

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 receive free counselling?**

You may be entitled to counselling from an Approved Counsellor under the Approved Counselling Scheme.

Please refer to the brochure titled *Approved Counselling Scheme for Victims of Violent Crime* for more information about counselling.

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

Yes. We can provide information about available interpreting services in NSW.

▶ **Do I have to attend a hearing?**

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

▶ **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.

▶ **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. If granted, any advance payment will be deducted from the final award payment.

▶ **Does the offender have to be convicted in order for you to receive compensation?**

No. Charges do not have to be laid against a person who is accused of committing the crime 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. The onus is on the applicant however, to prove that an act of violence occurred.

▶ **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 we may take action to recover the money from the offender. At this point the offender will become aware of your award of compensation.

▶ **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.

▶ **Will my privacy be protected?**

Some information may need to be made available to the offender for action we may take to recover money 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.

For further information or copies of this brochure, please phone us on:
(02) 9374 3111 or 1800 069 054 (Toll Free)

Or contact the 24hr Victims Support Line on:
(02) 9374 3000 or 1800 633 063 (Toll Free)

For people who use a TTY machine:
(02) 9374 3175

Telephone Interpreting Service: **131 450**

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

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

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Victims Services
Attorney General's
department of nsw

Compensation for Victims of Violent Crime

▶ **Am I eligible to claim for compensation?**

You are eligible to claim compensation if:

- you are the victim of an act of violence 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 pamphlet *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; or
- you are the parent or guardian of a victim of an act of violence, and the victim was under the age of 18 years at the time of the act.

▶ **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 injury is not specified either in the Table of Injuries or elsewhere in Schedule 1 of the Act;
- 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.

This includes cases where:

- 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;
- the claim includes expenses and losses that can be recovered from another source; for example, medical expenses recoverable from Medicare, lost income recoverable from WorkCover, etc.

▶ **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 the compensation is claimed.

▶ **How do I make a claim?**

Applications for compensation and for counselling must be made on the prescribed form(s). Application forms are available on our website, or we can send you the forms you require. Once completed, your application(s) should be sent to:

The Director, Victims Services
Locked Bag A5010,
Sydney South NSW 1235.

▶ **When should I make a claim?**

You must make a claim within two years of the date of the act of violence, but in most cases it is best to make the claim as soon as possible.

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

▶ **Do I need a solicitor?**

You can make the application yourself if you wish 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 form. The number for the Law Society is (02) 9926 0333 or 1800 357 300 (Toll free).

We will generally pay your solicitor's fee in accordance with a set rate and reasonable costs will also be paid. These costs are paid over and above the amount of compensation awarded.

▶ **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 on average are determined within 12 – 18 months of registration.

▶ **Can a child claim?**

Yes. If the victim of an act of violence is a child, an application can be made by a