

Do I have a right to appeal?

If you disagree with the decision of the assessor, you have the right to lodge an appeal within three months. Contact us for further information about the procedure for lodging an appeal.

Does an offender have to be convicted in order for you to receive compensation?

No. The person claiming compensation will need to prove that an act of violence occurred. Charges, court outcomes and police investigations may all assist in providing the act of violence.

Will the offender have to pay?

If a person is convicted of the crime for which you are claiming compensation, and we award you a sum of money, we may take action to recover the money from the offender. You do not have to give evidence or be involved in these proceedings.

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).

Further information

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
TTY (Sydney metro area) (02) 8688 5575
Website www.lawlink.nsw.gov.au/vs
Address Locked Bag 5118
Parramatta NSW 2124

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

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

Compensation for Victims of Violent Crime

Victims Support and Rehabilitation Act 1996



New South Wales Government
Attorney General's Department
Victims Services

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Alternative formats of this information is available on Victims Services website at 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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Am I eligible to claim for compensation?

You are eligible to claim compensation if:

- you are the victim of an act of violence (assault) and are injured as a result
- you are injured as a result of witnessing an act of violence
- you are a member of the immediate family of a homicide victim. These family members should refer to the brochure [Support for Family Members of Homicide Victims](#)
- you are injured while trying to:
 - prevent someone from committing an act of violence;
 - arrest someone who is committing, or has just committed, an act of violence;
 - help or rescue someone against whom an act of violence is being committed, or has just been committed.
- 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.

What can I claim compensation for?

You can claim compensation for:

- injuries sustained as specified in the Table of Injuries
- actual medical and related expenses
- actual loss of earnings
- lost, destroyed or damaged personal items which were worn or carried at the time of the act of violence.

A combined total of up to \$50,000 is available for the above categories.

A deduction of \$750 will be made from each award of compensation which is less than \$20,001, excluding awards to family members in cases of homicide.

What types of claims are not covered by the victims compensation scheme?

You are not eligible for compensation where:

- the act of violence did not occur in NSW
- it cannot be proved that an act of violence occurred
- the total amount of compensation for injuries is less than \$7,500
- the claim arises from a crime against property
- the claim arises from injuries caused by a motor vehicle.

In some circumstances an award of compensation may be reduced or dismissed because:

- the offence was not reported to the police within a reasonable time (unless it can be established that the delay was justified)
- you did not assist the police in their inquiries regarding the arrest or prosecution of an accused person.

Is my behaviour at the time of the incident relevant?

Yes. An award may be reduced or an application dismissed if the assessor considers your behaviour contributed to the injury for which compensation is claimed.

When should I make a claim?

You must make a claim within two years of the date of the act of violence.

If your application is lodged more than two years after the act of violence you need to seek leave to apply out of time.

Can a child claim?

Yes. If the victim of an act of violence is a child, an application can be made by a relative or other suitable person on the child's behalf. Any award that is made will be held in trust (usually by the Public Trustee) and managed on behalf of the child until the child is 18 years of age.

Can I be paid in advance?

In certain circumstances you can be paid in advance of your final award.

Your application must be in writing and should include reasons for the request, for example details of severe financial hardship.

How do I make a claim?

Applications for compensation must be made on the application form. The form can be filled out online and sent electronically. Alternatively, hard copies are available from Victims Services. Once completed, your application should be sent to Victims Services.

How is my claim for compensation assessed?

Once we have received all the information necessary to process your claim, the matter will be listed and allocated a date for determination.

You or your nominated representative will be sent notification of a listing date.

On or after this date an assessor will make a determination of the claim.

Applications are determined by an assessor based solely on written material.