



ATSILS
Aboriginal and
Torres Strait Islander
Legal Service (Qld) Ltd



Legal Fact Sheet

Compensation Orders

Against Parents or Guardians



Has your child found themselves in trouble with the law?

Has your child caused loss or damage to someone's property or caused injury to a person?

If you are the parent or guardian of a child that has been found guilty of an offence, a Court may Order that you pay compensation.

This fact sheet explains:

- Background information and Court considerations relating to an offence.
- What is a show cause hearing?
- What happens if you are ordered to attend a show cause hearing?
- Compensation and the Court's consideration of your financial and family circumstances.
- How to obtain legal advice?

ATSILS is a non-profit, Aboriginal and Torres Strait Islander community-based organisation with 25 locations across Queensland. We provide innovative and professional legal services covering criminal, civil and family law areas.

Freecall 24/7



1800 012 255

Last Updated: February 2023



1. Background

When a child is found guilty of an offence, the Court will take into consideration several factors in deciding whether to Order a parent to pay compensation.

One factor the Court will consider is the level of supervision provided to the child by their parent or guardian. The term '**guardian**' includes a person who has the day-to-day care and control of a child, or lawful custody of a child.

If the Court decides that the parent or guardian contributed to the offence by not adequately supervising the child, the Court may Order that the parent or guardian attend a show cause hearing.

2. What is a Show Cause Hearing?

At the show cause hearing, the prosecution must prove to the judge, and the judge must be satisfied beyond reasonable doubt, that:

1. The child committed a personal or property offence that can be compensated for, such as they injured someone or damaged property;
2. A parent or guardian contributed to the fact of the offence by not adequately supervising the child; and
3. It is reasonable that the parent should be ordered to pay compensation.

3. What happens if you are ordered to attend a Show Cause Hearing?

If you receive a notice stating that you are required to attend a show cause hearing, it is strongly recommended that you seek legal advice and do **attend the hearing**. If you do not attend a show case hearing, the Court may make a compensation Order against you in your absence.

4. How much Compensation?

If the Court does order you to pay compensation, the Court must take into account how much you can afford to pay and how this will affect your ability to provide for your family.

5. Obtaining Legal Advice?

ATSILS provides innovative, professional and culturally competent legal service for Aboriginal and Torres Strait Islander people across Queensland.

Freecall 24/7  1800 012 255

We can be contacted toll free on **1800 012 255**, 24 hours a day, 7 days a week. We have 25 offices located across Queensland so you will be put in touch with the closest regional office that is able assist you with your legal needs. In some instances, ATSILS might have a conflict of interest and will not be able to provide you with legal advice. If this is the case, you may wish to try Legal Aid Queensland on their Indigenous Information line on **1300 65 01 43**.

This Factsheet is not intended to provide legal advice and has been provided for the purpose of providing information only. Whilst all reasonable care has been taken in the preparation of this information, no liability is assumed for any errors or omissions.