



VICTIMS OF CRIME COMPENSATION ACT 1994

No. 89 of 1994

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**VICTIMS OF CRIME COMPENSATION ACT 1994**

No. 89 of 1994

AN ACT to impose a levy on persons convicted of serious offences and for related purposes

[Royal Assent 16 December 1994]

BE it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

Short title

1—This Act may be cited as the *Victims of Crime Compensation Act 1994*.

Commencement

2—This Act commences on a day to be proclaimed.

Interpretation

3—In this Act, unless the contrary intention appears—

“**children’s court**” means a court of summary jurisdiction constituted in accordance with the *Child Welfare Act 1960* and sitting for the purpose of hearing a charge against a person who has not attained the age of 17 years;

“**compensation levy**” means a levy that a person convicted of a serious offence must pay to the Crown pursuant to section 5;

“**serious offence**” means any of the following offences:—

- (a) an offence under the *Criminal Code*;
- (b) an offence under the *Guns Act 1991*;
- (c) an offence under the *Poisons Act 1971*;
- (d) an offence under section 34B, 35, 36, 37 (1), 37B or 37C of the *Police Offences Act 1935*;
- (e) an offence under the *Road Safety (Alcohol and Drugs) Act 1970*;
- (f) an offence under section 32 (1), 32 (2) or 37 (1) of the *Traffic Act 1925*;
- (g) a prescribed offence.

Meaning of “convicted”

4—For the purposes of this Act, a person is taken to have been convicted of a serious offence if—

- (a) the person has been charged with and found guilty and convicted of the serious offence; or
- (b) the person has been charged with and found guilty of the serious offence but discharged without being convicted; or
- (c) the person has been charged with and found guilty of the serious offence but the court hearing the charge has not proceeded to conviction because it has dealt with the person under the *Probation of Offenders Act 1973*; or
- (d) the serious offence has been taken into account by a court in sentencing the person for another serious offence.

Liability of convicted persons to pay compensation levy

5—(1) A person who is convicted of a serious offence must pay a compensation levy to the Crown.

(2) Subsection (1) does not apply if the person is convicted in a children's court.

(3) The amount of the compensation levy is—

(a) if the person is convicted in the Supreme Court—\$50 or a prescribed amount, whichever is greater; or

(b) if the person is convicted in a court of petty sessions—\$20 or a prescribed amount, whichever is greater.

(4) The liability to pay the compensation levy is to be entered in any record of conviction and sentence made by the court.

(5) If a person is convicted at the same time of more than one serious offence, a compensation levy is payable in respect of each of the convictions.

(6) A compensation levy that is payable in respect of a conviction for a serious offence is additional to any pecuniary penalty or order for the payment of compensation that may be imposed or made in respect of the same conviction.

(7) A court that convicts a person of a serious offence must not take into account the liability of that person to pay a compensation levy in determining the sentence to be imposed on that person for that serious offence.

Court may grant partial exemption in certain cases

6—(1) In this section, “the combined limit” means \$500 or a prescribed amount, whichever is greater.

(2) Notwithstanding section 5, if—

(a) a person is convicted at the same time of more than one serious offence; and

(b) the total amount of the compensation levies that the person is liable to pay in respect of those convictions exceeds the combined limit; and

- (c) the court that convicted the person is satisfied in the circumstances that the person would suffer financial hardship if required to pay that total amount—
the court, having regard to such matters as it considers appropriate, may order that the total amount of the compensation levies that the person is liable to pay is to be reduced to—
- (d) the combined limit; or
- (e) such other amount exceeding the combined limit as the court considers reasonable.

When compensation levy is to be paid

7—(1) For the purposes of section 5, a court that convicts a person of a serious offence must make one of the following orders:—

- (a) an order that the compensation levy is to be paid forthwith;
- (b) an order that the compensation levy is to be paid within a period specified by the court;
- (c) an order that the compensation levy is to be paid in instalments specified in the order, at times or at intervals specified in the order.
- (2) An order under subsection (1) (b) or (c) may be made so as to apply from—
- (a) the date of conviction; or
- (b) if the convicted person is sentenced to a term of imprisonment that is not wholly suspended—the date on which the convicted person is released in respect of that term of imprisonment.

(3) A court that fails for any reason to make an order under subsection (1) is nevertheless taken to have made an order that the compensation levy is to be paid within the period of 14 days immediately following the date of conviction.

Payment of compensation levy

8—(1) A compensation levy is to be paid to a clerk of petty sessions.

(2) If a person is convicted of a serious offence in the Supreme Court, that court must—

- (a) state to which clerk of petty sessions the compensation levy is to be paid; and
- (b) give notice of the convicted person's liability to pay the compensation levy, the amount of the levy and any associated orders to that clerk of petty sessions.

(3) If a person is convicted of a serious offence in a court of summary jurisdiction, the compensation levy is to be paid to the clerk of petty sessions of the same court.

(4) For the purposes of this Act, any notice of conviction and sentence given to a person convicted of a serious offence is to—

- (a) state that the convicted person is liable to pay a compensation levy; and
- (b) specify the amount of the compensation levy; and
- (c) specify when the compensation levy is to be paid; and
- (d) specify to which clerk of petty sessions the compensation levy is to be paid.

Enforcement of compensation levy

9—A compensation levy that a person must pay in respect of a conviction for a serious offence is taken to be a sum of money that, under the *Justices Act 1959*, justices have adjudged to be paid by the person convicted and payment of that amount may be enforced in the manner provided by section 80 of that Act.

***Criminal Injuries Compensation Act 1976* amended**

10—The *Criminal Injuries Compensation Act 1976* is amended as follows:—

- (a) by omitting from section 11 (2) (d) “Act.” and substituting “Act; and”;

- (b) by inserting in section 11 (2) the following paragraphs after paragraph (d):—
- (e) the amount of any compensation levy paid pursuant to section 5 of the *Victims of Crime Compensation Act 1994*; and
 - (f) such other amounts from such other sources as the Minister, with the approval of the Treasurer, may from time to time advance for the purposes of the Fund.

Regulations

11—The Governor may make regulations for the purposes of this Act.

Administration of Act

12—Until provision is made in relation to this Act by order under section 4 of the *Administrative Arrangements Act 1990*—

- (a) the administration of this Act is assigned to the Minister for Justice; and
- (b) the Department responsible to the Minister for Justice in relation to the administration of this Act is the Department of Justice.

*[Second reading presentation speech made in:—
House of Assembly on 15 September 1994
Legislative Council on 26 October 1994]*