

Question on Notice

No. 59

Asked on 13 February 2019

MR N DAMETTO ASKED THE ATTORNEY-GENERAL AND MINISTER FOR JUSTICE (HON Y D'ATH) –

QUESTION:

Will the Attorney-General investigate tougher penalties for those convicted of a crime who refuse to pay restitution costs to victims as ordered by courts?

ANSWER:

I thank the Member for Hinchinbrook for his question.

Although part of a sentence, an order for restitution or compensation is not a form of punishment.

Court orders for compensation and restitution made under the *Penalties and Sentences Act 1992* provide a summary and inexpensive method by which a victim might receive money in return for personal injury or damage to property done in the course of criminal offending or in connection with a criminal offence. These are orders that can be made along with orders for other penalties at the time an offender is sentenced and form part of the sentence.

Section 36(2) of the Penalties and Sentences Act already provides that when making an order for restitution or compensation the court may also order that the offender be imprisoned if the offender fails to comply with the order. The length of that term of imprisonment is a maximum of 1 year imprisonment for matters that proceed on indictment and 6 months imprisonment for matters that proceed summarily.

It is important to note that in addition to restitution and compensation orders under the Penalties and Sentence Act, victims of crime can seek financial assistance from the state under the *Victims of Crime Assistance Act 2009* and the state can then recover the cost of that assistance from the offender.