

**MAGISTRATES COURT OF WESTERN AUSTRALIA
CIVIL JURISDICTION
FACT SHEET 48**

ENFORCING A CRIMINAL COMPENSATION ORDER

This fact sheet provides information for a person who has been awarded compensation as the result of a criminal offence.

What is a compensation order?

This is an order where an offender makes a compensation payment to the victim of the crime for loss of, or damage to, property and expense reasonably incurred.

These orders are in addition to, and not part of, the sentence imposed on an offender.

When can a compensation order be enforced?

If the amount payable under a compensation order is not paid within 28 days after the date of the order, the person in whose favour the order is made may enforce it with the court.

Lodging a criminal compensation order

To enforce an order, you are required to lodge a certified copy of the order, along with an affidavit stating to what extent the order has not been complied with, with the court of competent jurisdiction.

Please note the Magistrate Court of Western Australia has jurisdiction to deal with claims of up to \$75,000.

The accompanying affidavit must include the following:

- your full name, address and occupation;
- the date the compensation order was made;
- the amount of the compensation order;
- the amount/s that have been paid; and
- the total amount outstanding.

If you have not already received a copy of the compensation order you can request it free of charge from the court that issued the order. You will need to provide sufficient identification to prove you are a person entitled to the compensation on the order.

Enforcing a criminal compensation order

Once lodged, the order is to be taken to be a judgment of the court and may be enforced accordingly.

To enforce the judgment, complete and lodge a Form 6 - Application or Request to a Court. For further information in regards to the different types of enforcement applications please refer to:

Fact sheet: No. 23 - Enforcing a Judgment

This form is available from the Magistrates Court website: www.magistratescourt.wa.gov.au.

*Note: An offender's residential address or an address for service is required in order to commence enforcement proceedings. In most cases this will be supplied on the compensation order.

Costs of enforcing a criminal compensation order?

No registration fee or Form 6 Application fee is payable for Criminal Compensation Registrations.

You will be required to pay any sheriff/bailiff fees depending on the type of enforcement order you have applied for. These fees can then be added to the total amount owing and can be recovered from the offender should the enforcement application be successful.

Enforcement fees may vary based upon a number of factors including; the number of enforcement attempts made and the distance travelled to execute the enforcement process. To view the full list of fees visit www.magistratescourt.wa.gov.au under Fees, Forms & Factsheet.

This is a guide only. The content is subject to change. If you are unsure about any of the information in this fact sheet, contact your nearest registry or seek legal advice.