

Passed by both Houses



New South Wales

# **Victims Rights and Support Amendment (Motor Vehicles) Bill 2018**

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*I certify that this public bill, which originated in the Legislative Assembly, has finally passed the Legislative Council and the Legislative Assembly of New South Wales.*

*Clerk of the Legislative Assembly.  
Legislative Assembly,  
Sydney,*

*, 2018*



New South Wales

## **Victims Rights and Support Amendment (Motor Vehicles) Bill 2018**

Act No , 2018

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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.

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*I have examined this bill and find it to correspond in all respects with the bill as finally passed by both Houses.*

*Assistant Speaker of the Legislative Assembly.*

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**The Legislature of New South Wales enacts:**

**1 Name of Act**

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

**2 Commencement**

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

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

### **[1]    Section 25 Persons not eligible for support**

Insert after section 25 (2):

#### **(2A)    Exception to ineligibility for motor vehicle accidents**

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:

- (a) the act of violence took the form of the intentional killing of the primary victim, and
- (b) a person has been charged with murder in relation to the death of the primary victim.

### **[2]    Section 44 Reasons for not approving the giving of victims support or for reducing amount of financial support or recognition payment**

Insert after section 44 (6):

- (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 *Compensation to Relatives Act 1897*, or any payment under the *Motor Accident Injuries Act 2017*, 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.

### **[3]    Schedule 2 Savings, transitional and other provisions**

Insert at the end of the Schedule, with appropriate Part and clause numbering:

## **Part            Provision consequent on enactment of Victims Rights and Support Amendment (Motor Vehicles) Act 2018**

### **Amendments do not apply to acts of violence that occurred before the amendments commenced**

- (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.
- (2) In this clause:  
*amending Act* means the *Victims Rights and Support Amendment (Motor Vehicles) Act 2018*.