

1993  
THE LEGISLATIVE ASSEMBLY  
FOR THE AUSTRALIAN CAPITAL TERRITORY

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(As presented)

(Attorney-General)

**Criminal Injuries Compensation  
(Amendment) Bill 1993**

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**A BILL**

FOR

**An Act to amend the *Criminal Injuries Compensation Act 1983***

The Legislative Assembly for the Australian Capital Territory enacts as follows:

**Short title**

- 5      1. This Act may be cited as the *Criminal Injuries Compensation (Amendment) Act 1993*.

**Commencement**

2. This Act commences on the day on which it is notified in the *Gazette*.

**Principal Act**

- 10      3. In this Act, "Principal Act" means the *Criminal Injuries Compensation Act 1983*.<sup>1</sup>

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83063 1993/131 (T63/93)

**Interpretation**

4. Section 2 of the Principal Act is amended—

- (a) by omitting from subsection (1) the definition of “criminal conduct”; and
- 5 (b) by omitting paragraph (a) of the definition of “prescribed injury” in subsection (1) and substituting the following paragraph:
  - “(a) as a result of the commission of an offence by another person; or”.

**Legal capacity not material**

- 10 5. Section 4 of the Principal Act is amended by omitting “criminal conduct” and substituting “an offence or an element of an offence”.

**Maximum amount of compensation**

- 15 6. Section 7 of the Principal Act is amended by omitting from paragraph (2) (b) “the criminal conduct of each of” and substituting “offences committed by”.

**Insertion**

7. After section 7 of the Principal Act the following section is inserted:

**Just and equitable awards**

- 20 “7A. Compensation shall not be awarded unless the court is satisfied that it would be just and equitable to do so.”.

**Insertion**

8. After section 8 of the Principal Act the following section is inserted:

**Relevant considerations**

- 25 “8A. (1) For the purposes of sections 7A and 8, the court shall have regard to such matters as the court considers relevant.

“(2) Without limiting the generality of subsection (1), in relation to an application for compensation in respect of an injury, the court shall have regard to—

- 30 (a) whether criminal proceedings in respect of the offence resulting in the injury have been instituted by or on behalf of the Attorney-General or the Director of Public Prosecutions or by a police officer; and
- (b) if criminal proceedings in respect of that offence have not been so instituted—

- (i) whether the person who allegedly committed the offence has been identified;
- (ii) whether the offence was committed with an apparent intention of causing injury to a person; and
- 5 (iii) whether the offence was reported to a police officer and, if so, when.”.

**Matters in respect of which compensation not payable**

**9. Section 9 of the Principal Act is amended—**

- 10 (a) by omitting from paragraph (1) (a) “injury or death” and substituting “prescribed injury”;
- (b) by omitting from paragraph (1) (a) “or” (last occurring);
- (c) by adding at the end of paragraph (1) (b) “or”; and
- (d) by adding at the end of subsection (1) the following paragraph:
  - 15 “(c) in respect of an injury that is prescribed for the purposes of this paragraph, unless criminal proceedings in respect of the offence resulting in the injury have been instituted by or on behalf of the Attorney-General or the Director of Public Prosecutions or by a police officer.”.

**Determination of applications**

- 20 **10.** Section 11 of the Principal Act is amended by omitting from subsection (4) “the criminal conduct of each of” and substituting “offences committed by”.

**Considerations relevant to the determination of compensation**

- 25 **11.** Section 15 of the Principal Act is amended by omitting from paragraph (2) (h) “criminal conduct” and substituting “offence”.

**Restriction on publication**

- 12.** Section 17 of the Principal Act is amended by omitting from subparagraph (2) (a) (iii) “criminal conduct” and substituting “offence”.

**Variation of an award**

- 30 **13.** Section 18 of the Principal Act is amended by omitting from paragraph (2) (a) “criminal conduct” and substituting “offence”.

**Power of Registrar of the Supreme Court where offence not reported to police**

- 35 **14.** Section 20 of the Principal Act is amended by omitting “criminal conduct” and substituting “offence”.

**Recovery of compensation from offenders**

15. Section 29A of the Principal Act is amended by omitting from paragraph (1) (b) all the words after "relation to" and substituting "the offence; and".

**5 Other rights not affected**

16. Section 32 of the Principal Act is amended by omitting "criminal conduct" and substituting "offence".

**Application**

10 17. The Principal Act as amended by this Act applies in relation to an application which, immediately before the commencement of this Act, had been lodged but not determined.

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**NOTE**

1. Reprinted as at 31 August 1992.

**NOTE ABOUT SECTION HEADINGS**

On the day on which the *Criminal Injuries Compensation Act 1983* is amended by this Act, in addition to any alteration of section headings indicated in the text of this Act, headings to sections of the Principal Act are altered as set out in the following table:

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Section	Alteration
3	Omit "criminal conduct", substitute "offence".
34	Omit "Commonwealth", substitute "Territory".

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