

## Assistance for Victims of Crime

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Those who have suffered an injury as a result of an act of violence in Victoria may be entitled to assistance.

Compensation can be pursued as part of a sentencing order, or by civil action against the offender directly, however, a victim may also be entitled to Special Financial Assistance as well as other assistance, from the Victims of Crime Assistance Tribunal (VOCAT).

### Who can make a claim?

To be entitled to make a claim, the act of violence must have occurred in Victoria and be punishable by imprisonment. This may appear surprising, but a victim may still be entitled to assistance even if the alleged offender has not been found guilty of the crime, or has not been identified by the police.

VOCAT considers various levels of compensation:

- **Primary victims**

Primary victims are those who have been injured as a direct result of an act of violence against them, or have died, as a direct result of an act of violence.

- **Secondary victims**

Secondary victims are those who suffer an injury as a result of *witnessing* an act of violence, or, if the primary victim is under the age of 18, their parents or guardians are also considered secondary victims and may be entitled to assistance.

- **Related victims**

If the primary victim of an act of violence dies, close family members, dependents or those in an intimate personal relationship with the primary victim may be entitled to assistance.

In addition, a person who pays the funeral expenses following the death of a primary victim may also be entitled to make a claim and request to be reimbursed.

Victims who are elderly, impaired, mentally ill, intellectually disabled, a child under 18 or victims of related criminal acts may be entitled to an uplift of the award of Special Financial Assistance. This also applies to victims who have been infected with a very serious disease or have suffered a very serious injury resulting in a permanent disfigurement or incapacity.

### **Legal Fees**

VOCAT will pay legal fees for those seeking professional assistance for this process *in addition* to the assistance that they may be awarded by the Tribunal.

### **Time Limits Apply**

An application must be made within two years after the occurrence of the act of violence. Only in exceptional circumstances will VOCAT consider an extension of this time period.

### **What should you do if you are the victim of an act of violence?**

If you are the victim of an act of violence, you should make a formal report to the police and assist police with their investigation and prosecution of the alleged offender. A copy of the statement that is made to police should be kept.

Naturally you should seek medical treatment from your doctor and/or counsellor and let them know how the injury occurred, so they too have a clear record.

If you need to take time off work, you should advise your employer of the reasons for your request, as well as provide them with a Medical Certificate confirming your incapacity so that they also keep a record. You should retain a personal record of all time you take off work and keep treatment and medical receipts.

### **To be eligible for assistance from VOCAT**

1. You must be a victim of an act of violence that occurred in the state of Victoria.
2. An act of violence includes a sexual offence, an assault or threat of an assault or death, deprivation of liberty (armed robbery or aggravated burglary), reckless conduct endangering life, attempted murder and murder.
3. The crime must have been reported to police within a reasonable time.
4. The crime must have occurred within the past 2 years, unless exceptional circumstances exist.

The amount and type of assistance that you may be entitled to depends upon the particular circumstances of the crime and whether you are classified as a primary, secondary or related victim.

### **What assistance may be awarded?**

A primary victim may be awarded up to \$10,000.00 Special Financial Assistance, although this is only for the most serious of crimes. They may also be entitled to assistance for expenses incurred, or that may be incurred in the future such as:

- Counselling expenses;
- Medical or dental out-of-pocket expenses incurred as a direct result of the act of violence;

- Loss of earnings of up to \$20,000.00 for a period of no more than 2 years from the act of violence;
- Loss of or damage to clothing worn at the time of the act of violence;
- Safety-related expenses; and
- Other expenses actually and reasonably incurred, or likely to be incurred, by the victim to assist in their recovery from the act of violence.

A secondary victim may be entitled to assistance for counselling, loss of earnings, medical expenses and other expenses to assist them in their recovery.

The Tribunal can award up to \$100,000.00 for related victims in relation to the death of a primary victim. If there are funeral related expenses, these are deducted from this total. All related victims may be entitled to an award of up to \$50,000.00 for distress, counselling expenses, medical expenses and, in exceptional circumstances, other items to assist them in their recovery.

### Summary

Assistance for victims of crime varies according to the act of violence and the injury sustained by the victim. Applications can be quite complicated for those without legal expertise and it is important to ensure that documentation supporting the injury sustained as a result of the act of violence as well as documentation detailing the expenses to be claimed is provided to the Tribunal in a timely manner. It can be helpful to have an experienced lawyer facilitate this process on your behalf.

If you would like to know more please contact us on (03) 9331 3144 or email [victimsofcrime@schembrilawyers.com.au](mailto:victimsofcrime@schembrilawyers.com.au) today.

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