



ANNO VICESIMO TERTIO

ELIZABETHAE II REGINAE

A.D. 1974

No. 24 of 1974

An Act to amend the Criminal Injuries Compensation Act,
1969-1972.

[Assented to 11th April, 1974]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows:

1. (1) This Act may be cited as the "Criminal Injuries Compensation Act Amendment Act, 1974". Short titles.

(2) The Criminal Injuries Compensation Act, 1969-1972, is hereinafter referred to as "the principal Act".

(3) The principal Act, as amended by this Act, may be cited as the "Criminal Injuries Compensation Act, 1969-1974".

2. Section 4 of the principal Act is amended—

(a) by striking out from subsection (1) the word "Where" and inserting in lieu thereof the passage "Subject to this section, where";

(b) by striking out from subsection (1) the passage "one thousand dollars" and inserting in lieu thereof the passage "two thousand dollars";

(c) by inserting after subsection (1) the following subsections:—

(1a) Where a person suffers injury in consequence of an offence committed by two or more persons acting in concert, an order may be made under subsection (1) of this section in proceedings in which any one or more of those persons is tried and the persons convicted, or adjudged guilty, of the offence shall (whether they are convicted, or their guilt is established, in the same or separate proceedings) be jointly and severally liable to satisfy that order.

(1b) Where an offence is committed by two or more persons acting in concert, only one order may be made under this section in relation to that offence.;

and

Amendment of
principal Act,
s. 4—
Court may
order com-
pensation for
injury.

(d) by striking out subsection (4) and inserting in lieu thereof the following subsections:—

(4) A court by which an order is made under subsection (1) of this section may—

(a) give such directions as to the satisfaction and enforcement of the order as it thinks fit;

and

(b) exercise any of the powers that it has to secure compliance with an order for the payment of a fine for the purpose of securing compliance with the order or with any direction under paragraph (a) of this subsection.

(5) No order shall be made under this section in respect of an injury—

(a) where the person convicted, or adjudged guilty, of the offence from which the injury arises is insured under Part IV of the Motor Vehicles Act, 1959-1973, against his liability for damages arising from the injury;

or

(b) where the injured person is entitled to proceed against the nominal defendant under Part IV of the Motor Vehicles Act, 1959-1973, for damages in respect of the injury.

Amendment of
principal Act,
s. 7—
Claim where
offence has
not been tried.

3. Section 7 of the principal Act is amended by striking out from subsection (4) the passage “and stating, if the court thinks fit, a further sum in respect of costs”.

Enactment of
s. 7d of
principal Act—

4. The following section is enacted and inserted in the principal Act immediately after section 7c thereof:—

Costs.

7d. An order or certificate granted under this Act may, if the court thinks fit, include, in addition to a sum to which the applicant is entitled by way of compensation, a further sum that represents, in the opinion of the court, the reasonable costs of, and incidental to, the application.

Amendment of
principal Act,
s. 8—
Inquiry by
Master.

5. Section 8 of the principal Act is amended—

(a) by striking out from paragraph (a) of subsection (2) the word “amount” wherever it occurs and inserting in lieu thereof in each case the passage “amount or amounts”;

and

(b) by striking out from subsection (4) the passage “the amount referred to in paragraph (a) of subsection (2) of this section” and inserting in lieu thereof the passage “the amount or amounts referred to in paragraph (a) of subsection (2) of this section”.

6. Section 10 of the principal Act is amended by striking out subsection (1) and inserting in lieu thereof the following subsection:—

Amendment of
principal Act,
s. 10—
Subrogation of
rights to
Attorney-
General.

(1) Where any payment is made under section 8 of this Act in pursuance of an application made under section 5 of this Act the Attorney-General—

(a) shall, to the extent of the payment, be subrogated to the rights of the person to whom the payment was made against the person convicted, or adjudged guilty, of the offence;

and

(b) shall, to the extent of the payment, be subrogated to the rights of the person convicted, or adjudged guilty, of the offence against any insurer or other person from whom that person is entitled to indemnity or contribution in respect of liability arising from the injury to which the payment relates.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

M. L. OLIPHANT, Governor