

Information about compensation for victims of sexual assault



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 sexual assault, 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 sexual assault.

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 *Sexual Assault*; 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 *Sexual Assault*, an award cannot be made for any other injury listed on the *Schedule of Injuries*.

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).

How much compensation may be awarded for the compensable injury of *Sexual Assault*?

Compensation for the compensable injury of *Sexual Assault* ranges from \$7,500 to \$50,000, depending on which category of injury is sustained.

The categories of the injury of *Sexual Assault* are:

Category 1 Sexual Assault

\$7,500 – \$10,000 and consists of

- indecent assault, or
- an assault with violence in the course of attempted unlawful sexual intercourse.

Category 2 Sexual Assault

\$10,000 – \$25,000 and consists of

- unlawful sexual intercourse, or
- the infliction of serious bodily injury in the course of attempted unlawful sexual intercourse.

Category 3 Sexual Assault

\$25,000 – \$50,000 and consists of

- a pattern of abuse involving category 1 or category 2 Sexual Assault, or
- unlawful sexual intercourse in which serious bodily injury is inflicted, or
- unlawful sexual intercourse in which two or more offenders are involved, or
- unlawful sexual intercourse in which the offender uses an offensive weapon.

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Should I provide medical evidence in support of the compensable injury of *Sexual Assault*?

Yes, if you are claiming the compensable injury of *Sexual Assault* 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 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* (or as part of the injury, *Sexual Assault*) 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.

Can I state what category of the injury I think should be awarded?

Yes, you may show in your application the category you think should be awarded. You may also wish to state how much should be awarded within the range of the category. You should explain your reasons clearly and provide evidence in support.

You can explain what effect the act of violence had on your life, so that the compensation assessor can have a full understanding of all your circumstances. The compensation assessor will consider this at the time your claim is finalised.

If I am claiming the compensable injury of *Sexual Assault*, 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.