



Australian Capital Territory

# **Victims of Crime (Financial Assistance) Regulations 1998**

**SL1998-24**

made under the

**Victims of Crime (Financial Assistance) Act 1983**

**Republication No 3**

**Effective: 25 August 2004 – 2 November 2004**

Republication date: 25 August 2004

Last amendment made by A2004-42

Authorised by the ACT Parliamentary Counsel

## About this republication

### The republished law

This is a republication of the *Victims of Crime (Financial Assistance) Regulations 1998*, made under the *Victims of Crime (Financial Assistance) Act 1983* (including any amendment made under the *Legislation Act 2001*, part 11.3 (Editorial changes)) as in force on 25 August 2004. It also includes any amendment, repeal or expiry affecting the republished law to 25 August 2004.

The legislation history and amendment history of the republished law are set out in endnotes 3 and 4.

### Kinds of republications

The Parliamentary Counsel's Office prepares 2 kinds of republications of ACT laws (see the ACT legislation register at [www.legislation.act.gov.au](http://www.legislation.act.gov.au)):

- authorised republications to which the *Legislation Act 2001* applies
- unauthorised republications.

The status of this republication appears on the bottom of each page.

### Editorial changes

The *Legislation Act 2001*, part 11.3 authorises 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 Act 2001*, s 115 and s 117). 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.

This republication does not include amendments made under part 11.3 (see endnote 1).

### Uncommenced provisions and amendments

If a provision of the republished law has not commenced or is affected by an uncommenced amendment, the symbol **U** appears immediately before the provision heading. The text of the uncommenced provision or amendment appears only in the last endnote.

### Modifications

If a provision of the republished law is affected by a current modification, the symbol **M** appears immediately before the provision heading. The text of the modifying provision appears in the endnotes. For the legal status of modifications, see *Legislation Act 2001*, section 95.

### Penalties

The value of a penalty unit for an offence against this republished law at the republication date is—

- (a) if the person charged is an individual—\$100; or
- (b) if the person charged is a corporation—\$500.



Australian Capital Territory

# Victims of Crime (Financial Assistance) Regulations 1998

made under the

**Victims of Crime (Financial Assistance) Act 1983**

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R3  
25/08/04

Victims of Crime (Financial Assistance) Regulations 1998  
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Australian Capital Territory

# **Victims of Crime (Financial Assistance) Regulations 1998**

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made under the

**Victims of Crime (Financial Assistance) Act 1983**

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**1 Name of regulations**

These regulations are the *Victims of Crime (Financial Assistance) Regulations 1998*.

**2 Dictionary**

The dictionary at the end of these regulations is part of these regulations.

*Note 1* The dictionary at the end of these regulations defines certain terms used in these regulations.

*Note 2* A definition in the dictionary applies to the entire regulations unless the definition, or another provision of the regulations, provides otherwise or the contrary intention otherwise appears (see Legislation Act, s 155 and s 156 (1)).

**3 Notes**

A note included in these regulations is explanatory and is not part of these regulations.

*Note* See Legislation Act, s 127 (1), (4) and (5) for the legal status of notes.

**3A Maximum legal fees**

For the Act, section 47, the maximum amount of legal fees that a lawyer may charge or recover in respect of proceedings under the Act is \$650.

**4 Notice of liability**

- (1) Where a person becomes liable to pay a levy, the appropriate court officer shall cause a notice to be served—
  - (a) if the person is detained in custody at the time the notice is to be served—on the director of corrective services; or
  - (b) in any other case—on the person.

- (2) After being served with a notice under subregulation (1) (a) in respect of a person, the director of corrective services shall cause the notice to be given to the person.
- (3) A notice shall—
  - (a) be in writing; and
  - (b) identify the person who is liable to pay the levy; and
  - (c) specify the conviction to which the notice relates; and
  - (d) contain a statement to the effect that the person is liable to pay the levy under the Act, section 68; and
  - (e) specify the total amount of the levy and the amount which is unpaid at the date of the notice; and
  - (f) specify the place at which the levy is to be paid; and
  - (g) specify the date by which the levy is to be paid; and
  - (h) contain a statement to the effect that, under regulation 5, the appropriate court officer may, on application by the person, fix a later date for payment of the levy; and
  - (i) contain a statement to the effect that, under the Act, section 68, any money paid to the Territory in respect of the offence which gave rise to the liability for the levy 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; and
  - (j) contain a statement to the effect that if any part of the levy is unpaid after the date for payment, enforcement procedures may be initiated for the recovery of the unpaid amount.

**5 Payment**

- (1) The date for payment of a levy is 28 days after the date of the conviction which gave rise to the liability to pay the levy, subject to subregulation (2).
- (2) On application by a person who is liable to pay a levy, the appropriate court officer may fix a later date for payment of the levy.
- (3) An application for a later date for payment shall—
  - (a) be made in writing; and
  - (b) specify the grounds on which it is made; and
  - (c) be lodged with the appropriate court officer before the initial date for payment under subregulation (1).



## Dictionary

(see reg 2)

*Note 1* The Legislation Act contains definitions and other provisions relevant to these regulations.

*Note 2* In particular, the Legislation Act, dict, pt 1, defines the following terms:

- lawyer
- Magistrates Court
- registrar
- Supreme Court
- the Territory.

***appropriate court officer*** means—

- (a) for levy imposed in relation to an offence dealt with by the Supreme Court—the registrar of the Supreme Court; or
- (b) for levy imposed in relation to an offence dealt with by the Magistrates Court—the registrar of the Magistrates Court.

***levy*** means a levy imposed under the Act, section 68 (1).

## Endnotes

1 About the endnotes

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## Endnotes

### 1 About the endnotes

Amending and modifying laws are annotated in the legislation history and the amendment history. Current modifications are not included in the republished law but are set out in the endnotes.

Not all editorial amendments made under the *Legislation Act 2001*, part 11.3 are annotated in the amendment history. Full details of any amendments can be obtained from the Parliamentary Counsel's Office.

Uncommenced amending laws and expiries are listed in the legislation history and the amendment history. These details are underlined. Uncommenced provisions and amendments are not included in the republished law but are set out in the last endnote.

If all the provisions of the law have been renumbered, a table of renumbered provisions gives details of previous and current numbering.

The endnotes also include a table of earlier republications.

### 2 Abbreviation key

am = amended	ord = ordinance
amdt = amendment	orig = original
ch = chapter	par = paragraph/subparagraph
cl = clause	pres = present
def = definition	prev = previous
dict = dictionary	(prev...) = previously
disallowed = disallowed by the Legislative Assembly	pt = part
div = division	r = rule/subrule
exp = expires/expired	reg = regulation/subregulation
Gaz = Gazette	renum = renumbered
hdg = heading	reloc = relocated
IA = Interpretation Act 1967	R[X] = Republication No
ins = inserted/added	RI = reissue
LA = Legislation Act 2001	s = section/subsection
LR = legislation register	sch = schedule
LRA = Legislation (Republication) Act 1996	sdiv = subdivision
mod = modified/modification	sub = substituted
o = order	SL = Subordinate Law
om = omitted/repealed	<u>underlining</u> = whole or part not commenced or to be expired

### 3 Legislation history

The *Victims of Crime (Financial Assistance) Regulations 1998* were originally the *Criminal Injuries Compensation Regulations*. They were renamed as the *Victims of Crime (Financial Assistance) Regulations* by the *Victims of Crime (Financial Assistance) (Amendment) Act 1999* (see sch 3) and as the *Victims of Crime (Financial Assistance) Regulations 1998* in republication 2.

#### **Criminal Injuries Compensation Regulations SL No 24**

notified 26 June 1998

commenced 26 June 1998 (s 2)

as amended by

#### **Victims of Crime (Financial Assistance) (Amendment) Act 1999 No 91 sch 3**

notified 23 December 1999 (Gaz 1999 No S65)

s 1, s 2 commenced 23 December 1999 (s 2 (1))

sch 3 commenced 24 December 1999 (Gaz 1999 No S69)

#### **Legislation (Consequential Amendments) Act 2001 No 44 pt 410**

notified 26 July 2001 (Gaz 2001 No 30)

s 1, s 2 commenced 26 July 2001 (IA s 10B)

pt 410 commenced 12 September 2001 (s 2 and see Gaz 2001 No S65)

#### **Statute Law Amendment Act 2004 A2004-42 sch 3 pt 3.20**

notified LR 11 August 2004

s 1, s 2 commenced 11 August 2004 (LA s 75 (1))

sch 3 pt 3.20 commenced 25 August 2004 (s 2 (1))

### 4 Amendment history

#### **Name of regulations**

reg 1 am Act 1999 No 91 sch 3; R2 (LA)  
sub A2004-42 amdt 3.88

#### **Dictionary**

reg 2 om Act 2001 No 44 amdt 1.4251  
ins A2004-42 amdt 3.89

## Endnotes

### 5 Earlier republications

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#### Notes

reg 3 am Act 1999 No 91 sch 3; Act 2001 No 44 amdt 1.4252  
sub A2004-42 amdt 3.89  
def **Act** om Act 2001 No 44 amdt 1.4253  
def **appropriate** om A2004-42 amdt 3.89  
def **director** om A2004-42 amdt 3.89  
def **levy** om A2004-42 amdt 3.89

#### Maximum legal fees

reg 3A am Act 1999 No 91 sch 3; A2004-42 amdt 3.90

#### Notice of liability

reg 4 am Act 1999 No 91 sch 3; A2004-42 amdt 3.91-3.93

#### Payment

reg 5 am A2004-42 amdt 3.94

#### Dictionary

dict ins A2004-42 amdt 3.95  
def **appropriate court officer** ins A2004-42 amdt 3.95  
def **levy** ins A2004-42 amdt 3.95

## 5 Earlier republications

Some earlier republications were not numbered. The number in column 1 refers to the publication order.

Since 12 September 2001 every authorised republication has been published in electronic pdf format on the ACT legislation register. A selection of authorised republications have also been published in printed format. These republications are marked with an asterisk (\*) in column 1. Except for the footer, electronic and printed versions of an authorised republication are identical.

Republication No	Amendments to	Republication date
1	Act 1999 No 91	1 March 2000
2	SL2001-44	12 September 2001

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