

GENERAL INFORMATION

Who should use this form?

You may use this form to apply for victims compensation if you were a member of the immediate family of a victim who died as a direct result of an act of violence in NSW.

A member of the immediate family of a homicide victim 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 2 years; or a parent, guardian or step-parent of the victim; or a child or step-child of the victim or some other child of whom the victim is the guardian; or a brother, sister, step-brother or step-sister of the victim.

If you are not a family member but are claiming for funeral expenses only, please see the information on funeral expenses.

Can I claim as a dependent family victim?

Yes, if you were dependent on the homicide victim at the relevant time.

This includes children of the homicide victim who would have been dependent if they had been born during the lifetime of the homicide victim.

You will need to provide evidence to support dependency.

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.

How much compensation is available?

The maximum amount of compensation available is \$50,000. This money is distributed evenly amongst all eligible family members. However, if there were dependent members at the time of the homicide (eg spouse and/or children) then all monies go to the dependants to the exclusion of any other eligible family members.

Can I receive free counselling?

Approved Counselling is available to all relatives of a homicide victim, even if they are not a member of the immediate family of the victim or not eligible for compensation.

If you would also like to apply for counselling, you may complete the counselling section at the back of this form.

Funeral expenses

An advance payment may be made to cover reasonable funeral expenses. If you are only claiming funeral expenses please complete parts 1,5,6,8 and 11 and send to us with a copy of invoices for expenses incurred. Funeral expenses paid will be deducted from the total award.

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 Sydney metropolitan area). Alternatively, you could call LawAccess on 1300 888 529

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 any 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.

How will my application be processed?

Once we have received your completed application form we will register your claim and send you an acknowledgment letter.

We will obtain police reports and/or court papers in relation to the act of violence. If necessary, we will write to any members of the immediate family of the homicide victim and advise them that they may be eligible to claim compensation.

You will need to provide some evidence of your relationship to the deceased person. This normally includes a copy of a birth or 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 are not essential but may assist your claim. A copy of the death certificate will also be required.

Once all the necessary information has been obtained, we will send you a letter advising you of the date upon which your claim will be finalised. A list of the names of all applicants claiming in respect of the deceased victim will be provided at this time.

We cannot make a decision within three months of receipt of the application, unless it appears that no other family victim exists or is likely to make a claim. Therefore it would assist the processing of your application if details of any eligible family members are provided, if known.

Time limit for making a claim for compensation

You should make the claim as soon as possible. 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.

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

Yes. An award may be reduced or the claim dismissed if the Assessor considers the victim's behaviour contributed to his or 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 finalized before an offender is identified or dealt with by a court.

Will the offender have to pay?

If a person is convicted of the crime for which you are awarded compensation we may take action to recover any award from the offender. You do not

have to give evidence or be involved in these proceedings.

Will my privacy be protected?

Some information may need to be made available to the offender for any action taken 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.

Contacting Us

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

For further information or assistance please contact us on:

(02) 9374 3111

Or if you are calling from outside the metropolitan area, on:

1800 069 054 (toll free)

A person who is hearing impaired and is using a TTY machine may call on this number:

TTY (02) 9374 3175

When calling please quote your claim reference number as provided in our correspondence to you.

For an interpreter you may call the Telephone Interpreting Service on:

TIS 131 450

For further information refer to the relevant legislation and our brochure Support for Family Members of Homicide Victims, which can be obtained from us.

You may also visit our web site at:

<http://www.lawlink.nsw.gov.au/vs>

Practical information for victims of crime can be found at: **<http://www.lawlink.nsw.gov.au/voc>**

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

Details of the family member applying for compensation

Part 1

1. **Full name** Title Miss Ms Mr Mrs
Other (Please specify)

Surname

Given Names

2. **Date of birth** / /

3. **Gender** Male Female

4. **Address**

5. **Contact numbers** Home () Work ()
Mobile Fax ()
Email

Note: The following two questions are for statistical and future planning purposes only.

6. **Is the family member an Aboriginal or Torres Strait Islander?** No Yes

7. **Country of birth of the family member**

Details of person applying on behalf of the above family member (if applicable)

Part 2

If the family member is under 18 years of age or incapacitated, the person responsible for the welfare of the family member may apply on their behalf.

8. **Full name** Surname
Given Names

9. **Date of birth** / /

10. **Gender** Male Female

11. **Relationship to the family member applying**

Part 2 (cont)

12. Address

 Postcode

13. Telephone Home () Work ()
 Mobile

14. Why are you acting on behalf of the family member?

Details of legal representative (if applicable)

Part 3

15. Name of Firm

16. Name of the solicitor

17. Solicitor's reference

18. Address/DX

19. Contact numbers Home () Work ()
 Mobile Fax ()
 Email

Late applications

Part 4

If your application is made more than two years after the homicide occurred, you will have to request leave to apply out of time and supply reasons for the delay. Only if this request is granted by the Director will your claim be allowed to proceed.

20. Did the homicide occur more than two years ago?

No ➔ **Go to Part 5**

Yes ➔ Give reasons for the delay

(If insufficient space, give a brief description below and provide an attachment)

Details of the homicide victim's family

21. Your relationship to the homicide victim

22. Were you dependent upon the homicide victim?

No

Yes How were you dependent on the deceased?

Please provide documents/materials which substantiate your claim as a dependent family member.

23. Marital status of the homicide victim at the time of death

Married Separated Widowed
 De facto Divorced Never Married

As all the immediate family members of the homicide victim are potentially eligible to receive compensation, you are requested to give the following details:

24. Details of the homicide victim's child/ren under the age of 18.

Name of the Child
Name and address of the carer/guardian
Name of the Child
Name and address of the carer/guardian
Name of the Child
Name and address of the carer/guardian

25. Details of other immediate family members

Name	Relationship
Address	
Name	Relationship
Address	
Name	Relationship
Address	

If insufficient space please add an attachment.

Details of the homicide

Part 6

26. When did the homicide occur?

27. The name of the homicide victim

Surname

Given Names

28. Date of birth of the homicide victim

29. Did the homicide occur in NSW?

No

Yes ➔ Suburb/Town

Address if known

30. Do you know the name(s) of the offender(s)?

No

Yes ➔ Name(s) of offender(s)

31. When was it reported?

Date

32. Who was it reported to?

Name of Police Officer

Police Station

C.O.P.S. Event Reference No. (if known)

Other Information

Part 7

If known, please provide the following details to assist us with the processing of your application. This information will not be applicable to every homicide and is often not available if the homicide recently occurred.

33. Do you have a copy of any statement(s) made to the police?

No

Yes ➔ Please attach to this application.

34. Please provide details of inquest

Location of Coroner's Court

Name of Judge/Magistrate

Final court date

Other Information

Part 7 (cont)

35. Please provide details of court proceedings:

Name and location of court

Name of Judge/Magistrate

Final court date

Defendant(s)	Offence(s)	Result(s) if known

Interim Award for Funeral Expenses

Part 8

An advance payment may be made for reasonable funeral expenses.

36. Do you request an interim payment for funeral expenses?

No

Yes ➔ Please attach a copy of the invoice/receipts from the funeral services.

37. Do you wish the payment to be made directly to the funeral services?

No

Yes

Approved Counselling Scheme

Part 9

Would you like to apply for Approved Counselling?

No ➔ Go to Part 10

Yes

Would you like us to allocate an Approved Counsellor on your behalf?

No

Yes

If yes, please specify any special requirements (e.g. male or female counsellor preferred)

Preferred suburb/town for counselling

If no, please nominate your approved counsellor

Document checklist

Part 10

- Proof of relationship to homicide victim (eg marriage certificate, birth certificate etc)
- A copy of the homicide victim's death certificate
- Documents/materials which substantiate your claim as a dependant
- If funeral costs need to be paid/refunded please provide receipts/accounts
- Attach any answers to questions which could not be completed within the space provided in the form

➔ **Go to Part 11 and complete the Statutory Declaration**

Statutory Declaration

Part 11

This statutory declaration must be signed by the applicant (either the family member or the person applying on behalf of the family member) in the presence of a Justice of the Peace or Solicitor.

38. I, (Full name)

do solemnly and sincerely declare that 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

Signature of Justice of the Peace/Solicitor

Printed Name of Justice of thePeace/Solicitor

Justice of the Peace Number

Where to send your completed application form

The Director

Victims Services

Locked Bag A5010

SYDNEY SOUTH NSW 1235

Solicitors may use the Document Exchange:

DX 11536 SYDNEY DOWNTOWN