



Fact Sheet

Recovery of Compensation to Victims of Violent Offences

NORTHERN TERRITORY STATEMENTS OF CLAIM FOR RECOVERY OF COMPENSATION PAID TO VICTIMS OF VIOLENT OFFENCES

This sheet provides some information about the debt recovery claim made against you by the Northern Territory Government of Australia (the Government). The Government has paid compensation (money) to a victim of a violent offence where you were convicted as an offender, and is now seeking to recover that amount back from you.

Why do you have a debt?

You have a debt because you were convicted of a crime that resulted in the named victim being injured. The victim applied for compensation from the Crimes Victims Services Unit (CVSU) and that compensation was paid to the victim by the Government. The Government is now seeking to get that money back from you.

Why is the Government allowed to do this when you have already been sentenced for this?

The Government has the power to apply to the Court to recover money from offenders where they have paid financial assistance (compensation) to a victim of that offender's violent act. The Government must apply to the Court within 3 years of the payment of financial assistance to the victim.

Court Process

The Government has given a Statement of Claim to the Court asking the Court to order you to pay the debt. You should have received a copy of that Statement of Claim.

The Government must show the court that you were either found guilty of an offence that resulted in the payment or that on the balance of probabilities, you committed an offence that resulted in the payment.

Your Options

You can choose to either defend the debt in court (i.e tell the Court that you don't think you should be ordered to pay the debt), ask the Court to reduce the amount of debt, arrange to pay the debt off, or simply do nothing.

(i) *Defend the debt*

You will only be able to successfully defend the debt if you can show the Court that you were not responsible for the crime that led to the compensation being paid to the named victim(s). If you were found guilty and a conviction has been recorded against you, this will be very difficult and, if you are unsuccessful, may result in additional costs being ordered against you.

(ii) *Ask the Court to reduce the debt amount*

The Court can reduce the amount sought to be recovered by the Government if an offender shows the Court that either:

- the victim contributed to the injury or death for which the amount was paid, or
- the financial assistance awarded to the victim was excessive in the circumstances.

These are the only circumstances in which a Court will consider reducing the debt. If you are unsuccessful in reducing the amount, this may result in additional costs being ordered against you.

If you want to defend the debt or try to get the debt reduced, you will need to file a "Notice of Defence" within 28 days, although it may be possible to get an extension of time on this.

(iii) *Arrange to pay the debt off*

If you accept that you must pay the debt, you can arrange to pay it off in instalments. You can contact the Local Court (ph. 8999 6380 ext 2) to get the appropriate forms sent to you. You can also contact a financial counsellor (e.g. Anglicare Financial Counselling Service ph. 8946 4800) for assistance.

(iv) *Do nothing about the debt*

If you do nothing, the Government can get a court order against you which says you have to pay the debt and the following things could happen:

- if you still do not pay the debt, it will incur interest (i.e it will get bigger)
- the Government could try to enforce the debt by requiring you to pay money out of your wages if you are working, or taking any assets that you have (such as a car or a house)
- if you are on Centrelink payments, the Government cannot force you to pay any money out of Centrelink payments to put towards the debt.
- your license or vehicle registration can be suspended for not paying the debt. You can get into further trouble for driving without a valid drivers license.
- you should keep in mind that having a debt will affect your credit rating and will make it difficult for you to get a loan.

Can my debt to the Government affect my license or my vehicle registration?

Your debt is also like a fine to the Government. When a fine is not paid, a person's license and vehicle registration can be suspended. You can get in additional trouble for driving without a license or driving unregistered. This could mean that you get another fine or are sent to jail. You can call the Fines Recovery Unit on 1800 111 530 and speak to them about paying this back by instalments.

Who can help to give you more advice?

Due to NAAJA's funding and casework guidelines, we cannot provide you with any legal advice or representation about this. If you want to speak to a lawyer about this, you could contact the Northern Territory Legal Aid Commission on 1800 019 343 and ask to have a civil law appointment or call the NT Law Society on 8981 5104 to obtain a list of private solicitors in your area.

This fact sheet provides legal information, **not** legal advice.

Legal information is not the same as legal advice. Legal information is information about the law that applies to everyone. Legal advice applies the law to someone's specific situation. We try to provide correct information on the law but we cannot guarantee it is always accurate. The legal information we have provided here is only a summary, it is not comprehensive and should not be relied upon for any purpose. To get legal advice you need to speak with a lawyer. We welcome your feedback on this legal information.

www.naaja.org.au

Information is correct as at March 2009.