

South Australia

Victims of Crime (Fund and Levy) Regulations 2003

under Part 6 of the *Victims of Crime Act 2001*

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- 1 Victims of crime levy
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1—Short title

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

2—Commencement

These regulations come into operation on the day on which they are made.

3—Interpretation

In these regulations—

Act means the *Victims of Crime Act 2001*

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 or incorporated health centre (within the meaning of the *South Australian Health Commission Act 1976*); 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*.
- (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—Victims of crime levy

- (1) Subject to this clause, the amount of the levy is—
- (a) in relation to a summary offence—
 - (i) if the offence is expiated—\$10;
 - (ii) in any other case—\$35;
 - (b) in relation to an indictable offence—\$60.
- (2) If a summary or an indictable offence appears in the following list, the levy in relation to that offence is twice the levy that would otherwise be payable under subclause (1):
- (a) an offence under the *Aircraft Offences Act 1971*;
 - (b) an offence against section 11, 12, 12A, 13, 19, 19AA, 20, 21, 23, 25, 27, 29, 30, 33A, 39, 40, 41, 42, 43, 44, 47A, 48, 49, 56, 58, 58A, 59, 64, 74, 80, 81, 82, 85(1), 137, 167, 168, 169, 170, 170A, 174, 270A or 270B of the *Criminal Law Consolidation Act 1935*;
 - (c) an offence under the *Kidnapping Act 1960*;
 - (d) an offence against section 6 of the *Summary Offences Act 1953*.
- (3) If, but for this subclause, the amount of the levy payable by a youth—
- (a) under subclause (1) would exceed \$20—the amount of the levy will be \$20;
 - (b) under subclause (2) would exceed \$40—the amount of the levy will be \$40.

Note—

As required by section 10AA(2) of the *Subordinate Legislation Act 1978*, the Minister has certified that, in the Minister's opinion, it is necessary or appropriate that these regulations come into operation as set out in these regulations.

Made by the Governor

with the advice and consent of the Executive Council
on 30 October 2003

No 222 of 2003

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