

South Australia

Victims of Crime (Fund and Levy) Regulations 2003

under the *Victims of Crime Act 2001*

Contents

- 1 Short title
- 3 Interpretation
- 4 Prescribed proportion to be paid into Fund (section 30 of Act)
- 5 Imposition of levy (section 32 of Act)

Schedule 1—Victims of crime levy

Legislative history

1—Short title

These regulations may be cited as the *Victims of Crime (Fund and Levy) Regulations 2003*.

3—Interpretation

In these regulations—

Act means the *Victims of Crime Act 2001*;

youth has the same meaning as in the *Young Offenders Act 1993*.

4—Prescribed proportion to be paid into Fund (section 30 of Act)

For the purposes of section 30(3) of the Act, the prescribed proportion of the aggregate amount paid into General Revenue by way of fines that is to be paid into the Victims of Crime Fund is 20 per cent.

5—Imposition of levy (section 32 of Act)

- (1) For the purposes of section 32(2) of the Act, a levy is not imposed on a person who expiates an offence under an expiation notice if—
 - (a) the notice is issued by a council (within the meaning of the *Local Government Act 1999*) or other authority with powers and functions of local government; or
 - (b) the notice is issued by a university or other tertiary educational institution established by an Act; or
 - (c) the notice is issued by an incorporated hospital within the meaning of the *Health Care Act 2008*; or
 - (d) the notice is issued by the Institute of Medical and Veterinary Science; or

- (e) the notice is issued by the Board of the Botanic Gardens and State Herbarium;
or
 - (f) the offence is under the *Technical and Further Education (Vehicles) Regulations 1998*.
- (1a) A reference in subregulation (1) to a person who expiates an offence under an expiation notice does not include a person who, for the purposes of any Act or law, is taken to have expiated an offence by virtue of the operation of section 13(3) of the *Expiation of Offences Act 1996*.
- (2) For the purposes of section 32(4) of the Act, the amount of the levy is fixed by Schedule 1.

Schedule 1—Victims of crime levy

- 1 Subject to clauses 2 and 3—
- (a) the amount of the levy in respect of a summary offence is—
 - (i) if the offence is expiated without the making of an enforcement determination under section 13 of the *Expiation of Offences Act 1996* in relation to the expiation notice \$60
 - (ii) in any other case \$160
 - (b) the amount of the levy in respect of an indictable offence is \$260
- 2 If an offence appears in the list below, the levy in respect of that offence is twice the levy that would otherwise be payable under clause 1:
- (a) an offence under the *Aircraft Offences Act 1971*;
 - (b) any of the following offences under the *Criminal Law Consolidation Act 1935*:
 - (i) an offence under Part 3 (other than Divisions 13, 15 and 18);
 - (ii) an offence under Part 4 (other than sections 86 and 86A);
 - (iii) an offence of robbery or aggravated robbery;
 - (iv) an offence under Part 6A;
 - (v) an offence against section 270AB or 270B;
 - (vi) an offence against section 270A involving the attempt of an offence otherwise listed in this clause (other than in subparagraph (v));
 - (c) an offence against section 6 of the *Summary Offences Act 1953*.
- 3 If but for this clause—
- (a) the amount of the levy payable by a youth under clause 1 would exceed \$100, the amount of the levy is \$100
 - (b) the amount of the levy payable by a youth under clause 2 would exceed \$180, the amount of the levy is \$180

Legislative history

Notes

- Please note—References in the legislation to other legislation or instruments or to titles of bodies or offices are not automatically updated as part of the program for the revision and publication of legislation and therefore may be obsolete.
- Earlier versions of these regulations (historical versions) are listed at the end of the legislative history.
- For further information relating to the Act and subordinate legislation made under the Act see the Index of South Australian Statutes or www.legislation.sa.gov.au.

Revocation of regulations

The *Victims of Crime (Fund and Levy) Regulations 2003* were revoked by Sch 2 of the *Victims of Crime (Fund and Levy) Regulations 2018* on 19.7.2018.

Principal regulations and variations

Year	No	Reference	Commencement
2003	222	<i>Gazette 30.10.2003 p3965</i>	30.10.2003: r 2
2007	190	<i>Gazette 28.6.2007 p2903</i>	1.7.2007: r 2
2008	198	<i>Gazette 26.6.2008 p2732</i>	1.7.2008: r 2
2009	193	<i>Gazette 25.6.2009 p3035</i>	1.7.2009: r 2
2010	236	<i>Gazette 2.12.2010 p5459</i>	1.1.2011: r 2
2014	31	<i>Gazette 30.1.2014 p464</i>	3.2.2014: r 2
2015	246	<i>Gazette 10.12.2015 p5204</i>	10.12.2015: r 2
2016	185	<i>Gazette 21.7.2016 p2994</i>	3.2.2014: r 2

Provisions varied

Entries that relate to provisions that have been deleted appear in italics.

Provision	How varied	Commencement
<i>r 2</i>	<i>omitted under Legislation Revision and Publication Act 2002</i>	<i>1.7.2007</i>
r 3		
youth	inserted by 236/2010 r 4	1.1.2011
r 5		
r 5(1)	varied by 198/2008 r 4	1.7.2008
r 5(1a)	inserted by 185/2016 r 4	3.2.2014
Sch 1		
	substituted by 190/2007 r 4	1.7.2007
	substituted by 193/2009 r 4	1.7.2009
	substituted by 236/2010 r 5	1.1.2011
	varied by 31/2014 r 4	3.2.2014
	varied by 246/2015 r 4(1), (2)	10.12.2015

Historical versions

1.7.2007

1.7.2008

1.7.2009

1.1.2011

3.2.2014