

Western Australia

**Criminal Injuries Compensation Amendment
Act 2004**

As at 14 Oct 2004

No. 29 of 2004

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Western Australia

Criminal Injuries Compensation Amendment Act 2004

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Western Australia

Criminal Injuries Compensation Amendment Act 2004

No. 29 of 2004

An Act to amend the *Criminal Injuries Compensation Act 2003*.

[Assented to 14 October 2004]

The Parliament of Western Australia enacts as follows:

1. Short title

This Act may be cited as the *Criminal Injuries Compensation Amendment Act 2004*.

s. 2

2. Commencement

This Act comes into operation on the day on which it receives the Royal Assent.

3. The Act amended

The amendments in this Act are to the *Criminal Injuries Compensation Act 2003**.

[* Act No. 77 of 2003.]

4. Section 3 amended

Section 3 is amended in the definition of “**compensation reimbursement order**” by inserting after “under section 52” —
“

of this Act, or section 39(1) of the *Criminal Injuries Compensation Act 1985*

”.

5. Section 35 amended

- (1) Section 35(2)(c) is amended by deleting “bodily harm” and inserting instead —

“ injury ”.

- (2) Section 35(2)(e)(i) is amended by deleting “bodily harm” and inserting instead —

“ injury ”.

6. Section 37 amended

Section 37(3) is amended by deleting “of an injured victim in respect of the injury or any loss suffered by the victim as a

consequence of the commission of an offence if satisfied that the injury” and inserting instead —

“

of —

- (aa) an injured victim in respect of the injury or any loss suffered by the victim; or
- (ab) the personal representative of a deceased victim, in respect of any loss suffered by a close relative of a deceased victim,

as a consequence of the commission of an offence if satisfied that the injury or death

”.

7. Section 43 amended

Section 43 (b) is amended by deleting “made under section 52”.

8. Section 48A inserted

Before Section 49 the following section is inserted in Part 6 —

“

48A. Interpretation

In this Part —

“**compensation award**” includes an award for payment of compensation made under the *Criminal Injuries Compensation Act 1985*.

”.

9. Section 68 amended

- (1) Section 68 is amended before “If” by inserting the subsection designation “(1)”.

s. 10

- (2) After section 68 the following subsection is inserted —

“

- (2) In this section —

“**compensation award**” includes an award for payment of compensation made under the *Criminal Injuries Compensation Act 1985*.

”.

10. Validation

- (1) An order to pay moneys under section 39 of the *Criminal Injuries Compensation Act 1985*, made on or after 1 January 2004, is deemed to have been made under the *Criminal Injuries Compensation Act 2003*, as amended by this Act.
- (2) An amount received or recovered as described in section 68 of the *Criminal Injuries Compensation Act 2003*, on or after 1 January 2004, is deemed to create a debt due under the *Criminal Injuries Compensation Act 2003*, as amended by this Act.
- (3) A notice given under the *Criminal Injuries Compensation Act 1985*, on or after 1 January 2004, is deemed to have been given under the *Criminal Injuries Compensation Act 2003*, as amended by this Act.

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