

NORTHERN TERRITORY OF AUSTRALIA

CRIMES (VICTIMS ASSISTANCE) REGULATIONS

As in force at 1 November 2002

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NORTHERN TERRITORY OF AUSTRALIA

As in force at 1 November 2002

CRIMES (VICTIMS ASSISTANCE) REGULATIONS

Regulations under the *Crimes (Victims Assistance) Act*

1 Citation

These Regulations may be cited as the *Crimes (Victims Assistance) Regulations*.

2 Commencement

These Regulations shall come into operation on the commencement of the *Crimes Compensation Amendment Act 1989*.

3 Application

These Regulations apply to offences committed after the commencement of the *Crimes Compensation Amendment Act*.

4 Offences in respect of which levy is not imposed

For the purposes of section 25B(3) of the Act, a levy is not imposed on a person:

- (a) convicted of an offence against:
 - (i) the *Work Health Act* or the Regulations made under that Act;
 - (ii) the *Public Sector Employment and Management Act* and the Regulations made under that Act;
 - (iv) the *Public Health Act* or the Regulations made under that Act;
 - (v) the *Litter Act*;
 - (vi) Part 12 of the *Australian Road Rules*;

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- (vii) a by-law of a council within the meaning of the *Local Government Act* or a by-law made by the Jabiru Town Council under the *Jabiru Town Development Act*;
 - (viii) the *Territory Parks and Wildlife Conservation By-Laws*;
 - (ix) a by-law made under section 60H, or a rule made under section 60J, of the *Education Act* by a council within the meaning of section 40 of that Act;
- (b) convicted of an offence which is prosecuted:
- (i) by a municipal council or community government council, within the meaning of the *Local Government Act*, pursuant to a power vested in it under a law of the Northern Territory; or
 - (ii) by a council, within the meaning of the *Local Government Act*, pursuant to an arrangement or agreement with the Territory under that Act whereby the council administers Regulations or exercises power or performs functions under a law of the Territory in its council area; or
- (c) to whom a notice is directed:
- (i) that is issued under a law of the Territory specified in paragraph (a) as an alternative to prosecution in relation to an alleged offence; and
 - (ii) that imposes a prescribed penalty that is payable in relation to the alleged offence.

5 Costs: lump sum fees etc. allowable if assistance not over \$5 000

- (1) For the purposes of section 24(4)(a) of the Act, the fees and disbursements allowable as costs in respect of an application under section 5 of the Act, where the assistance certificate specifies an amount not exceeding \$5 000, are as follows:
- (a) a fee of:
- (i) \$750 for work up to and including the first prehearing conference, including taking instructions, obtaining preliminary medical reports, preparing, filing and serving the application, attending the mention and attending the first prehearing conference; or

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- (ii) \$1 050 if the work referred to in subparagraph (i) also includes an application for an extension of time for the purposes of section 5(3) of the Act;
- (b) an additional fee of:
 - (i) \$350 for further work up to the hearing of the application, including obtaining additional expert medical reports, attending further prehearing conferences and all preparation for the hearing of the application; or
 - (ii) \$700 if the work referred to in subparagraph (i) relates to an application in respect of which the offender has not been found guilty of the offence that resulted in the injury suffered by the victim and where it was necessary to obtain police records or obtain evidence from witnesses;
 - (c) for attending the hearing of an application, an additional fee of:
 - (i) \$400 if the hearing does not exceed half a day;
 - (ii) \$800 if the hearing exceeds half a day but does not exceed one day; or
 - (iii) \$800 for the first day of the hearing plus \$400 for each day or part of a day thereafter;
 - (d) all reasonable disbursements, excluding counsel's fees.
- (2) A fee referred to in subregulation (1)(c) is not allowable if, during the hearing of the application, the parties reach an agreement in pursuance of section 10A of the Act and the Court specifies the agreed amount in the assistance certificate.

6 Costs: lump sum fees etc. allowable if assistance over \$5 000

- (1) For the purposes of section 24(4)(a) of the Act, the fees and disbursements allowable as costs in respect of an application under section 5 of the Act, where the assistance certificate specifies an amount exceeding \$5 000, are as follows:
 - (a) a fee of:
 - (i) \$1 000 for work up to and including the first prehearing conference, including taking instructions, obtaining preliminary medical reports, preparing, filing and serving the application, attending the mention and attending the first prehearing conference; or

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- (ii) \$1 300 if the work referred to in subparagraph (i) also includes an application for an extension of time for the purposes of section 5(3) of the Act;
 - (b) an additional fee of:
 - (i) \$400 for further work up to the hearing of the application, including obtaining additional expert medical reports, attending further prehearing conferences and all preparation for the hearing; or
 - (ii) \$800 if the work referred to in subparagraph (i) relates to an application in respect of which the offender has not been found guilty of the offence that resulted in the injury suffered by the victim and where it was necessary to obtain police records or obtain evidence from witnesses;
 - (c) for attending the hearing of an application, an additional fee of:
 - (i) \$500 if the hearing does not exceed half a day;
 - (ii) \$850 if the hearing exceeds half a day but does not exceed one day; or
 - (iii) \$850 for the first day of the hearing plus \$500 for each day or part of a day thereafter;
 - (d) all reasonable disbursements, excluding counsel's fees.
- (2) A fee referred to in subregulation (1)(c) is not allowable if, during the hearing of the application, the parties reach an agreement in pursuance of section 10A of the Act and the Court specifies the agreed amount in the assistance certificate.

7 Costs: percentage of Supreme Court costs allowable

For the purposes of section 24(4)(b) of the Act, the prescribed percentage is 40%.

ENDNOTES

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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

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LIST OF LEGISLATION***Crimes (Victims Assistance) Regulations (SL No. 24, 1990)***

| | |
|-----------|---------------|
| Notified | 1 August 1990 |
| Commenced | 1 August 1990 |

Public Sector Employment and Management (Consequential Amendment) Act 1993 (Act No. 28, 1993)

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|-------------|---|
| Assent date | 30 June 1993 |
| Commenced | 1 July 1993 (s 2, s 2 <i>Public Sector Employment and Management Act 1993</i> (Act No. 11, 1993) and Gaz S53, 29 June 1993) |

Local Government (Consequential Amendments) Act 1993 (Act No. 84, 1993)

| | |
|-------------|---|
| Assent date | 31 December 1993 |
| Commenced | 1 June 1994 (s 2, s 2 <i>Local Government Act 1993</i> (Act No. 83, 1993) and Gaz S35, 20 May 1994) |

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

| | |
|-------------|--|
| Assent date | 11 December 2001 |
| Commenced | 1 January 2002 (s 2, 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) |

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LIST OF AMENDMENTS

| | |
|----------|---|
| r 4 | amd Act No. 28, 1993, s 3; Act No. 84, 1993, s 6; Act No. 60, 2001, s 7 |
| rr 5 – 7 | ins Act No. 57, 2002, s 15 |