

South Australia

Criminal Injuries Compensation 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 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—Variation of Schedule—Prescribed Scale of Costs

- (1) Schedule, clause 1—before paragraph (a) insert:

- (aaa) *CPI* means the Consumer Price Index (All groups index for Adelaide) published by the Australian Bureau of Statistics; and
 - (aab) *disability* has the same meaning as in the *District Court Civil Rules 2006* as in force at the commencement of the *Criminal Injuries Compensation Variation Regulations 2016*; and
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- (aa) 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; and
- (2) Schedule, clause 2(1)—delete "\$500" and substitute:
\$700 (indexed)
- (3) Schedule, clause 2(2)(a)—delete "\$1 000" and substitute:
\$1 400 (indexed)
- (4) Schedule, clause 2(2)(b)(i)—delete "\$1 000" and substitute:
\$1 400 (indexed)
- (5) Schedule, clause 2(2)(b)(ii)—delete "\$800" and substitute:
\$1 100 (indexed)
- (6) Schedule, clause 3(1)—delete "Not more than \$750" and substitute:
\$1 000 (indexed)
- (7) Schedule, clause 3(2)—delete "1/5 of the preliminary fee actually charged" and substitute:
\$200 (indexed)
- (8) Schedule, clause 3(3) and (4)—delete subclauses (3) and (4) and substitute:
- | | |
|---|-----------------|
| (3) Subject to subclause (4), for an opinion as to the settlement of a claim for compensation made by a person under a disability | \$700 (indexed) |
| (4) For an opinion as to the settlement of a related claim for compensation made by a person under a disability | \$500 (indexed) |
- (9) Schedule, clause 4—delete "\$500" and substitute:
\$700

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 Governor

with the advice and consent of the Executive Council
on 11 August 2016

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