



New South Wales

Victims Support and Rehabilitation Amendment Regulation 2010

under the

Victims Support and Rehabilitation Act 1996

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

JOHN HATZISTERGOS, MLC
Attorney General

Explanatory note

The objects of this Regulation are as follows:

- (a) to amend the *Victims Support and Rehabilitation Regulation 2006* to provide that a primary victim of an act of violence cannot be compensated for his or her actual expenses in undertaking counselling services, or for the replacement or repair of certain personal effects, under the Victims Assistance scheme established by the *Victims Support and Rehabilitation Act 1996*,
- (b) to amend that Regulation to exclude from the compensation levy offences relating to offensive language, travelling on public transport without paying the fare or without a ticket and engaging in offensive conduct.

The amendment referred to in paragraph (a) is consequent on the enactment of the provisions of Schedule 18 to the *Courts and Crimes Legislation Further Amendment Act 2010* that renamed the former scheme for statutory compensation for prescribed expenses as *Victims Assistance* and extended it to cover all actual expenses, rather than actual expenses of particular kinds, incurred by a primary victim as a direct result of an act of violence.

This Regulation is made under the *Victims Support and Rehabilitation Act 1996*, including sections 14A (4) (b), 78 (1) and 88 (the general regulation-making power).

2010 No 736

Clause 1 Victims Support and Rehabilitation Amendment Regulation 2010

Victims Support and Rehabilitation Amendment Regulation 2010

under the

Victims Support and Rehabilitation Act 1996

1 Name of Regulation

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

2 Commencement

This Regulation commences on 1 January 2011.

Schedule 1 Amendment of Victims Support and Rehabilitation Regulation 2006

Clauses 4 and 5

Omit clause 4. Insert instead:

4 Exclusions from Victims Assistance

- (1) For the purposes of section 14A (4) (b) of the Act, the following are expenses for which a person may not be compensated under section 14A of the Act:
 - (a) counselling services,
 - (b) except as provided by subclause (2), the replacement or repair of personal effects,
 - (c) the cleaning of clothing or other wearable items.
- (2) Despite subclause (1) (b), expenses for the replacement or repair of prescription glasses, prescription contact lenses or medical aids (such as dentures, prostheses or hearing aids), that are lost or damaged as a direct result of the act of violence, are expenses for which a person may be compensated under section 14A of the Act.

5 Classes of offences to which compensation levy does not apply

For the purposes of section 78 (1) of the Act, Part 5 of the Act does not apply to the following classes of offences:

- (a) offences relating to the use of offensive language,
- (b) offences relating to travelling on public transport without paying the fare or without a ticket,
- (c) offences relating to engaging in offensive conduct.