



New South Wales

Victims Compensation Amendment (Costs) Rule 2005

under the

Victims Support and Rehabilitation Act 1996

Her Excellency the Governor, with the advice of the Executive Council, has made the following Rule under the *Victims Support and Rehabilitation Act 1996*.

BOB DEBUS, M.P.,
Attorney General

Explanatory note

Under section 21 of the *Victims Support and Rehabilitation Act 1996* (*the Act*), a victim who applies for compensation as a consequence of an act of violence is entitled to payment for approved counselling services. The amounts payable are set by a scale prescribed by the *Victims Compensation Rule 1997* (*the 1997 Rule*).

Under section 35 of the Act, a victim who applies for compensation is entitled to payment for the costs in line with the scale of costs prescribed by the 1997 Rule. The amount payable 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 amend the 1997 Rule as follows:

- (a) to increase the hourly rate of payment to be made or reimbursed for approved counselling services under section 21 of the Act by the following persons:
 - (i) social workers—from \$70 to \$77,
 - (ii) psychologists (including clinical psychologists)—from \$90 to \$99,
 - (iii) psychiatrists—from \$110 to \$121,
- (b) to provide for the payment, in addition to the amounts referred to in paragraph (a), of any GST that is payable in respect of the provision of any such approved counselling services,
- (c) to increase from \$750 to \$825 the amount payable for work carried out by a solicitor or barrister in relation to the lodgment of an application for compensation, preparation of material required to enable the application to be determined and for work after determination,

2005 No 615

Victims Compensation Amendment (Costs) Rule 2005

Explanatory note

- (d) to increase from \$1,000 to \$1,100 the maximum limit that can be claimed in respect of disbursements relating to an application for compensation,
- (e) to effect law revision by renaming the Rule as a consequence of the renaming of the Act under which the Rule is made and by correcting a cross-reference.

This Rule is made under the *Victims Support and Rehabilitation Act 1996*, including sections 21, 35 and 87 (the general rule-making power).

Victims Compensation Amendment (Costs) Rule 2005

under the

Victims Support and Rehabilitation Act 1996

1 Name of Rule

This Rule is the *Victims Compensation Amendment (Costs) Rule 2005*.

2 Commencement

This Rule commences on 1 October 2005.

3 Amendment of Victims Compensation Rule 1997

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

2005 No 615

Victims Compensation Amendment (Costs) Rule 2005

Schedule 1 Amendments

Schedule 1 Amendments

(Clause 3)

[1] Clause 1 Name of Rule

Omit “*Victims Compensation Rule 1997*”.

Insert instead “*Victims Support and Rehabilitation Rule 1997*”.

[2] Clause 10

Omit the clause. Insert instead:

10 Amount of payments

- (1) The amount of the payment to be made or reimbursed for each hour of approved counselling services under section 21 of the Act is the amount calculated in accordance with the scale set out in the Table to this clause in respect of the relevant class of counsellor providing the service.
- (2) 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 provision of any such approved counselling services.
- (3) Subclause (2) 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.
- (4) In subclauses (2) and (3):

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.

Table

(1)	Social workers	\$77 per hour
(2)	Psychologists (including clinical psychologists)	\$99 per hour
(3)	Psychiatrists	\$121 per hour

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

Omit “Subclause (4)” from clause 12 (4). Insert instead “Subclause (3)”.

[4] Clause 12, Table, General

Omit “\$750”. Insert instead “\$825”.

[5] Clause 12, Table, Disbursements

Omit “\$1,000”. Insert instead “\$1,100”.