



If you have suffered a loss or expense as a result of a Commonwealth offence you may wish to consider the issue of a reparation order. This document aims to provide basic information regarding reparation orders as they relate to Commonwealth matters.

### What is a reparation order?

A court may order that an offender make some form of payment to a victim of crime.

Under Commonwealth law, the court has the discretion to order that an offender pay reparation to any person, by way of money payment or otherwise, in respect of any loss suffered, or any expense incurred by reason of the offence (*Crimes Act, 1914 s21B*).

### When is a reparation order sought?

The issue of a reparation order would generally be raised in court and dealt with during sentencing proceedings for criminal matters.

The court may make a reparation order once a defendant has been convicted of a federal offence, or is discharged by the court without conviction. This means that a reparation order may be raised with the court in matters where the offender has been found guilty of a criminal offence (or offences) at a trial or hearing or entered pleas of guilty in regard to a criminal offence (or offences).

### What is the role of the CDPP in relation to reparation orders?

The CDPP provides basic information regarding reparation orders. In some cases the CDPP prosecutor may request that a representative from the investigating agency (such as a police officer) provide information to victims of crime.

The CDPP prosecutor may request that the court make a reparation order on behalf of any person in respect of any loss suffered, or any expense incurred by reason of the offence. However, this does not automatically mean that a court will make such an order.

The CDPP will advise you if the court has made a reparation order in your favour.

The CDPP does not provide independent legal advice in relation to reparation orders.

### Does the CDPP prosecutor have to request a reparation order if I ask them to?

No. The CDPP has the discretion to decide whether or not to ask the court to make a reparation order. If you wish to discuss this decision you should contact the prosecutor concerned as soon as possible. If you are unsatisfied with the prosecutor's response or decision regarding any reparation order request you may ask to speak with their Manager.

### Who ultimately decides if a reparation order is made?

Whilst the CDPP prosecutor may request that the court make a reparation order ultimately, it is a matter for the individual Magistrate or Judge to determine whether or not to make one.

The sentencing Magistrate or Judge may decline to make a reparation order.

You have the right to attend court proceedings where the issue of a reparation order is being considered.

### What sorts of loss and expense might a reparation order cover?

The CDPP prosecutes a wide variety of offence types including online child sexual exploitation offences, terrorism, financial based offences, forced marriage, slavery and servitude type offences. Such offence types may result in different forms of loss or expense to the individuals concerned, including medical and counselling expenses, loss of income and property. When considering the issue of a reparation order you should consider your individual circumstances, the type of offending concerned and any associated loss or expense you may have incurred.

## What should I do if I want the CDPP to seek a reparation order on my behalf?

You must advise the CDPP prosecutor well before any sentencing proceedings occur if you would like them to consider asking the court to make a reparation order on your behalf. This will enable the prosecutor to consider any such request and ensure that any necessary discussion and preparation takes place in advance of the sentencing proceedings.

You should also provide the prosecutor with any supporting documentation regarding your request for a reparation order.

## What kind of supporting documentation should I provide?

Supporting documentation for a reparation order request may include:

- » Receipts/bills for medical expenses relating to the offending;
- » Receipts/bills for counselling expenses relating to the offending;
- » Receipts concerning loss and/or damage to property;
- » Statement from an employer demonstrating any loss of wages incurred as a result of the offence; and
- » Other evidence of losses/expenses related to the offending

If you have any questions or concerns regarding supporting documentation, you should discuss them with the relevant prosecutor as soon as possible.

## Do I need to seek legal advice in relation to a reparation order?

You are entitled to seek independent legal advice in relation to reparation orders.

The CDPP does not provide independent legal advice in relation to reparation orders.

In the event that the offender fails to pay the amount ordered by the Court, the CDPP has no role in recovering it on your behalf. The offender cannot be imprisoned for failing to make reparation.

## The court has made a reparation order in my favour, now what?

The CDPP will advise you of any reparation order that has been made in your favour.

The CDPP does not play a role in relation to compliance with reparation orders concerning individuals.

If any issues arise in relation to a reparation order, such as non-compliance, you should consider seeking independent legal advice.

## Am I entitled to any other forms of financial assistance or compensation?

Whilst there is no general compensation scheme for victims of Commonwealth crime, some victims of Commonwealth offences may be entitled to seek compensation via state or territory based compensation schemes. This process is separate to the prosecution process and the CDPP does not provide independent legal advice in this regard. If you are interested in the issue of compensation you should contact the relevant service or scheme (contact details are available via the CDPP website [www.cdpp.gov.au](http://www.cdpp.gov.au)).

You may be able to take civil action for compensation against the offender, this legal process is separate to the prosecution. The CDPP is not responsible for instigating civil compensation action against federal offenders and does not provide independent legal advice in this regard. If you are interested in civil compensation action you should seek independent legal advice.

It is important to note that time limits may apply in certain circumstances.