



Victims Compensation, Counselling and Assistance

Have you suffered an injury as a result of the violent actions of another person? If so, you may be eligible for compensation and/or counselling and/or victims assistance from Victims Services.

Who can apply for victims compensation?

Victims compensation is available to people who have been physically or psychologically injured as the result of an act of violence. Examples of acts of violence include an assault, robbery, domestic violence or sexual assault which took place in New South Wales. You can apply for compensation if:

- you are the victim of an act of violence and are injured as a result
- you are a member of the immediate family of a homicide victim
- you are injured as a result of witnessing an act of violence
- you are the parent or guardian of a primary victim of an act of violence who was under the age of 18 years at the time of the act and you are injured as a result of learning of the act of violence
- you are injured while trying to prevent someone from committing an act of violence or helping or rescuing someone against whom an act of violence is being committed

To claim compensation, you have to prove that as a result of the act of violence, you suffered an injury. The injury must be on the list of injuries which can be compensated. Not all injuries are compensable and injuries must exceed the threshold amount of \$7,500 before any compensation will be paid.

How does it work?

Your completed application form and evidence of the act of violence and your injury is lodged at the Tribunal. You do not need to attend the Tribunal to give evidence verbally and your claim will be assessed solely on the evidence you provide with this application.

If your claim is successful, you will be asked to complete a payment request form and you will receive

your payment about six weeks later.

What kind of evidence do I need?

Evidence might include things such as police statements, photos of injuries, medical reports, hospital and ambulance records, statutory declarations and psychological reports.

Do I need to report the assault to police?

You do not have to report an assault to police in order to be successful for a claim of compensation. However, the Tribunal usually regards police reports and police statements as good evidence of an act of violence.

Does the offender have to be charged in order for me to receive compensation?

No, you can still receive compensation even if the offender has not been charged. If the person who injured you is charged and found guilty of a crime that resulted in your injuries, that person may have to pay some or all of the money that has been paid to you in compensation to the Tribunal.

You can make a claim if you are a victim of violence even if you don't know who injured you.

What if I have been the victim of multiple acts of violence?

If you have suffered multiple acts of violence it may be possible to make multiple applications for compensation. However, unless there are exceptional circumstances, all of your applications must be lodged at the same time. If you make an application and you are given compensation, you may not be able to make any more applications for acts of violence you suffered before the original application was filed. This does not bar you from making a claim for compensation for an act of violence that occurs after an award of compensation is made for an earlier act of violence.

Is there a time limit?

Your claim must be lodged with the Tribunal within 2 years of the act of violence that led to your injuries.

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Under certain circumstances, particularly those involving sexual assault, domestic violence or child abuse, the Tribunal may accept applications that are outside this time.

How much compensation will the Tribunal pay?

Compensation ranges between \$7,500 and \$50,000 on any individual claim. The maximum amount is only payable in the most serious cases. The Tribunal may also compensate for loss of earnings, loss or damage to personal items and medical costs.

Do I need a lawyer?

While you can make your own application for compensation, we recommend that you have a lawyer assist you with your claim. A lawyer cannot charge you for their legal costs. You may however have to pay for police statements, medical reports or other evidence required to support your application. You might be able to recover these costs from the Tribunal.

What if my application is unsuccessful?

You can appeal to the Tribunal to review your application and the decision of the assessor. This means that one of the Tribunal's Magistrates will reconsider your claim. Any appeal must be filed with the Tribunal within 3 months from the date the assessor first made his or her decision. If you have any new evidence at this stage which was not previously available to you, it may be possible to lodge this along with your appeal. There is no need to attend a court to lodge your initial application or an appeal.

Can I receive counselling?

Free counselling is available to you whether or not you choose to lodge an application for compensation. In the first instance, you can apply for ten hours of counselling and then more counselling hours (up to 22 hours) may be approved.

What is the Victims Assistance Scheme?

The Victims Assistance Scheme (VAS) reimburses actual expenses incurred by victims of crime who are not eligible for statutory compensation because their injuries do not meet the minimum threshold of \$7,500.

To receive VAS, you need to prove that you are a primary victim of an act of violence and that you suffered at least one injury which is on the list of injuries for which a person can receive compensation.

What types of expenses can I claim?

The types of expenses which can be claimed include:

- replacement or repair of prescription glasses and contact lenses
- medical aids such as dentures, prostheses or hearing aids
- ambulance costs
- medical appointments
- medical services such as X-rays
- physiotherapy
- medicines
- dental services
- domestic assistance during recovery
- cleaning costs of property damaged as a result of the act of violence
- security, such as changing the locks

You cannot claim for loss of earnings, counselling services, medical reports or loss of personal effects.

How much can I claim?

The maximum amount that can be reimbursed for expenses under the VAS is \$1,500. The minimum amount that can be reimbursed is \$200, which means that the total of all your expenses must be at least \$200. You will only be reimbursed for the difference between the amount you have paid and any rebate from a private health fund, Medicare, or other source.

Is there a time limit?

Claims must be lodged within two years of the date of the act of violence. Late applications are not accepted. Receipts for expenses must be attached to the application form.

What can I do if I disagree with the decision of the Tribunal about my claim for expenses?

If you disagree with the amount of money awarded as reimbursement for expenses in a VAS claim, you can write to Victims Services and ask that the award be reviewed.

Where can I get some further advice about victims compensation, counselling and the victims assistance scheme?

You can contact your closest community legal centre for advice. To find your closest community legal centre, call LawAccess on 1300 888 529. You can also call Victims Services on 8688 5511.

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