

# Criminal Injuries Compensation (Amendment) Bill

## EXPLANATORY MEMORANDUM

*Clause 1* sets out the purpose of the Bill.

*Clause 2* states that the Act comes into operation on proclamation.

*Clause 3* states that the *Criminal Injuries Compensation Act 1983* is referred to as the Principal Act.

*Clause 4* inserts a new section 9A in the Principal Act. The new provision allows the Crimes Compensation Tribunal to give directions governing the procedure at hearings. (Similar procedures are used by other Tribunals such as the Administrative Appeals Tribunal to allow hearings to be run more efficiently.)

*Clause 5* amends section 15 of the Principal Act, which deals with compensation for expenses relating to criminal injuries. The fixed limit on expenses which can be awarded (currently \$3000) is removed. The Tribunal will also have power to award compensation for all expenses actually and reasonably incurred. (At present, awards can be only be made for 80% of expenses actually incurred.)

*Clause 6* amends section 16 of the Principal Act, which relates to compensation for pecuniary loss. The Tribunal will be empowered to award compensation for pecuniary loss suffered during a period of up to 2 years after the injury was incurred, rather than the present 1 year.

*Clause 7* amends section 17 of the Principal Act, which allows the Tribunal to award compensation to a victim's dependants, for expenses and pecuniary loss arising as a result of a victim's death. Currently these awards are confined to expenses and loss during the period of 12 months following the injury causing the victim's death. The clause removes this restriction.

*Clause 8* inserts a new section 18A in the Principal Act. The new section allows for a limit to be prescribed on the total award of compensation to an applicant. The overall limit replaces current specific limits on categories of compensation.

*Clause 9* amends section 19 of the Principal Act. The Tribunal will not be empowered to award compensation in respect of transport accidents (for which compensation is available under the *Transport Accident Act 1986*), unless the criminal act is an offence under the *Crimes Act 1958*. (An example is culpable driving resulting in death.)

*Clause 10* removes from section 20 of the Principal Act restrictions on awards of compensation to victims of domestic violence. Instead, compensation will not be available in any case if an application is made in collusion with the offender.

*Clause 11* amends section 23 of the Principal Act. The Tribunal will be empowered to order that awards of compensation be paid by instalments.

*Clause 12* changes the title of the Secretary to the Tribunal to the "Registrar of the Tribunal" and allows for the appointment of Deputy Registrars.

*Clause 13* is a transitional provision.

