



New South Wales

Victims Rights and Support Amendment (Motor Vehicles) Act 2018 No 86

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Victims Rights and Support Amendment (Motor Vehicles) Act 2018 No 86

Act No 86, 2018

An Act to amend the *Victims Rights and Support Act 2013* to provide for the eligibility of certain persons to make applications for victims support in respect of an act of violence that involved a member of the person's immediate family being intentionally killed by a motor vehicle. [Assented to 28 November 2018]

The Legislature of New South Wales enacts:

1 Name of Act

This Act is the *Victims Rights and Support Amendment (Motor Vehicles) Act 2018*.

2 Commencement

This Act commences on a day or days to be appointed by proclamation.

Schedule 1 Amendment of Victims Rights and Support Act 2013 No 37

[1] Section 25 Persons not eligible for support

Insert after section 25 (2):

(2A) Exception to ineligibility for motor vehicle accidents

Despite subsection (2), a family victim is eligible to receive victims support in respect of an act of violence referred to in that subsection if:

- (a) the act of violence took the form of the intentional killing of the primary victim, and
- (b) a person has been charged with murder in relation to the death of the primary victim.

[2] Section 44 Reasons for not approving the giving of victims support or for reducing amount of financial support or recognition payment

Insert after section 44 (6):

- (6A) If the Commissioner is satisfied that an applicant for victims support, who is a family victim referred to in section 25 (2A), may be entitled to any damages under the *Compensation to Relatives Act 1897*, or any payment under the *Motor Accident Injuries Act 2017*, in respect of the act of violence to which the application relates, the Commissioner is to postpone the determination of the application until any entitlement to those damages or to that payment (as the case may be) has been determined.

[3] Schedule 2 Savings, transitional and other provisions

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

Part Provision consequent on enactment of Victims Rights and Support Amendment (Motor Vehicles) Act 2018

Amendments do not apply to acts of violence that occurred before the amendments commenced

- (1) Section 25 (2A), as inserted by the amending Act, does not apply to an application for victims support relating to an act of violence that occurred before the commencement of the subsection.
- (2) In this clause:
amending Act means the *Victims Rights and Support Amendment (Motor Vehicles) Act 2018*.

[Second reading speech made in—

Legislative Assembly on 17 October 2018

Legislative Council on 21 November 2018]