

Courts Legislation Amendment Act 2010 No 63

[2010-63]



New South Wales

Status Information

Currency of version

Repealed version for 29 June 2010 to 1 July 2010 (accessed 22 November 2024 at 6:33)

Legislation on this site is usually updated within 3 working days after a change to the legislation.

Provisions in force

The provisions displayed in this version of the legislation have all commenced.

Notes—

- **Repeal**

The Act was repealed by sec 30C of the [Interpretation Act 1987 No 15](#) with effect from 2.7.2010.

Authorisation

This version of the legislation is compiled and maintained in a database of legislation by the Parliamentary Counsel's Office and published on the NSW legislation website, and is certified as the form of that legislation that is correct under section 45C of the [Interpretation Act 1987](#).

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Courts Legislation Amendment Act 2010 No 63



New South Wales

An Act to amend certain Acts and a Regulation with respect to courts and tribunals and civil and criminal procedure.

1 Name of Act

This Act is the *Courts Legislation Amendment Act 2010*.

2 Commencement

- (1) This Act commences on the date of assent to this Act, except as provided by subsection (2).
- (2) The amendments made by Schedule 1 commence on the day or days specified in that Schedule in relation to the amendments concerned. If a commencement day is not specified, the amendments commence on the date of assent to this Act.

3 Explanatory notes

The matter appearing under the heading “Explanatory note” in Schedule 1 does not form part of this Act.

Schedule 1 Amendment of Acts and Regulation

1.1-1.14

(Repealed)

1.15 **Victims Support and Rehabilitation Act 1996 No 115**

[1] **Section 79 Imposition of compensation levy**

Omit “\$140” from section 79 (1) (a). Insert instead “\$148”.

[2] **Section 79 (1) (b)**

Omit “\$60”. Insert instead “\$64”.

[3] Section 80

Omit the section. Insert instead:

80 CPI adjustments of compensation levy

(1) Starting at the end of the 2010–2011 financial year, each of the amounts of the levy payable under section 79 (1) is to be adjusted as provided by this section at the end of each financial year (the **current financial year**) to provide a **new amount** for the next financial year. The new amount applies for the next financial year and replaces the amount that applied for the current financial year.

(2) The new amount for a financial year is to be calculated in accordance with the following formula:

$$A = \frac{L \times B}{C}$$

where:

A is the new amount being calculated.

L is the amount of the levy for the current financial year.

B is the Sydney CPI number for March in the current financial year.

C is the Sydney CPI number for March in the financial year before the current financial year.

(3) Before the end of each financial year (starting with the 2010–2011 financial year), the Minister is to publish a notice on the NSW legislation website of the amounts that are to apply for the purposes of section 79 for the next financial year. Failure to publish the notice or late publication of the notice does not affect the validity of an adjustment under this section.

(4) If the amount calculated pursuant to an adjustment under this section as the new amount for a financial year is not a whole number of dollars, the amount is to be rounded up to the nearest whole dollar.

(5) If an adjustment under this section would result in the new amount for the next financial year being less than the amount for the current financial year, the new amount for the next financial year is to be the same as the amount for the current financial year.

(6) The new amount for a financial year is to be adjusted in accordance with the regulations if the Australian Statistician:

- (a) stops issuing Sydney CPI numbers, or
 - (b) fails to issue a relevant Sydney CPI number before the start of the financial year for which the new amount is required to be calculated.
- (7) It is to be presumed, in the absence of evidence to the contrary, that any amounts specified in a notice published under this section for a particular financial year are correct.
- (8) In this section:

financial year means a year starting on 1 July.

Sydney CPI number means the Consumer Price Index (All Groups Index) for Sydney issued by the Australian Statistician.

[4] Schedule 3 Savings, transitional and other provisions

Insert at the end of the Schedule (with appropriate Part and clause numbers):

Part Provision consequent on enactment of [Courts Legislation Amendment Act 2010](#)

Payment of levies payable under section 79

Any amount that a person was liable to pay under section 79 (1) immediately before the commencement of the amendments made to this Act by the [Courts Legislation Amendment Act 2010](#) continues to be payable after the commencement of those amendments.

Explanatory note

Items [1] and [2] of the proposed amendments to the Act update the amounts of compensation levy payable by offenders by reference to changes in the consumer price index since the amounts were first inserted in the Act.

Item [3] of the proposed amendments to the Act re-enacts in plainer English the provisions concerning the adjustment of the amounts of compensation levy payable by offenders by reference to changes in the consumer price index (the **CPI**). The proposed amendment also corrects a typographical error in the current CPI formula.

Item [4] of the proposed amendments to the Act inserts a transitional provision relating to the amendments proposed to be made by items [1]-[3].