

Western Australia

# **Criminal Injuries Compensation Amendment Bill 2004**

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Western Australia

LEGISLATIVE ASSEMBLY

*(As amended during consideration in detail)*

**Criminal Injuries Compensation Amendment  
Bill 2004**

**A Bill for**

**An Act to amend the *Criminal Injuries Compensation Act 2003*.**

The Parliament of Western Australia enacts as follows:

**1. Short title**

This Act may be cited as the *Criminal Injuries Compensation Amendment Act 2004*.

**2. Commencement**

This Act comes into operation on the day on which it receives the Royal Assent.

**3. The Act amended**

5 The amendments in this Act are to the *Criminal Injuries Compensation Act 2003*\*.

[\* Act No. 77 of 2003.]

**4. Section 3 amended**

10 Section 3 is amended in the definition of “**compensation reimbursement order**” by inserting after “under section 52” —  
“

of this Act, or section 39(1) of the *Criminal Injuries Compensation Act 1985*

”.

15 **5. Section 35 amended**

(1) Section 35(2)(c) is amended by deleting “bodily harm” and inserting instead —

“ injury ”.

20 (2) Section 35(2)(e)(i) is amended by deleting “bodily harm” and inserting instead —

“ injury ”.

**6. Section 37 amended**

Section 37(3) is amended by deleting “of an injured victim in respect of the injury or any loss suffered by the victim as a

consequence of the commission of an offence if satisfied that the injury” and inserting instead —

“

of —

- 5           (aa) an injured victim in respect of the injury or any loss suffered by the victim; or
- (ab) the personal representative of a deceased victim, in respect of any loss suffered by a close relative of a deceased victim,

10           as a consequence of the commission of an offence if satisfied that the injury or death

”.

**7. Section 43 amended**

Section 43 (b) is amended by deleting “made under section 52”.

15   **8. Section 48A inserted**

Before Section 49 the following section is inserted in Part 6 —

“

**48A. Interpretation**

In this Part —

20           “**compensation award**” includes an award for payment of compensation made under the *Criminal Injuries Compensation Act 1985*.

”.

**9. Section 68 amended**

- 25       (1) Section 68 is amended before “If” by inserting the subsection designation “(1)”.

**s. 10**

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(2) After section 68 the following subsection is inserted —

“

(2) In this section —

5                   **“compensation award”** includes an award for  
                          payment of compensation made under the  
                          *Criminal Injuries Compensation Act 1985*.

”.

**10. Validation**

10           (1) An order to pay moneys under section 39 of the *Criminal  
Injuries Compensation Act 1985*, made on or after 1 January  
2004, is deemed to have been made under the *Criminal Injuries  
Compensation Act 2003*, as amended by this Act.

15           (2) An amount received or recovered as described in section 68 of  
the *Criminal Injuries Compensation Act 2003*, on or after 1  
January 2004, is deemed to create a debt due under the *Criminal  
Injuries Compensation Act 2003*, as amended by this Act.

20           (3) A notice given under the *Criminal Injuries Compensation Act  
1985*, on or after 1 January 2004, is deemed to have been given  
under the *Criminal Injuries Compensation Act 2003*, as  
amended by this Act.

