

South Australia

Victims of Crime (Fund and Levy) Regulations 2018

under the *Victims of Crime Act 2001*

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1—Short title

These regulations may be cited as the *Victims of Crime (Fund and Levy) Regulations 2018*.

3—Interpretation

In these regulations, unless the contrary intention appears—

Act means the *Victims of Crime Act 2001*;

youth has the same meaning as in the *Young Offenders Act 1993*.

4—Prescribed proportion to be paid into Fund (section 30 of Act)

For the purposes of section 30(3) of the Act, the prescribed proportion of the aggregate amount paid into General Revenue by way of fines that is to be paid into the Victims of Crime Fund is 20%.

5—Imposition of levy (section 32 of Act)

- (1) For the purposes of section 32(2) of the Act, a levy is not imposed on a person who expiates an offence under an expiation notice if—
 - (a) the notice is issued by a council (within the meaning of the *Local Government Act 1999*) or other authority with powers and functions of local government; or
 - (b) the notice is issued by a university or other tertiary educational institution established by an Act; or
 - (c) the notice is issued by an incorporated hospital (within the meaning of the *Health Care Act 2008*); or
 - (d) the notice is issued by the Institute of Medical and Veterinary Science; or
 - (e) the notice is issued by the Board of the Botanic Gardens and State Herbarium.

- (2) A reference in subregulation (1) to a person who expiates an offence under an expiation notice does not include a person who, for the purposes of any Act or law, is taken to have expiated an offence by virtue of the operation of section 22(4) of the *Fines Enforcement and Debt Recovery Act 2017*.
- (3) For the purposes of section 32(4) of the Act, the amount of the levy is fixed by Schedule 1.

Schedule 1—Victims of crime levy

- 1 Subject to clauses 2 and 3—
- | | |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------|
| (a) the amount of the levy in respect of a summary offence is— | |
| (i) if the offence is expiated without the making of an enforcement determination under section 22 of the <i>Fines Enforcement and Debt Recovery Act 2017</i> in relation to the expiation notice | \$99 |
| (ii) in any other case | \$262 |
| (b) the amount of the levy in respect of an indictable offence is | \$424 |
- 2 If an offence appears in the list below, the levy in respect of that offence is twice the levy that would otherwise be payable under clause 1:
- | | |
|--------------------------------------------------------------------------------------------------------------------------------------------|--|
| (a) an offence under the <i>Aircraft Offences Act 1971</i> ; | |
| (b) any of the following offences under the <i>Criminal Law Consolidation Act 1935</i> : | |
| (i) an offence under Part 3 (other than Divisions 13, 15 and 18); | |
| (ii) an offence under Part 4 (other than sections 86 and 86A); | |
| (iii) an offence of robbery or aggravated robbery; | |
| (iv) an offence under Part 6A; | |
| (v) an offence against section 270AB or 270B; | |
| (vi) an offence against section 270A involving the attempt of an offence otherwise listed in this clause (other than in subparagraph (v)); | |
| (c) an offence against section 6 of the <i>Summary Offences Act 1953</i> . | |
- 3 The amount of the levy for an offender who is a youth is—
- | | |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------|
| (a) in respect of a summary offence (other than an offence listed in clause 2)— | |
| (i) if the offence is expiated without the making of an enforcement determination under section 22 of the <i>Fines Enforcement and Debt Recovery Act 2017</i> in relation to the expiation notice | \$20 |
| (ii) in any other case | \$40 |
| (b) in respect of an indictable offence (other than an offence listed in clause 2) | \$60 |
| (c) in respect of an offence listed in clause 2 | \$100 |

Legislative history

Notes

- Variations of this version that are uncommenced are not incorporated into the text.
- Please note—References in the legislation to other legislation or instruments or to titles of bodies or offices are not automatically updated as part of the program for the revision and publication of legislation and therefore may be obsolete.
- Earlier versions of these regulations (historical versions) are listed at the end of the legislative history.
- For further information relating to the Act and subordinate legislation made under the Act see the Index of South Australian Statutes or www.legislation.sa.gov.au.

Legislation revoked by principal regulations

The *Victims of Crime (Fund and Levy) Regulations 2018* revoked the following:

Victims of Crime (Fund and Levy) Regulations 2003

Principal regulations and variations

New entries appear in bold.

| Year | No | Reference | Commencement |
|-------------|-----------|---------------------------------------|----------------------|
| 2018 | 188 | <i>Gazette 19.7.2018 p2883</i> | 19.7.2018: r 2 |
| 2020 | 296 | <i>Gazette 19.11.2020 p5083</i> | 1.1.2021: r 2 |
| 2021 | 67 | <i>Gazette 3.6.2021 p1844</i> | 1.7.2021: r 2 |
| 2021 | 184 | <i>Gazette 9.12.2021 p4339</i> | 31.1.2023: r 2 |
| 2022 | 35 | <i>Gazette 10.6.2022 p1509</i> | 1.7.2022: r 2 |
| 2023 | 44 | <i>Gazette 18.5.2023 p1046</i> | 1.7.2023: r 2 |
| 2024 | 29 | <i>Gazette 16.5.2024 p869</i> | 1.7.2024: r 2 |

Provisions varied

New entries appear in bold.

Entries that relate to provisions that have been deleted appear in italics.

| Provision | How varied | Commencement |
|--------------|--------------------------------------------------------------------|-----------------|
| <i>r 2</i> | <i>omitted under Legislation Revision and Publication Act 2002</i> | <i>1.1.2021</i> |
| Sch 1 | varied by 296/2020 r 4(1)—(3) | 1.1.2021 |
| | varied by 67/2021 r 4(1)—(3) | 1.7.2021 |
| | amended by 35/2022 r 3(1)—(3) | 1.7.2022 |
| | varied by 184/2021 r 4 | 31.1.2023 |
| | amended by 44/2023 r 3(1)—(3) | 1.7.2023 |
| <i>Sch 2</i> | <i>omitted under Legislation Revision and Publication Act 2002</i> | <i>1.1.2021</i> |

Historical versions

1.1.2021
1.7.2021
1.7.2022
31.1.2023