

2007

THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

(As presented)

(Attorney-General)

Victims of Crime Amendment Bill 2007

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2007

THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

(As presented)

(Attorney-General)

Victims of Crime Amendment Bill 2007

A Bill for

An Act to amend the *Victims of Crime Act 1994*, and for other purposes

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

1 **1 Name of Act**

2 This Act is the *Victims of Crime Amendment Act 2007*.

3 **2 Commencement**

4 This Act commences on the day after its notification day.

5 *Note* The naming and commencement provisions automatically commence on
6 the notification day (see Legislation Act, s 75 (1)).

7 **3 Legislation amended**

8 This Act amends the *Victims of Crime Act 1994*.

9 *Note* This Act also amends the following legislation (see sch 1):

- 10 • *Crimes (Sentencing) Act 2005*
- 11 • *Magistrates Court Act 1930*
- 12 • *Victims of Crime Regulation 2000*.

13 **4 Part 5**

14 *substitute*

15 **Part 5 Victims services levy**

16 **23 Meaning of *offence*—pt 5**

17 In this part:

18 *offence* means an offence dealt with by the Supreme Court or the
19 Magistrates Court other than an offence prescribed by regulation.

20 **24 Imposition of victims services levy**

- 21 (1) A levy (a *victims services levy*) is imposed to provide a source of
22 revenue to improve services for victims of crime.

- 1 (2) An adult who is convicted of an offence and ordered by a court to
2 pay a fine in relation to the offence, is liable to pay the Territory a
3 victims services levy of \$10.

4 *Note* The victims services levy is recoverable under the *Magistrates Court*
5 *Act 1930*, pt 3.9 (Enforcement of criminal decisions). However, that
6 Act, s 154D (Fine defaulters—imprisonment) does not apply in relation
7 to the victims services levy.

- 8 (3) The victims services levy is in addition to, and does not form part
9 of, the fine.

10 **25 Notice of levy**

- 11 (1) The amount of the victims services levy payable by a person must
12 be stated on—

13 (a) the fine order; and

14 (b) any notice or copy of the fine order given to the person.

- 15 (2) In this section:

16 *fine order*—see the *Crimes (Sentencing) Act 2005*, section 14 (2).

17 **26 Levy not to be reduced**

- 18 (1) A court must not reduce the victims services levy payable by a
19 person or exonerate a person from liability to pay the levy.

20 (2) However, the court may exonerate the person from liability to pay
21 the levy if satisfied in the circumstances of the case that paying the
22 levy is likely to cause undue hardship.

23 **27 Effect of appeal etc**

- 24 (1) The commencement of any proceeding to appeal against, or for
25 review of, a conviction for an offence for which a victims services
26 levy is imposed on a person stays the person's liability to pay the
27 levy.

1 (2) Setting aside the conviction annuls the person’s liability to pay the
2 victims services levy.

3 (3) Dismissal of the appeal or review removes the stay of liability.

4 **Part 6 Miscellaneous**

5 **28 Regulation-making power**

6 The Executive may make regulations for this Act.

7 *Note* A regulation must be notified, and presented to the Legislative
8 Assembly, under the Legislation Act.

9 **5 Dictionary, note 2, new dot points**

10 *insert*

- 11 • Magistrates Court
- 12 • Supreme Court

13 **6 Dictionary, definition of offence**

14 *substitute*

15 *offence*—

16 (a) for this Act generally—means an offence against a law in force
17 in the ACT; and

18 (b) for part 5 (Victims services levy)—see section 23.

19 **7 Dictionary, new definition of victims services levy**

20 *insert*

21 *victims services levy*—see section 24.

1 **Schedule 1** **Consequential amendments**

2 (see s 3)

3 **Part 1.1** **Crimes (Sentencing) Act 2005**

4 **[1.1] Section 14 (5), note**

5 *substitute*

6 *Note 1* The *Victims of Crime Act 1994*, s 25 (1) requires the amount of the
7 victims services levy payable by a person (in relation to an offence to
8 which that Act, pt 5 applies), to be stated on a fine order and on any
9 notice or copy of the fine order given to the person.

10 *Note 2* An example is part of the Act, is not exhaustive and may extend, but
11 does not limit, the meaning of the provision in which it appears (see
12 Legislation Act, s 126 and s 132).

13 **Part 1.2** **Magistrates Court Act 1930**

14 **[1.2] Section 141 (2), new note**

15 *insert*

16 *Note* The *Victims of Crime Act 1994*, s 25 (1) requires the amount of the
17 victims services levy payable by a person (in relation to an offence to
18 which that Act, pt 5 applies), to be stated on a fine order under the
19 *Crimes (Sentencing) Act 2005* and on any notice or copy of the fine
20 order given to the person.

21 **[1.3] Section 146, definition of *fine*, new paragraph (da)**

22 *insert*

23 (da) a victims services levy imposed under the *Victims of Crime*
24 *Act 1994*; or

1 **[1.4] Section 154D (4)**

2 *substitute*

3 (4) This section does not apply to a person if the person's liability to
4 pay the fine is derived from—

5 (a) the imposition of a victims services levy under the *Victims of*
6 *Crime Act 1994*; or

7 (b) the imposition of a levy under the *Victims of Crime (Financial*
8 *Assistance) Act 1983*; or

9 (c) a reparation order under the *Crimes (Sentencing) Act 2005*.

10 *Note* A reparation order under the *Crimes Act 1900*, s 350 (repealed) is
11 taken to be a reparation order under the *Crimes (Sentencing)*
12 *Act 2005*, s 142.

13 **Part 1.3 Victims of Crime Regulation 2000**

14 **[1.5] New section 49A**

15 *insert*

16 **49A Victims services levy—excluded offences**

17 For the Act, section 23, the offences mentioned in schedule 1 are
18 prescribed offences to which the victims services levy does not
19 apply.

1 **[1.6] New schedule 1**

2 *insert*

3 **Schedule 1 Victims services levy—**
4 **excluded offences**

5 (s 49A)

Part 1.1 Australian Road Rules

column 1 item	column 2 offence provision and, if relevant, case	column 3 short description
1	167	disobey no stopping sign
2	168 (1)	disobey no parking sign
3	169	stop at side of road with continuous yellow edge line
4	170 (2)	stop on/near intersection (traffic lights)
5	170 (3)	stop on/near intersection (no traffic lights)
6	171 (1)	stop on/near children's crossing
7	172 (1)	stop on/near pedestrian crossing
8	173 (1)	stop on/near marked foot crossing
9	174 (2)	stop near bicycle crossing lights
10	175 (1)	stop on/near level crossing
11	176 (1)	stop on clearway
12	177 (1)	stop on freeway
13	178	stop in emergency stopping lane
14	179 (1)	stop in loading zone
15	179 (2) (a)	stop in loading zone longer than ½ hour
16	179 (2) (b)	stop in loading zone longer than indicated

Schedule 1 Consequential amendments
Part 1.3 Victims of Crime Regulation 2000

Amendment [1.6]

column 1 item	column 2 offence provision and, if relevant, case	column 3 short description
17	179 (2) (c)	stop in loading zone longer than permitted
18	180 (1)	stop in truck zone
19	181 (1)	stop in works zone
20	182 (1)	stop in taxi zone
21	183 (1)	
21.1	<ul style="list-style-type: none"> for a bus zone in a clearway, transit lane or bus lane 	stop in bus zone (clearway/transit lane/bus lane)
21.2	<ul style="list-style-type: none"> other than for a bus zone in a clearway, transit lane or bus lane 	stop in bus zone (not clearway/transit lane/bus lane)
22	184 (1)	
22.1	<ul style="list-style-type: none"> for a minibus zone in a clearway, transit lane or bus lane 	stop in minibus zone (clearway/transit lane/bus lane)
22.2	<ul style="list-style-type: none"> other than for a minibus zone in a clearway, transit lane or bus lane 	stop in minibus zone (not clearway/transit lane/bus lane)
23	185 (1)	stop in permit zone
24	186 (1)	stop in mail zone
25	187	stop in/on bus/transit/truck/bicycle/tram lane/tracks
26	188	stop in shared zone
27	189 (1)	double park
28	190 (1)	stop in/near safety zone
29	191	stop near obstruction so as to obstruct traffic

column 1 item	column 2 offence provision and, if relevant, case	column 3 short description
30	192 (1)	stop on structure
31	192 (2)	stop in tunnel/underpass
32	193 (1)	stop on crest/curve outside built-up area
33	194 (1)	stop near fire hydrant/indicator/plug indicator
34	195 (1)	stop at/near bus stop
35	196 (1)	stop at/near tram stop
36	197 (1)	stop on path/strip in built-up area
37	198 (1)	obstruct access to ramp/path/passageway
38	198 (2)	stop on/across driveway/other access to/from land
39	199 (1)	stop near postbox
40	200 (1)	not stop heavy/long vehicle on road shoulder
41	200 (2)	stop heavy/long vehicle longer than 1 hr
42	201	disobey bicycle parking sign
43	202	disobey motorbike parking sign
44	203 (1)	stop in parking area for disabled
45	203A	stop in slip lane
46	205	park continuously for longer than permitted
47	208 (1)	
47.1	<ul style="list-style-type: none"> • by contravening 208 (2) 	not parallel park in direction of travel
47.2	<ul style="list-style-type: none"> • by contravening 208 (3) 	not parallel park near left
47.3	<ul style="list-style-type: none"> • by contravening 208 (4) 	not parallel park near road side

Schedule 1
Part 1.3

Consequential amendments
Victims of Crime Regulation 2000

Amendment [1.6]

column 1 item	column 2 offence provision and, if relevant, case	column 3 short description
47.4	<ul style="list-style-type: none"> by contravening 208 (5) 	parallel park close to front/back of vehicle
47.5	<ul style="list-style-type: none"> by contravening 208 (6) 	parallel park close to dividing line/strip
47.6	<ul style="list-style-type: none"> by contravening 208 (7) 	parallel park close if no dividing line/strip
47.7	<ul style="list-style-type: none"> by contravening 208 (8) 	park so as to obstruct vehicles/pedestrians
48	209 (2) (a)	not parallel park in direction of travel
49	209 (2) (b)	not parallel park near centre of median strip
50	209 (2) (c)	parallel park close to front/back of vehicle
51	210 (1)	
51.1	<ul style="list-style-type: none"> by contravening 210 (2) (a) 	not park at specified angle
51.2	<ul style="list-style-type: none"> by contravening 210 (2) (b) 	not park rear out at specified angle
51.3	<ul style="list-style-type: none"> by contravening 210 (2A) (a) 	not park at 45° (no angle specified)
51.4	<ul style="list-style-type: none"> by contravening 210 (2A) (b) 	not park rear out at 45°
51.5	<ul style="list-style-type: none"> by contravening 210 (3) (a) 	not park at 90°
51.6	<ul style="list-style-type: none"> by contravening 210 (3) (b) (i) 	not park rear in/front in at 90° as specified
51.7	<ul style="list-style-type: none"> by contravening 210 (4) (a) (i) 	not park rear in at specified angle
51.8	<ul style="list-style-type: none"> by contravening 210 (4) (a) (ii) 	not park rear in at 45° (no angle specified)

column 1 item	column 2 offence provision and, if relevant, case	column 3 short description
52	211 (1)	disobey park in bays only sign
53	211 (2)	not park wholly within parking bay
54	211 (3)	use more parking bays than necessary

Part 1.2 **Road Transport (Safety and Traffic Management) Regulation 2000**

column 1 item	column 2 offence provision and, if relevant, case	column 3 short description
1	44 (1)	park outside metered space
2	44 (2)	park in occupied metered space
3	44 (3)	park not completely in metered space
4	44A (1)	park without paying meter fee
5	44B (1)	park after meter expired
6	44B (2)	park for longer than allowed by meter signs
7	46 (2)	park in closed metered space
8	49 (1)	park outside ticket space
9	49 (3)	park in occupied ticket space
10	49 (4)	park not completely in ticket space
11	49A (1)	park without current/current equivalent ticket displayed/properly displayed
12	49B (1)	park after ticket expired
13	49B (2)	park for longer than allowed by ticket signs
14	51 (3)	park in closed ticket area/space

Schedule 1 Consequential amendments
Part 1.3 Victims of Crime Regulation 2000

Amendment [1.6]

column 1 item	column 2 offence provision and, if relevant, case	column 3 short description
15	57A (1)	
15.1	<ul style="list-style-type: none"> for a bus zone in a clearway, transit lane or bus lane 	stop public bus in bus zone (clearway/transit lane/bus lane)
15.2	<ul style="list-style-type: none"> other than for a bus zone in a clearway, transit lane or bus lane 	stop public bus in bus zone (not clearway/transit lane/bus lane)
16	57A (3)	stop public bus at/near bus stop
17	85 (2)	park stock truck/enclosed semitrailer/commercial vehicle with height > 3.6m on residential land
18	86 (2)	park vehicle/combination with length > 7.5m and GVM > 4.5t on land adjoining residential land longer than 1 hour
19	87 (2)	park commercial vehicle with length > 6m/height > 2.6m/GVM > 3.75t on residential land with multi-unit development

Part 1.3

**Australian National University
Act 1991 (Cwlth)—Parking and
Traffic Statute (No 2) 2007**

column 1 item	column 2 offence provision and, if relevant, case	column 3 short description
1	16 (1)	stand or park without voucher displayed
2	16 (2)	stand or park after voucher expired
3	29 (3) (a)	park outside marked parking bay
4	29 (3) (b)	park on or across bay road marking
5	29 (4) (a)	park in a way that obstructs other drivers
6	29 (4) (b)	park in a way that impedes other drivers
7	29 (4) (c)	park in a way that inconveniences other drivers
8	30 (3)	park in loading zone
9	30 (4) (a)	park in loading zone after unloading or loading completed
10	30 (4) (b)	park in loading zone longer than signs indicate
11 11.1	31 (1) <ul style="list-style-type: none"> • in the case of parking a vehicle 	park in area other than road or off-street parking area without permission
12	32 (1)	stop or park other than adjacent to left-hand road boundary
13	32 (2)	stop or park adjacent to right-hand road boundary other than in accordance with parking sign
14	33 (1)	park contrary to road marking or parking sign
15	33 (2)	stop or park contrary to no stopping sign

Schedule 1
Part 1.3

Consequential amendments
Victims of Crime Regulation 2000

Amendment [1.6]

column 1 item	column 2 offence provision and, if relevant, case	column 3 short description
16	33 (3) (a)	stop or park alongside red kerb or barrier
17	33 (3) (b)	stop or park over red kerb or red part of road
18	33 (4)	park contrary to no parking sign
19	33 (5) (a)	park alongside yellow kerb or barrier
20	33 (5) (b)	park over yellow kerb or yellow part of road
21	33 (6)	park adjacent to road side or parking area marked with continuous yellow line
22	33 (7) (a)	park contrary to time period indicated on parking sign
23	33 (7) (b)	not park at specified angle indicated on parking sign
24	33 (7) (c) (i)	park unauthorised vehicle in authorised vehicle area contrary to parking sign
25	33 (7) (c) (ii)	park in authorised vehicle area without displaying label
26	33 (7) (d) (i)	park in permit parking area without permit
27	33 (7) (d) (ii)	park in permit parking area without displaying permit parking label
28	34 (1)	stop or park in bus stop
29	35 (1)	park or stop in off-road parking area contrary to no parking or no stopping sign
30	35 (2)	park or stop in off-road parking area contrary to time period indicated on sign
31	35 (3) (a)	park unauthorised vehicle in off-road authorised vehicle area contrary to sign
32	35 (3) (b)	park in off-road authorised vehicle area without displaying label

column 1 item	column 2 offence provision and, if relevant, case	column 3 short description
33	35 (3) (c)	park in off-road disabled driver vehicle area without displaying valid disability permit
34	35 (4)	park in off-road permit parking area without displaying permit parking label
35	36 (1)	stop or park so as to cause danger/obstruction/inconvenience

Endnotes

1 Presentation speech

Presentation speech made in the Legislative Assembly on 2007.

2 Notification

Notified under the Legislation Act on 2007.

3 Republications of amended laws

For the latest republication of amended laws, see www.legislation.act.gov.au.

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