

Information about compensation for victims of domestic violence



New South Wales Government
Attorney General's Department
Victims Services

This information sheet should be read together with our brochures, *Compensation for Victims of Violent Crime* and *Approved Counselling Scheme for Victims of Violent Crime*.

If you have been the victim of domestic violence, you may be able to receive compensation and counselling from the Victims Compensation Tribunal. The information provided below answers some frequently asked questions about applying for compensation as a result of domestic violence.

The Schedule of Injuries

The *Schedule of Injuries* lists the amounts of compensation payable for each of the injuries for which you may receive compensation through the *Victims Support and Rehabilitation Act 1996*. A copy of the *Schedule of Injuries* may be obtained from us or from our website.

What injuries can I be awarded compensation for?

- Either the compensable injury of *Domestic Violence*; or
- Other compensable physical injuries listed in the *Schedule of Injuries*; and/or
- Category 2: chronic psychological or psychiatric disorder that is severely disabling.

If you are awarded the compensable injury of *Domestic Violence*, an award cannot be made for any other injury listed on the *Schedule of Injuries*.

What incidents of domestic violence may result in eligibility for compensation?

Incidents of domestic violence, which may result in eligibility for victims compensation and counselling, include violent criminal acts that cause injury, such as an assault, sexual assault, intimidation or harassment.

You can also claim the compensable injury of *Domestic Violence* if you were injured as a result of intimidation or stalking in apparent contravention of an apprehended violence order.

Not every incident may be viewed as domestic violence and will result in an award of victims compensation. For example, if the act of violence does not constitute a criminal offence, compensation will not be awarded.

What evidence do I need for the incident(s) I am claiming for?

If you reported the matter to the police, where necessary, we will obtain the COPS report and other police reports. If the matter went to court we will generally obtain the court results. You will need to provide as much information as you can about reporting to the police and further information such as the name of the defendant and name of the court, if applicable.

If the matter was not reported to police you will need to provide other evidence that may assist the assessor in determining the matter. This could include a statutory declaration detailing the incident(s) and people you may have reported it to (for example, health practitioners, relatives, friends). You may also wish to submit statutory declarations from others who can confirm they had knowledge of the incident(s).

When can I claim the compensable injury of *Domestic Violence*?

In general, you may claim the *Domestic Violence* injury if you have been injured as a result of a Domestic Violence offence (if you do not fit into the categories below you may elect to claim other injuries on the Schedule).

Domestic violence offence (for the purposes of the compensable injury of *Domestic Violence*) means a personal violence offence (within meaning of the *Crimes Act 1900*) against any of the following persons:

- A person who is or has been married to or in a de facto relationship with the offender
- A person who has or has had an intimate personal relationship (not limited to a sexual relationship) with the offender
- A person, who at the time of the offence, was living in the same household, or long-term resident in the same residential facility, as the offender
- A person, who at the time of the offence, was dependent on the offender who gave paid or unpaid care to the person
- A person who is or has been a parent, guardian or step-parent of the offender
- A person who is or has been a child or step-child of the offender, or a child of the offender who is the child's guardian

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- A person who is or has been a brother, sister, half-brother, half-sister, step-brother or step-sister of the offender.

The above is in addition to a Domestic Violence injury arising from the intimidation or stalking of a person in apparent contravention of an apprehended violence order.

Refer to Schedule 1, Clause 7A (3) and the Dictionary of the *Victims Support and Rehabilitation Act 1996* for further clarification.

Should I provide medical evidence in support of the compensable injury of *Domestic Violence*?

Yes, if you are claiming the compensable injury of *Domestic Violence* you must provide evidence of the injury sustained in support of your claim. Injury is defined in the dictionary to the Act as 'actual physical bodily harm' or 'psychological or psychiatric harm.'

If you are claiming physical injuries as part of the injury *Domestic Violence*, you will need to provide evidence in support, such as hospital records, medical reports, or proof of any continuing symptoms or disability.

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

Any evidence you can provide may also assist the compensation assessor in understanding the full impact of the crime upon you and to make an appropriate award.

What evidence do I need to provide if I am claiming other injuries in the Schedule of Injuries?

If you are claiming physical injuries listed in the *Schedule of Injuries* you will need to provide evidence in support, such as hospital records, medical reports, or proof of any continuing symptoms or disability.

If you claim the injury category 2: chronic psychological or psychiatric disorder that is severely disabling, you will need to see an ARW. Information on ARWs can be found on our website.

How much compensation may be awarded for the injury of *Domestic Violence*?

Compensation for the compensable injury of *Domestic Violence* ranges from \$7500 to \$10 000.

If I am claiming the compensable injury of *Domestic Violence*, do I have to see an Authorised Report Writer?

No, an Authorised Report Writer (ARW) is only required if you are claiming the injury category 2: chronic psychological or psychiatric disorder that is severely disabling.

Will my privacy be protected?

In general the material in our possession is not released to other people. However, some information may need to be made available to the offender if we take proceedings against the offender to recover any award of victims compensation. We may also be required to produce documents to a court where there is other legal action taking place.

Is the offender told about the application for compensation?

The person who has committed or is accused of committing the crime does not participate in the compensation process. However if you receive an award the Tribunal may take action to recover the money from the offender.

Will the offender have to pay?

If the offender has been convicted of a criminal offence and you receive an award of victims compensation, we will take action to recover the amount awarded from the offender. You do not have to be involved in this process.

Further information

Please contact Victims Services on:

Phone: (02) 8688 5511 or 1800 069 054 (Freecall)

TTY: (02) 8688 5575 (for hearing impaired)

Victims Support Line:

(02) 8688 5400 or 1800 633 063 (Freecall)

Address: Level 1, 160 Marsden Street, Parramatta

Post: Locked Bag 5118, Parramatta NSW 2124

DX: 8232 Parramatta

Email: vct@agd.nsw.gov.au

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

More information on claiming victims compensation and counselling is available on our website, including the *Schedule of Injuries* and application forms for compensation and counselling.