

SOUTH AUSTRALIA

CRIMINAL INJURIES COMPENSATION REGULATIONS, 1987

REGULATIONS UNDER THE CRIMINAL INJURIES COMPENSATION ACT, 1978

Criminal Injuries Compensation Regulations, 1987

being

No. 294 of 1987: *Gaz.* 23 December 1987, p. 1962

as varied by

No. 241 of 1988: *Gaz.* 8 December 1988, p. 1958

No. 186 of 1993: *Gaz.* 12 August 1993, p. 845¹ (as varied by No. 191 of 1993: *Gaz.* 19 August 1993, p. 890²)

¹ Came into operation 19 August 1993: reg. 1A.

² Came into operation 19 August 1993: reg. 2.

2.

1. These regulations may be cited as the *Criminal Injuries Compensation Regulations, 1987*.

1A. These regulations will come into operation on 19 August 1993.

2. The *Criminal Injuries Compensation Regulations, 1982* (No. 208 of 1982, see *Gazette*, 4 November, 1982, p. 1316) are revoked.

3. In these regulations—

"the Act" means the *Criminal Injuries Compensation Act, 1978*.

3A. For the purposes of section 7(3) of the Act, the following are the prescribed particulars:

CLAIMANT/VICTIM DETAILS

1. Name, address and date of birth of the claimant.
2. Name and date of birth of the victim (if not the claimant).
3. Date, time and place of the offence.
4. The type of offence and the details surrounding the offence.
5. When and where the offence was reported to the police and, if not reported, the reason for not doing so.
6. Details of the nature of the injury (eg. broken bones, scars).
7. If the victim is dead—
 - (a) the relationship of the claimant to the victim;
 - (b) the date of death;
 - (c) the date of the funeral.

OFFENDER DETAILS

8. Name of offender(s) (if known).
9. If the offender(s) were convicted of the offence, brief details of the conviction.
10. Any information as to the whereabouts, income and assets of the offender(s).

DAMAGES
Financial Loss

11. Particulars of special damage including—
 - (a) an itemised list of expenses in relation to any treatment and the name of the person or institution to whom the expense was paid or is payable;
 - (b) an itemised list of funeral expenses;
 - (c) details of membership of any health fund or scheme.
12. If the claim is by the victim, details of any loss of earning capacity, including details of—
 - (a) the occupation or business of the claimant at the time of the injury and during the twelve months prior to the injury;
 - (b) the gross income received from the occupation or business during the twelve month period ending on 30 June last prior to the injury;
 - (c) any disability (including mental disability) from which the claimant is suffering or has suffered as a result of the injury and which is preventing or has prevented, wholly or in part, the claimant from performing his or her occupation or business;
 - (d) the periods since the injury during which the claimant has been unable, wholly or in part, to perform his or her usual occupation or business, together with the periods during which the incapacity has been total and the periods during which it has been partial;
 - (e) where there has been partial incapacity, the nature and extent of such partial incapacity;
 - (f) the periods since the injury during which the claimant has been employed or otherwise engaged in any occupation or business, and in respect of each such occupation or business—
 - (i) the nature of the occupation or business;
 - (ii) the address at which it was conducted or performed;
 - (iii) the name of any employer;
 - (iv) the gross income received by the claimant.
13. If the claim is by a dependant or dependants of a victim, all the facts on which the claimant relies to establish a claim for financial loss.
14. The final amount claimed for financial loss, detailing the calculations used to arrive at that figure.

4.

Non-financial Loss

15. The amount claimed for non-financial loss, detailing the calculations used to arrive at that figure.

DOCUMENTS TO BE SUPPLIED

16. Copies of all medical reports in the claimant's possession.
17. A statement of all amounts received by or on behalf of the claimant from the offender or any other source, and details of any steps taken to obtain payment or compensation from the offender or any other person, corporation or government department in respect of the injury.

4. Pursuant to section 10 of the Act, the scale of costs set out in the schedule is the prescribed scale.

5.

SCHEDULE

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1. Solicitors fee where application made to a court	600
1a. Solicitors fee where claim settled without an application to a court	400
2. Attendance to obtain consent order	75
3. Counsel fee:	
(a) the preliminary fee—for all work preparatory to the application (including advice on evidence and any other legal advice on the application) and for the first five hours of the hearing of the application	up to 500
and	
(b) an additional fee—for each hour or part of an hour after the first five hours of the hearing	1/5 of the preliminary fee actually charged
4. Attendance at pre-trial conference (including preparatory work)	150
5. On appeal	500
6. Where 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	
7. Where 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.	

APPENDIX

LEGISLATIVE HISTORY

Regulation 1A:	inserted by 191, 1993, reg. 3
Regulation 3A:	inserted by 186, 1993, reg. 2
Schedule:	substituted by 241, 1988, reg. 2
Item 1:	substituted by 186, 1993, reg. 3(a)
Item 1a:	inserted by 186, 1993, reg. 3(a)
Item 6:	substituted by 186, 1993, reg. 3(b)
Item 7:	inserted by 186, 1993, reg. 3(b)