

### **Do I have to attend a hearing?**

Applications are determined by an Assessor in an office without the need for you to attend. Only in special circumstances will you be required to attend a hearing.

### **Is the behaviour of the homicide victim at the time of the incident relevant?**

Yes. An award may be reduced or dismissed if the Assessor considers the victim's behaviour contributed to his/her death.

### **Does the offender have to be charged?**

No. The offender does not have to be charged before you make your claim for compensation. It may also be possible for your claim to be finalised before an offender is identified or dealt with by a court.

### **How much compensation is available for a family member and how is it distributed?**

A total amount of \$50,000 is available for distribution to all immediate family members. If there are two or more family members, the \$50,000 will be divided evenly between them. However, if there are dependent family members the \$50,000 will be awarded to these applicants.

### **Are funeral expenses paid?**

Yes, funeral expenses may be paid. To apply for payment of funeral expenses you may complete the *Application for Compensation by a Family Member of a Homicide Victim* form and send us a copy of the quote or receipt from the Funeral Director. Or, if you have already completed the form you may write us a letter and send us the quote or receipt. These expenses will be deducted from the total \$50,000 available to family members of a homicide victim.

### **Will my privacy be protected?**

Some information may need to be made available to the offender for any action we may take to recover any award from the offender. We may also be required to produce documents to a court where there is other legal action taking place. However, in general the material in our possession is not released to other people.

## **Further information**

For further information or copies of this brochure, please phone us on:

Phone .....(02) 8688 5511

Freecall ..... 1800 069 054

Or contact the 24 hour Victims Support Line on:

Phone .....(02) 8688 5400

Freecall ..... 1800 633 063

For people who are hearing impaired and use a TTY machine:

TTY .....(02) 8688 5575

Telephone Interpreting Service (TIS):

TIS ..... 131 450

Website:

Website ..... [www.lawlink.nsw.gov.au/vs](http://www.lawlink.nsw.gov.au/vs)

Further information for victims of crime can be found at:

Website ..... [www.lawlink.nsw.gov.au/voc](http://www.lawlink.nsw.gov.au/voc)

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This information is available on Victims Services website at [www.lawlink.nsw.gov.au/vs](http://www.lawlink.nsw.gov.au/vs) ('Forms and Publications'). For alternative formats such as Braille, audiotape, large print or computer disk, contact Diversity Services on (02) 8688 8460 (voice), (02) 8688 7733 (TTY - for people who are deaf or have a speech impairment) or [diversity\\_services@agd.nsw.gov.au](mailto:diversity_services@agd.nsw.gov.au)

This document has been prepared by Victims Services, for general information purposes.

ISBN 0 7347 6755 2 (PT07 • 03/09)

# Information for Family Members of Homicide Victims

*Victims Support and Rehabilitation Act 1996*



**New South Wales Government**  
Attorney General's Department  
Victims Services

## Counselling

### **Can I receive free counselling?**

You may be entitled to an initial period of up to 20 hours counselling from an Approved Counsellor under the Approved Counselling Scheme.

### **What is Approved Counselling?**

Approved Counselling is counselling which is approved and paid by the Victims Compensation Tribunal in accordance with s21 of the *Victims Support and Rehabilitation Act 1996*.

The Scheme provides counselling to help address the trauma and psychological impact for family members of a homicide victim.

### **Am I eligible to receive Approved Counselling?**

Yes, if you are a relative of a homicide victim or the immediate family member of a deceased victim relating to a road homicide.

However, you are not eligible for Approved Counselling or compensation where:

- the homicide did not occur in NSW
- it cannot be proved that it was homicide.

### **How do I apply for an initial period of up to 20 hours free counselling?**

You need to complete an *Application for Counselling by Family Members of a Homicide Victim* form. The two page form requires basic information about yourself and about the homicide. This will enable an assessor to consider your claim. You can obtain this form by phoning us on **(02) 8688 5511**. Once this form is completed it may be faxed to **(02) 8688 9630**.

If you are claiming compensation you may use the *Application for Compensation by a Family Member of a Homicide Victim* form to apply for counselling.

We will endeavour to make a decision regarding your application for counselling within 48 hours of receipt of your completed application. Make sure the form has a telephone number where you can be contacted during that time.

The initial 20 hours of counselling must be provided by an Approved Counsellor.

You can contact us for a list of Approved Counsellors in your area or visit our website at: [www.lawlink.nsw.gov.au/vs](http://www.lawlink.nsw.gov.au/vs)

Please note that you need our prior approval before organising an appointment with the Approved Counsellor.

### **Can I receive more than 20 hours counselling?**

At the end of the initial 20 hours of counselling you may make a written request for further approved counselling.

This request, together with the counsellor's report, will be considered by the Director, Victims Services.

### **Can I receive Approved Counselling even if I have not put in a claim for victims compensation?**

Yes. Counselling is separate from the compensation process.

### **Can I get an interpreter if I have trouble speaking or understanding English?**

Yes. We can arrange for an interpreter to assist you.

## Compensation

### **Who may claim compensation as a family member of a homicide victim?**

All members of the immediate family of a homicide victim who died as a direct result of an act of violence in NSW may apply. A member of the immediate family is:

- the victim's spouse; or
- the victim's de facto spouse, or partner of the same sex, who has cohabited with the victim for at least two years; or
- a parent, guardian or step-parent of the victim; or
- a child or step-child of the victim or other child of whom the victim was the guardian; or
- a brother, sister, step-brother or step-sister, half-brother or half-sister of the victim.

### **Can a child claim?**

Yes. If the family member of the homicide victim 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 have a representative?**

You may nominate a representative, e.g. relative, victims support group, to assist you with enquiries about your application.

### **Do I need a solicitor?**

You can make the application for compensation by yourself or be represented by a solicitor. The Law Society can provide you with the names of solicitors in your local area who will assist you in completing your application. The number for the Law Society is **(02) 9926 0300** or **1800 422 713** (Toll Free call outside metropolitan area). Your solicitor's costs for the compensation application will generally be paid by us, in accordance with the prescribed rate. These costs are paid over and above the amount of compensation awarded.

Please note that your solicitor is not entitled to costs from us for helping you to fill out an application form for Approved Counselling only.

### **When should I make a claim for compensation?**

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

If your claim is late you need to seek leave to lodge a late application.

### **What do I need to provide to assist my claim for compensation?**

You will need to prove your relationship to the homicide victim. For example, you can provide a birth certificate, marriage certificate, or in the case of a de-facto spouse, a statutory declaration outlining the relationship.

Statutory declarations from other people supporting the de facto relationship would help your claim. A copy of the death certificate will also be required.