



Australian Capital Territory

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

**SL1998-24**

made under the

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

**Republication No 6**

**Effective: 1 July 2011 – 17 September 2012**

Republication date: 1 July 2011

Last amendment made by A2011-22

Authorised by the ACT Parliamentary Counsel

## About this republication

### The republished law

This is a republication of the *Victims of Crime (Financial Assistance) Regulation 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 1 July 2011. It also includes any commencement, amendment, repeal or expiry affecting this republished law to 1 July 2011.

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, the symbol **U** appears immediately before the provision heading. Any uncommenced amendments that affect this republished law are accessible on the ACT legislation register ([www.legislation.act.gov.au](http://www.legislation.act.gov.au)). For more information, see the home page for this law on the register.

### 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 the *Legislation Act 2001*, section 95.

### Penalties

At the republication date, the value of a penalty unit for an offence against this law is \$110 for an individual and \$550 for a corporation (see *Legislation Act 2001*, s 133).



Australian Capital Territory

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R6  
01/07/11

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Australian Capital Territory

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

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made under the

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

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**1 Name of regulation**

This regulation is the *Victims of Crime (Financial Assistance) Regulation 1998*.

**2 Dictionary**

The dictionary at the end of this regulation is part of this regulation.

*Note 1* The dictionary at the end of this regulation defines certain terms used in this regulation.

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

**3 Notes**

A note included in this regulation is explanatory and is not part of this regulation.

*Note* See the 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 relation to a proceeding under the Act is \$650.

**4 Notice of liability**

- (1) If a person becomes liable to pay a levy, the appropriate court officer must serve a notice—
  - (a) if the person is detained in custody at the time the notice is to be served—on the director-general; or
  - (b) in any other case—on the person.

- (2) After being served with a notice under subsection (1) (a) in relation to a person, the director-general must give the notice to the person.
- (3) A notice must—
  - (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 that is unpaid at the date of the notice; and
  - (f) specify the place where 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 section 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 relation to the offence that 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 relation to 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 that gave rise to the liability to pay the levy, subject to subsection (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 must—
  - (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 subsection (1).



## Dictionary

(see s 2)

*Note 1* The Legislation Act contains definitions and other provisions relevant to this regulation.

*Note 2* For example, the Legislation Act, dict, pt 1, defines the following terms:

- director-general (see s 163)
- 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

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

### 3 Legislation history

This regulation was originally the *Criminal Injuries Compensation Regulations*. It was renamed by the *Victims of Crime (Financial Assistance) (Amendment) Act 1999* A1999-91 (see sch 3) and under the *Legislation Act 2001*.

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

#### **Sentencing Legislation Amendment Act 2006 A2006-23 sch 1 pt 1.38**

notified LR 18 May 2006

s 1, s 2 commenced 18 May 2006 (LA s 75 (1))

sch 1 pt 1.38 commenced 2 June 2006 (s 2 (1) and see Crimes (Sentence Administration) Act 2005 A2005-59 s 2, Crimes (Sentencing) Act 2005 A2005-58, s 2 and LA s 79)

#### **Administrative (One ACT Public Service Miscellaneous Amendments) Act 2011 A2011-22 sch 1 pt 1.169**

notified LR 30 June 2011

s 1, s 2 commenced 30 June 2011 (LA s 75 (1))

sch 1 pt 1.169 commenced 1 July 2011 (s 2 (1))

## Endnotes

4 Amendment history

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### 4 Amendment history

#### Name of regulation

s 1 am Act 1999 No 91 sch 3; R2 LA  
sub A2004-42 amdt 3.88  
am R4 LA

#### Dictionary

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

#### Notes

s 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

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

#### Notice of liability

s 4 am Act 1999 No 91 sch 3; A2004-42 amdt 3.91-3.93;  
A2006-23 amdt 1.310; A2011-22 amdt 1.470

#### Payment

s 5 am A2004-42 amdt 3.94

#### Dictionary

dict ins A2004-42 amdt 3.95  
am A2011-22 amdt 1.471  
def **appropriate court officer** ins A2004-42 amdt 3.95  
def **levy** ins A2004-42 amdt 3.95

## 5 Earlier replications

Some earlier replications 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 replications have also been published in printed format. These replications are marked with an asterisk (\*) in column 1. Electronic and printed versions of an authorised republication are identical.

Replication No	Amendments to	Replication date
1	A1999-91	1 March 2000
2	A2001-44	12 September 2001
3	A2004-42	25 August 2004
4	A2004-42	3 November 2004
5	A2006-23	2 June 2006

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