



Australian Capital Territory

# **Criminal Injuries Compensation Act 1983**

**A1983-11**

**Republication No 4B**

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## About this republication

### The republished law

This is a republication of the *Criminal Injuries Compensation Act 1983* effective 6 October 1999 to 23 December 1999.

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- authorised republications to which the *Legislation Act 2001* applies
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### Editorial changes

The *Legislation (Republication) Act 1996*, part 3, division 2 authorised the Parliamentary Counsel to make editorial amendments and other changes of a formal nature when preparing a law for republication. Editorial changes do not change the effect of the law, but have effect as if they had been made by an Act commencing on the republication date (see *Legislation (Republication) Act 1996*, s 14 and s 16). The changes are made if the Parliamentary Counsel considers they are desirable to bring the law into line, or more closely into line, with current legislative drafting practice.



Australian Capital Territory

## **CRIMINAL INJURIES COMPENSATION ACT 1983**

This consolidation has been prepared by the ACT Parliamentary Counsel's Office

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Australian Capital Territory

## **CRIMINAL INJURIES COMPENSATION ACT 1983**

An Act relating to compensation for victims of crime and certain other persons

### **PART I—PRELIMINARY**

#### **1. Short title**

This Act may be cited as the *Criminal Injuries Compensation Act 1983*.<sup>1</sup>

#### **2. Interpretation**

##### **(1) In this Act, unless the contrary intention appears—**

“application” means an application for compensation under this Act;

“court”, in relation to an application, means—

- (a) the court that has jurisdiction under subsection 11 (1) or (2) to determine that application; or
- (b) if the Registrar of the Supreme Court has power to determine that application under subsection 11 (3)—the Registrar of the Supreme Court;

“criminal conduct” means an act or omission that constitutes, or is an element of, an offence;

“damage”, in relation to any property, includes the loss or destruction of that property;

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“dependant”, in relation to a person who died as a result of having sustained a prescribed injury, means—

- (a) a person who was wholly or partly dependent for economic support upon the deceased person at the time of the death of the deceased person, or who would have been so dependent but for an incapacity of the deceased person due to the prescribed injury; or
- (b) a child of the deceased person born after the death of the deceased person who, if he or she had been born before that death, would have been, or would but for that incapacity have been, so dependent;

“injury” means any physical or mental injury, and includes—

- (a) mental shock and nervous shock;
- (b) pregnancy;
- (c) the aggravation, acceleration or recurrence of any physical or mental injury;
- (d) the contraction, aggravation, acceleration or recurrence of a disease; and
- (e) damage to spectacles, a contact lens, a hearing aid, artificial teeth, an artificial limb or other artificial substitute, or a medical, surgical or other similar aid or appliance;

“inquiry” means an inquiry held by the Registrar of the Supreme Court under section 21;

“offence” means an offence against a law in force in the Territory;

“prescribed injury”, in relation to a person, means an injury sustained by the person in the Territory after the commencement of this Act—

- (a) as a result of the criminal conduct of another person; or
- (b) in the course of assisting a police officer in the exercise of the officer’s power to arrest a person or to take action to prevent the commission of an offence by a person;

“prescribed property damage”, in relation to a person, means damage to the property of the person sustained while the person was assisting a police officer in the exercise of the officer’s power to arrest a person or to take action to prevent the commission of an offence by a person;

**(2) In this Act—**

- (a) a reference to a person having been convicted of an offence shall be read as including a reference to a person having been charged before a court with an offence, being an offence that the court found to be proved but in respect of which the court did not proceed to conviction; and
- (b) a reference to a conviction shall, in relation to an offence referred to in paragraph (a), be read as including a reference to the finding by the court that the offence was proved.

**3. Evidence of criminal conduct**

**(1)** Where a person has been convicted of an offence and the conviction has not been set aside, then, unless an appeal from the conviction has been instituted and not determined, the conviction shall, for the purpose of an application made by any person, be conclusive evidence that the first-mentioned person did every act, and made every omission, that constituted or was an element of the offence.

**4. Legal capacity not material**

For the purposes of this Act, a person shall be taken to have intended an act or omission that, if done or made with intent, would have constituted criminal conduct notwithstanding that, by reason of age, mental condition, intoxication or otherwise, he or she was legally incapable of forming that intent.

**PART II—COMPENSATION**

**5. Persons to whom court may award compensation**

**(1)** Where a person sustains a prescribed injury, the court may, by order, award compensation—

- (a) to, or for the benefit of, that person; and
- (b) to any person who is responsible for the maintenance of the first-mentioned person and who has suffered pecuniary loss or incurred expense as a consequence of the injury.

**(2)** Where a person dies as a result of having sustained a prescribed injury, the court may, by order, award compensation to—

- (a) any person who was, immediately before the death of the first-mentioned person, responsible for the maintenance of that person and who has suffered pecuniary loss or incurred expense as a consequence of the injury or death; and

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- (b) any dependant of the first-mentioned person or, if there is no such dependant, any person who has incurred expense as a consequence of the death.

(3) The court may, by order, award compensation to a person who sustains prescribed property damage.

(4) Where a person has incurred expense (other than by way of fees paid to a legal practitioner) in making his or her application, the court may, in addition to any compensation awarded, by order, award to him or her an amount not exceeding the amount of that expense.

**6. Amount of compensation**

(1) The compensation that may be awarded to a person who has sustained a prescribed injury is an amount that is equal to the sum of—

- (a) the expense reasonably incurred by him or her as a consequence of the injury;
- (b) the pecuniary loss suffered by him or her as a consequence of total or partial incapacity for work due to the injury; and
- (c) an amount that will reasonably compensate him or her for pain or suffering resulting from the injury.

(2) The compensation that may be awarded to a person first referred to in paragraph 5 (1) (b) or 5 (2) (a) is an amount that is equal to the sum of the pecuniary loss suffered by him or her, and the expense reasonably incurred by him or her, as a consequence of the injury or death.

(3) The compensation that may be awarded to a dependant of a person who died as a result of having sustained a prescribed injury is an amount that is equal to the sum of the pecuniary loss suffered by him or her, and the expense reasonably incurred by him or her, as a consequence of the death.

(4) The compensation that may be awarded to a person last referred to in paragraph 5 (2) (b) is an amount that is equal to the expense reasonably incurred by him or her as a consequence of the death.

(5) The compensation that may be awarded to a person referred to in subsection 5 (3) is an amount that will reasonably compensate him or her for the damage to his or her property.

(6) Compensation awarded shall not include any amount in the nature of exemplary, vindictive or aggravated damages.



**7. Maximum amount of compensation**

- (1) The compensation that may be awarded in respect of—
- (a) a prescribed injury sustained by a person;
  - (b) the death of a person as a result of having sustained a prescribed injury;  
or
  - (c) prescribed property damage sustained by a person,

is an amount that does not, or amounts that in the aggregate do not, exceed \$50,000.

- (2) Where a person sustains 2 or more prescribed injuries—
- (a) at approximately the same time;
  - (b) as a result of the criminal conduct of each of 2 or more persons acting together; or
  - (c) otherwise arising out of the same circumstances,

those injuries shall, for the purposes of this section, be taken to be the one prescribed injury.

**8. Civil onus of proof for compensation**

Compensation shall not be awarded unless the court is satisfied, on the balance of probabilities, that—

- (a) the relevant injury is a prescribed injury; or
- (b) the relevant property damage is prescribed property damage.

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

- (1) Compensation shall not be awarded—
- (a) in respect of injury or death arising out of the use of a motor vehicle; or
  - (b) where the relevant prescribed injury was pregnancy—in respect of the maintenance of any child born as a result of that pregnancy.
- (2) Compensation shall not be awarded to a person if the amount of compensation that would, but for this subsection, have been awarded is an amount that is less than \$100.
- (3) Subsection (2) does not apply in relation to compensation that may be awarded in respect of prescribed property damage sustained by a person.

**10. Application for compensation**

**(1)** An application shall—

- (a) be in writing, supported by affidavit;
- (b) be in accordance with the form in the Schedule; and
- (c) be accompanied by a copy of—
  - (i) any relevant medical report;
  - (ii) any relevant statement made to a police officer;
  - (iii) any document showing the receipt of compensation for the relevant injury or property damage under any other law of the Territory or any law of the Commonwealth, a State or another Territory, or which is relevant to a claim for such compensation;
  - (iv) any document showing the receipt of any damages for the relevant injury or property damage, or which is relevant to a claim for such damages; or
  - (v) any other relevant document.

**(1A)** An applicant shall lodge the application, affidavit and each accompanying document with—

- (a) where subsection 11 (1) or (3) applies—the Registrar of the Supreme Court; or
- (b) where subsection 11 (2) applies—the Registrar of the Magistrates Court.

**(2)** Subject to subsection (3), an application shall be lodged within the period of 12 months commencing on the date on which the relevant prescribed injury or prescribed property damage was sustained.

**(3)** The court may, on application made at any time (whether before or after the expiration of the period referred to in subsection (2)), extend the time for the lodging of an application if the court considers it just to do so.

**(4)** Within 14 days after an application is received, the Registrar of the Supreme Court or of the Magistrates Court (as the case requires) shall—

- (a) forward a copy of the application, affidavit and each accompanying document to the Government Solicitor; and
- (b) by notice in writing to the applicant and to the Government Solicitor, fix a date, time and place for the determination of the application.

**11. Determination of applications**

(1) The Supreme Court has jurisdiction to determine an application in respect of a prescribed injury or prescribed property damage where, in respect of the relevant offence—

- (a) an indictment was presented in that court; or
- (b) a person was committed for trial or sentence in that court.

(2) The Magistrates Court has jurisdiction to determine an application in respect of a prescribed injury or prescribed property damage where, in respect of the relevant offence, an information was laid in that court and the Supreme Court does not have jurisdiction under subsection (1).

(3) The Registrar of the Supreme Court has power to determine an application in respect of a prescribed injury or prescribed property damage where, in respect of the relevant offence, an indictment has not been presented or an information laid.

(4) In the application of this section in relation to an application in respect of a prescribed injury or prescribed property damage sustained as a result of the criminal conduct of each of 2 or more persons acting together—

- (a) the reference in subsection (1), (2) or (3) to the relevant offence shall be read as a reference to any of the relevant offences; and
- (b) the second reference in subsection (2) to jurisdiction shall be read as a reference to jurisdiction by reason of any of the relevant offences.

**12. Procedure for determination of application by Magistrates Court**

(1) Subject to this section, the provisions of the *Magistrates Court (Civil Jurisdiction) Act 1982* apply in relation to proceedings in the Magistrates Court on an application as if those proceedings were proceedings instituted in the court by filing an application referred to in section 20 of the first-mentioned Act.

(2) On receiving an application transmitted to him or her under subsection 10 (4), the Registrar of the Magistrates Court shall—

- (a) fix a date, time and place for the determination of the application;
- (b) serve on the applicant notice in writing of the date, time and place so fixed; and
- (c) forward a copy of that notice to the Chief Executive.

(3) The Magistrates Court may proceed to determine an application in the absence of the applicant if the court is satisfied that he or she had reasonable notice of the proceedings.

**13. Conditions of award**

(1) An award of compensation may be made subject to such conditions as the court determines.

(2) Without limiting the generality of subsection (1), an award may be made subject to conditions relating to—

- (a) the disposal or apportionment of any amount to be paid in pursuance of the award; and
- (b) the holding of any amount to be so paid on trust for a person entitled to the benefit of that amount.

**15. Considerations relevant to the determination of compensation**

(1) In determining—

- (a) whether or not to make an order awarding compensation; or
- (b) the amount of compensation to be awarded,

the court shall have regard to any behaviour, condition, attitude or disposition of the applicant or the person who sustained the relevant prescribed injury or prescribed property damage which directly or indirectly contributed to that injury or damage, as the case may be.

(2) In determining the amount of compensation to be awarded, the court shall have regard to—

- (a) any pension or allowance under the *Social Security Act 1947* of the Commonwealth that the applicant is receiving or is entitled to receive as a consequence of the relevant prescribed injury;
- (b) any damages recovered by or for the benefit of the applicant in respect of the relevant prescribed injury or prescribed property damage or that would, in the opinion of the court, be likely to be so recovered if proceedings for the recovery of those damages were instituted in a court of competent jurisdiction;
- (c) any compensation paid or payable to or for the benefit of the applicant in respect of the relevant prescribed injury or prescribed property damage under another law of the Territory or under a law of the Commonwealth, a State or another Territory or that would, in the

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opinion of the court, be likely to be so payable if appropriate action were taken;

- (d) any order made by a court in favour of the applicant in respect of the relevant prescribed injury pursuant to section 437 of the Crimes Act, 1900 of the State of New South Wales in its application in the Territory;
- (e) any amount that the applicant has received or is entitled to receive—
  - (i) as a medicare benefit under the *Health Insurance Act 1973* of the Commonwealth; or
  - (ii) under a contract of insurance;whether by way of a reimbursement in whole or in part of any hospital or medical expenses incurred or otherwise, as a result of having sustained the relevant prescribed injury or prescribed property damage;
- (g) any amount that the applicant has received or is entitled to receive under an interim award of compensation made by the court;
- (h) whether the applicant or the person who sustained the relevant prescribed injury, as the case may be, was, when that injury was sustained, living with the person whose criminal conduct resulted in that injury as the spouse of that person or as a member of the household of that person; and
- (i) such other circumstances as the court considers relevant.

**16. Interim awards**

- (1) Subject to subsection (2), where the court—
  - (a) is satisfied that an award of compensation should be made to an applicant; and
  - (b) does not have sufficient information before it to enable it to determine finally the amount of compensation to be awarded,

the court may, if it thinks just, by order, make an interim award of compensation to the applicant pending the making of an order under section 5 in relation to that applicant.

- (2) An interim award made under this section to an applicant ceases to have effect when an order is made under section 5 in relation to that applicant.

**17. Restriction on publication**

(1) The court may make an order prohibiting the publication of any report or account of proceedings under this Act or any part of such proceedings if it is satisfied that it is necessary in the public interest to do so.

(2) The court may make an order prohibiting the publication of—

- (a) the name of—
  - (i) an applicant;
  - (ii) a person who sustained a prescribed injury; or
  - (iii) the person whose criminal conduct resulted in a prescribed injury; or
- (b) any particulars likely to lead to the identification of any of the persons referred to in paragraph (a),

if—

- (c) a person has not been convicted of any relevant offence; or
- (d) the court is satisfied that the making of such an order is necessary in the interests of the administration of justice.

(3) In considering whether or not to make an order under this section, the court shall have regard to the desirability of the public being made aware of the principles applied by the court with regard to applications.

(4) A person who publishes a report or account of proceedings under this Act or any part of such proceedings, or a name or particulars, in contravention of an order made by the court under this section is guilty of an offence punishable, on conviction, by a fine not exceeding 50 penalty units or imprisonment for 6 months, or both.

**18. Variation of an award**

(1) The court may, on application made by the Government Solicitor or by the person in whose favour an award was made, by order, vary an award of compensation by increasing or reducing the amount of compensation awarded, or otherwise.

(2) In considering an application under this section, the court shall have regard to—

- (a) any further evidence in relation to the circumstances in which the relevant prescribed injury or prescribed property damage was sustained

or the relevant criminal conduct occurred that has become available since the date on which the award was made;

- (b) any amounts received by or payable to the person in whose favour the award was made in respect of the relevant prescribed injury or prescribed property damage since the date on which the award was made;
- (c) any change in the economic circumstances of that person that has occurred since the date on which the award was made; and
- (d) any other matter that the court considers relevant.

**19. Determination of application by Registrar of the Supreme Court**

Where the Registrar of the Supreme Court has power under subsection 11 (3) to determine an application, this Act applies in relation to that application and in relation to any award of compensation made in pursuance of that application as if each reference in this Act to the court were a reference to the Registrar of the Supreme Court.

**20. Power of Registrar of the Supreme Court where criminal conduct not reported to police**

Where the Registrar of the Supreme Court has power under subsection 11 (3) to determine an application, the Registrar of the Supreme Court may, in his or her discretion, refuse to make an award of compensation to the applicant if he or she is satisfied that the criminal conduct as a result of which the prescribed injury was sustained was not reported to a police officer.

**21. Inquiry by Registrar of the Supreme Court**

(1) The Registrar of the Supreme Court shall not proceed to determine an application unless she or he has held an inquiry in relation to the application.

(2) Where the Registrar of the Supreme Court proposes to hold an inquiry, he or she shall—

- (a) fix a date, time and place for the holding of the inquiry;
- (b) serve on the applicant notice in writing of the date, time and place so fixed; and
- (c) forward a copy of that notice to the Government Solicitor.

(3) At an inquiry, the Registrar of the Supreme Court may—

- (a) examine witnesses on oath and, for that purpose, administer oaths; and

(b) proceed in the absence of the applicant if he or she is satisfied that the applicant had reasonable notice of the inquiry,  
and the Registrar of the Supreme Court may adjourn an inquiry from time to time.

**22. Power to summon witness**

The Registrar of the Supreme Court may, by writing signed by him or her, summon a person to attend before him or her on a date and at a time and place specified in the summons to give evidence at an inquiry and to produce at the inquiry such documents (if any) as are referred to in the summons.

**23. Failure of witness to attend**

A person served with a summons under section 22 to attend before the Registrar of the Supreme Court at an inquiry shall not, without reasonable excuse—

- (a) fail to attend as required by the summons; or
- (b) fail to attend from day to day unless excused or released from further attendance by the Registrar of the Supreme Court.

Penalty: 50 penalty units or imprisonment for 6 months, or both.

**24. Refusal of witness to be sworn etc.**

(1) A person attending before the Registrar of the Supreme Court at an inquiry shall not, without reasonable excuse—

- (a) refuse or fail to be sworn;
- (b) refuse or fail to answer a question that he or she is required by the Registrar of the Supreme Court to answer; or
- (c) refuse or fail to produce a document that he or she is required by a summons under section 22 served on him or her to produce.

Penalty: 50 penalty units or imprisonment for 6 months, or both.

(2) It is a defence to a prosecution for an offence against subsection (1) consisting of refusing or failing to answer a question or refusing or failing to produce a document that the question or document, as the case may be, was not relevant to the subject-matter of the inquiry.

**25. Protection of witness at inquiry**

A person attending before the Registrar of the Supreme Court to give evidence or to produce a document at an inquiry has the same protection, and is,



in addition to the penalties provided by this Act, subject to the same liabilities, as a witness in proceedings in the Supreme Court.

**26. Retention of documents**

The Registrar of the Supreme Court may retain a document produced at an inquiry for such time as is necessary and reasonable.

**27. Payment of compensation awarded**

Subject to this Act, where compensation is awarded to a person an amount equal to the amount of compensation so awarded is payable by the Territory to that person.

**28. Appeal to Supreme Court from determination of Registrar of the Supreme Court**

(1) Where the Registrar of the Supreme Court—

- (a) makes an award of compensation; or
- (b) refuses to make such an award,

the applicant or the Territory may appeal to the Supreme Court within 30 days after the date on which the Registrar of the Supreme Court made or refused to make the award, as the case may be.

(2) Jurisdiction to hear and determine appeals under this section is vested in the Supreme Court.

(3) An appeal under this section shall be by way of a re-hearing.

(4) On an appeal under this section, the Supreme Court may—

- (a) affirm, set aside or vary the determination of the Registrar of the Supreme Court; and
- (b) make such other order as it considers just.

**29. Recovery of compensation**

(1) Where—

- (a) an amount of compensation awarded under this Act has been paid to a person; and
- (b) in respect of the relevant prescribed injury or prescribed property damage—
  - (i) the person recovers damages, whether in the Territory or elsewhere; or

- (ii) compensation is paid to the person under another law of the Territory or under a law of the Commonwealth, a State or another Territory,

the person is liable to pay to the Territory—

- (c) if the amount of damages or compensation referred to in paragraph (b) is less than the amount of compensation awarded under this Act—an amount equal to the amount of damages or compensation referred to in paragraph (b); or
- (d) if the amount of damages or compensation referred to in paragraph (b) is equal to or exceeds the amount of compensation awarded under this Act—an amount equal to the amount of compensation awarded under this Act.

(2) A person who is liable under subsection (1) to pay an amount to the Territory shall, within 28 days after the date on which the liability to pay that amount arose, notify the Chief Executive in writing accordingly.

Penalty: 50 penalty units or imprisonment for 6 months, or both.

#### **29A. Recovery of compensation from offenders**

(1) This section applies where—

- (a) a person (in this section called “the offender”) is convicted of an offence;
- (b) another person receives an award of compensation under this Act in relation to any criminal conduct of the offender constituting, or forming an element of, that offence; and
- (c) at the time of that award neither the person referred to in paragraph (b) nor any other person has, in relation to the relevant prescribed injury, taken any action to recover—
  - (i) damages, whether in the Territory or elsewhere; or
  - (ii) compensation under any other law of the Territory or under any law of the Commonwealth, a State or another Territory.

(2) Where this section applies, the offender is liable to pay to the Territory an amount equal to the amount of the relevant award of compensation under this Act.

(3) Where there is more than 1 offender, each offender is jointly and severally liable under subsection (2).

**29B. Reimbursement of offender**

**(1)** Where—

- (a) section 29A applies in relation to an award of compensation under this Act; and
- (b) subsection 29 (1) applies in relation to the same award of compensation;

the Territory is liable to pay to each relevant offender an amount equal to—

- (c) any amount paid by the offender under subsection 29A (2); or
- (d) the amount of damages or compensation referred to in paragraph 29 (1) (b);

whichever is less.

**(2)** Where paragraphs (1) (a) and (b) apply, on the request in writing of the relevant offender the Territory may pay an amount equal to part or all of the amount referred to in paragraph (1) (c) or (d) to another person or persons nominated by the offender instead of paying such an amount to the offender.

**30. Certificate of order and arrangements for payment**

**(1)** Where an award of compensation is made by the Supreme Court or the Registrar of the Supreme Court, the Registrar of the Supreme Court shall—

- (a) furnish the applicant with a certified copy of the order by which the award is made; and
- (b) transmit a certified copy of that order to the Government Solicitor.

**(2)** Where an award of compensation is made by the Magistrates Court, the Registrar of the Magistrates Court shall—

- (a) furnish the applicant with a certified copy of the order by which the award is made;
- (b) transmit a certified copy of that order to the Government Solicitor; and
- (c) transmit a copy of that order to the Registrar of the Supreme Court.

**(3)** On receiving a certified copy of an order transmitted under subsection (1) or (2), the Government Solicitor shall make arrangements for payment of compensation in accordance with the award.

**31. Compensation not subject to attachment etc.**

Compensation paid or payable—

- (a) is not subject to attachment under a law, other than a Commonwealth Act, in force in the Territory;
- (b) is not capable of being assigned, charged or taken in execution; and
- (c) shall not be made the subject of a set-off in any proceedings.

**32. Other rights not affected**

The making of an award of compensation does not affect the rights or liabilities of any person under any other law in force in the Territory in relation to the relevant prescribed injury or prescribed property damage or the relevant criminal conduct.

**33. Service of documents**

A notice or summons under this Act may be served on a person—

- (a) by delivering the notice or summons to him or her personally;
- (b) by leaving the notice or summons at his or her last-known place of residence or business with a person apparently resident or employed at that place and apparently over the age of 16 years; or
- (c) by sending the notice or summons by post addressed to him or her at his or her last-known place of residence or business.

**34. Commonwealth as party to proceedings**

The Territory has a right of appearance in any proceedings before a court or the Registrar of the Supreme Court on an application for compensation under this Act.

**PART III—COMPENSATION LEVY**

**34A. Interpretation**

In this Part—

“levy” means the levy imposed under subsection 34D (1).

**34B. Application of Part**

- (1) Subject to subsection (2), this Part applies to all offences that are dealt with by the Supreme Court, the Magistrates Court, or the Childrens Court.
- (2) This Part does not apply to an offence—
  - (a) in respect of which a reparation order is made under—

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- (i) section 437 of the *Crimes Act 1900*;
  - (ii) section 47 of the *Children's Services Act 1986*; or
  - (iii) section 21B of the *Crimes Act 1914* of the Commonwealth; or
- (b) in respect of which an infringement notice has been served.

**(3)** In subsection (2)—

“infringement notice” means—

- (b) an offence notice under the *Drugs of Dependence Act 1989*;
- (c) a litter notice under the *Litter Act 1977*; or
- (d) an infringement notice under the *Dog Control Act 1975*, the *Motor Omnibus Services Act 1955*, the *Motor Traffic Act 1936*, the *Nature Conservation Act 1980*, the *Sale of Motor Vehicles Act 1977* or the *Motor Vehicles (Dimensions and Mass) Act 1990*.

**34C. Extended meaning of conviction**

For the purposes of this Part, a person who has committed an offence—

- (a) in respect of which an order has been made under—
  - (i) subsection 556A (1) of the *Crimes Act 1900*;
  - (ii) section 48 of the *Children's Services Act 1986*; or
  - (iii) subsection 19B (1) of the *Crimes Act 1914* of the Commonwealth; or
- (b) that has been taken into account under section 448 of the *Crimes Act 1900*;

shall be taken to have been convicted of that offence.

**34D. Imposition of levy**

**(1)** A person who, after the commencement of this section, is convicted of an offence to which this Part applies (whether the offence was committed before or after that commencement) is liable to pay to the Territory a levy of \$30.

**(2)** The levy is in addition to, and does not form part of, any pecuniary penalty imposed in respect of the offence.

**(3)** Any money paid to the Territory in respect of an offence to which this Part applies is to be applied towards the discharge of liability for the levy before

it is applied towards the discharge of liability for any pecuniary penalty imposed in respect of the offence.

**34E. Exemptions**

- (1) A person who is under 18 years of age is not liable to pay the levy if the court by which the person is convicted directs (whether at the time of conviction or at any later time) that the person is exempt from liability to pay the levy.
- (2) The court before which a person is convicted of an offence may exempt the person from liability to pay the levy in respect of—
  - (a) that offence if, earlier on the same day, the court had convicted the person of another offence; or
  - (b) another offence which the court has taken into account under section 448 of the *Crimes Act 1900* in passing sentence for the first-mentioned offence.

**34F. Effect of appeal etc.**

- (1) The commencement of any proceedings by way of appeal against, or review of, a conviction for an offence in respect of which a levy is imposed on a person stays the liability of the person to pay the levy.
- (2) The setting aside of a conviction of a person annuls the liability of the person to pay the levy.
- (3) The dismissal of proceedings by way of appeal against, or review of, a conviction removes the stay of liability.

**PART IV—MISCELLANEOUS**

**35. Annual report**

- (1) The Registrar of the Supreme Court shall, within 60 days after the end of each financial year, submit to the Attorney-General a report in writing setting out—
  - (a) the number of applications for compensation made during that year;
  - (b) particulars of awards of compensation made in pursuance of those applications;
  - (c) a brief description of the facts and circumstances to which those applications related; and

*Criminal Injuries Compensation Act 1983*

- (d) such other particulars relating to the operation of this Act during that year as the Registrar of the Supreme Court thinks fit.

**(2)** The Attorney-General shall cause a report referred to in subsection (1) to be laid before the Legislative Assembly within 15 sitting days of the Assembly after its receipt by the Attorney-General.

**36. Regulations**

The Executive 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.

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*Criminal Injuries Compensation Act 1983*

**SCHEDULE**

Section 10

**AUSTRALIAN CAPITAL TERRITORY**

*Criminal Injuries Compensation Act 1983*

To: The Registrar of the Supreme Court of the  
Australian Capital Territory\*

The Registrar of the Magistrates Court of the  
Australian Capital Territory\*

I, \_\_\_\_\_ of \_\_\_\_\_  
apply for an award of compensation under the *Criminal Injuries Compensation Act 1983*.

1. This application is made by me—

- \*(a) in respect of an injury (*or* property damage) sustained by me;
- \*(b) as a person who is responsible for the maintenance of (*name*) (being a person who has sustained an injury) and who has suffered pecuniary loss or incurred expense as a consequence of the injury;
- \*(c) as a person who was, immediately before the death of (*name of deceased*) (being a person who died as a result of having sustained an injury), responsible for his or her maintenance and who has suffered pecuniary loss or incurred expense as a consequence of the injury (*or* death);
- \*(d) as a person who was a dependant of (*name of deceased*) (being a person who died as a result of having sustained an injury);
- \*(e) as a person who has incurred expense as a consequence of the death of (*name of deceased*) (being a person who died as a result of having sustained an injury), there being no persons who were dependants of the deceased.

2. Date on which relevant injury (*or* property damage) was sustained:

3. Particulars of the relevant injury (*or* property damage):

4. Circumstances in which the relevant injury (*or* property damage) was sustained (including particulars in so far as they are known to me) of the action of any person as a result of which the relevant injury (*or* property damage) was sustained:

5. Names and addresses of persons (if any) who are able to give evidence on my behalf in support of this application and the nature of that evidence:

6. The action of a person as a result of which the relevant injury was sustained has (*or* has not) been reported to a police officer:

7. Steps taken to enforce rights or to pursue remedies in respect of the relevant injury (*or* property damage):

9. Particulars of any damages recovered by me, or compensation or other amount paid or payable to me, in respect of the relevant injury (*or* property damage):

10. Particulars of any criminal proceedings, including proceedings by way of appeal instituted against a person whose action resulted in the relevant injury (*or* property damage) being sustained (in so far as those particulars are known to me):

11. Copies of the following documents relevant to this application are attached:

Dated \_\_\_\_\_ 19 \_\_\_\_ .

.....  
(Applicant)

\* Strike out if inapplicable



## *Criminal Injuries Compensation Act 1983*

### NOTES

1. The *Criminal Injuries Compensation Act 1983* as shown in this reprint comprises Act No. 11, 1983 amended as indicated in the Tables below.

The Australian Capital Territory received Self-Government on 11 May 1989.

For details regarding the application of the *Criminal Injuries Compensation Act 1983* from 11 May 1989 to 1 July 1990 see the *Australian Capital Territory (Self-Government) Act 1988* of the Commonwealth (No. 106, 1988) and the *A.C.T. Self-Government (Consequential Provisions) Act 1988* of the Commonwealth (No. 109, 1988), in particular sections 3, 34 and Schedules 3 and 5 and section 12 respectively. The *Self-Government (Citation of Laws) Act 1989* (No. 21, 1989) and the *Reserved Laws (Interpretation) Ordinance 1989* (No. 25, 1989) effect the citation change of Ordinance to Act and affect references to Commonwealth legislation.

2. The *Legislation (Republication) Act 1996* (No. 51, 1996) authorises the Parliamentary Counsel in preparing a law for republication, to make certain editorial and other formal amendments in accordance with current legislative drafting practice. Those amendments make no change in the law. Amendments made pursuant to that Act do not appear in the Table of Amendments but details may be obtained on request from the Parliamentary Counsel's Office.

**Table of Laws**

Law	Number and year	Date of notification in <i>Gazette</i>	Date of commencement	Application, saving or transitional provisions
<i>Criminal Injuries Compensation Ordinance 1983</i>	11, 1983	30 June 1983	30 June 1983	
<i>Magistrates Court Ordinance 1985</i>	67, 1985	19 Dec 1985	1 Feb 1986 (see <i>Gazette</i> 1986, No. G3, p. 265)	—
<i>Criminal Injuries Compensation (Amendment) Ordinance 1986</i>	28, 1986	31 July 1986	31 July 1986	S. 2 (2)
<i>Criminal Injuries Compensation (Amendment) Ordinance 1988</i>	89, 1988	21 Dec 1988	21 Dec 1988	S. 4
<i>Self-Government (Consequential Amendments) Ordinance 1990</i>	5, 1990	27 June 1990	Ss. 1 and 2: 27 June 1990 Remainder: 1 July 1990	S. 6 (2)
<i>Criminal Injuries Compensation (Amendment) Act 1991</i>	13, 1991	30 Apr 1991	30 Apr 1991	S. 12
<i>Magistrates and Coroner's Courts (Registrar) Act 1991</i>	44, 1991	20 Sept 1991	Ss. 1 and 2: 20 Sept 1991 Remainder: 25 Sept 1991 (see <i>Gazette</i> 1991, No. S103, p. 2)	—
<i>Criminal Injuries Compensation (Amendment) Act 1992</i>	7, 1992	28 May 1992	28 May 1992	S. 7

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**NOTES—continued**

**Table of Laws—continued**

Law	Number and year	Date of notification in Gazette	Date of commencement	Application, saving or transitional provisions
<i>Public Sector Management (Consequential and Transitional Provisions) Act 1994</i>	38, 1994	30 June 1994	Ss. 1 and 2: 30 June 1994 Remainder: 1 July 1994 (see Gazette 1994, No. S142, p. 2)	Ss. 3, 5-12, 15 and 19
<b>(Reprinted as at 31 July 1994)</b>				
<i>Statute Law Revision (Penalties) Act 1994</i>	81, 1994	29 Nov 1994	Ss. 1 and 2: 29 Nov 1994 Remainder: 29 Nov 1994 (see Gazette 1994, No. S269, p. 2)	—
<i>Criminal Injuries Compensation (Amendment) Act 1996</i>	68, 1996	20 Dec 1996	Ss. 1-3: 20 Dec 1996 Remainder: 1 Jan 1997 (see Gazette 1996, No. S352, p. 2)	—
<b>(Reprinted as at 1 January 1997)</b>				
<i>Legal Practitioners (Consequential Amendments) Act 1997</i>	96, 1997	1 Dec 1997	Ss. 1 and 2: 1 Dec 1997 Remainder: 1 June 1998 (see s. 2 (2))	—
<i>Motor Traffic (Amendment) Act (No. 2) 1999</i>	1999 No 50	17 Sept 1999	ss 1-3: 17 Sept 1999 remainder (ss 4-19): 6 Oct 1999 (see Gaz 1999, No S58, p 2)	—

**Table of Amendments**

ad. = added or inserted    am. = amended    rep. = repealed    rs. = repealed and substituted

Provision	How affected
hdg to pt 1 .....	ins 1996 No 68
s 2 .....	am 1985 No 67; 1990 No 5; 1991 Nos 13 and 44; 1992 No 7
s 3 .....	am 1991 No 13
s 4 .....	am 1990 No 5
hdg to pt 2 .....	ins 1996 No 68

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**NOTES—continued**

**Table of Amendments—continued**

ad. = added or inserted    am. = amended    rep. = repealed    rs. = repealed and substituted

Provision	How affected
s 5.....	am 1990 No 5; 1997 No 96
s 6.....	am 1990 No 5
s 7.....	am 1986 No 28; 1991 No 13
s 10.....	am 1985 No 67; 1990 No 5; 1991 Nos 13 and 44; 1992 No 7
s 11.....	am 1985 No 67; 1988 No 89; 1992 No 7
s 12.....	am 1985 No 67; 1990 No 5; 1991 No 44; 1992 No 7; 1994 No 38
s 14.....	am 1990 No 5
	om 1991 No 13
s 15.....	am 1990 No 5; 1991 No 13
s 17.....	am 1994 No 81
s 18.....	am 1991 No 13; 1992 No 7
s 19.....	am 1992 No 7
s 20.....	am 1990 No 5; 1992 No 7
s 21.....	am 1991 No 13; 1992 No 7
s 22.....	am 1990 No 5; 1992 No 7
s 23.....	am 1992 No 7; 1994 No 81
s 24.....	am 1990 No 5; 1992 No 7; 1994 No 81
ss 25, 26.....	am 1992 No 7
s 27.....	am 1990 No 5
s 28.....	am 1990 No 5; 1992 No 7
s 29.....	am 1990 No 5; 1994 Nos 38 and 81
ss 29A, 29B.....	ins 1991 No 13
s 30.....	am 1985 No 67; 1990 No 5; 1991 Nos 13 and 44; 1992 No 7
s 31.....	am 1990 No 5
s 33.....	am 1990 No 5
s 34.....	am 1990 No 5; 1992 No 7
pt 3 (ss 34A-34F).....	ins 1996 No 68
s 34A.....	ins 1996 No 68
s 34B.....	ins 1996 No 68
	am 1999 No 50
ss 34C-34F.....	ins 1996 No 68
hdg to pt 4.....	ins 1996 No 68
s 35.....	am 1990 No 5; 1992 No 7
s 36.....	am 1990 No 5
sch.....	am 1991 Nos 13 and 44

*Criminal Injuries Compensation Act 1983*

**NOTES—continued**

**Table of Amendments—continued**

ad. = added or inserted    am. = amended    rep. = repealed    rs. = repealed and substituted

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Provision	How affected
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