

South Australia

Criminal Injuries Compensation (Scale of Costs) Variation Regulations 2016

under the *Criminal Injuries Compensation Act 1978*

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Part 1—Preliminary

1—Short title

These regulations may be cited as the *Criminal Injuries Compensation (Scale of Costs) Variation Regulations 2016*.

2—Commencement

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

3—Variation provisions

In these regulations, a provision under a heading referring to the variation of specified regulations varies the regulations so specified.

Part 2—Variation of *Criminal Injuries Compensation Regulations 2002*

4—Substitution of Schedule

Schedule—delete the Schedule and substitute:

Schedule—Scale of Costs

1—Interpretation

In this Schedule—

- (a) *CPI* means the Consumer Price Index (All groups index for Adelaide) published by the Australian Bureau of Statistics; and
- (b) if a monetary amount is followed by the word (*indexed*), the amount is to be adjusted on 1 January of each year by multiplying the stated amount by a proportion obtained by dividing the CPI for the September quarter of the immediately preceding year by the CPI for the September quarter, 2014, on the basis that the quotient used for the purposes of the adjustment will be calculated to 2 decimal places and that the amount obtained from the adjustment will be rounded to the nearest dollar.

2—Solicitor fee

- | | |
|---|-------------------|
| (1) If an application is made to a court | \$1 400 (indexed) |
| (2) If a claim is settled without an application to a court | \$700 (indexed) |
| (3) For all work relating to an appeal | \$700 (indexed) |

3—Counsel fee

- | | |
|---|-------------------|
| (1) Preliminary fee | |
| For all work preparatory to an application to a court (including, advice on evidence and any other legal advice on the application, conferences and proofing witnesses) and for the first 5 hours of the hearing of the application | \$1 000 (indexed) |
| (2) Additional fee | |
| For each hour or part of an hour after the first 5 hours of the hearing of the application | \$200 (indexed) |
| (3) For attending at a pre-trial conference (including preparatory work) | \$250 (indexed) |
| (4) For all work relating to an appeal | \$700 (indexed) |

4—Disbursements

- (1) If an application is made to a court, a legal practitioner may recover all disbursements reasonably incurred under the Act as allowed by certificate of the court.
- (2) If a claim is settled without an application to a court, a legal practitioner may recover all disbursements reasonably incurred as certified by the Crown Solicitor.

Schedule 1—Transitional provision

1—Transitional provision

The *Criminal Injuries Compensation Regulations 2002*, as amended by these regulations, apply in relation to legal costs under section 10 of the *Criminal Injuries Compensation Act 1978* relating to matters finalised after the commencement of these regulations.

Note—

The *Criminal Injuries Compensation Act 1978* applies in respect of an injury arising from an offence committed before the commencement of the *Victims of Crime Act 2001* (see Schedule 1, clause 2 of the *Victims of Crime Act 2001*).

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 Administrator

with the advice and consent of the Executive Council
on 8 September 2016

No 224 of 2016

AGO0109/16CS