



AUSTRALIAN CAPITAL TERRITORY

## **Criminal Injuries Compensation (Amendment) Act 1996**

**No. 68 of 1996**

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### **An Act to amend the *Criminal Injuries Compensation Act 1983* and for related purposes**

*[Notified in ACT Gazette S328: 20 December 1996]*

The Legislative Assembly for the Australian Capital Territory enacts as follows:

#### **Short title**

**1.** This Act may be cited as the *Criminal Injuries Compensation (Amendment) Act 1996*.

#### **Commencement**

**2. (1)** Sections 1, 2 and 3 commence on the day on which this Act is notified in the *Gazette*.

**(2)** The remaining provisions commence on a day fixed by the Minister by notice in the *Gazette*.

**(3)** If a provision referred to in subsection (2) has not commenced before the end of the period of 6 months commencing on the day on which this Act is notified in the *Gazette*, that provision, by force of this subsection, commences on the first day after the end of that period.

#### **Principal Act**

**3.** In this Act, “Principal Act” means the *Criminal Injuries Compensation Act 1983*.<sup>1</sup>

**Heading—Part I**

4. Before section 1 of the Principal Act the following heading is inserted:

**“PART I—PRELIMINARY”.**

**Heading—Part II**

5. After section 4 of the Principal Act the following heading is inserted:

**“PART II—COMPENSATION”.**

**Insertion**

6. After section 34 of the Principal Act the following Part and heading are inserted:

**“PART III—COMPENSATION LEVY**

**Interpretation**

“34A. In this Part—

‘levy’ means the levy imposed under subsection 34D (1).

**Application of Part**

“34B. (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—

(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—

(a) a traffic infringement notice under the *Motor Traffic Act 1936*, the *Motor Traffic (Alcohol and Drugs) Act 1977* or the *Traffic Act 1937*;

(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 *Nature Conservation Act 1980*, the *Sale of Motor Vehicles Act 1977* or the *Motor Vehicles (Dimensions and Mass) Act 1990*.

### **Extended meaning of conviction**

“34C. 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.

### **Imposition of levy**

“34D. (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.

### **Exemptions**

“34E. (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.

**Effect of appeal etc.**

“34F. (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”.**

**Consequential amendment of *Magistrates Court Act 1930***

7. Section 141 of the *Magistrates Court Act 1930* is amended by inserting after subsection (1) the following subsection:

“(1A) A minute or memorandum under paragraph (1) (a), or a notice under paragraph (1) (b), shall specify the amount of any levy imposed under Part III of the *Criminal Injuries Compensation Act 1983*.”.

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**NOTE**

**Principal Act**

1. Reprinted as at 31 July 1994. See also Act No. 81, 1994.

*[Presentation speech made in Assembly on 21 November 1996]*