

Question on Notice

No. 608

Asked on Friday, 21 April 2006

Mr HOPPER asked the Attorney-General and Minister for Justice (Mrs Lavarch) -

QUESTION:

With reference to the statement made on 17 November 1995 by the Honourable Matt Foley, then minister for Justice and Attorney-General, who stated in the Parliament "...that victims of crime are often the forgotten element in the criminal justice system", a statement supported in the *Justice and Attorney-General Strategic Plan 2004 – 2008* –

Will she seek to amend the *Criminal Offence Victims Act 1995* to enable people who have had their matter heard summarily, access to compensation and will she also consider a waiver of filing fees for victims taking civil action to recover compensation?

ANSWER:

Generally only less serious indictable offences will be dealt with summarily, and only if the offender can be adequately punished on summary conviction.

Limiting claims under the *Criminal Offence Victims Act 1995* (the Act) to offences heard on indictment, means that payments are generally made only to those people who have been the victim of more serious offences. In most cases offenders are unable to pay and as a result, the State will pay the amount the court orders under the Act, even though it has no obligation to make these payments. Excluding indictable offences which have been heard summarily is a way of ensuring that funds are paid to those who need it most.

I am informed that the Borbidge Coalition Government maintained precisely the same position.

It is also important to remember that the payments under the Act are not intended to reflect the payments that victims might be able to receive at common law. It is also not intended to prevent or limit any right that a victim may have to claim compensation at common law.

Victims of crime who experience financial hardship are already able to apply for a waiver of filing fees under the *Uniform Civil Procedure Rules 1999* (the Rules). Rule 971 enables the Registrar of the relevant court to exempt an individual from payment of a filing fee if, having regard to the individual's financial position, exemption would clearly be in the interests of justice. I consider this to be an appropriate test to apply for victims of criminal offences who may wish to take civil action against an offender.