



New South Wales

# Victims Support and Rehabilitation Amendment Rule 2010

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*.

JOHN HATZISTERGOS, MLC  
Attorney General

## Explanatory note

The object of this Rule is to amend the *Victims Support and Rehabilitation Rule 1997* as a consequence of amendments made to the *Victims Support and Rehabilitation Act 1996* (**the Act**) by the *Courts and Crimes Legislation Further Amendment Act 2010*. In particular, this Rule:

- (a) provides that applications for Victims Assistance under the Act must include full particulars of the actual expenses for which Victims Assistance is sought, and
- (b) provides for the maximum amounts that may be awarded under section 35 of the Act as costs in respect of an application for statutory compensation, and
- (c) makes a law revision amendment.

This Rule is made under the *Victims Support and Rehabilitation Act 1996*, including sections 35 (1) and 87 (the general rule-making power).

## **2010 No 737**

Clause 1            Victims Support and Rehabilitation Amendment Rule 2010

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# **Victims Support and Rehabilitation Amendment Rule 2010**

under the

Victims Support and Rehabilitation Act 1996

### **1 Name of Rule**

This Rule is the *Victims Support and Rehabilitation Amendment Rule 2010*.

### **2 Commencement**

This Rule commences on 1 January 2011.

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## Schedule 1      Amendment of Victims Support and Rehabilitation Rule 1997

### [1]    Clause 3 Definition

Omit “*Victims Compensation Act 1996*” from the definition of *the Act*.

Insert instead “*Victims Support and Rehabilitation Act 1996*”.

### [2]    Clause 7A

Omit the clause. Insert instead:

#### 7A    Victims Assistance—details of actual expenses

An application for Victims Assistance is to include full particulars of the actual expenses for which Victims Assistance is sought, including receipts, invoices and other forms of substantiation of the expenditure incurred as the Director approves.

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

Insert after clause 12 (5):

- (6) Subclauses (1)–(5) of this clause and the Table to this clause, as in force immediately before the commencement of the *Victims Support and Rehabilitation Amendment Rule 2010*, continue to apply to an application for statutory compensation that was determined by the Tribunal or a compensation assessor before the commencement of that Rule.

### [4]    Clause 12, Table

Omit the matter relating to the heading “**General**” in the Table.

Insert instead:

- |     |   |             |
|-----|---|-------------|
| (1) | 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 |             |
| (a) | in the case of an application determined by the awarding of compensation  | Up to \$825 |
| (b) | in the case of an application that is dismissed   | Up to \$400 |

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Schedule 1 Amendment of Victims Support and Rehabilitation Rule 1997

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- (2) For work carried out by a solicitor or barrister in relation to an appeal to the Tribunal
  - (a) in the case of an appeal determined without a hearing Up to \$500
  - (b) in the case of an appeal determined after a hearing—including preparing for hearing, conferring with the applicant, attending the hearing and travelling to and from the hearing Up to \$1,500