



New South Wales

Fines Amendment (Payment of Victims Compensation Levies) Act 2006 No 9

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New South Wales

Fines Amendment (Payment of Victims Compensation Levies) Act 2006 No 9

Act No 9, 2006

An Act to amend the *Fines Act 1996* in relation to the payment of victims compensation levies; to validate certain enforcement actions; and for other purposes.
[Assented to 3 April 2006]

The Legislature of New South Wales enacts:

1 Name of Act

This Act is the *Fines Amendment (Payment of Victims Compensation Levies) Act 2006*.

2 Commencement

This Act commences on the date of assent.

3 Amendment of Fines Act 1996 No 99

The *Fines Act 1996* is amended as set out in Schedule 1.

Schedule 1 Amendments

(Section 3)

[1] Section 3 Definitions

Insert in alphabetical order in section 3 (1):

compensation levy means a compensation levy payable under Part 5 of the *Victims Support and Rehabilitation Act 1996*.

[2] Section 4 Meaning of “fine”

Omit “payable under Part 5 of the *Victims Compensation Act 1996*” from section 4 (1) (d).

[3] Section 4 (2A)

Insert after section 4 (2):

- (2A) For the purposes of this Act, a compensation levy is taken to be a fine imposed by the court by which the person liable to pay the levy was convicted.

[4] Section 18

Insert after section 17:

18 Special provision relating to certain compensation levies

- (1) This section applies to a compensation levy if the person liable to pay the levy (*the offender*) has been sentenced to a term of imprisonment by way of full-time detention in respect of the conviction that gave rise to the imposition of the levy (whether or not the sentence is consecutive with another sentence or concurrent with another sentence or partly consecutive and partly concurrent).
- (2) However, this section does not apply if the relevant sentence has been suspended.
- (3) Despite the other provisions of this Division, a compensation levy to which this section applies that is not paid by the due date may be enforced by deducting the amount due from the offender’s prison earnings.
- (4) The appropriate deduction is to be made by the Commissioner of Corrective Services or the governor of the correctional centre in which the offender is imprisoned.
- (5) Money may be deducted from prison earnings in accordance with this section despite the provisions of any other Act or law.

- (6) Any amount of a compensation levy to which this section applies that remains unpaid when the offender is discharged from the correctional centre, or released on parole, is taken to have been satisfied.
- (7) Subsection (6) applies even if the offender's parole is subsequently revoked.
- (8) In this section, a reference to an offender's *prison earnings* is a reference to the payments (if any) to be made to the offender under section 7 of the *Crimes (Administration of Sentences) Act 1999*.

[5] Schedule 3 Savings, transitional and other provisions

Insert at the end of clause 1 (1):

Fines Amendment (Payment of Victims Compensation Levies) Act 2006

[6] Schedule 3

Insert at the end of the Schedule, with appropriate Part and clause numbering:

**Part Provisions consequent on enactment of
Fines Amendment (Payment of Victims
Compensation Levies) Act 2006**

Validation of enforcement of certain fines

A compensation levy enforced, before the amendment of this Act by the *Fines Amendment (Payment of Victims Compensation Levies) Act 2006*, by means of an action that would have been authorised by this Act if this Act as so amended had been in force when the levy was enforced, is taken to have been validly enforced.

[Second reading speech made in—

Legislative Assembly on 28 February 2006

Legislative Council on 29 March 2006]

BY AUTHORITY