

## Victims Compensation factsheet

Victims of violent crimes that occurred in NSW may be eligible for financial support and counselling through the NSW Victims Support Scheme.

### Types of victims

- **Primary victim** – a person who is injured physically or emotionally, or dies as a result of:
  - An act of violence; or
  - Trying to prevent another person from committing an act of violence; or
  - Trying to help or rescue another person against who that act is being committed or has just been committed; or
  - Trying to arrest someone who was being violence to someone else.
- **Family victim** – a person who is a member of the immediate family of a homicide victim.
  - E.g. Spouse, de facto partner of least two years, parent, child, siblings.
- **Secondary victim** – a person who has been injured physically or emotionally from:
  - E.g. Seeing a violent crime.

### What is an act of violence?

An act of violence is an act or series of related acts, whether committed by one or more persons:

- a) that has occurred while the perpetrator was committing a criminal offence
- b) that has involved violent conduct against one or more persons
- c) that has resulted in injury or death to one or more of those persons

An act of violence extends to sexual assault and domestic violence.

## Available support

### Counselling

Eligible persons are able to receive free counselling with an approved counsellor, up to 22 hours and more for some victims.

<b>Persons eligible</b>	<b>Primary Victims, Secondary Victims, Family Victims</b>
<b>Requirements</b>	<ul style="list-style-type: none"> <li>• One form of Government ID</li> <li>• Complete application form</li> </ul>
<b>Time limit</b>	No time limit

### Financial assistance for immediate needs

Eligible persons are able to receive up to \$5,000 to help pay for things they need urgently to be safe and healthy because of the violent crime. Examples include:

- Changing the locks on your doors;
- Moving house;
- Putting an alarm in your home;
- Emergency doctor, dentist and other medical bills;
- Crime scene clean up.

Eligible persons are also able to receive up to \$9,500 to help pay for the funeral.

<b>Persons eligible</b>	<b>Primary Victims, parents, step-parents and guardians, Family Victims</b>
<b>Requirements</b>	<ul style="list-style-type: none"> <li>• One form of Government ID</li> <li>• Complete application form</li> <li>• Police, government or medical report detailing the crime and how the crime has affected you               <ul style="list-style-type: none"> <li>• Family victims are not required to submit this</li> <li>• If the violent crime was reported to police, there is no requirement to send the police report but instead include as much information as you can in application</li> </ul> </li> <li>• Copies of tax invoices, receipts or treatment plans of costs you are claiming</li> <li>• Description of how each cost relates directly to the violent crime</li> </ul>
<b>Time limit</b>	Adults: within 2 years of the violent crime <ul style="list-style-type: none"> <li>• Where the violent crime has resulted in the death of a victim, the 2 year period commences from the date it is confirmed that the violent death resulted from the violent crime</li> </ul> Children: within 2 years of turning 18

### Immediate needs support package (INSP)

Eligible persons are able to receive grants of up to \$5,000 to help pay for things they need urgently to be safe and healthy after the violent crime, for example:

- Security and alarms;
- Relocation, including rental bond and removalist services
- Rent assistance and temporary accommodation;
- Furniture and household items;
- Basic clothing and toiletries.

<b>Persons eligible</b>	<b>Primary Victims of domestic violence only</b>
<b>Requirements</b>	<ul style="list-style-type: none"> <li>• One form of Government ID</li> <li>• Complete application form</li> <li>• Complete INSP Claim form (must be done alongside the primary application form)</li> <li>• Copies of tax invoices, receipts or treatment plans of costs you are claiming</li> <li>• Description of how each cost relates directly to the violent crime</li> <li>• If you reported the violence to the police:               <ul style="list-style-type: none"> <li>• There is no requirement to send the police report but instead include as much information as you can in application                   <ul style="list-style-type: none"> <li>○ Family victims are not required to submit this</li> </ul> </li> </ul> </li> <li>• If you did not report the violence to the police:               <ul style="list-style-type: none"> <li>• You will need to submit information from a government or non-government organisation to which you reported the domestic violence or a medical report detailing the crime and how the crime has affected you                   <ul style="list-style-type: none"> <li>○ Family victims are not required to submit this</li> </ul> </li> </ul> </li> </ul>
<b>Time limit</b>	Adults: within 2 years of the violent crime Children: within 2 years of turning 18

## Financial assistance for economic loss

Eligible persons are able to receive grants to help pay for loss of earnings and other costs that assist you with your recovery.

The scheme can help pay for:

### 1. Lost income

- Eligibility: Primary victims, parents, step-parents or guardians
- You lost income because you had to take time off work
- Recovery cap: \$20,000
- Suggested evidence: letter from employer, payslips

### 2. Out of pocket expenses, if it is hard for you to prove lost income

- Eligibility: Primary victims, parents, step-parents or guardians
- Recovery cap: \$5,000
- Suggested evidence: tax invoices, receipts

### 3. Doctor, dentist or other medical bills

- Eligibility: Primary victims, parents, step-parents or guardians
- Recovery cap: \$30,000
- Suggested evidence: receipts, bills, treatment plans

### 4. Costs of attending court or coronial proceedings

- Eligibility: Primary victims, parents, step-parents, guardians or family victims
- Recovery cap: \$5,000
- Suggested evidence: transport receipts

### 5. Loss or damage to clothes or items during violent act

- Eligibility: Primary victims, parents, step-parents or guardians
- The clothes you wore or the items you had when the act of violence occurred were lost or damaged
- Recovery cap: \$1,500
- Suggested evidence: receipts

In total, the claim cannot exceed \$30,000.

Requirements	
	<ul style="list-style-type: none"> <li>• One form of Government ID</li> <li>• Complete application form</li> <li>• Police or government report detailing the crime               <ul style="list-style-type: none"> <li>○ Family victims are not required to submit this</li> <li>○ If the violent crime was reported to police, there is no requirement to send the police report but instead include as much information as you can in application</li> </ul> </li> <li>• Medical, dental or counselling reports that show how the violent crime has affected you               <ul style="list-style-type: none"> <li>○ Family victims are not required to submit this</li> </ul> </li> <li>• Copies of tax invoices, receipts or treatment plans of costs you are claiming</li> <li>• Description of how each cost relates directly to the violent crime</li> </ul>

	<ul style="list-style-type: none"> <li>○ If claiming lost income, you must provide information about your earnings</li> </ul>
<b>Time limit</b>	<p>Adults: within 2 years of the violent crime Children: within 2 years of turning 18 For victims of sexual assault who were children at the time of the violent crime:</p> <ul style="list-style-type: none"> <li>• Out of pocket or justice-related expenses: no time limit</li> <li>• Loss of earnings, medical and dental bills, loss or damage to personal items: within 2 years of turning 18</li> </ul>
<b>Recovery cap</b>	<p>Primary victims, parents, step-parents and guardians: \$30,000 total Family Victims: \$5,000 total</p>

Victims can continue to make applications for financial assistance for up to five years from the date of initial application.

### Recognition payment

Eligible persons are able to receive a recognition payment to acknowledge that a violent crime has been committed against them. The amount that can be received is based on the offence, and a person's eligibility.

The following is recoverable:

Category	Amount	Recoverable by
<b>A</b>	Up to \$15,000	<ul style="list-style-type: none"> <li>• Financially dependent family victims or children under 18 at the time of death.</li> </ul>
	Up to \$7,500	<ul style="list-style-type: none"> <li>• Parents, step-parents or guardians of a homicide victim</li> <li>• Current spouses of a homicide victim</li> <li>• De facto partners of a homicide victim</li> </ul>
<b>B</b>	Up to \$10,000	<ul style="list-style-type: none"> <li>• Primary victims of sexual assault involving: <ul style="list-style-type: none"> <li>○ Serious bodily injury*, or</li> <li>○ Multiple offenders, or</li> <li>○ An offensive weapon</li> </ul> </li> <li>• A sexual assault, sexual act or attempted sexual assault involving a series of incidents</li> </ul>
<b>C</b>	Up to \$5,000	<ul style="list-style-type: none"> <li>• Primary victims of one incident of sexual assault</li> <li>• Attempted sexual assault with serious bodily injury*</li> <li>• Assault with serious bodily injury*</li> <li>• Assault with grievous bodily harm**</li> <li>• Physical assault of a child that involves a series of incidents</li> </ul>
<b>D</b>	Up to \$1,500	<ul style="list-style-type: none"> <li>• Primary victims of an attempted sexual assault (without serious bodily injury*)</li> <li>• Sexual touching</li> <li>• Robbery involving violence</li> <li>• An assault (without grievous bodily harm**)</li> </ul>

<b>Requirements</b>	<ul style="list-style-type: none"> <li>• One form of Government ID</li> <li>• Complete application form</li> <li>• Police or government report detailing the crime <ul style="list-style-type: none"> <li>○ Family victims are not required to submit this</li> <li>○ If the violent crime was reported to police, there is no requirement to send the police report but instead include as much information as</li> </ul> </li> </ul>
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	<p>you can in application</p> <ul style="list-style-type: none"> <li>• Medical, dental or counselling reports that show how the violent crime has affected you <ul style="list-style-type: none"> <li>○ Family victims are not required to submit this</li> </ul> </li> </ul>
<b>Time limit for victims of domestic violence, sexual assault &amp; child abuse</b>	<p>Children: within 10 years of turning 18 years old Other Victims of domestic violence, child abuse and sexual assault: 10 years Victims of sexual assault who were children when the incident happened: no time limit</p>
<b>Time limit for other violent crimes:</b>	<p>Adults: within 2 years of the violent crime Children: within 2 years of turning 18</p>

\*'Serious bodily injury' has been found to include both physical and psychological injury.<sup>1</sup>

\*\*'Grievous bodily harm' has been found to include a serious psychological injury.<sup>2</sup>

### Key tip

If you do not have medical evidence, you can complete counselling first and obtain a Certificate of Injury from the counsellor. The contents of the counselling session may be used in the preparation of a report to Victims Services for the purposes of subsequent counselling, financial assistance and/or recognition payment applications.

## Application process

### 1. File all required documents within the time limits

You have 12 months to file supporting medical, dental or counselling reports

### 2. Receive an outcome

*If you disagree with the decision, you can apply for an internal review:*

### 3. You have 90 days to lodge an application for internal review

You will need to provide reasons why you disagree with the decision and can submit new evidence

### 4. An internal review will be conducted

### 5. Receive an outcome within 42 days

## NCAT review of Recognition Payments

If you receive a decision about a recognition payment that you do not feel is appropriate, you have the right to have that decision reviewed by the Administrative and Equal opportunity Division of the NSW Civil and Administrative Tribunal (NCAT). You have 28 days to apply for review from the date you received the decision.

## Restitution

Victims Services can recover the money paid to a victim from a perpetrator of violence if the perpetrator was convicted of an offence arising from substantially the same facts as those constituting the act of violence. Restitution from a perpetrator can be sought:

- Up to two years after the perpetrator has been convicted; or
- Up to seven years after a victim claims financial support.

Victims Services has discretion not to pursue a perpetrator for restitution in cases where, for example, pursuing restitution may place the victim at further risk. An applicant (or the applicant's solicitor) can write submissions to the Commissioner asking for the exercise of discretion.

## Contact

If you require assistance with a Victims Services application, please contact Marrickville Legal Centre by submitting a web form at [www.mlc.org.au/contact](http://www.mlc.org.au/contact) or call us on 02 9559 2899.

For more information, contact the Victims Access Line on 1800 633 063 or the Aboriginal Contact Line on 1800 019 123.