

# Application for Compensation and/or Expenses

Victims Support and Rehabilitation Act 1996 (the Act)



Victims Services  
Justice & Attorney General

## IT IS IMPORTANT THAT YOU READ THIS INFORMATION GUIDE BEFORE FILLING IN THE APPLICATION FORM.

### WHO SHOULD USE THIS FORM?

- ◆ Primary and secondary victims claiming **statutory compensation**. That is, compensation for the injuries you have received from an act of violence in NSW plus any actual expenses incurred such as medical, loss of earnings and loss of personal effects.
- ◆ This form should also be used if you are a primary victim claiming prescribed expenses under the **Victims Assistance Scheme (VAS)**. See the brochure, *Guide to the Victims Assistance Scheme (VAS)*.

**NOTE:** This form is for primary and secondary victims only. If you are the family member of a deceased victim contact Victims Services for the appropriate form.

If you are claiming both compensation and prescribed expenses you need only complete the one application form.

### WHO IS A VICTIM?

#### Primary victim

A primary victim is a person who:

- ◆ has sustained an injury as a direct result of an act of violence; or
- ◆ is injured while trying to prevent someone from committing an act of violence; or
- ◆ is injured while helping or rescuing someone against whom an act of violence is being committed, or has just been committed; or
- ◆ is injured while trying to arrest someone who is committing, or has just committed an act of violence.

#### Secondary victim

A secondary victim is a person who:

- ◆ has sustained an injury as a direct result of witnessing an act of violence that resulted in the death or injury of a primary person; or
- ◆ is a parent or guardian who sustained injury as a direct result of becoming aware of an act of violence of which their child (under 18 years at the time of the act of violence) was a primary victim.

### WHAT IS AN ACT OF VIOLENCE?

An act of violence is an act or series of related acts, committed by one or more persons that:

- ◆ has apparently occurred in the course of the commission of an offence in NSW, and
- ◆ has involved violent conduct against the person(s), and
- ◆ has resulted in injury or death to one or more of those persons.

### WHEN TO MAKE YOUR CLAIM

**Compensation:** You should send your claim within two years of the act of violence. You may put your claim in straight away after you were injured or you may prefer to wait (within the two year time frame) and see if you have suffered a more serious or permanent injury. Once your claim is determined you cannot put in another claim for the same act of violence.

You may send us your application whether or not an offender is identified or charged. You do not have to wait until a court finalises your matter before you apply.

If we receive your application more than two years after the day (or last day if it was over a period of time) of the act of violence, you will need to give reasons why your application was late.

**Victims Assistance Scheme (VAS):** You must be the primary victim of an act of violence in NSW. Claims must be lodged within two years of the date of the act of violence. Late applications cannot be accepted.

### COMPENSABLE INJURY

You can only claim compensation or prescribed expenses (under the VAS) if you have sustained an injury listed in **Schedule 1** in the Act. A copy of **Schedule 1** is available on Victims Services website [www.lawlink.nsw.gov.au/vs](http://www.lawlink.nsw.gov.au/vs) or you may contact Victims Services for a copy.

You must provide evidence of your injury, such as hospital records, medical reports, and/or proof of any continuing symptoms or disability. If you are claiming scarring, the scarring must be permanent, and you will need to provide recent, dated colour photographs of the scarring. Do not send in actual x-rays – only the written report showing the results of the x-ray is required.

If you have had Victims Services Approved Counselling and wish to rely on that Counsellor's report to assist in establishing injury, you must tell the Tribunal that you are submitting it in support of your compensation claim.

If you do not have the evidence now to support your injury, you need to send the evidence to Victims Services before your claim is finalised.

**Threshold:** If you are claiming compensation there is a threshold that must be reached before an award can be made. This means that your injuries must total at least \$7,500 before you can receive an award. This injury threshold does not apply to VAS claims.

## EXPENSES IN COMPENSATION CLAIMS

**Medical and related expenses:** Types of medical and related expenses include: medical, hospital, dental, chemist, physiotherapy, the cost of medical reports and photos.

It is important that you provide receipts or invoices as proof of all expenses claimed.

You may only be awarded the difference between the amount you have paid for the medical/related expense and any rebate from a private health fund or Medicare. If you do not know the Medicare rebate allowed for a service provided to you, 75% of the medical expense charged will be deducted.

Medicare and your health fund can provide you with a printout of any benefits you have received.

**Actual loss of earnings:** You cannot claim for business losses. Compensation can be claimed for actual loss of earnings only.

Compensation is paid according to the relevant rate used under the *Workers Compensation Act 1987*, rather than the exact amount of earnings that were lost.

It is important that you tell Victims Services if you had any dependant family members during the period of loss of earnings, as this will affect the amount awarded.

Your actual loss of earnings must be substantiated by a statement from your employer and/or accountant. If you are receiving benefits from Centrelink you should obtain a statement from them showing the benefits you have received for the dates claimed.

**Loss of personal effects:** This includes lost, destroyed or damaged personal items which were worn or carried by the primary victim at the time of the act of violence.

**Limits:** When an award of compensation for injuries is made, a maximum of \$10,000 can be claimed for financial loss as part of your compensation claim and within that amount a maximum of \$1,000 can be claimed for loss of personal effects.

## CONFIDENTIALITY

In general the material in our possession is not released to other people. However, information may need to be made available to the offender if restitution action is taken to recover the money awarded in compensation. Your personal contact details will not be released. We may also be required to produce documents to a court where there is other legal action.

## PRIVACY

Victims Services is required to comply with the *Privacy and Personal Information Protection Act 1998* (NSW) and the *Health Records and Information Privacy Act 2002* (NSW).

## CONTACTING VICTIMS SERVICES

For further information and help completing the application, please contact Victims Services:

**Phone** (Sydney metro area) .....(02) 8688 5511

**Freecall** (except from mobiles) ..... 1800 069 054

**Email** .....vct@agd.nsw.gov.au

**Website** .....www.lawlink.nsw.gov.au/vs

A person who is hearing or sight impaired and is using a TTY machine may call:

**TTY** (Sydney metro area).....(02) 8688 5575

When calling, if you need an interpreter, call the Telephone Interpreting Service (TIS) on:

**TIS**.....131 450

Aboriginal & Torres Strait Islander Contact Line:  
(8:30am to 5:00pm, Monday to Friday):

**Freecall** (except from mobiles) .....1800 019 123

For further information refer to the relevant legislation and the relevant brochures: *Compensation for Victims of Violent Crime, Approved Counselling Scheme for Victims of Violent Crime* and *Guide to the Victims Assistance Scheme (VAS)*. These brochures can be accessed on our website or you may contact Victims Services for copies.

## WHERE TO SEND YOUR COMPLETED FORM

**The Director  
Victims Services  
Locked Bag 5118  
Parramatta NSW 2124**

Or solicitors may use the Document Exchange:  
**DX 8232 Parramatta**

# Application for Compensation and/or Expenses



Victims Support and Rehabilitation Act 1996 (the Act)

## PART 1: Type of application

### 1. What are you applying for?

Compensation only

Prescribed expenses (VAS) only

Compensation and prescribed expenses\*

\* If my claim for statutory compensation is not successful I give my consent for my prescribed expenses to be considered under the Victims Assistance Scheme (VAS).

Office use only

## PART 2: Details of the victim applying for compensation and/or expenses

2. Full name Surname/Family

First/Given name  Middle

3. Any other names used by the victim

4. Gender Female  Male

5. Date of birth Date  /  /

6. Address

Postcode

7. Daytime contact numbers Phone  Mobile

Email

8. Are you of Aboriginal or Torres Strait Islander origin? (Optional - for statistical and planning purposes)

No  Yes, Aboriginal  Yes, Torres Strait Islander

9. Nominate which category applies to you (Please note that you can only apply in one category)

Primary victim  → Go to Part 3

Secondary victim  → Go to Question 10

10. What is the name of the primary victim?

Surname/Family

First/Given  Middle

### PART 3: Details of person applying on behalf of the victim (if applicable)

**NOTE:** If the victim is unable to complete the application due to incapacity or is under 18 years of age, a person with a genuine interest in the welfare of the victim may apply on their behalf.

11. Full name	Surname/Family	<input type="text"/>		
	First/Given name	<input type="text"/>	Middle	<input type="text"/>
12. Gender	Male	<input type="checkbox"/>	Female	<input type="checkbox"/>
13. Date of birth	<input type="text" value=" / /"/>			
14. Address	<input type="text"/>			
		<input type="text"/>	Postcode	<input type="text"/>
15. Daytime contact numbers	Phone	<input type="text"/>	Mobile	<input type="text"/>
	Email	<input type="text"/>		
16. Your relationship to the victim	<input type="text"/>			
17. Why are you acting on behalf of the victim?	<input type="text"/>			

### PART 4: Details of legal representative (if applicable)

**NOTE:** If you complete these details, this will be the address for service. This means all correspondence from us will be sent to your legal representative.

18. Name of legal firm/practitioner	<input type="text"/>			
19. Address/DX	<input type="text"/>			
	<input type="text"/>	Postcode	<input type="text"/>	
20. Phone number	<input type="text"/>			
21. Name of the Solicitor	<input type="text"/>			
22. Solicitor's reference	<input type="text"/>			

### PART 5: Details of the act of violence

23. When did the act(s) of violence occur?					
(a)	Date	<input type="text" value=" / /"/>			
or, (b)	over a period of time	From	<input type="text" value=" / /"/>	to	<input type="text" value=" / /"/>
24. Where did the act of violence happen?					
Name of business/establishment (if applicable)	<input type="text"/>				
Address	<input type="text"/>				
Suburb/town (must be provided)	<input type="text"/>	State	<input type="text"/>	Postcode	<input type="text"/>
25. Did the act of violence happen at work?					
	No	<input type="checkbox"/>	Yes	<input type="checkbox"/>	

## PART 5: Details of the act of violence, cont.

### 26. Who was the offender?

Surname/Family

First/Given name  Middle

Unknown  → Go to Question 28

**NOTE:** If a person is convicted of a crime for which you are awarded statutory compensation, the State will take action (restitution) to recover the money from the offender. You cannot be made to give evidence or be involved in these proceedings.

### 27. What was your relationship to the offender?

### 28. What was the nature of the act of violence?

Assault  Sexual Assault  Robbery  Domestic Violence  Home Invasion

Other  → Please specify

Briefly describe what happened. For example "I was walking home and was assaulted by two men who held a knife to my throat and stole my wallet." Or "I was sexually assaulted between 2002 and 2005."

## PART 6: Reporting the act of violence to the police

### 29. Was the act of violence reported to the police?

No  → Please give reasons, then go to Part 8

Yes  → Please complete the rest of this part

30. When was it reported? Date  /  /

### 31. Was there a delay in reporting the act of violence to the police?

No  Yes  → Please explain why there was a delay?

### 32. Who was it reported to?

Name of police officer

Police station

COPS Event No. (if known)  **E** (the police reference number for your matter)

### 33. Do you have a copy of the statement you made to the police?

No  Yes  → Please attach it to this application

## PART 7: Court proceedings (if applicable)

34. Court details (for example, name and location of court; date; result)


## PART 8: Injuries

**NOTE:** You can only claim statutory compensation or prescribed expenses (under VAS) for injuries listed in Schedule 1 in the Act. Compensation is awarded for a maximum of three injuries. The full standard amount shown in the Schedule is paid for the most serious injury; 10% of the standard amount for the second most serious injury; and 5% of the standard amount for the third most serious injury.

35. You must nominate the compensable injuries you have received (if insufficient space, add an attachment)

Compensable injury claimed (as listed in Schedule 1)	Standard amount (as described in Schedule 1)	Amount payable (if awarded compensation)
1.	\$	\$ (100% standard amount)
2.	\$	\$ (10% standard amount)
3.	\$	\$ (5% standard amount)

36. Are you claiming a psychological or psychiatric disorder category 1 or category 2?

No  Yes  → ARW approval will be considered

**NOTE:** An ARW is a qualified person who will prepare a written assessment of your condition to assist the compensation assessor in determining whether you have a compensable injury. An ARW will be allocated by the Director, Victims Services, nearest to where you live. You may indicate gender and location preferences below.

All efforts will be made to meet your preferences.

Gender No preference  Female  Male

Locations Suburb/town

## PART 9: Monies from other sources

**NOTE:** You do not have to wait for any workers compensation, civil or other courts claim, or other insurance to finalise before lodging an application for victims compensation. However you **must** pursue any such entitlements and you may have to wait for those entitlements to be finalised before your application for victims compensation can be determined.

Have you received monies, or do you intend to make a claim in relation to this matter regarding: (Please circle either yes or no)	If you have answered 'Yes' to any question, please provide details. For example, amount already received; name of employer; insurance company; type of insurance policy; name of other party.	
37. Workers compensation?	No	Yes
38. Civil or other court claim?	No	Yes
39. Insurance payment or other source?	No	Yes



## PART 12: Statutory Declaration

**NOTE:** This statutory declaration must be signed by the applicant (either the victim or the person applying on behalf of the victim named in Part 4) in the presence of a Justice of the Peace or Solicitor.

42. I, (full name)

do solemnly and sincerely declare that all the statements made in this application are true and correct to the best of my knowledge, and I make this solemn declaration conscientiously believing the same to be true, and by virtue of the provisions of the *Oaths Act 1900*.

Taken and declared before me at

(place)

This  /  /

(day / month / year)

Your signature

Justice of the Peace/Solicitor  
(signature)

Justice of the Peace/Solicitor  
(printed name)

Justice of the Peace Number/Solicitor's Practising Certificate Number

### Application checklist

- Have you answered all necessary questions?
- Attach a copy of your police statement, if you have one.
- Attach medical reports and clear recent photos if you are claiming scarring.
- Attach all receipts or other proof of expenses that have been incurred and details of any benefits/insurance payments received or receivable.
- Attach other evidence you have to support your claim.

### Where to send your completed application

The Director  
Victims Services  
Locked Bag 5118  
Parramatta NSW 2124

Or solicitors may use the Document Exchange:  
DX 8232 Parramatta

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Alternative formats of this information is available on our website [www.lawlink.nsw.gov.au/vs](http://www.lawlink.nsw.gov.au/vs) or phone 02) 8688 5511 (voice), or (02) 8688 5575 (TTY - for people who are deaf or have a speech impairment).

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