

# LEGISLATIVE COUNCIL

Read 1° 20 April 1988

*(Brought from the Legislative Assembly)*

## A BILL

*for*

An Act to amend the *Criminal Injuries Compensation Act 1983* and for other purposes.

### **Criminal Injuries Compensation (Amendment) Act 1988**

The Parliament of Victoria enacts as follows:

#### **Purpose.**

1. The purpose of this Act is to make further provision for the payment of increased benefits for victims of crime and to remove anomalies in the *Criminal Injuries Compensation Act 1983*.

#### **Commencement.**

2. This Act comes into operation on a day to be proclaimed.

#### **Principal Act.**

3. In this Act, the *Criminal Injuries Compensation Act 1983* is called the Principal Act.

#### **Delegation.**

4. After section 4 (2) of the Principal Act insert—

- “(3) The Tribunal may, by instrument, delegate to the registrar or deputy registrar of the Tribunal any power of the Tribunal under this Act or the regulations, other than the power to conduct a hearing of an application and this power of delegation.”

No. 9992  
amended by Nos.  
10155, 10191  
and 55/1987.

**New section 9A inserted.****5. After section 9 of the Principal Act insert—****Directions as to procedure.**

“9A. For the purposes of section 9, directions as to the procedure to be followed at or in connection with the hearing of an application may be given by the Tribunal and may be varied or revoked by the Tribunal.” 5

**Amendments to compensation for expenses.****6. In section 15 of the Principal Act—**

- (a) in sub-section (1)— 10
  - (i) for “personal property worn or used” substitute “clothing worn”; and
  - (ii) omit “during a period of up to twelve months following the injury or, where applicable, the injury causing death”; and 15
- (b) sub-section (2) is repealed; and
- (c) sub-section (4) is repealed.

**Amendments to compensation for pecuniary loss.****7. (1) After section 16 (1) of the Principal Act insert—**

“(1A) If the Tribunal has made an award under sub-section (1), the Tribunal, on application by a victim, may make a further award of compensation for pecuniary loss to the victim suffered as a result of total or partial incapacity for work during a period of up to two years following the injury or the injury causing death but excluding the period of compensation under sub-section (1).” 20 25

**(2) In section 16 of the Principal Act for sub-section (2) substitute—**

“(2) The total compensation awarded by the Tribunal under sub-sections (1) and (1A) shall not exceed an amount prescribed for the purposes of this section.”

**Amendments to compensation for dependants.** 30**8. In section 17 of the Principal Act—**

- (a) in sub-section (1) omit “during a period of up to twelve months following injury causing a victim’s death”; and
- (b) for sub-section (2) substitute—

“(2) An award of compensation for pecuniary loss under this section shall not exceed, in respect of all dependants of a victim, the amount prescribed for the purposes of section 16.” 35

**New section 18A inserted.**

9. After section 18 of the Principal Act insert—

**Limit on total compensation.**

5 “18A. The total compensation awarded by the Tribunal to an applicant under this Act in respect of a victim’s injury or death shall not exceed the amount prescribed for the purposes of this section.”.

**Amendments to section 19.**

10. In section 19 of the Principal Act—

(a) in sub-section (1)—

- 10 (i) for “or 17” substitute “, 17 or 18”; and  
(ii) after “1973” insert “or the *Transport Accident Act 1986*”; and  
(iii) after “criminal act” insert “unless the act is an offence under the *Crimes Act 1958*”; and

15 (b) in sub-section (2) (a) after “1958” insert “or the *Transport Accident Act 1986*”.

**Collusion a bar to compensation.**

11. In section 20 (2) of the Principal Act, for paragraph (d) substitute—

20 “(d) where the application is made in collusion with the offender;”.

**Award may be paid by instalments.**

12. After section 23 (2) of the Principal Act, insert—

25 “(3) Despite sub-section (1), the Tribunal may order that an award of compensation be paid by such instalments and at such times as are determined by the Tribunal.”.

**Registrar of the Tribunal.**

13. (1) In section 7 (6) of the Principal Act for “secretary to the Tribunal” substitute “registrar of the Tribunal”.

30 (2) In section 24 (2) of the Principal Act for “Secretary to the Tribunal” substitute “Registrar of the Tribunal”.

(3) In clause 7 of Schedule 1 to the Principal Act, for “secretary to” (where twice occurring) substitute “registrar and deputy registrar of”.

**Transitional provisions.**

14. (1) The Principal Act as amended by sections 5, 6, 7 and 8 of this Act applies to an award of compensation made in respect of an injury suffered after the commencement of this section.

(2) The Principal Act applies in respect of a victim's injury or death before the commencement of this section as if sections 5, 6, 7 and 8 of this Act had not been enacted. 5



