

1991—No. 248

VICTIMS COMPENSATION ACT 1987—REGULATION

(Relating to the payment and enforcement of compensation levies payable by persons detained under control orders made by the Children's Court.)

NEW SOUTH WALES



[Published in Gazette No. 82 of 24 May 1991]

HIS Excellency the Governor, with the advice of the Executive Council, and in pursuance of the Victims Compensation Act 1987, has been pleased to make the Regulation set forth hereunder.

JOHN DOWD
Attorney General.

Commencement

1. This Regulation commences on 27 May 1991.

Amendments

2. The Victims Compensation Regulation 1988 is amended:
 - (a) by inserting in clause 11 (1) and (2) after the word "imprisonment" wherever occurring the words "or committed to the control of the Minister administering the Children (Detention Centres) Act 1987";
 - (b) by omitting from clause 11 (1) (a) (i) the matter "(g)" and by inserting instead the matter "(f)";
 - (c) by inserting in clause 12 (2) after the word "payable" the words "but has not been paid as required by subclause (1)";
 - (d) by inserting after clause 12 the following clause:

Payment and enforcement of compensation levies in respect of certain children and young persons

13. (1) A compensation levy for which a person is liable in respect of an offence (being an offence for which the person is

required to be detained under a control order) must be paid to the appropriate court officer on the day on which the control order is made and, in any case, before notice is sent under subclause (2) to the Director-General of Family and Community Services.

(2) The appropriate court officer must, in the case of a person who is required to be detained under a control order for an offence for which a compensation levy is payable but has not been paid as required by subclause (1), cause a notice to be sent to the Director-General of Family and Community Services:

- (a) of the fact that the person is liable to pay a levy in respect of the offence; and
- (b) of the amount of the levy that remains unpaid.

(3) The requirements of subclause (2) are taken to have been satisfied if the notice is sent to the superintendent of the institution to which the person is committed.

(4) The Director-General of Family and Community Services is to enforce a compensation levy against a person who is required to be detained under a control order in respect of the offence for which the levy is payable by deducting from any funds held on behalf of the person, for payment into the Compensation Fund, such amount as is necessary to pay the levy.

(5) The liability of a person who is discharged from detention (otherwise than because the person is transferred to a prison) after having been detained under a control order in respect of an offence for which a compensation levy is payable is, in respect of any part of the levy that remains unpaid as at the date of discharge, taken to have been satisfied by the period of detention served under the control order.

(6) In this clause, “**control order**” means an order under section 33 (1) (g) of the Children (Criminal Proceedings) Act 1987.

EXPLANATORY NOTE

The object of this Regulation is to amend the Victims Compensation Regulation 1988 so as to make provision for the payment and enforcement of compensation levies payable by persons detained under control orders made by the Children’s Court parallel to the provision made for the payment and enforcement of compensation levies payable by persons who are sentenced to imprisonment.

At present, compensation levies payable by persons detained under control orders are to be enforced in the same way as fines imposed by Justices under the Justices Act 1902. The amendment requires payment of the levy out of any funds held on behalf of such a person by the Director-General of Family and Community Services and results in liability to pay the levy being extinguished when such a person is discharged from detention, unless the person is transferred to a prison.
