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THE LEGISLATIVE ASSEMBLY OF THE AUSTRALIAN CAPITAL TERRITORY

CRIMINAL INJURIES COMPENSATION REGULATIONS

EXPLANATORY MEMORANDUM

Circulated by authority of

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General Outline

The Criminal Injuries Compensation Regulations (the Regulations) are made under section 36 of the *Criminal Injuries Compensation Act 1983* (the Act). This section provides for the making of regulations which are necessary or convenient for carrying out or giving effect to the Act. The Act provides for compensation payable to crime victims. Section 34D of the Act provides for liability of convicted persons (within the meaning of Part III of the Act) to pay a compensation levy (the levy) \$30 for a conviction.

The Regulations provide for notification of liability to pay the levy and specify particulars for inclusion in a notice. The Regulations provide that the due date of payment of the levy is 28 days after the date of the relevant conviction, and for the power of the Registrars of the Supreme Court and the Magistrates Court to extend the due date for payment of the levy, where an application for that purpose is made.

Financial Implications

It is expected that the Regulations will encourage payment of the criminal injuries compensation levy. There are no expenditure implications arising from the Regulations.

Regulation 1 - Citation

This regulation refers to the Regulations as the *Criminal Injuries Compensation Regulations*.

Regulation 2 - Commencement

Regulation 2 provides for commencement of the Regulations on notification in the *Gazette*.

Regulation 3 - Interpretation

Regulation 3 defines the terms "Act", "appropriate court officer", "Director" and "levy".

An appropriate court officer will be the Registrar of the Supreme Court (in the case of a levy imposed in respect of an offence dealt with by the Supreme Court) or the Registrar of the Magistrates Court (in the case of a levy imposed in respect of an offence dealt with by the Magistrates Court). The term "Director" will mean the Director of Corrective Services within the meaning of the *Periodic Detention Act 1995*. The reference to "levy" is to mean a levy imposed under subsection 34D(1) of the *Criminal Injuries Compensation Act 1983*.

Regulation 4 - Notice of liability

Subregulation (1) requires the appropriate court officer to cause a notice relating to liability to pay the levy to be served on a person who becomes liable to pay the levy. Where such a person is detained in custody, the notice is to be served on the Director of Corrective Services.

Subregulation (2) requires the Director of Corrective Services to cause a notice served on him or her to be given to the person liable to pay the levy.

Subregulation (3) specifies the requirements of a notice to pay the levy. The notice should be in writing, identify the person who is liable to pay the levy, specify the conviction to which the notice relates, state that liability arises under section 34D of the Act; specify the total amount of the levy payable, the amount outstanding, the place at which the payment is to be made, and the due date for payment. The notice should also state the following: that a court officer may, on

application by the person, extend the due date for payment; that any money paid to the Territory in respect of an offence is to be applied towards the discharge of liability to pay the levy before it is applied towards the discharge of liability for any pecuniary penalty imposed in respect of the offence; and that if any part of the levy is not paid after the due date, enforcement procedures may be initiated for the recovery of the unpaid amount.

Regulation 5 - Payment

Subregulation (1) provides that the due date for payment of a levy is 28 days after the date of relevant conviction.

Subregulation (2) enables the appropriate court officer to extend the due date for payment where an application is made by the person liable to pay it.

Subregulation (3) requires an application for extension of due date for payment to be in writing and to specify the grounds for the application. An application must be lodged with an appropriate court officer before the initial due date of payment.