



Application for Compensation and/or Expenses

Victims Support and Rehabilitation Act 1996 (the Act)

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

WHO SHOULD USE THIS FORM?

- This form should be used if you are claiming **statutory compensation**. That is, compensation for the injuries you have received from an act of violence 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 claiming prescribed expenses under the **Victims Assistance Scheme (VAS)**. (See over for more details).

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.

HELP WITH YOUR APPLICATION

You may call [Victims Services](#) enquiry number: **(02) 8688 5511** or **1800 069 054 (freecall)** and the support staff will help you.

LawAccess is a free telephone and internet service providing information about legal services in NSW. You may phone [LawAccess](#) on **1300 888 529** and ask for legal information, referral or advice about your compensation claim.

If you want a solicitor to assist you, the Law Society of NSW's Solicitor Referral Service can help you find a solicitor near where you live who specialises in victims compensation claims. You can call the [Law Society](#) on **(02) 9926 0300** or **1800 422 713 (toll free)**.

You can fill out the application form yourself and at a later date you may choose to have a solicitor help you if your claim is complicated and you are having problems providing the information we need.

You will not have to pay solicitor costs in victims compensation applications. If an assessor awards costs, it does not come out of your award.

No solicitor costs will be paid in Victims Assistance Scheme claims.

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.

THE VICTIMS ASSISTANCE SCHEME (VAS)

Eligibility

Injury: Applicants will need to prove that they are a primary victim of an act of violence that resulted in at least one of the compensable injuries in Schedule 1 of the *Victims Support and Rehabilitation Act 1996*.

Time to lodge: The act of violence must have occurred on or after the legislation for the Scheme commenced (16 February 2007). Claims must be lodged within two years of the date of the act of violence. Late applications cannot be accepted.

Types of expenses that can be claimed: Prescribed expenses means the list of expenses found in the *Victims Support and Rehabilitation Regulation 2006*, which are:

- dental
- ambulance
- physiotherapy
- prescription glasses/contact lenses
- domestic assistance while recovering (up to \$500)
- cleaning costs of property related to the act of violence (up to \$500)
- security (up to \$500).

Amount paid: The minimum amount that can be reimbursed is a total of \$200 for all expenses claimed in an application. This means that the net total of all your expenses must \$200 or over before your claim is accepted. You may only be reimbursed for the difference between the amount you have paid for the medical/related expense and any rebate from a private health fund, Medicare, or other source.

The maximum amount that can be reimbursed for expenses under the VAS is a total of \$1500 but there are restrictions on certain types of expenses. See above.

General information about VAS

Claims: It is possible to lodge both a claim for Victims Compensation, and a claim for expenses under the VAS. However, the same expense cannot be reimbursed under compensation and VAS. It is important to remember that only one claim under the VAS may be made for a particular act of violence.

All receipts must be attached to your VAS application. No further receipts can be accepted after an assessor has determined your claim.

Monies from other sources: You cannot be reimbursed through the VAS (or compensation) for an expense if you are entitled to be reimbursed through another source such as Medicare, health insurance, WorkCover, a government or non-government agency, private or other insurance, court order, civil or private settlement.

Solicitor: No legal costs will be paid in relation to claims under the VAS.

Appeal: Applicants can appeal to the Tribunal an assessor's decision to dismiss or reduce an application in relation to the VAS. If you disagree with the amount reimbursed for expenses in a VAS claim you may write to the Director, Victims Services and ask that the award be reviewed.

Restitution: Restitution will not apply to any awards of expenses under the VAS.

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).

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 form 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 claim was late. The Director then decides whether to accept your application.

Victims Assistance Scheme (VAS): The act of violence must have occurred on or after the legislation for the Scheme commenced (16 February 2007). 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 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 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.

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

NOTE: If your claim for compensation is dismissed you cannot be awarded for your financial loss.

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

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: A maximum of \$10,000 can be awarded for financial loss as part of your compensation claim and within that amount a maximum of \$1,000 can be awarded for loss of personal effects.

THE APPROVED COUNSELLING SCHEME

The Approved Counselling Scheme provides free face to face counselling to victims of violent crimes that have occurred in New South Wales.

The counsellors with the Scheme are social workers, psychologists or psychiatrists who have proven experience of working with victims of crime.

Counsellors are available in most rural and regional areas in New South Wales. For people who live interstate who have been a victim of a violent crime in NSW, counselling may be organised in the state where they are now living.

How to apply

Counselling is separate from any claim for compensation.

You need to complete an Application for 2 hours of Counselling form. The two page form requires basic information about yourself and the act of violence to enable Victims Services to assess your claim.

The Application for 2 hours of Counselling may be completed online at the Victims Services website: www.lawlink.nsw.gov.au/vs

You can also download the form from the website and fax or post it to Victims Services.

Copies of the form may also be obtained directly from Victims Services.

The approved counselling must be provided by an Approved Counsellor. You can contact us for a list of Approved Counsellors in your area or you can find the list on the Victims Services website. Alternatively you can ask Victims Services to nominate an Approved Counsellor for you.

Processing your application

A decision regarding the result of your application will be given to you or your solicitor within two working days.

Receiving counselling

During the initial 2 hours an assessment will be made as to your further counselling needs. The counsellor will provide a brief report to Victims Services including any recommendation for further counselling.

CONTACTING VICTIMS SERVICES

If you are legally represented you should first contact your solicitor who may make enquiries on your behalf.

For further information or assistance please contact Victims Services on: **(02) 8688 5511**

Or, if you are calling from outside the metropolitan area: **1800 069 054 (freecall)**

A person who is hearing impaired and is using a TTY machine may call on this number: **TTY (02) 8688 5575**

When calling, if you need an interpreter, call the Telephone Interpreting Service (TIS) on: **131 450**

Or Victims Services may be able to arrange an interpreter for you.

For further information refer to the relevant legislation and our brochure Compensation for Victims of Violent Crime.

You may also visit Victims Services website at: www.lawlink.nsw.gov.au/vs

Our email address is: vct@agd.nsw.gov.au

Further information for victims of crime can be found at: www.lawlink.nsw.gov.au/voc

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

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This information is available on our website <http://www.lawlink.nsw.gov.au/vs> and go to 'Forms and Publications'. It can also be provided in alternative formats such as Braille, audiotape, large print or computer disk. Please 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

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Application for Compensation and/or Expenses

Victims Support and Rehabilitation Act 1996 (the Act)

THIS FORM SHOULD BE USED BY:

- primary and secondary victims claiming **statutory compensation**
- primary victims claiming **prescribed expenses** under the Victims Assistance Scheme (VAS)

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

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.

Office use only

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

2. Full name Surname/Family

First/Given name Other names

3. Any other names used by the victim

Surname/Family

First/Given name Other names

4. Gender Male Female

5. Date of birth Date / /

6. Occupation

7. Address

Postcode

8. Daytime contact numbers Phone Mobile

Email

PART 3: Additional information for statistical and planning purposes

9. What language do you speak at home?

10. Are you of Aboriginal or Torres Strait Islander origin?

No Yes, Aboriginal Yes, Torres Strait Islander

PART 4: Details of person applying on behalf of the victim (if applicable)

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"/>	Other names	<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
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 5: Details of legal representative (if applicable)

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.

Note: No legal costs will be paid in relation to applications for prescribed expenses under the Victims Assistance Scheme.

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

PART 6: Primary/secondary victim

23. Are you applying as a secondary victim?	No <input type="checkbox"/> → Go to Question 25 Yes <input type="checkbox"/> → Please answer Question 24			
24. Who is the primary victim?	<input type="text"/>			
	Surname/Family	<input type="text"/>		
	First/Given name	<input type="text"/>	Other names	<input type="text"/>

PART 7: Details of the act of violence

25. When did the act(s) of violence occur?	<input type="text"/>				
(a)	Date	<input type="text" value=" / /"/>			
or, (b)	over a period of time	From	<input type="text" value=" / /"/>	to	<input type="text" value=" / /"/>

PART 8: Reporting the act of violence to the police

33. Was the act of violence reported to the police?

No → Please give reasons

→ Go to Part 10

Yes → Please complete the rest of this part

34. When was it reported? Date / /

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

No Yes → Why was there a delay?

36. Who was it reported to?

Name of police officer

Police station

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

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

No Yes → Please attach it to this application

PART 9: Court proceedings (if applicable)

38. Court details (e.g. name and location of court; date; result)

PART 10: Injuries

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.

See the notes at the front of this form for more information.

39. 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)

PART 13: Late applications (for compensation claims only)

If your application for compensation is made more than two (2) years after the date of the act of violence or the last incident you will have to request leave to apply out of time and you will need to give reasons below.

46. Did the act of violence occur more than two years ago?

No → Go to Part 14

Yes → Please give reasons for the delay. (If insufficient space, give a brief description below and provide an attachment)

PART 14: Statutory Declaration

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.

47. 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.