject to this Act, the Court is not bound by any rules of evidence but may inform itself on any matter in such manner as it thinks fit.

(4) A Judicial Registrar appointed under section 9(1) of the *Local Court Act* may exercise all the powers and perform all the functions of the Court under this Act, subject to practice directions given by the Chief Magistrate.

### **15A Appeal from order of Judicial Registrar or Registrar**

(1) A party to proceedings in respect of an application under section 5 may appeal to the Court constituted by a magistrate against a determination made by a Judicial Registrar that an assistance certificate is, or is not, to be issued.

(2) A party to proceedings commenced under section 21 may appeal to the Court constituted by a magistrate against a determination made by a Judicial Registrar:

(a) that the Territory is entitled to recover from an offender a specified amount; or

(b) that the Territory is not entitled to recover any amount from an offender.

- (3) An appeal under subsection (1) or (2) is to be in accordance with Part 37 of the *Local Court Rules*.
- (4) A party to proceedings under this Act may appeal to the Court constituted by a magistrate against an order in those proceedings made by a Judicial Registrar or Registrar.
- (5) An appeal under subsection (4) is to be in accordance with rule 4.04 of the *Local Court Rules*.
- (6) A party to proceedings under this Act is not entitled to appeal to the Supreme Court against a determination or an order to which this section applies.
- (7) An appeal under this section does not operate as a stay of the determination or order appealed against unless a magistrate orders otherwise.

## **16 Adjourments**

- (1) The Territory may, at any time before the Court has issued an assistance certificate, apply to the Court for an adjournment of proceedings under this Act on the ground that:
  - (a) a prosecution for an offence in respect of which the issue of an assistance certificate is sought has been, or is about to be, commenced;
  - (aa) the victim or dependant of the victim is an alleged offender in proceedings in respect of another application for an assistance certificate or in proceedings commenced or to be commenced under section 21;
  - (b) the victim or a dependant of the victim is, or may be, entitled to a payment referred to in section 13(2); or
  - (c) the applicant has made, or is entitled to make, another application under section 5.
- (2) Where the Territory applies under subsection (1), the Court may make an order adjourning the proceedings for such period as it thinks fit.

## **17 Proof and evidence**

- (1) A fact to be proved by an applicant in proceedings under this Act shall be sufficiently proved where it is proved on the balance of probabilities.

- (2) In proceedings under this Act, the Court may receive in evidence any transcript of evidence in proceedings in any other court, and may draw any conclusions of fact therefrom that it considers proper.
- (3) In proceedings under this Act, all evidence is to be given by affidavit and a party is not entitled to cross-examine the deponent of an affidavit without the leave of the Court.

**17A      Legal professional privilege and section 12(2) of *Evidence Act* not to apply**

- (1) In this section:

***hospital report*** means a statement in writing concerning a victim made by or on behalf of a hospital, rehabilitation centre or other medical institution.

***medical expert*** means a person lawfully practising in a branch of medicine, dentistry, pharmacology, occupational therapy, physiotherapy, rehabilitation, ergonomics or related field.

***medical report*** means a statement in writing by a medical expert concerning a victim and includes a document which the medical expert intends should be read with the statement, whether the document was in existence at the time the statement was made or was a document which he or she obtained or caused to be brought into existence subsequently.

- (2) The common law rule known as legal professional privilege does not apply to a medical report, hospital report or other medical document that relates to an application under section 5.
- (3) Section 12(2) of the *Evidence Act* does not apply in relation to proceedings under this Act.

**18      Court may be closed**

The Court may, as it thinks fit, close proceedings under this Act to the public or a specified person or group of persons.

**19      Reservation of questions of law**

- (1) The Court may reserve for the decision of the Supreme Court a question of law arising out of an application under section 5 and the decision of the Supreme Court shall be certified to and be binding on the Court.
- (2) Costs consequent on a reservation under subsection (1) are, subject to this Act and the Regulations, in the discretion of the Supreme Court.

**Part IV                      Payments and recovery****20                      Payments by Territory**

The Territory shall, within 28 days after the issue of an assistance certificate, pay the amount specified in the certificate:

- (a) to the applicant; or
- (b) in accordance with any order made under section 8(8),

as the case may be, and as soon as practicable pay such amount, by way of costs and disbursements, as is ordered by the Court.

**21                      Territory may commence proceedings to recover from offender**

- (1) Where the Territory has paid an amount under section 20, it may commence proceedings for recovery of an equal amount from the offender alleged to have committed the offence that resulted in the injury or death in respect of which the payment was made.
- (2) Proceedings under this section are to be commenced not later than 3 years after the date of issue of the assistance certificate relating to the amount paid under section 20.
- (3) In proceedings under this section, the Territory must prove to the satisfaction of the Court:
  - (a) that the Territory paid an amount under section 20;
  - (b) the total amount paid by the Territory under section 20; and
  - (c) that the offender named in the proceedings was found guilty of an offence that resulted in the injury or death in respect of which that payment was made or that on the balance of probabilities the offender committed that offence.
- (4) The Court may reduce the amount to be recovered by the Territory in proceedings under this section if:
  - (a) the offender satisfies the Court that the victim contributed to his or her injuries or death; or
  - (b) the Court is satisfied that the amount paid under section 20 was excessive in the circumstances.
- (5) Subsection (4) applies even though the amount of assistance has already been reduced under section 10(2).

- (6) If the Court is satisfied that the assistance certificate specifying the amount to be paid by the Territory should not have been issued, the Court may determine that the Territory is not entitled to recover any amount from the offender.

## **22 Right of Territory to recover by set-off**

After an order has been made in proceedings under section 21 that the Territory may recover an amount from a person who is an alleged offender in respect of an application under section 5, the Territory has the right to recover all or part of that amount by way of set-off where, in respect of another application under section 5, an amount of assistance is payable to that person.

## **23 Preservation of civil remedy**

- (1) Nothing in this Act affects the right of a person to claim or recover compensation or damages otherwise than under this Act.
- (2) A Court by which an action for damages under a law, other than this Act, is heard shall not take into consideration that an amount by way of assistance has been or may be paid under this Act.

## **24 Taxation of costs**

- (1) A legal practitioner shall not be entitled:
- (a) to recover from an applicant costs in respect of an application under section 5;
  - (b) to claim a lien in respect of costs on an amount paid or payable under section 20; or
  - (c) to deduct costs from an amount so paid or payable,
- except to the extent to which the costs have been allowed as between the legal practitioner and the applicant by the Court on the application of the legal practitioner or the applicant.
- (2) Subsection (1) does not apply to costs which are disbursements of the legal practitioner.
- (3) If the Court dismisses or strikes out an application under section 5, the Court may order that the applicant must pay all or part of the costs incurred by the Territory in respect of the application.



- (4) The Regulations:
- (a) may prescribe a lump sum fee for specified work done in respect of an application under section 5, and specified disbursements incurred in doing that work, as the costs allowable in respect of that application; and
  - (b) may prescribe a percentage of the costs otherwise allowable under the Appendix to Order 63 of the Supreme Court Rules as the costs allowable for work done in respect of an application under section 5.
- (5) A legal practitioner who is entitled to recover costs in respect of an application under section 5 may claim those costs as prescribed under subsection (4)(a) or as prescribed under subsection (4)(b).

**25 Recovered money to Fund**

Any money recovered by the Minister under this Act shall be paid into the Fund.

**Part IVA Victims' Assistance Fund**

**25A Victims' assistance Fund**

- (1) There is established a fund to be known as the Victims' Assistance Fund.
- (2) The Fund shall consist of money:
- (a) appropriated for the purposes of the Fund to the department for the time being principally responsible under the Minister for the administration of this Act;
  - (b) paid into the Fund under subsection (3);
  - (c) recovered by the Territory under this Act; and
  - (d) paid into the Fund in pursuance of any other Act.
- (3) In each financial year the prescribed proportion of the aggregate amount paid into the Consolidated Revenue Account by way of fines, and the total amount of the levy imposed under section 25B, shall be paid into the Fund.
- (4) The money of the Fund shall be credited into a fund maintained within the Agency Operating Account for that purpose.

- (5) A payment made after the commencement of the *Crimes Compensation Amendment Act 1989* under this Act or the *Criminal Injuries (Compensation) Act* as continued in force by section 28(1) shall be debited to the Fund.

## **25B Imposition of levy**

- (1) In this section:

**enforcement order** has the same meaning as in the *Fines and Penalties (Recovery) Act*.

**infringement notice** has the same meaning as in section 9 of the *Fines and Penalties (Recovery) Act*.

**notice of enforcement order** has the same meaning as in Division 6 of Part 5 of the *Fines and Penalties (Recovery) Act*.

**offence** means any offence against a law in force in the Territory.

- (2) A levy is imposed for the purpose of providing a source of revenue for the Fund.
- (3) Subject to such exceptions as may be prescribed, a levy is imposed on a person:
- (a) found guilty of an offence after the commencement of the *Crimes Compensation Amendment Act 1989* other than where the person is imprisoned for that offence;
  - (b) who discharges or expiates an offence, or who makes a payment of a specified sum in lieu of a penalty which may otherwise be imposed for an offence, in pursuance of an infringement notice issued after the commencement of the *Crimes Compensation Amendment Act 1989*; or
  - (c) against whom an enforcement order is made after the commencement of the *Crimes Compensation Amendment Act 1989*.
- (4) Subject to subsections (5) and (6), the amount of the levy is, where the person is found guilty of:
- (a) an offence following the presentation of an indictment – \$60; or
  - (b) any other offence – \$40.
- (5) Where, but for this subsection, the amount of the levy payable by a juvenile would exceed \$20, the amount of the levy is \$20.

- (6) Notwithstanding subsection (4), the levy imposed on a person referred to in subsection (3)(b) or (c) is \$10.
- (7) Where a levy is payable under this section by a person found guilty of an offence:
  - (a) the amount of the levy shall be shown in:
    - (i) any formal record of the finding of guilt and sentence; and
    - (ii) any notice of the finding of guilt or sentence given to the defendant; and
  - (b) the levy shall, for all purposes, be deemed to be a fine or sum of money or to form part of the fine or sum of money adjudged to be paid by the court in respect of the offence to which the levy relates and payment of the levy may be enforced under the *Fines and Penalties (Recovery) Act*.
- (8) A court shall not reduce the levy payable under this section or exonerate a person found guilty of an offence from liability to pay it.
- (9) For the purposes of this section, an infringement notice, enforcement order and a notice of enforcement order shall specify the amount of the levy.
- (10) Notwithstanding any other law in force in the Territory, a person referred to in subsection (3)(b) or (c) is not immune from prosecution in respect of an offence referred to in that subsection unless the sum specified in the infringement notice or the notice of enforcement order, as the case may be, and the levy imposed by this section is paid.
- (11) Where any money is paid by a person in respect of a penalty imposed for an offence or an alleged offence committed by that person, that money shall be firstly appropriated for the purpose of meeting the person's liability for the levy imposed by this section.

## **Part V            Miscellaneous**

### **26            Appropriation**

A payment under section 25A(3) shall be made from the public moneys of the Territory and the Allocation for that purpose is hereby established or increased to the extent necessary.

**27 Regulations**

The Administrator may make regulations, not inconsistent with this Act, prescribing all matters required or permitted by this Act to be prescribed, or necessary or convenient to be prescribed for carrying out or giving effect to this Act.

**Part VI Savings, &c., transitional**

**28 Savings, &c.**

- (1) Notwithstanding the repeal effected by section 3, the *Criminal Injuries (Compensation) Act* as in force immediately before the commencement of this Act continues to have effect to and in relation to an injury occurring before the commencement of this Act.
- (2) Where, prior to the commencement of this Act, a payment in respect of costs was purported to be made under the *Criminal Injuries (Compensation) Act* as then in force, that payment is deemed to be a valid payment under that Act.
- (3) Where a person:
  - (a) at any time prior to the commencement of this Act, applied to the Minister under section 5 of the *Criminal Injuries (Compensation) Act* as then in force and the Minister made a payment under section 6 of that Act to the person but the amount of the payment did not include an amount by way of costs; or
  - (b) receives a payment under section 6 of the *Criminal Injuries (Compensation) Act* by virtue of subsection (1),

that person may be paid such an amount by way of costs as the Minister thinks fit.

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**ENDNOTES**
**1****KEY**

Key to abbreviations

**amd = amended**  
**app = appendix**  
**bl = by-law**  
**ch = Chapter**  
**cl = clause**  
**div = Division**  
**exp = expires/expired**  
**f = forms**  
**Gaz = Gazette**  
**hdg = heading**  
**ins = inserted**  
**lt = long title**  
**nc = not commenced**

**od = order**  
**om = omitted**  
**pt = Part**  
**r = regulation/rule**  
**rem = remainder**  
**renum = renumbered**  
**rep = repealed**  
**s = section**  
**sch = Schedule**  
**sdiv = Subdivision**  
**SL = Subordinate Legislation**  
**sub = substituted**

**2****LIST OF LEGISLATION*****Crimes Compensation Act 1982 (Act No. 46, 1982)***

Assent date            29 June 1982  
 Commenced            28 January 1983 (*Gaz S5*, 28 January 1983)

***Law Officers Amendment Act (No. 2) 1986 (Act No. 48, 1986)***

Assent date            10 December 1986  
 Commenced            19 December 1986 (*Gaz S87*, 17 December 1986)

***Local Court (Consequential Amendments) Act 1989 (Act No. 14, 1989)***

Assent date            5 June 1989  
 Commenced            1 January 1991 (s 2, s 2 *Local Court Act 1989* (Act No. 31, 1989) and *Gaz G49*, 12 December 1990, p 2)

***Crimes Compensation Amendment Act 1989 (Act No. 83, 1989)***

Assent date            22 December 1989  
 Commenced            1 August 1990 (*Gaz S47*, 1 August 1990)

***De Facto Relationships (Miscellaneous Amendments) Act 1991 (Act No. 82, 1991)***

Assent date            24 December 1991  
 Commenced            1 January 1992 (s 2)

***Financial Management (Consequential Amendments) Act 1995 (Act No. 5, 1995)***

Assent date            21 March 1995  
 Commenced            1 April 1995 (s 2, s 2 *Financial Management Act 1995* (Act No. 4, 1995) and *Gaz S13*, 31 March 1995)

***Sentencing (Consequential Amendments) Act 1996 (Act No. 17, 1996)***

Assent date            19 April 1996  
 Commenced            1 July 1996 (s 2, s 2 *Sentencing Act 1995* (Act No. 39, 1995) and *Gaz S15*, 13 June 1996)

**Crimes (Victims Assistance) Amendment Act 1999 (Act No. 13, 1999)**

|             |  |
|-------------|--|
| Assent date | 25 March 1999  |
| Commenced   | 22 December 1999 (s 2, s 2 <i>Juvenile Justice Amendment Act 1999</i> (Act No. 12, 1999) and Gaz G50, 22 December 1999, p 3) |

**Fines and Penalties (Recovery Consequential Amendments) Act 2001 (Act No. 60, 2001)**

|             |   |
|-------------|---|
| Assent date | 11 December 2001  |
| Commenced   | 1 January 2002 (s 2 and s 2 <i>Fines and Penalties (Recovery) Act 2001</i> (Act No. 59, 2001) and Gaz G50, 19 December 2001, p 3) |

**Crimes (Victims Assistance) Amendment Act 2002 (Act No. 57, 2002)**

|             |                       |
|-------------|-----------------------|
| Assent date | 18 October 2002       |
| Commenced   | 1 November 2002 (s 2) |

**3 LIST OF AMENDMENTS**

|            |  |
|------------|--|
| It         | amd No. 83, 1989, s 4  |
| s 1        | amd No. 83, 1989, s 5  |
| s 4        | amd No. 14, 1989, s 7; No. 83, 1989, s 7; No. 82, 1991, s 11; No. 57, 2002, s 16 |
| pt II hdg  | amd No. 83, 1989, s 8  |
| s 5        | amd No. 83, 1989, s 9; No. 82, 1991, s 11; No. 57, 2002, s 16                    |
| s 6        | amd No. 48, 1986, s 9  |
|            | sub No. 57, 2002, s 4  |
| s 7        | sub No. 57, 2002, s 4  |
| s 8        | amd No. 83, 1989, s 10; No. 82, 1991, s 11; No. 57, 2002, s 16                   |
| s 9        | amd No. 83, 1989, s 11; No. 57, 2002, s 16                                       |
| s 10       | sub No. 83, 1989, s 12   |
| s 10A      | ins No. 83, 1989, s 12   |
|            | amd No. 57, 2002, s 5  |
| s 11       | amd No. 57, 2002, s 16   |
| s 12       | sub No. 83, 1989, s 13   |
|            | amd No. 57, 2002, s 6  |
| s 13       | sub No. 83, 1989, s 13   |
|            | amd No. 57, 2002, s 7  |
| s 13A      | ins No. 83, 1989, s 13   |
| s 14       | sub No. 83, 1989, s 14   |
| s 15       | amd No. 83, 1989, s 15; No. 57, 2002, s 8  |
| s 15A      | ins No. 57, 2002, s 9  |
| s 16       | amd No. 48, 1986, s 9; No. 83, 1989, s 16; No. 57, 2002, s 10                    |
| s 17       | amd No. 57, 2002, s 11   |
| s 17A      | ins No. 57, 2002, s 12   |
| s 19       | amd No. 57, 2002, s 16   |
| s 20       | sub No. 83, 1989, s 17   |
| s 21       | amd No. 83, 1989, s 18   |
|            | sub No. 57, 2002, s 13   |
| s 22       | amd No. 83, 1989, s 19   |
|            | sub No. 57, 2002, s 13   |
| s 23       | amd No. 83, 1989, s 20; No. 57, 2002, s 16                                       |
| s 24       | amd No. 83, 1989, s 21; No. 57, 2002, s 14                                       |
| s 25       | amd No. 83, 1989, s 22   |
| pt IVA hdg | ins No. 83, 1989, s 23   |
| s 25A      | ins No. 83, 1989, s 23   |
|            | amd No. 5, 1995, s 19  |

## ENDNOTES

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- s 25B      ins No. 83, 1989, s 23  
              amd No. 17, 1996, s 6; No. 13, 1999, s 3; No. 60, 2001, s 6; No. 57, 2002,  
              s 16
- s 26         amd No. 83, 1989, s 24  
              sub No. 5, 1995, s 19