



ANNO VICESIMO PRIMO

ELIZABETHAE II REGINAE

A.D. 1972

No. 6 of 1972

An Act to amend the Criminal Injuries Compensation Act, 1969.

[Assented to 23rd March, 1972]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows:

Short titles.

1. (1) This Act may be cited as the "Criminal Injuries Compensation Act Amendment Act, 1972".

(2) The Criminal Injuries Compensation Act, 1969, as amended by this Act, may be cited as the "Criminal Injuries Compensation Act, 1969-1972".

(3) The Criminal Injuries Compensation Act, 1969, is hereinafter referred to as "the principal Act".

Commencement.

2. This Act shall come into operation on a day to be fixed by proclamation.

Amendment of principal Act, s. 3— Interpretation.

3. Section 3 of the principal Act is amended by inserting after the word "information" in the definition of "offence" the passage "and includes conduct on the part of any person that would constitute an offence but for the insanity of that person, or for the fact that grounds of excuse or justification exist at law in respect of that conduct".

4. Section 5 of the principal Act is amended by striking out the word "Treasurer" and inserting in lieu thereof the words "Attorney-General".

Amendment of principal Act, s. 5—
Application for payment out of General Revenue.

5. Section 6 of the principal Act is amended by striking out from subsection (4) the word "Treasurer" and inserting in lieu thereof the words "Attorney-General".

Amendment of principal Act, s. 6—
Certificate may be granted on acquittal.

6. Section 7 of the principal Act is amended—

(a) by striking out subsection (3);

and

(b) by striking out from subsection (7) the word "Treasurer" and inserting in lieu thereof the words "Attorney-General".

Amendment of principal Act, s. 7—
Claim where offence has not been tried.

7. The following sections are enacted and inserted in the principal Act immediately after section 7 thereof:—

Enactment of ss. 7a, 7b and 7c of principal Act—

7a. (1) Where an application is made under this Act to a court of summary jurisdiction constituted of justices or of a special justice, the court shall not proceed to hear and determine the application but shall, by memorandum, refer the application to a court of summary jurisdiction constituted of a special magistrate by which it may be conveniently heard and determined.

Justices not to determine proceedings under this Act.

(2) The court to which an application is so referred shall proceed to hear and determine the application.

7b. The Crown shall be entitled to be heard upon any application under this Act.

Right of Crown to be heard upon application.

7c. (1) An applicant for an order or certificate in respect of compensation under this Act should cause notice of his application to be served at least seven days before the day on which the application is to be heard—

Service.

(a) upon the Crown Solicitor;

and

(b) where an order is sought against any person, upon that person.

(2) The court may, by order dispense with service of the notice under paragraph (b) of subsection (1) of this section on the ground that—

(a) the whereabouts of the person against whom the order is sought, is unknown to, and not readily ascertainable by, the applicant;

or

(b) there is no reasonable likelihood of that person satisfying the order for which application is made.

Amendment of
principal Act,
s. 8—
Inquiry by
Master.

8. Section 8 of the principal Act is amended—

(a) by striking out from subsection (1) the word “Treasurer” and inserting in lieu thereof the words “Attorney-General”;

(b) by striking out from subsection (2) the word “Treasurer” and inserting in lieu thereof the words “Attorney-General”;

and

(c) by striking out from subsection (4) the word “Treasurer” wherever it occurs and inserting in lieu thereof in each case the words “Attorney-General”.

Amendment of
principal Act,
s. 10—
Subrogation of
rights to
Attorney-
General.

9. Section 10 of the principal Act is amended—

(a) by striking out from subsection (1) the word “Treasurer” wherever it occurs and inserting in lieu thereof in each case the words “Attorney-General”;

and

(b) by striking out from subsection (2) the word “Treasurer” and inserting in lieu thereof the words “Attorney-General”.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

M. L. OLIPHANT, Governor