



New South Wales

Victims Compensation Amendment (Costs) Rule 2000

under the

Victims Compensation Act 1996

His Excellency the Governor, with the advice of the Executive Council, has made the following Rule under the *Victims Compensation Act 1996*.

JEFFREY SHAW, Q.C., M.L.C.,
Attorney General

Explanatory note

Under section 35 of the *Victims Compensation Act 1996*, an applicant for statutory compensation is entitled to be paid his or her costs in respect of the application in accordance with the scale of costs prescribed by the rules under that Act. The scale of costs is set out in clause 12 of the *Victims Compensation Rule 1997*, and relates to the professional costs (including disbursements) for the work carried out by a legal practitioner in relation to the application concerned.

The object of this Rule is to provide for the payment, in addition to the amount awarded in accordance with the scale, of any GST that is payable in respect of the work or disbursements involved in relation to an application for statutory compensation.

This Rule is made under the *Victims Compensation Act 1996*, including sections 35 and 87 (the general rule-making power).

2000 No 321

Clause 1 Victims Compensation Amendment (Costs) Rule 2000

**Victims Compensation Amendment (Costs) Rule
2000**

1 Name of Rule

This Rule is the *Victims Compensation Amendment (Costs) Rule 2000*.

2 Commencement

This Rule commences on 1 July 2000.

3 Amendment of Victims Compensation Rule 1997

The *Victims Compensation Rule 1997* is amended as set out in Schedule 1.

4 Notes

The explanatory note does not form part of this Rule.

Schedule 1 Amendment

(Clause 3)

Clause 12 Professional costs—applications for compensation and proceedings before Tribunal

Insert before the Table to the clause:

- (3) In addition to the amount awarded in accordance with the scale set out in the Table to this clause, the amount so awarded is to include the amount of any GST that is payable in respect of the work or disbursements concerned.
- (4) Subclause (4) does not permit the awarding of an amount that is greater than:
 - (a) 10 % of the amount of the costs awarded (apart from that subclause), or
 - (b) the amount permitted under the New Tax System Price Exploitation law,whichever is the lesser.
- (5) In subclauses (3) and (4):

GST has the same meaning as in the *A New Tax System (Goods and Services Tax) Act 1999* of the Commonwealth.

New Tax System Price Exploitation law means:

 - (a) the *New Tax System Price Exploitation Code*, as applied as a law of New South Wales by the *Price Exploitation Code (New South Wales) Act 1999*, or
 - (b) Part VB of the *Trade Practices Act 1974* of the Commonwealth.