



New South Wales

Victims Rights and Support Amendment (Motor Vehicles) Bill 2018

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.
This Bill is cognate with the *Crimes Legislation Amendment Bill 2018*.

Overview of Bill

The object of this Bill is to ensure that if a person is intentionally killed in a crime involving a motor vehicle and another person has been charged with the murder of that person, a member of the immediate family of the deceased person will be eligible (if otherwise qualified) to receive victims support under the *Victims Rights and Support Act 2013* despite the general rule that victims are not eligible for support under that Act in relation to violence or injuries involving motor accidents.

Outline of provisions

Clause 1 sets out the name (also called the short title) of the proposed Act.

Clause 2 provides for the commencement of the proposed Act on a day or days to be appointed by proclamation.

Schedule 1 **Amendment of Victims Rights and Support Act 2013 No 37**

Schedule 1 [1] creates an exception to the general rule that a person is not eligible to receive victims support under the *Victims Rights and Support Act 2013* in respect of an act of violence or injury relating to a motor accident so that if a person is intentionally killed by use of a motor vehicle, and another person has been charged with murder in relation to the death, a member of

the immediate family of the deceased person will be eligible (if otherwise qualified) for victims support.

Schedule 1 [2] makes a consequential amendment to deal with the circumstances where a family victim of a person intentionally killed by a motor vehicle may also be entitled to damages under the *Compensation to Relatives Act 1897* or to a payment under the *Motor Accident Injuries Act 2017*. The amendment provides that, if the Commissioner of Victims Rights is satisfied that the applicant may have rights under either of those Acts, the Commissioner is required to postpone the determination of the application for victims support until any entitlement to damages or a payment under those Acts has been determined.

Schedule 1 [3] makes it clear that the proposed amendment made by Schedule 1 [1] does not apply to an application for victims support relating to an act of violence that occurred before the commencement of the amendment.



New South Wales

Victims Rights and Support Amendment (Motor Vehicles) Bill 2018

Contents

		Page
	1 Name of Act	2
	2 Commencement	2
Schedule 1	Amendment of Victims Rights and Support Act 2013 No 37	3



New South Wales

Victims Rights and Support Amendment (Motor Vehicles) Bill 2018

No. , 2018

A Bill for

An Act to amend the *Victims Rights and Support Act 2013* to provide for the eligibility of certain persons to make applications for victims support in respect of an act of violence that involved a member of the person's immediate family being intentionally killed by a motor vehicle.

The Legislature of New South Wales enacts:

1

1 Name of Act

2

This Act is the *Victims Rights and Support Amendment (Motor Vehicles) Act 2018*.

3

2 Commencement

4

This Act commences on a day or days to be appointed by proclamation.

5

Schedule 1	Amendment of Victims Rights and Support Act 2013 No 37	1
		2
[1] Section 25 Persons not eligible for support		3
Insert after section 25 (2):		4
(2A) Exception to ineligibility for motor vehicle accidents		5
Despite subsection (2), a family victim is eligible to receive victims support in respect of an act of violence referred to in that subsection if:		6
(a) the act of violence took the form of the intentional killing of the primary victim, and		7
(b) a person has been charged with murder in relation to the death of the primary victim.		8
		9
		10
		11
[2] Section 44 Reasons for not approving the giving of victims support or for reducing amount of financial support or recognition payment		12
		13
Insert after section 44 (6):		14
(6A) If the Commissioner is satisfied that an applicant for victims support, who is a family victim referred to in section 25 (2A), may be entitled to any damages under the <i>Compensation to Relatives Act 1897</i> , or any payment under the <i>Motor Accident Injuries Act 2017</i> , in respect of the act of violence to which the application relates, the Commissioner is to postpone the determination of the application until any entitlement to those damages or to that payment (as the case may be) has been determined.		15
		16
		17
		18
		19
		20
		21
[3] Schedule 2 Savings, transitional and other provisions		22
Insert at the end of the Schedule, with appropriate Part and clause numbering:		23
Part	Provision consequent on enactment of Victims Rights and Support Amendment (Motor Vehicles) Act 2018	24
		25
		26
	Amendments do not apply to acts of violence that occurred before the amendments commenced	27
		28
(1) Section 25 (2A), as inserted by the amending Act, does not apply to an application for victims support relating to an act of violence that occurred before the commencement of the subsection.		29
		30
		31
(2) In this clause:		32
amending Act means the <i>Victims Rights and Support Amendment (Motor Vehicles) Act 2018</i> .		33
		34