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Submission to the Statutory Review of the *Victims Rights and Support Act 2013*

I refer to your invitation for interested individuals and organisations to make submissions to the Statutory Review of the *Victims Rights and Support Act 2013 (NSW)*

Court Services is responsible for the administration of the registries which support the Local and District Courts. Court registry officers have dealings with victims of crime seeking to enforce payment of court ordered directions for payment of compensation.

Section 97 of the *Victims Rights and Support Act 2013* (the Act) provides that a court may at the time of conviction or at any later time give a direction that the offender pay to an aggrieved person a specified sum as compensation.

Section 101 of the Act provides that a victim in whose favour a compensation direction has been made may enforce payment by obtaining a certificate of the order from the court which gave the direction and filing it with a court as a judgment debt. The victim may then enforce payment of the judgment by the methods set out in the *Civil Procedure Act 2005* and *Uniform Civil Procedure Rules 2005* (garnishee order, writ for levy on property, examination notices and orders). The victim essentially pursues recovery of the court ordered compensation direction from the offender in the same manner as any other creditor pursues recovery of an unpaid civil debt.

Court Services receives complaints from victims of crime directly and through members of parliament where the victims have expressed their dissatisfaction that they are left to pursue enforcement of a court ordered compensation direction themselves.

Some victims of crime who have a court ordered compensation direction made in their favour face an additional challenge in knowing little information about the offender. The offender was a stranger to them. Not knowing the offenders address is

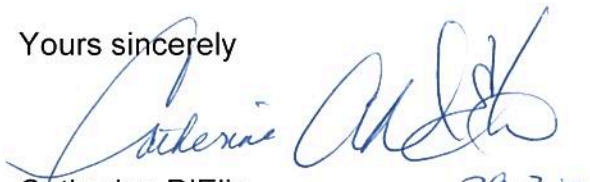
an impediment to a victim pursuing payment of a compensation direction as some debt enforcement options require the creditor to state the debtors address on the application that initiates the enforcement action. For example, when applying for writ for levy upon property, the creditor must state the address they require the sheriff to attend to execute the writ. It must be an address at which the debtor has personal belongings and is usually the debtor's residence.

The offenders address is usually contained within the courts record of the criminal proceedings however the *Privacy and Personal Information Protection Act 1998* does not permit registry staff to access the record of the criminal proceedings for the purpose of the civil debt recovery process. Registry officers cannot release personal information about the offender to the victim. Victims, already affronted by the requirement that they must pursue recovery of the criminal compensation direction themselves can view the inability of court registry staff to supply the offenders address to them as an obstruction.

Section 75 of the *Victims Rights and Support Act 2013* authorises Police officers, Roads and Maritime Services and other Government agencies to provide the Victims Commissioner with information about the whereabouts of the offender to enable enforcement of an order for restitution. There is currently no equivalent provision within the Act allowing the provision of information about the whereabouts of the offender to the victim for the purpose of enforcing the court direction for compensation.

Some refinements to the provisions of the *Victims Rights and Support Act 2013* as to enforcement of court directions for compensation would likely be welcomed by this particular subset of victims of crime.

Yours sincerely



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