



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.