

Eldridge, In the matter of an application for Criminal Injuries Compensation
[2001] NTSC 51

PARTY: IN THE MATTER OF AN APPLICATION BY
ANNETTE ELDRIDGE FOR CRIMINAL
INJURIES COMPENSATION

TITLE OF COURT: SUPREME COURT OF THE NORTHERN
TERRITORY

JURISDICTION: SUPREME COURT OF THE NORTHERN
TERRITORY exercising Territory jurisdiction

FILE NO: 17 of 2001 (20101147)

DELIVERED: 28 June 2001

HEARING DATES: 21 May 2001

JUDGMENT OF: MARTIN CJ

CATCHWORDS:

CRIMINAL LAW

Criminal injuries compensation – assessment of – Criminal Injuries
(Compensation) Ordinance 1975, s 3.

S v Turner (1979) 1 NTR 17, considered
Davey v Haidukewicz (1980) 4 NTR 40, considered

REPRESENTATION:

Counsel:

Applicant: D Howard

Solicitors:

Applicant: Hunt and Hunt

Judgment category classification: B

Judgment ID Number: mar0116

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Mar0116

IN THE SUPREME COURT
OF THE NORTHERN TERRITORY
OF AUSTRALIA
AT DARWIN

*Eldridge, In the matter of an application for Criminal Injuries
Compensation [2001] NTSC 51*

No.17 of 2001 (20101147)

IN THE MATTER OF AN APPLICATION
BY **ANNETTE ELDRIDGE** FOR
CRIMINAL INJURIES COMPENSATION

CORAM: MARTIN CJ

REASONS FOR JUDGMENT

(Delivered 28 June 2001)

- [1] This is an application for compensation under provisions of the Criminal Injuries (Compensation) Ordinance 1975. The Ordinance, which remains in force, provides that where a person is convicted of an offence which has resulted in injury to an aggrieved person, the court in which the first named person is convicted may, upon the occasion of a conviction or thereafter, order that a sum not exceeding \$4000 be paid to the aggrieved person out of the property or earnings of the person convicted, by way of compensation for the injuries sustained by reason of the offence.
- [2] Petar Yovanovic, the father of the applicant, as found guilty and convicted in this Court on 11 October 1999 for that between 1 January 1981 and

6 September 1981 at Darwin he committed fornication with his daughter, the applicant (contrary to s 3 of the Criminal Law Consolidation Act and Ordinance). The applicant was at the time of the offence aged about 17 and the act of fornication alleged or admitted was that during the period in question Mr Yovanovic had sexual intercourse with the applicant in a motel room on one occasion.

- [3] An aggrieved person is defined in s 2 in the Ordinance as being a person who has suffered injury as a result of a criminal offence. "Injury" means bodily harm and includes pregnancy, mental shock and nervous shock. During submissions on sentence the Crown informed the Court that the applicant wished the Court to know that she was upset and confused by the incident. Other material placed before the Court on this application satisfies me that the injury suffered by the applicant was such as to justify an award of \$4000 and Petar Yovanovic is ordered to pay to her out of his property of earnings by way of compensation that sum for the injuries sustained by reason of the offence.
- [4] In determining whether or not to make the order and fixing the amount, the Court has had regard to the fact of the relationship between Mr Yovanovic and the applicant, as well as the nature of the offence and its effect upon the applicant.
- [5] In considering this matter I have paid regard to the guidance provided by Muirhead J in *S v Turner* (1979) 1 NTR 17, but taking into account that that

was a case concerned with criminal compensation for the offence of rape. I have also paid regard to the judgment of Forster CJ in *Davey v Haidukewicz* (1980) 4 NTR 40.
