

**CRIMES (COMPENSATION) AMENDMENT ACT,
1979, No. 101**

New South Wales



ANNO VICESIMO OCTAVO

ELIZABETHÆ II REGINÆ

Act No. 101, 1979.

An Act to amend the Crimes Act, 1900, with respect to compensation payable to persons who suffer injury or loss as a result of the commission of an offence; and for other purposes. [Assented to, 17th May, 1979.]

See also Criminal Injuries Compensation (Amendment) Act, 1979.

Crimes (Compensation) Amendment.

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows :—

Short title. **1.** This Act may be cited as the "Crimes (Compensation) Amendment Act, 1979".

Commence-
ment. **2.** (1) This section and section 1 shall commence on the date of assent to this Act.

(2) Except as provided by subsection (1), this Act shall commence on such day as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.

Amendment
of Act No.
40, 1900. **3.** The Crimes Act, 1900, is amended in the manner set forth in Schedule 1.

Directions
to which
Schedule 1
applies. **4.** The amendments made by section 3 and Schedule 1 shall apply to and in respect of any direction for payment of compensation given under section 437 (1) or 554 (3) of the Crimes Act, 1900, on or after the day appointed and notified under section 2 (2).

Crimes (Compensation) Amendment.

SCHEDULE 1.

Sec. 3.

AMENDMENTS TO THE CRIMES ACT, 1900.

(1) (a) Section 437 (1)—

Omit "\$4,000", insert instead "\$10,000, or sums not exceeding, in the aggregate, \$10,000,".

(b) Section 437 (1)—

After "aggrieved person", insert "or to any aggrieved persons in such proportions as may be specified in the direction".

(c) Section 437 (2)—

After "sum" wherever occurring, insert "or sums".

(d) Section 437 (2A)—

After section 437 (2), insert :—

(2A) Where a Court or Judge gives a direction under subsection (1) in respect of the conviction of a person for a felony or misdemeanour that was one of 2 or more offences, being felonies or misdemeanours (whether committed by the same person or by different persons) that were committed—

(a) at approximately the same time; or

(b) by 2 or more persons acting together,

or are related to each other for any other reason, the sum, or sums in the aggregate, specified in the direction, shall not, where the offences were committed against the same person, exceed the difference between \$10,000 and any sum, or sums in the aggregate, previously specified in a direction given under subsection (1) in respect of any of those offences.

Crimes (Compensation) Amendment.

SCHEDULE 1—*continued.*AMENDMENTS TO THE CRIMES ACT, 1900—*continued.*

- (e) Section 437 (4), definition of “Aggrieved person”—
Before the definition of “Injury”, insert :—

“Aggrieved person”, where the felony or misdemeanour of which a person is convicted is in respect of the death of another person, means, except in subsection (3), the spouse (if any), or the person (if any) who was living with the dead person as the spouse, and any parent or child (as defined in section 7 (1) of the Compensation to Relatives Act of 1897), of the dead person.

- (2) (a) Section 554 (3)—

Omit “\$600”, insert instead “\$1,000, or sums not exceeding, in the aggregate, \$1,000,”.

- (b) Section 554 (3)—

After “aggrieved”, insert “or to the aggrieved persons in such proportions as may be specified in the direction”.

- (c) Section 554 (4A)—

After section 554 (4), insert :—

(4A) Where a Court gives a direction under subsection (3) in respect of the conviction of a person for an offence that was one of 2 or more offences (whether committed by the same person or by different persons) that were committed—

- (a) at approximately the same time; or

Crimes (Compensation) Amendment.

SCHEDULE 1—*continued.*

AMENDMENTS TO THE CRIMES ACT, 1900—*continued.*

(b) by 2 or more persons acting together,
or are related to each other for any other reason, the
sum, or sums in the aggregate, specified in the
direction, shall not, where the offences were committed
against the same person, exceed the difference
between \$1,000 and any sum, or sums in the aggre-
gate, previously specified in a direction given under
subsection (3) in respect of any of those offences.

In the name and on behalf of Her Majesty I assent to this Act.

A. R. CUTLER,
Governor.

*Government House,
Sydney, 17th May, 1979.*

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CRIMES (COMPENSATION) AMENDMENT BILL, 1979

EXPLANATORY NOTE

(This Explanatory Note relates to this Bill as introduced into Parliament)

The Criminal Injuries Compensation (Amendment) Bill, 1979, is cognate with this Bill.

The object of this Bill is to amend the Crimes Act, 1900 ("the Act")—

- (a) to increase the maximum sum, or sums in the aggregate, payable by way of compensation under section 437 (1) of the Act from \$4,000 to \$10,000 (Schedule 1 (1) (a));
- (b) to provide that, where a felony or misdemeanour is committed by 2 or more persons acting together or is one of 2 or more offences, being felonies or misdemeanours that are related in any way, the sum, or sums in the aggregate, directed to be paid by way of compensation under section 437 (1) of the Act shall not exceed \$10,000 (Schedule 1 (1) (d));
- (c) to extend the meaning of "aggrieved person" so that it includes, where the felony or misdemeanour of which a person is convicted is in respect of the death of a person, the spouse (if any), or the person (if any) who was living with the dead person as the spouse, and any parent or child (as defined in section 7 (1) of the Compensation to Relatives Act of 1897), of the dead person (Schedule 1 (1) (e));
- (d) to increase the maximum sum, or sums in the aggregate, payable by way of compensation under section 554 (3) of the Act from \$600 to \$1,000 (Schedule 1 (2) (a));
- (e) to provide that, where an offence is committed by 2 or more persons acting together or is one of 2 or more offences that are related in any way, the sum, or sums in the aggregate, directed to be paid by way of compensation under section 554 (3) of the Act shall not exceed \$1,000 (Schedule 1 (2) (e)); and
- (f) to make other amendments of a minor or ancillary nature.

CRIMES (COMPENSATION) AMENDMENT BILL, 1979

EXPLANATORY NOTE

(This Explanatory Note relates to this Bill as introduced into Parliament)

The Criminal Justice Compensation (Amendment) Bill, 1978, is cognate with this Bill.

The object of this Bill is to amend the Crimes Act, 1900 ("the Act")—

- (a) to increase the maximum sum or sums in the aggregate payable by way of compensation under section 537 (1) of the Act from \$1,000 to \$10,000 (Schedule 1 (1) (a));
- (b) to provide that where a felony or misdemeanor is committed by 2 or more persons acting together or is one of 2 or more offences being jointly or misdemeanors that are related in any way, the sum or sums in the aggregate directed to be paid by way of compensation under section 537 (1) of the Act shall not exceed \$10,000 (Schedule 1 (1) (b));
- (c) to extend the meaning of "aggrieved person" so that it includes where the felony or misdemeanor of which a person is convicted is in respect of the death of a person, the spouse (if any), or the person (if any) who was living with the dead person as the spouse and any parent or child as defined in section 7 (1) of the Compensation to Relatives Act 1937, of the dead person (Schedule 1 (1) (c));
- (d) to increase the maximum sum or sums in the aggregate payable by way of compensation under section 537 (3) of the Act from \$500 to \$1,000 (Schedule 1 (2) (a));
- (e) to provide that where an offence is committed by 2 or more persons acting together or is one of 2 or more offences that are related in any way, the sum or sums in the aggregate directed to be paid by way of compensation under section 534 (1) of the Act shall not exceed \$1,000 (Schedule 1 (2) (b)); and
- (f) to make other amendments of a minor or ancillary nature.

Act No. 1979
**CRIMES (COMPENSATION) AMENDMENT BILL,
1979**

It is enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the Crimes (Compensation) Amendment Act, 1979.

2. (1) This section and section 1 shall commence on the date of assent to this Act.

(2) Except as provided by subsection (1), this Act shall commence on such day as may be appointed by the Governor in respect thereof and as may be published by notification published in the Gazette.

A BILL FOR

An Act to amend the Crimes Act, 1900, with respect to compensation payable to persons who suffer injury or loss as a result of the commission of an offence; and for other purposes.

[MR F. J. WALKER—10 April, 1979.]

See also Criminal Injuries Compensation (Amendment) Bill, 1979.

Crimes (Compensation) Amendment.

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows :—

5 **1.** This Act may be cited as the "Crimes (Compensation) Short title. Amendment Act, 1979".

2. (1) This section and section 1 shall commence on the date Commence-
of assent to this Act. ment.

(2) Except as provided by subsection (1), this Act shall
10 commence on such day as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.

3. The Crimes Act, 1900, is amended in the manner set forth Amendment
in Schedule 1. of Act No.
40, 1900.

15 **4.** The amendments made by section 3 and Schedule 1 shall Directions
apply to and in respect of any direction for payment of compensa- to which
tion given under section 437 (1) or 554 (3) of the Crimes Act, Schedule 1
1900, on or after the day appointed and notified under section 2 applies.
(2).

Crimes (Compensation) Amendment.

SCHEDULE 1.

Sec. 3.

AMENDMENTS TO THE CRIMES ACT, 1900.

- (1) (a) Section 437 (1)—
5 Omit "\$4,000", insert instead "\$10,000, or sums not exceeding, in the aggregate, \$10,000,".
- (b) Section 437 (1)—
After "aggrieved person", insert "or to any aggrieved persons in such proportions as may be specified in the direction".
- 10 (c) Section 437 (2)—
After "sum" wherever occurring, insert "or sums".
- (d) Section 437 (2A)—
After section 437 (2), insert :—
- 15 (2A) Where a Court or Judge gives a direction under subsection (1) in respect of the conviction of a person for a felony or misdemeanour that was one of 2 or more offences, being felonies or misdemeanours (whether committed by the same person or by different persons) that were committed—
- 20 (a) at approximately the same time; or
(b) by 2 or more persons acting together,
or are related to each other for any other reason, the sum, or sums in the aggregate, specified in the direction, shall not exceed the difference between \$10,000
25 and any sum, or sums in the aggregate, previously specified in a direction given under subsection (1).

Crimes (Compensation) Amendment.

SCHEDULE 1—*continued.*

AMENDMENTS TO THE CRIMES ACT, 1900—*continued.*

(e) Section 437 (4), definition of "Aggrieved person"—

Before the definition of "Injury", insert :—

5 "Aggrieved person", where the felony or mis-
demeanour of which a person is convicted is
in respect of the death of another person,
means, except in subsection (3), the spouse
10 (if any), or the person (if any) who was living
with the dead person as the spouse, and any
parent or child (as defined in section 7 (1)
of the Compensation to Relatives Act of
1897), of the dead person.

(2) (a) Section 554 (3)—

15 Omit "\$600", insert instead "\$1,000, or sums not
exceeding, in the aggregate, \$1,000."

(b) Section 554 (3)—

20 After "aggrieved", insert "or to the aggrieved persons
in such proportions as may be specified in the
direction".

(c) Section 554 (4A)—

After section 554 (4), insert :—

25 (4A) Where a Court gives a direction
under subsection (3) in respect of the conviction of
a person for an offence that was one of 2 or more
offences (whether committed by the same person or
by different persons) that were committed—

(a) at approximately the same time; or

Crimes (Compensation) Amendment.

SCHEDULE 1—*continued.*

AMENDMENTS TO THE CRIMES ACT, 1900—*continued.*

5 (b) by 2 or more persons acting together,
or are related to each other for any other reason, the
sum, or sums in the aggregate, specified in the
direction, shall not exceed the difference between
\$1,000 and any sum, or sums in the aggregate,
previously specified in a direction given under
subsection (3).

BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1979

Crimes (Continuation)

SCHEDULE I—continued

AMENDMENTS TO THE CRIMES ACT, 1900—continued

(b) If 2 or more persons acting together

or are related to each other for any of the reasons mentioned in the preceding section, the aggregate amount of the sums or sums in the aggregate which shall not exceed the amount in the preceding section and any sum or sums in the aggregate previously provided in a direction given under subsection (c).

BY AUTHORITY OF THE GOVERNMENT OF WEST AUSTRALIA

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CRIMES (COMPENSATION) AMENDMENT BILL

Schedule of the Amendments referred to in Legislative Council's
Message of **23** April, 1979.

- No. 1.—Page 3, Schedule 1, line 24. After “not”, insert “, where the offences were committed against the same person,”.
- No. 2.—Page 3, Schedule 1, line 26. After “(1)”, insert “in respect of any of those offences”.
- No. 3.—Page 5, Schedule 1, line 6. After “not”, insert “, where the offences were committed against the same person,”.
- No. 4.—Page 5, Schedule 1, line 9. After “(3)”, insert “in respect of any of those offences”.
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