



New South Wales

Victims Compensation Regulation 1997

under the
Victims Compensation Act 1996

His Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Victims Compensation Act 1996*.

JEFFREY SHAW, Q.C., M.L.C.,
Attorney General

Explanatory note

The object of this Regulation is to prescribe procedures for the payment and enforcement of compensation levies under Part 5 of the *Victims Compensation Act 1996* by persons convicted of criminal offences punishable by imprisonment. The procedures are similar to those applying to compensation levies under the repealed *Victims Compensation Act 1987*. The compensation levies are used to fund the victims compensation scheme.

The Regulation is of a machinery nature and is made under the *Victims Compensation Act 1996*, and, in particular, sections 80 and 88.

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Victims Compensation Regulation 1997

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Victims Compensation Regulation 1997

Part 1 Preliminary

1 Name of Regulation

This Regulation is the *Victims Compensation Regulation 1997*.

2 Commencement

This Regulation commences on 2 April 1997.

3 Definitions

In this Regulation:

children's detention means detention under an order under section 33 (1) (g) of the *Children (Criminal Proceedings) Act 1987*.

the Act means the *Victims Compensation Act 1996*.

4 Notes

The explanatory note, table of contents and notes in the text of this Regulation do not form part of this Regulation.

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Clause 5 Victims Compensation Regulation 1997

Part 2 Compensation levies

Part 2 Compensation levies

5 Payment of compensation levy

Sections 7–11 of the *Fines Act 1996* apply to the payment of a compensation levy in the same way as they apply to the payment of a fine under that Act. Those sections so apply whether or not the *Fines Act 1996* has commenced on the commencement of this Regulation.

Note. The applied sections require payment to the registrar of the relevant court within 28 days of the imposition of the fine, require the registrar to give notice of the fine to the person liable to pay it and enable the registrar to allow further time for payment of the fine.

6 Enforcement of compensation levy where defendant not imprisoned or detained

- (1) This clause applies to a compensation levy imposed in respect of a conviction for which the person has not been sentenced to imprisonment or children's detention.
- (2) A compensation levy to which this clause applies that is not paid by the due date is to be enforced in the same way as a fine imposed for an offence by the court concerned may be enforced.

Note. For relevant provisions, see *Fines Act 1996* (or pending the commencement of that Act, see *Justices Act 1902*).

7 Enforcement of compensation levy where defendant imprisoned or detained

- (1) This clause applies to a compensation levy imposed in respect of a conviction for which the person has been sentenced to imprisonment or children's detention.
- (2) A compensation levy to which this clause applies that is not paid by the due date is to be enforced by deducting the amount due from the person's prison earnings.
- (3) The registrar of the court to whom the compensation levy is payable is to serve notice of the amount unpaid on the relevant custodial officer, who may make the appropriate deduction from the person's prison earnings.

(4) Any amount of the compensation levy that remains unpaid when the person is discharged from the correctional centre or detention centre is taken to have been satisfied by the period of imprisonment or detention served by the person.

(5) In this clause:

prison earnings means:

- (a) in the case of a person sentenced to imprisonment—the person’s earnings at the correctional centre in which the person is imprisoned, or
- (b) in the case of a person sentenced to children’s detention—the funds held on behalf of the person at the detention centre in which the person is detained.

relevant custodial officer means:

- (a) in the case of a person sentenced to imprisonment—the Commissioner of Corrective Services or the governor of the correctional centre in which the person is imprisoned, or
- (b) in the case of a person sentenced to children’s detention—the Director-General of the Department of Community Services or the person in charge of the detention centre in which the person is detained.