



**CRIMINAL INJURIES COMPENSATION AMENDMENT
ACT 1984**

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No. 94 of 1984
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AN ACT to amend the Criminal Injuries Compensation Act 1976.

[Royal Assent 30 November 1984]

BE it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

1—This Act may be cited as the *Criminal Injuries Compensation* Short title.
Amendment Act 1984.

Principal Act.

2—In this Act, the *Criminal Injuries Compensation Act 1976** is referred to as the Principal Act.

Insertion in Principal Act of new section 7A.

3—The Principal Act is amended by inserting the following section after section 7:—

Recovery from offender.

7A—(1) In this section, a reference to an award includes a reference to an interim award under section 5 (6).

(2) Where—

- (a) an award is made under this Act; and
- (b) an offender is convicted of an offence in respect of the criminal conduct which led to an application for the award being made,

the Master shall make an order directing the offender to pay to the Crown the whole of the compensation awarded together with the whole of any costs awarded in respect of the application for the award pursuant to section 5 (8).

(3) Where the Master makes an order pursuant to subsection (2) the Attorney-General may, within the period of 6 months after the making of the order, cause a memorandum in a summary form of so much of the order as is necessary for the purposes of this subsection to be made on paper, sealed with the seal of the Supreme Court, and entered as if it were a judgment subject to the *Supreme Court Civil Procedure Act 1932* and, subject to subsection (4), enforced under that Act.

(4) Execution may be issued upon a judgment entered in accordance with subsection (3) within the period of 12 months after the date of entering judgment.

(5) Any amount recovered pursuant to a judgment entered in accordance with subsection (3) shall be paid into the Consolidated Revenue Fund.

(6) Where—

- (a) an offender charged with an offence pleads guilty to, or is found guilty of, that offence; or
- (b) a finding is made in respect of the offence that the charge has been proved,

that offender is deemed, for the purposes of this section, to have been convicted of that offence, notwithstanding that the court hearing the matter does not proceed, or does not proceed immediately, to conviction.

* No. 32 of 1976. For this Act, as reprinted as at 1st September 1979, see the continuing Reprint of Statutes.

4—Section 9 of the Principal Act is amended as follows:—

(a) by inserting in subsection (2) “ otherwise than under this Act ” after “ damages or compensation ”;

(b) by inserting the following subsection after subsection (2):—

(2A) Where, in respect of any criminal conduct—

(a) an award is made to a person under this Act;

(b) judgment is entered for the Crown in accordance with section 7A with respect to the award;

(c) a sum is recovered by or for the benefit of the person by way of damages or compensation as a consequence of the criminal conduct and is deemed to be held in trust for the Treasurer pursuant to subsection (2); and

(d) the Treasurer is paid an amount pursuant to subsection (2) out of the sum referred to in paragraph (c),

the amount of the judgment debt shall be reduced by the sum paid to the Treasurer pursuant to subsection (2)

Amendment of section 9 of Principal Act (Effect on other rights and remedies).

5—The provisions of the Principal Act, as amended by this Act, apply only to an award made after the commencement of this Act.

Amounts not recoverable on awards made before commencement of this Act.

