

CRIMINAL INJURIES COMPENSATION ACT 1982.

(No. 119 of 1982.)

ARRANGEMENT.

PART I—PRELIMINARY.

Section.

1. Short title.
2. Commencement.
3. Interpretation.
4. Construction of Act.

PART II—OFFICE OF ASSESSOR.

5. Assessor.
6. Clerical and secretarial staff.

PART III—APPLICATIONS FOR COMPENSATION.

7. Applications for compensation.
8. Form of application.
9. Time limit for making application.
10. Persons interested in an application.

PART IV—PROCEDURE AND EVIDENCE.

11. Assessor to act informally.
12. Notice to be given to offender.
13. Assessor may make enquiries.
14. Decision may be deferred until further information obtained.
15. Under Secretary for Law may apply for stay of application.
16. Notice of hearings to be given to all parties.
17. Witnesses, and compulsion to furnish information.
18. Hearings generally to be in private.

PART V—AWARD AND PAYMENT OF COMPENSATION.

Award.

Section.

19. Award of compensation.
20. Assessor to be satisfied as to certain matters.
21. Prescribed maximum amount; and apportionment where more than one person liable.
22. Statement or finding as to person who committed offence.
23. Assessor to furnish reasons for decision.

Further matters relevant to award.

24. Applicant may be required to enforce other remedies.
25. No award where compensation likely to benefit offender.
26. No award where applicant failed to assist in enforcement.
27. Behaviour etc. of applicant to be considered.
28. Deductions for other compensation.
29. General discretion of Assessor.

Payment of Compensation.

30. Compensation charged on Consolidated Revenue Fund.
31. Expenses may be paid directly to person who incurred them.
32. Offender to reimburse Crown for compensation paid.
33. Crown to be reimbursed out of other compensation or damages recovered.

PART VI—APPEALS AND REFERENCES TO DISTRICT COURT.

34. Appeals to District Court.
35. References to District Court by Assessor.
36. How Judge to proceed.

PART VII—MISCELLANEOUS.

37. Costs.
38. False statements.
39. Liability and protection of witnesses, and of persons representing parties.
40. Publication of reports of, and names of persons involved in, applications.
41. Report to Parliament.
42. Regulations.
43. Repeal and transitional provisions.

SCHEDULE.

CRIMINAL INJURIES COMPENSATION.

No. 119 of 1982.

AN ACT to establish a limited scheme for the compensation of persons injured, and of the close relatives of persons killed, by reason of the commission of offences and alleged offences, and for connected purposes.

[Assented to 9 December 1982.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and the Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

PART I—PRELIMINARY.

1. This Act may be cited as the *Criminal Injuries Compensation Act 1982*. Short title.

Commence-
ment.

2. This Act shall come into operation on a date to be fixed by proclamation.

Interpreta-
tion.

3. In this Act, unless the contrary intention appears—

“acquittal” means an acquittal (including an acquittal on account of unsoundness of mind), dismissal (but not including a dismissal under section 669 (1) (a) of The Criminal Code), withdrawal or the entering of a *nolle prosequi* in respect of a complaint or indictment; and “acquitted” has a corresponding meaning;

“alleged offence” means an act, omission or event alleged to constitute an offence but for which no person has been convicted;

“application” means an application for compensation under section 7;

“Assessor” means the person appointed as such under section 5, and includes an acting Assessor;

“close relative” means—

- (a) a spouse;
- (b) a child within the meaning of the Fatal Accidents Act 1959; and
- (c) a parent within the meaning of that Act;

“conviction” includes—

- (a) a conviction in respect of which a probation order is made, notwithstanding section 20 of the Offenders Probation and Parole Act 1963 or sections 40 and 126A of the Child Welfare Act 1947;
- (b) a finding of guilt referred to in section 34 or 34B of the Child Welfare Act 1947; and

(c) a dismissal under section 669 (1) (a) of The Criminal Code;

and “convicted” has a corresponding meaning;

“District Court” means The District Court of Western Australia established under the District Court of Western Australia Act 1969;

“injury” means bodily harm, mental and nervous shock, and includes pregnancy;

“loss”, if incurred or claimed to have been incurred—

(a) by an applicant seeking compensation for himself, means any loss of the following kinds caused by or directly arising from injury—

(i) expenses actually and reasonably incurred by the applicant or by a person responsible for the maintenance of the applicant;

(ii) loss arising from damage to items of the personal apparel of the applicant; and

(iii) loss of earnings suffered by the applicant;

or

(b) by a close relative of a deceased person, means any loss in respect of which damages could be awarded to such close relative under the Fatal Accidents Act 1959 where the death of the deceased person is caused by the wrongful act, neglect or default of another;

“offence” means a crime, misdemeanour or simple offence for which a person has been convicted;

“paragraph” means a paragraph of the section or subsection in which the term appears;

“person interested in an application” has the meaning assigned thereto by section 10;

“personal representative”, in relation to a deceased person, means—

(a) any person who has obtained a grant of representation in this State in respect of the estate of that person;

and

(b) where no such grant has been obtained, a person who satisfies the Assessor that he is entitled, whether alone or jointly with any other person, to apply therefor;

“section” means a section of this Act;

“subsection” means a subsection of the section in which the term appears;

“Under Secretary for Law” means the person holding the office of Under Secretary, Crown Law Department of the State or, in the absence of that person, the person for the time being carrying out the duties of the Under Secretary for Law.

Construction
of Act.

4. Subject to sections 28 and 33, this Act shall be construed as being in addition to, and not in derogation of, any other law.

PART II—OFFICE OF ASSESSOR.

Assessor.

5. (1) A person who is a practitioner (as defined by the Legal Practitioners Act 1893), of not less than 8 years' standing and practice, shall be appointed by the Governor as Assessor for the purpose of determining applications for compensation under, and exercising and performing the other powers, functions and duties conferred on the Assessor by, this Act.

(2) The Schedule to this Act shall have effect with respect to the appointment of the Assessor, an acting Assessor, and other matters relating to the office of Assessor.

6. There may be appointed, under and subject to the Public Service Act 1978, such officers as are necessary to provide clerical and secretarial assistance to the Assessor.

Clerical and
secretarial
staff.

PART III—APPLICATIONS FOR COMPENSATION.

7. (1) Where a person has suffered injury or loss in consequence of the commission of an offence or an alleged offence, he may apply to the Assessor for an award of compensation for that injury or loss.

Applications
for
compensa-
tion.

(2) Where—

- (a) the death of a person has occurred in consequence of the commission of an offence or an alleged offence; and
- (b) any close relative of the deceased person has suffered loss thereby,

the personal representative of the deceased person may apply to the Assessor for an award of compensation for that loss.

8. (1) An application under section 7 shall be made in writing to the Assessor.

Form of
application.

(2) Where a person entitled to make an application under section 7 (1) is—

- (a) an infant, the application may be made on his behalf by a parent or person acting in place of a parent;
- (b) an incapable person, within the meaning of the Mental Health Act 1962, the application may be made by the manager appointed under that Act;

- (c) an incapable patient or infirm person within the meaning of the Public Trustee Act 1941, the application may be made by the Public Trustee.

Time limit
for making
application.

9. (1) An application shall be made to the Assessor not later than 3 years after the commission of the offence or alleged offence, or all of the offences or alleged offences, to which the application relates.

(2) Notwithstanding subsection (1), the Assessor may if he thinks it is just to do so, grant leave to a person to make an application after the time limited by subsection (1), but subject to such conditions as he thinks it is just to impose.

Persons
interested in
an
application.

10. The persons interested in an application are—

- (a) the applicant;
- (b) any person who may, in the opinion of the Assessor, become liable under section 32 to pay any amount to the Crown; and
- (c) any other person who satisfies the Assessor that he has a substantial interest in the proceedings.

PART IV—PROCEDURE AND EVIDENCE.

Assessor to
act
informally.

11. The Assessor shall expeditiously and informally determine applications under this Act having regard to the requirements of justice and without regard to legal forms and solemnities; and, subject to this Act, shall be free to act without regard to, or to observe, legal rules relating to evidence or procedure.

12. (1) Upon receiving an application for compensation, the Assessor shall serve a notice of the application on every person who may, in the opinion of the Assessor, become liable under section 32 to reimburse the Crown for that compensation.

Notice to be given to alleged offender.

(2) In no case shall the Assessor make an award of compensation for which a person will be liable to reimburse the Crown under section 32 unless that person is served with notice of a time and place when he may be heard and, if he there and then appears, is given an opportunity of being so heard.

(3) Without otherwise limiting section 31 of the Interpretation Act 1918, a notice under subsection (2) which is to be served by post shall be sent by registered post.

13. The Assessor may, on his own initiative, seek and receive such evidence or information and make such other enquiries and investigations as he thinks fit.

Assessor may make enquiries.

14. The Assessor may defer consideration, or further consideration, of an application if he thinks it is necessary to obtain more information for the purposes of his decision.

Decision may be deferred until further information obtained.

15. The Under Secretary for Law may at any time apply to the Assessor for the stay of any application before the Assessor on the ground—

Under Secretary for Law may apply for stay of application.

- (a) that a prosecution for an alleged offence to which the application relates has been commenced; or
- (b) that such a prosecution is about to be commenced,

and in any such case the Assessor may order that the application be stayed for such period as he thinks fit.

Notice of
hearings to
be given to
all parties.

16. Where the Assessor intends to hear any person interested in an application (whether pursuant to section 12 (2) or of his own motion or at the request of that person), he shall cause notice of the time and place of the hearing to be given to any other person interested in the application, and each such other person may attend the hearing.

Witnesses,
and
compulsion
to furnish
information.

17. (1) The Assessor may cause a notice in writing under his hand to be served upon any person requiring him—

- (a) to attend at a time and place specified in the notice, and then and there to give evidence;
- (b) to produce any books, documents, or writings in his custody or control described, whether generally or specifically, in the notice;
- (c) to furnish to the Assessor within the time specified in the notice any information described, whether generally or specifically, in the notice,

concerning any matter relevant to an application for compensation under this Act.

(2) A person interested in an application may call evidence and cross-examine witnesses.

(3) The Assessor may administer an oath to any person appearing as a witness before him, and may examine any witness.

(4) Subject to section 39, any person who refuses or fails to comply with the requirements of a notice under subsection (1) or to answer any question put to him by the Assessor commits an offence.

Penalty: \$1 000.

Hearings
generally
to be in
private.

18. (1) Any hearing before the Assessor shall be in private unless the Assessor considers that, in the circumstances of the case, the hearing should be in public.

(2) Where the hearing is in private the Assessor shall, subject to section 16, determine who may be present.

PART V—AWARD AND PAYMENT OF COMPENSATION.

Award.

19. (1) Where application is made under section 7 in respect of any injury or loss, the Assessor may, in accordance with this Act and if he is satisfied as to the matters set out in section 20—

Award of compensation.

(a) award compensation to the applicant, but not exceeding the prescribed maximum amount; and

(b) where applicable—

(i) apportion the compensation among the close relatives of the deceased person;

(ii) direct that the compensation, or part thereof, be held by a specified person on trust on such terms and conditions as the Assessor may declare for the applicant or any close relative of the deceased person,

and shall cause to be drawn up an order setting out such award and the other requisite matters.

(2) A copy of every order under this section shall be sent by the Assessor to the Under Secretary for Law.

20. (1) Before he makes an award of compensation the Assessor shall satisfy himself on the balance of probabilities, and shall not make an award unless he is so satisfied—

Assessor to be satisfied as to certain matters.

(a) that the claimed loss or injury has occurred;

(b) where the application is made—

- (i) under section 7(1), that it occurred in consequence of the commission of an offence or an alleged offence; or
- (ii) under section 7(2), that the death occurred in consequence of the commission of an offence or an alleged offence and the loss is one in respect of which damages could be awarded under the Fatal Accidents Act 1959;

(c) where the person or all of the persons put on trial for the alleged offence has or have been acquitted of that offence, that that person, or at least one of those persons, has no sufficient defence against liability in respect of that alleged offence;

(d) where a person has, or persons have, been identified by the Assessor, considering the balance of probabilities, as a person or persons who committed the alleged offence but he has, or they have, not been put on trial therefor, that that person, or at least one of those persons, has no sufficient defence against liability in respect of that alleged offence.

(2) For the purposes of subsection (1)—

(a) a person who has been acquitted of an alleged offence has a sufficient defence against liability in respect thereof only if a defence put forward by him at his trial, or in connection with an application under this Act, has been or would be held, in civil proceedings in tort, to exonerate him from liability to pay damages to, or for the benefit of, the applicant or the close relatives, as the case may be;

(b) a person who has been identified by the Assessor, as mentioned in subsection (1)(d), but has not been put on trial for an alleged

offence has a sufficient defence against liability in respect thereof only if a defence put forward by him in connection with an application under this Act has been or would be held, in civil proceedings in tort, to exonerate him as mentioned in paragraph (a).

21. (1) For the purposes of paragraph (a) of section 19 (1), the prescribed maximum amount is \$15 000, or such other sum as may be prescribed for the purposes of that paragraph by regulations made under this Act.

Prescribed maximum amount; and apportionment where more than one person liable.

(2) Where the Assessor is satisfied that any injury, loss or death, in respect of which an award is to be made, occurred in consequence of the commission of—

- (a) an offence or an alleged offence by 2 or more persons acting jointly; or
- (b) 2 or more offences or alleged offences by 2 or more persons, which offences or alleged offences were committed at approximately the same time or by persons acting in concert or are otherwise related to each other,

he shall not award more than the prescribed maximum amount referred to in subsection (1) in the aggregate in respect of the offence or alleged offence or all of the offences or alleged offences.

(3) Where subsection (2) applies the Assessor shall, in addition to stating the name of, or making a finding as to, any person who committed the offence or committed the act or made the omission alleged to constitute the offence as required by section 22, set out in the order the amount or proportion of compensation for which each such person shall be liable under section 32.

(4) Where—

- (a) a person applies under section 7 (1) for compensation for injury or loss suffered in consequence of the commission of an offence or alleged offence; and

- (b) the personal representative of a deceased person also applies under section 7 (2) for compensation for that person for loss suffered by him by reason of a death which occurred in consequence of the commission of that offence or alleged offence,

the Assessor shall not, in determining those applications, award more than the prescribed maximum amount referred to in subsection (1) in the aggregate to or for the benefit of that person.

Statement or finding as to person who committed offence or alleged offence.

22. (1) Where—

- (a) on the trial of an offence any person was convicted of the offence; and
 (b) the Assessor subsequently makes an award of compensation in respect of that offence,

the Assessor shall, on proof to his satisfaction of the fact of the conviction and that it has not been quashed or vacated, state in the order made under section 19 (1) the name of any person by whom that offence was committed.

(2) Where—

- (a) a person has been acquitted of an alleged offence; and
 (b) the Assessor subsequently makes an award of compensation in respect of that alleged offence,

the Assessor shall, if he is satisfied, on the balance of probabilities that, notwithstanding the acquittal—

- (c) that person committed the act or made the omission alleged to constitute the offence; and
 (d) he has no sufficient defence against liability as mentioned in section 20 (1) (c),

make a finding that the person committed that act or made that omission and set out such finding in the order made under section 19 (1).

(3) Where—

(a) a person has been identified by the Assessor, considering the balance of probabilities, as a person who committed an act or made an omission alleged to constitute an offence, but he has not been put on trial therefor;

and

(b) the Assessor makes an award of compensation in respect of that alleged offence,

the Assessor shall, if he is satisfied on the balance of probabilities that that person has no sufficient defence against liability as mentioned in section 20 (1) (d), make a finding that the person committed that act or made that omission and set out such finding in the order made under section 19 (1).

(4) The fact that the Assessor in an order under section 19 (1) states, under subsection (1), the name of a person by whom the offence was committed, or sets out a finding under subsection (2) or (3), does not preclude him from, in the same order, complying with the provisions in any other of those subsections.

23. The Assessor shall furnish to each person interested in an application, and to the Under Secretary for Law, the reasons for his decision to award or refuse compensation and for any finding made under section 22 (2) or (3).

Assessor to furnish reasons for decision.

Further matters relevant to award.

24. Where, in the opinion of the Assessor, a person who has applied under section 7 (1) or (2) for compensation in respect of an injury or loss has reasonable grounds for taking proceedings independently of this Act to obtain compensation or damages for that injury or loss, the Assessor may require the applicant to take, and defer the application pending the determination of, such proceedings.

Applicant may be required to enforce other remedies.

No award
where
compensa-
tion likely
to benefit
offender.

25. The Assessor shall not make an award of compensation to an applicant if he considers that, by reason of any relationship or connection between the person who committed the offence or alleged offence and the applicant or a close relative of the deceased person, as the case may be, any compensation awarded is likely to result in a benefit or advantage to the person who committed the offence or alleged offence.

No award
where
applicant
failed to
assist in
enforcement.

26. Where—

- (a) an application for compensation is made in respect of the commission of an offence or an alleged offence; and
- (b) the Assessor is of the opinion that the applicant or a close relative did not do any act or thing which he ought reasonably to have done to assist in the detention, apprehension or prosecution of any person alleged to have committed that offence or alleged offence,

the Assessor shall not make an award to that applicant or for the benefit of that close relative.

Behaviour
etc. of
applicant to
be
considered.

27. In determining the amount of an award of compensation the Assessor shall have regard to any behaviour, condition, attitude or disposition of the applicant or deceased person which contributed, directly or indirectly, to the injury or loss suffered by him or to his death, as the case may be, and may reduce the amount which he would otherwise award by such percentage as he thinks just.

Deductions
for other
compensa-
tion.

28. (1) In determining the amount of an award of compensation for any injury or loss, the Assessor, subject to subsection (2)—

- (a) may deduct any amount that he is satisfied will be paid to, or for the benefit of, the applicant or any close relative

independently of this Act by way of compensation or damages for that injury or loss; and

- (b) shall deduct any amount referred to in paragraph (a) that he is satisfied has been paid.

(2) In the case of an application made by the personal representative of a deceased person, no amounts of the kind described in section 5 (2) (a), (b) and (c) of the Fatal Accidents Act 1959 shall, under subsection (1), be deducted from the compensation.

29. Subject to this Act, the Assessor in determining whether or not to make an award of compensation, or the amount of an award, may have regard to such factors and circumstances as he thinks relevant.

General
discretion of
Assessor.

Payment of Compensation.

30. All compensation awarded under this Act is hereby charged on the Consolidated Revenue Fund which to the necessary extent is hereby appropriated accordingly.

Compensa-
tion charged
on
Consolidated
Revenue
Fund.

31. Where an award of compensation to an applicant includes expenses incurred by a person responsible for his maintenance, the order may direct that payment of those expenses be made directly to that person.

Expenses
may be paid
directly to
person who
incurred
them.

32. (1) Where a payment of compensation is ordered, the amount of the payment may be recovered by the Crown, in a court of competent jurisdiction in the following manner—

Liability
of offender
or alleged
offender
to the
Crown.

- (a) in the case of a person stated by the Assessor pursuant to section 22 (1) to have committed the offence to which the payment relates, the amount, or a proportion

thereof as fixed under section 21 (3), shall constitute a debt due to the Crown by that person;

- (b) in the case of a person found by the Assessor pursuant to section 22 (2) or (3) to have committed the act or made the omission alleged to constitute the offence to which the payment relates, such amount may be recovered by the Crown from that person by way of proceedings brought in accordance with subsection (2).

(2) For the purposes of paragraph (b) of subsection (1), the Crown has, and may exercise, to the extent of the compensation paid, any right of action in relation to the act or omission in question which the person for whose benefit the payment was made has against the person referred to in that paragraph; and the rights of the firstmentioned person shall be to that extent divested from that person and vested in the Crown.

(3) In any proceedings referred to in subsection (1) (b) the court shall be bound by—

- (a) the finding of the Assessor made under section 22 (2) or (3), as the case may be; or
- (b) when more than one person is found to be liable, the amount or proportion fixed by the Assessor under section 21 (3),

unless it is satisfied that the finding was made or the amount or proportion was fixed in error.

(4) All money recovered by the Crown under this section shall be paid into the Consolidated Revenue Fund.

Crown to be
reimbursed
out of
other
compensa-
tion or
damages
recovered.

33. (1) Where compensation is paid under this Act to or for the benefit of an applicant or any close relative in respect of an injury or loss and he also receives, by way of other compensation or damages

for that injury or loss independently of this Act, any sum that has not been deducted pursuant to section 28, an amount equal to—

- (a) the compensation paid to him or for his benefit under this Act; or
- (b) the other compensation or damages,

whichever is the less, shall constitute a debt due to the Crown by the applicant or the close relative or by any person who holds the compensation or damages on his behalf.

(2) A debt due under subsection (1) may be recovered in a court of competent jurisdiction, and when recovered shall be paid into the Consolidated Revenue Fund.

PART VI—APPEALS AND REFERENCES TO DISTRICT COURT.

34. (1) Where a person interested in an application, or the Under Secretary for Law, is dissatisfied with an order of the Assessor under section 19, he may, in accordance with this section, appeal to a Judge of the District Court against that order.

Appeals to
District
Court.

(2) The appeal shall be commenced within 21 days after the date of the order, but a Judge of the District Court may, if he thinks it is just to do so, grant leave to commence an appeal after the expiry of that period.

(3) On an appeal under this section, the Judge shall determine the application afresh without being fettered by the determination of the Assessor, and may—

- (a) confirm, quash or vary an order of the Assessor, either in whole or in part;
- (b) award costs against an unsuccessful party and in favour of a successful party in accordance with the scale of costs prescribed for the purposes of this paragraph; or

(c) make such other order as he thinks fit,

and any costs so awarded may be recovered as a civil debt in a court of competent jurisdiction.

(4) A person referred to in section 10 (c) shall not bring an appeal under this section unless, before the Assessor makes an order under section 19, the person has satisfied the Assessor that he has a substantial interest in the proceedings.

References
to District
Court by
Assessor.

35. The Assessor may refer to a Judge of the District Court any application which, on account of the complexity or difficulty of the issues involved, he considers should be dealt with by such a Judge.

How Judge
to proceed.

36. (1) A Judge who hears an appeal under section 34 or who deals with an application referred under section 35—

(a) may decide the appeal or determine the application solely on the evidence and information in the possession of the Assessor or may receive further information or evidence;

(b) shall for the purposes of section 10, Parts IV (other than section 12 (1)) and V of this Act, and sections 39 and 40 be deemed to be the Assessor.

(2) The decision of the Judge under this Part is final.

PART VII—MISCELLANEOUS.

Costs.

37. The Assessor, and a Judge acting under section 35, shall not have power to award costs.

38. (1) A person who, in or for the purpose of or in connection with an application under section 7, makes any statement which he knows to be, or recklessly makes any statement which is, false in a material particular commits an offence. False state-
ments.

Penalty: \$1 000.

(2) Where a court convicts a person of an offence against subsection (1) in respect of an application for compensation, it may, in addition to imposing a penalty under subsection (1), order that he repay to the Crown the whole or part of any amount paid to him for that compensation; and the amount or part so ordered to be repaid may be recovered by the Crown in the same manner as a penalty imposed under subsection (1).

39. (1) A person appearing before the Assessor as a witness or a person served with a notice under section 17 (1) has the same protection, and is, in addition to the penalties provided by this Act, subject to the same liabilities, in any civil or criminal proceedings, as a witness in proceedings in the Supreme Court. Liability
and
protection
of witnesses,
and of
persons
representing
parties.

(2) A barrister, solicitor or other representative who appears on behalf of a person before the Assessor has the same protection and immunity as a barrister has in proceedings in the Supreme Court.

40. (1) The Assessor may, if he is satisfied that the public interest so requires, order that there shall not be published by any means any report or summary of the result of an application, or the reasons given under section 23 for an award or refusal of compensation. Publication
of reports
of, and
names of
persons
involved in,
applications.

(2) The Assessor may, if he is satisfied that it is necessary for the protection of a person who has not been convicted of an alleged offence, order that there shall not be published by any means the name of that person, where it has been specified by him

in a finding under section 22 (2) or (3) in relation to that alleged offence, or of any particulars likely to lead to his identification.

(3) The Assessor may, if he is satisfied that it is necessary for the protection of an applicant or of a close relative of a deceased person, order that there shall not be published by any means the name of the applicant or of any close relative or of any particulars likely to lead to his identification.

(4) In making an order under this section the Assessor shall have regard to the desirability of ensuring that the public are informed of the nature of applications made under this Act and the principles applied in deciding such applications.

(5) A person who, except with lawful excuse, fails to comply with an order made under this section commits an offence.

Penalty: \$1 000.

Report to
Parliament.

41. (1) The Assessor shall, at least once in each year, furnish to the Minister a report on the operation of this Act.

(2) The Minister shall lay the report before each House of Parliament within 15 sitting days of that House after he receives it.

Regulations.

42. (1) The Governor may make regulations, not inconsistent with this Act, prescribing such things as are required or permitted to be prescribed or as it is necessary or expedient to prescribe for the purposes thereof.

(2) Without limiting the generality of subsection (1) regulations may—

(a) make provision for the substituted service of notices required to be given by section 12 or 16 or on an appeal, in cases where it is impossible or impracticable to effect service by other means;

- (b) for the purposes of section 21, prescribe the maximum amount of compensation which may be awarded under this Act to an applicant in respect of any injury or loss;
- (c) make provision for or with respect to the bringing and disposition of appeals under Part VI of this Act;
- (d) for the purposes of paragraph (b) of section 34 (3), prescribe a scale of costs according to which costs may be awarded under that paragraph.

(3) Regulations made under this section may provide that a contravention or failure to comply with a regulation constitutes an offence and may provide for penalties not exceeding a fine of \$500 for offences against the regulations.

43. (1) The Criminal Injuries (Compensation) Act 1970 (in subsection (3) referred to as "the repealed Act") is repealed. Repeal and transitional provisions.

(2) This Act applies to—

- (a) any injury or loss suffered; or
- (b) loss suffered by reason of the death of a person which has occurred,

in consequence of an offence or alleged offence committed on or after the day on which this Act comes into operation.

(3) Notwithstanding subsection (1), the repealed Act, and any rules of court made for the purpose thereof, continue to apply to—

- (a) any injury or loss suffered; or
- (b) loss suffered by reason of the death of a person which has occurred,

in consequence of an offence or alleged offence committed before the day on which this Act comes into operation, and to all matters relating thereto or arising therefrom.

SCHEDULE.

(Section 5).

**PROVISIONS RELATING TO THE OFFICE
OF ASSESSOR.**Term of
office,
removal and
resignation.

1. The Assessor—

- (a) shall be appointed for a term not exceeding 5 years and shall be eligible for re-appointment;
- (b) may be removed from office by the Governor for mental or physical disability, incompetence, neglect of duty or misconduct proved to the satisfaction of the Governor; and
- (c) may resign his office by notice in writing addressed to the Governor.

Assessor may
be part-time.

2. The Assessor is not required to devote the whole of his time to the duties of his office.

Acting
Assessor.

3. (1) If the Assessor becomes incapable of acting by reason of illness, absence or other cause the Governor may appoint a person who would be eligible for appointment as Assessor under section 5 (1) to act temporarily as Assessor, and while so acting that person shall have the powers, functions and duties of the Assessor.

(2) No act or omission of an acting Assessor shall be questioned on the ground that the occasion for his appointment or acting had not arisen or had ceased.

Remunera-
tion.

4. The Assessor and an acting Assessor shall be paid such remuneration and allowances as are determined in his case by the Governor on the recommendation of the Public Service Board.

Oath of
office.

5. Before he enters upon the duties of his office the Assessor shall take an oath before a Judge of the Supreme Court that he will faithfully and impartially perform the duties of his office.

Protection
of Assessor.

6. Subject to this Act, the Assessor has, in the performance of his duties, the same protection and immunity as a Judge has in respect of proceedings in the Supreme Court.