

AUSTRALIAN CAPITAL TERRITORY

Criminal Injuries Compensation (Amendment) Ordinance 1988

No. 89 of 1988

I, THE GOVERNOR-GENERAL of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, hereby make the following Ordinance under the *Seat of Government (Administration) Act 1910*.

Dated 15 December 1988

N. M. STEPHEN
Governor-General

By His Excellency's Command,

LIONEL BOWEN
Attorney-General

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

Short title

1. This Ordinance may be cited as the *Criminal Injuries Compensation (Amendment) Ordinance 1988*.¹

Principal Ordinance

2. In this Ordinance, "Principal Ordinance" means the *Criminal Injuries Compensation Ordinance 1983*.²

Determination of applications

3. Section 11 of the Principal Ordinance is amended—

- (a) by omitting paragraphs (1) (a) and (b) and substituting the following paragraphs:

(Ord. 84 /88)—Cat. No.

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- “(a) an indictment was presented in that court; or
- (b) a person was committed for trial or sentence in that court.”;
- (b) by omitting from subsection (2) all the words after “relevant” and substituting “offence, an information was laid in that court and the Supreme Court does not have jurisdiction under subsection (1)”;
- (c) by omitting from subsection (3) all the words after “where” and substituting “, in respect of the relevant offence, an indictment has not been presented or an information laid”; and
- (d) by adding at the end the following subsection:
 - “(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.”.

Transitional

4. (1) The amendment effected by paragraph 3 (b) applies in relation to proceedings in the Magistrates Court on an application which—

- (a) was lodged with the Registrar before the commencement of this Ordinance; and
- (b) had not been determined before that commencement.

(2) Where, in relation to a prescribed injury or prescribed property damage sustained by a person before the commencement of this Ordinance—

- (a) the Magistrates Court lacked jurisdiction under the Principal Ordinance;
- (b) that court would have had that jurisdiction if the amendment effected by paragraph 3 (b) had commenced on the commencement of the Principal Ordinance; and

- (c) an application in respect of that injury or damage is lodged with the Registrar within 12 months after the commencement of this Ordinance;

the Principal Ordinance as amended by this Ordinance applies in relation to that application as if the injury or damage had been sustained on the date of commencement of this Ordinance.

NOTES

1. Notified in the *Commonwealth of Australia Gazette* on 21 December 1988.
2. No. 11, 1983 as amended by No. 28, 1986.