

Standing Council on Law and Justice

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**NATIONAL FRAMEWORK OF RIGHTS  
AND SERVICES FOR VICTIMS OF  
CRIME**

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**2013-2016**

## INTRODUCTION

In 1996 Australian jurisdictions through the then Standing Committee of Attorneys-General, endorsed a national Charter for Victims' Rights in Australia. The Charter is part of a broader commitment by the Australian community to recognise the needs of victims of violent crime in the criminal justice process and assist them to recover from the physical and emotional impact of crime.

The rights, information, services and practical assistance afforded to victims of violent crime within Australia varies across jurisdictions. Each state and territory has its own principles or charter of rights, service delivery system and dedicated financial assistance scheme to provide support to eligible victims of crime.

These services are administered based according to where the crime occurred and the jurisdiction in which a victim may live.

The primary issues relevant to the development of more coordinated service delivery across jurisdictions include:

- ↳ complexities of cross-jurisdiction co-operation and collaboration;
- ↳ implications of victim mobility for victim assistance; and
- ↳ information sharing within approved guidelines between agencies at different levels.

In this context, it is important to ensure that consistent service provision is available to all victims of crime irrespective of where the crime occurred or where they may reside. This will ensure that the rights and interests of victims are appropriately addressed through the criminal justice process.

This framework represents a further commitment of Australian jurisdictions to improve the national coordination of services to victims of crime against the person to assist their recovery from the impact of crime and minimise re-victimisation in navigating the criminal justice system.

The Commonwealth, state and territory governments have worked collaboratively to identify strategies and actions to improve service responses to victims of crime, which they have a strong desire to achieve. What strategies, actions and outcomes are committed to and implemented at an individual jurisdictional level will be determined by each jurisdiction based on its legislative context and the organisational structures and service delivery arrangements already in place, as well as relevant financial considerations.

## PURPOSE

The purpose of this framework is to:

- ↳ support a coordinated approach to providing services to victims of crime in Australia;
- ↳ identify principles underpinning national approaches to supporting the rights of victims and delivering services through a national framework; and
- ↳ promote an improved level of collaboration between jurisdictions in addressing the needs of victims of crime including priority areas for future work and identification of gaps.

While this framework identifies key actions for improved coordination of services for victims of crime, it does not seek to prescribe the type of services, complaints processes or financial assistance models that must be implemented by stakeholders involved in the delivery of services to victims of crime. Rather, the framework provides guidance in identifying the principles underpinning an effective service system and instruments of rights.

## DEFINITIONS

Every state and territory in Australia has developed their own schemes for the financial and other assistance of victims of personal crime. There exists multiple definitions in each jurisdiction of a victim for different purposes, including victims registers, mental health legislation and the criminal law. Within each victim of crime assistance

scheme, 'victim' is defined for the purpose of those schemes, and this definition is relevant. Similarly, the international community, through the United Nations, has developed a definition for a 'victim'. There are commonalities and themes throughout each scheme that inform an overarching definition which reiterates the principles within each jurisdiction's laws.

The United Nations, in the *Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power 1985*, provides a definition for a victim broadly, and proceeds to narrow the rights available to victims, including compensation, based upon the type or manner in which the natural person has been affected. This approach provides a suitable high-level definition that all jurisdictions must meet.

A focus on the victim of crime as a natural person is common in all Australian definitions. Given the proposed framework is intended to improve the coordination of services to victims of crime against the person, a victim is defined as 'a natural person who suffers harm resulting from the commission of a criminal offence under the respective criminal laws.'

## VICTIMS RIGHTS

There are a range of international instruments that are relevant to Australia's treatment of victims of crime, on a Commonwealth and State level. In 1985, the United Nations General Assembly adopted the *Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power*. This is a non-binding international declaration; however, other international instruments compliment it.

The United Nations Declaration defines victims of crime and victims of abuse of power and outlines a number of principles relating to victims. A 'victim' includes immediate family and dependants, and those who intervene to assist during or prevent the commission of a crime. The United Nations Declaration provides that a person is a victim of crime 'regardless of whether the perpetrator is identified, apprehended, prosecuted or convicted' and regardless of the relationship between the victim and the perpetrator. The key principles outlined by the Declaration are to facilitate the victim attaining:

- access to justice and fair treatment;
- restitution (from the offender);
- compensation (from the state if it is not otherwise available from the offender); and,
- practical, medical and other assistance.

The *Commonwealth Guidelines on Treatment of Victims of Crime* provide a model legislative and administrative framework for Commonwealth countries. The guidelines provide that: 'Commonwealth countries should include in their national constitution or legislation appropriate measures for the protection of victims of crime.' Moreover, Commonwealth countries should develop a victims' rights charter and this should include a right to:

- be treated with courtesy, respect, fairness and dignity;
- offer information and to be heard;
- receive information;
- privacy and protection;
- receive assistance;
- effective and efficient investigation of the crime; and
- timely processing of criminal proceedings following the arrest of the accused.

Each Australian state and territory has enshrined victims' rights in charters or declarations. Most jurisdictions have a designated entity to receive, inquire into and attempt to resolve victims' complaints. All victims' rights charters state that violation of a right does not create a civil or criminal cause of action against a public official or agency.

While charters and their implementation may vary between Australian jurisdictions, they provide important principles that underpin an effective framework for good policy and practice in supporting victims of crime in Australia.

# **PRINCIPLES GUIDING EXISTING SERVICES TO VICTIMS AND SUPPORTING VICTIMS' RIGHTS**

The principles outlined in this framework are consistent with existing charters of victims' rights enshrined in most jurisdictions.

## **1. Respectful and Dignified Treatment**

Victims of crime are people from diverse backgrounds who should be treated with dignity and respect and be provided with support that is responsive to their needs.

## **2. Information and Access - Supporting Vulnerable People**

Victims of crime are people from diverse backgrounds who should be provided with timely referral and information on a wide range of support services, regardless of the jurisdiction in which they reside.

## **3. Justice and Fair Treatment**

Victims of crime should be supported in understanding and exercising their rights as enshrined in jurisdictional charters as they apply to them.

## **4. Financial assistance**

A person who has been injured by a crime should have access to financial assistance according to the jurisdiction in which the crime was committed, regardless of where the victim ordinarily resides.

## **5. Leadership and collaboration**

The Commonwealth, state and territory governments are committed to strong leadership at all levels and collaboration between multiple stakeholders in implementing a national framework based on early intervention, streamlined service delivery, providing guidance to victims in navigating the criminal justice system and flexibility in addressing victims' needs.

# **THE NEED FOR A NATIONAL FRAMEWORK**

The Commonwealth, state and territory governments recognise the important work of both government and non-government organisations working in partnership to deliver services and provide support to victims of crime.

Each jurisdiction allows for some level of victim involvement in the criminal justice system through mechanisms such as allowing a victim to tender a Victim Impact Statement to the sentencing court. In addition, all states and territories provide financial assistance to victims of crime.

Each jurisdiction already has established targeted services for vulnerable groups, Aboriginal and Torres Strait Islander people and people from culturally and linguistically diverse backgrounds

Gaps in service delivery may arise where victims move between jurisdictions and are unable to access services from their place of current residence due to a lack of administrative arrangements between jurisdictions to facilitate reciprocal service delivery.

## **FRAMEWORK OUTCOMES**

### **Outcome 1 - Access to information and support**

Victims are provided with timely information about access to other jurisdictions' financial assistance schemes and support services, including court support, if a crime was committed in a jurisdiction where do they not currently reside.

### **Outcome 2 - Protocols for streamlined financial assistance processes**

Relevant protocols are established for sharing information about victims to minimise duplication of resources, confusion for mutual clients and prevent people from inappropriately receiving multiple payments of assistance from more than one jurisdiction.

### **Outcome 3 - Reciprocal service arrangements**

Reciprocal arrangements are developed to facilitate the provision of therapeutic services to victims in their resident state or territory.

### **Outcome 4 - Building the evidence base for training and service delivery**

Jurisdictions work collaboratively to research and identify best practice in providing services to meet victims' needs and identify opportunities for professional development and training to support an effective national framework.

### **Outcome 5 - Establish quality services across Australia**

Jurisdictions work collaboratively to develop a model of quality assurance in key areas of service to identify and inform benchmarking standards that can be applied to training, workforce capacity, volunteer supervision and delivery of services to victims of crime across Australia.

# IMPLEMENTING THE NATIONAL FRAMEWORK

## Supporting Outcome 1: Access to information and support

Strategies	Initial 3-year actions	Delivery	Performance Indicators
1.1 Jurisdictional scan.	Identify key support services and eligibility requirements for victims to access financial assistance in each applicable jurisdiction.	Complete	Information on services and financial assistance is available to key stakeholders.
1.2 Develop clear pathways and guidelines for agencies to enable victims to find out about their rights as enshrined in jurisdictional charters other than the jurisdiction in which they live including complaints mechanisms.	Establish a <b>victims' rights</b> workgroup with representatives from each relevant jurisdiction to: <ul style="list-style-type: none"> <li>• develop a national overview of victims' rights as enshrined in various jurisdictional charters; and</li> <li>• develop referral pathways for complaints resolution as appropriate.</li> </ul>	Ongoing	Referral pathways for complaint resolution in place.
1.3 Develop clear pathways and guidelines for agencies to refer victims to other jurisdictions' victims' services.	Establish a <b>victims' service</b> workgroup with appropriate representatives from each relevant jurisdiction to: <ul style="list-style-type: none"> <li>• develop referral pathways to central/key information services including help in applying for financial assistance (pathways should consider clients with special and high support needs); and</li> <li>• map eligibility criteria to access financial assistance in each jurisdiction.</li> </ul>	Guidelines 2013 Referral mechanisms Ongoing	Clear referral pathways in place to enable clients in one jurisdiction to access services and financial assistance in another jurisdiction.  Eligibility criteria for financial assistance is mapped and available on request.
1.4 Develop clear pathways and guidelines for agencies to refer victims and witnesses to court support services for matters outside of the jurisdiction in which they reside.	Establish a <b>court support</b> workgroup with representatives from each relevant jurisdiction to: <ul style="list-style-type: none"> <li>• develop referral pathways to specialist and general court support;</li> <li>• identify eligibility requirements to receive assistance in travelling to court; and</li> <li>• identify available technologies to assist witnesses required to attend court for matters outside the jurisdiction in which they reside.</li> </ul>	Guidelines 2013-16 Referral mechanisms Ongoing	Referral pathways for court support in place.

## Supporting Outcome 2: Protocols for streamlined financial assistance processes

Strategies	Initial 3-year actions	Delivery	Performance Indicators
2.1 Develop information protocols within current legislative guidelines between jurisdictions regarding financial assistance or compensation.	<p>SCLJ workgroup to:</p> <ul style="list-style-type: none"> <li>• Identify existing legislative basis (if any) in each jurisdiction to request or provide details in relation to compensation or financial assistance;</li> <li>• Develop appropriate consent forms for the use of seeking information in relation to mutual clients for each jurisdiction;</li> <li>• Establish written protocols, including where appropriate, memorandums of understanding for the sharing of information; and</li> <li>• Consult with relevant agencies, such as the Privacy Commissioner, to ensure that information-sharing protocols are with legislative and other guidelines.</li> </ul>	<p>Guidelines 2013-16</p> <p>Ongoing</p>	Protocols including where appropriate Memorandums of Understanding are in place for each jurisdiction to provide a lawful process for the sharing of information.

## Supporting Outcome 3: Reciprocal service arrangements

Strategies	Initial 3-year actions	Delivery	Performance Indicators
3.1 Jurisdictional scan.	Identify key therapeutic services and eligibility requirements for in each applicable jurisdiction.	2013	Information on therapeutic services and eligibility requirements is available to key stakeholders
3.2 Develop reciprocal arrangements to facilitate therapeutic services to victims in their resident state or territory.	<p>Establish a therapeutic services working group to:</p> <ul style="list-style-type: none"> <li>• Research the funding arrangements and financial pathways across jurisdictions where relevant to reciprocal arrangements;</li> <li>• Identify referral pathways for victims to access therapeutic services in the state or territory in which they reside; and</li> <li>• Where appropriate develop reciprocal arrangements between relevant government and non-government agencies for the referral and provision of therapeutic services to victims of violent crime committed in a jurisdiction other than the state or territory in which they reside.</li> </ul>	<p>2013-16</p> <p>Ongoing</p>	<p>Referral pathways identified.</p> <p>Reciprocal arrangements in place.</p>

## Supporting Outcome 4: Building the evidence base for training and service delivery

Strategies	Initial 3-year actions	Delivery	Performance Indicators
<p>4.1.1 Identify and report on best practice in providing services to victims that are particularly vulnerable and need appropriate protection, assistance and support relevant to age, ethnicity, culture, disability or gender, as well as geographical location.</p> <p>4.1.2 Develop strategies to increase awareness of victims' rights as set out in various jurisdictional charters.</p>	<p>SCLJ Working group to:</p> <ul style="list-style-type: none"> <li>• conduct research and report on best practice initiatives in providing services to vulnerable victims of crime and victims from remote communities and to increase awareness of victims' rights in appropriate justice responses;</li> <li>• maximise the use of the newly established NSW Clearinghouse for dissemination of information; and</li> <li>• monitor and develop training opportunities for professional staff to support an effective and culturally appropriate framework for the delivery of services</li> </ul>	2013-16	<p>Information on best practice in providing services to identified groups of vulnerable victims of crime is available for the consideration of government and non-government agencies</p> <p>Training opportunities developed and monitored.</p>
<p>4.2.1 Provide any appropriate input to the <i>National Plan to Reduce Violence Against Women 2010-2022</i>.</p> <p>4.2.2 Identify best practice in providing services to victims of sexual assault, domestic and family violence.</p>	<p>SCLJ Working group to:</p> <ul style="list-style-type: none"> <li>• report on any relevant justice strategies under the National and various state and territory plans responding to victims of domestic and family violence;</li> <li>• identify best practice initiatives in providing assistance and support; and</li> <li>• conduct research and report on best practice initiatives in providing services to victims of sexual assault, domestic and family violence.</li> </ul>	2013-16	<p>Best practice initiatives are identified and implemented in line with the <i>National Plan to Reduce Violence Against Women 2010-2022</i></p>
<p>4.3 Identify and report on best practice in providing services to victims of violent crime from Indigenous and culturally and linguistically diverse (CALD) communities.</p>	<p>SCLJ Working group to:</p> <ul style="list-style-type: none"> <li>• develop and overview and analysis of best practice initiatives in providing services to victims from Indigenous and CALD communities according to identified priorities;</li> <li>• share information initiatives aimed at enhancing awareness of victims' rights as provided for in various jurisdictions in Indigenous and CALD communities;</li> <li>• maximise the use of the newly established NSW clearing House for dissemination of information; and</li> <li>• consider training opportunities for professional staff to support an effective and culturally appropriate framework for the delivery of services.</li> </ul>	2013-16	<p>Information on best practice in providing services to victims from CALD backgrounds is available for the consideration of government and non-government agencies.</p> <p>Training opportunities developed and monitored.</p>
<p>4.4 Identify any specific gaps in the professional knowledge for the legal profession in the area of victims' needs</p>	<p>Research the existing education and training surrounding victims' rights and needs for those in the legal profession, including the judiciary, legal practice and law students</p>	2013-16	<p>Information is gathered and relevant participants are consulted</p> <p>Training opportunities developed and monitored.</p>

## Supporting Outcome 5: Establish quality services across Australia

Strategies	Initial 3-year actions	Delivery	Performance Indicators
<p>5.1 Develop benchmark standards for quality assurance around – information and referral; advocacy and support services, therapeutic services; court support.</p>	<p>SCLJ Workgroup to:</p> <ul style="list-style-type: none"> <li>• identify existing standards (where appropriate) in jurisdictions within the recognised service areas;</li> <li>• establish written standards in the relevant areas to sufficiently effect professional service delivery to victims of crime; and</li> <li>• develop strategy to monitor and review service standards once established.</li> </ul>	<p>2013-16 Ongoing</p> <p>By Jun 2015</p> <p>By Jun 2016</p>	<p>Existing service standards mapped and areas for improvement identified.</p> <p>Service standards are developed and implemented successfully in all jurisdictions.</p> <p>First review of service standards completed.</p>

## **GOVERNANCE ARRANGEMENTS**

The implementation of the plan requires leadership and collaboration at all levels across jurisdictions and is dependent on engagement with a range of government and non-government agencies responding to the needs of victims of crime in the community.

Each state and territory has committed to implementing the national framework and the strategies proposed in the implementation plan.

The Standing Council on Law and Justice (SCLJ) Victims of Crime Working Group will oversee the strategies supporting the national framework and has responsibility for reporting to the NCEOs Group and Ministers on the progress of the plan.

The SCLJ Working Group will meet regularly (at least twice a year) to monitor progress of the strategies as well as identifying and responding to risks and challenges to implementing the framework.

Supporting the formal governance mechanisms will be a series of working groups, with members drawn from government and non-government organisations as appropriate. They will be asked to assist with the development and implementation of specific actions associated with each identified strategy supporting the framework.

## **EVALUATION**

At the conclusion of the first three-year period (2015) the SCLJ will seek an evaluation of the national framework. The evaluation will identify the progress and performance against each of the attached action items.

# **APPENDIX A: JURISDICTIONAL OVERVIEW OF THE SERVICE SYSTEM**

## **AUSTRALIAN CAPITAL TERRITORY (ACT)**

### **Brief overview**

Victim Support ACT (Victim Support) is designated as the ACT Government's one-stop shop for victims of crime and their families in the ACT. The agency sits within the Justice and Community Safety Directorate and administers a wide range of services and programs for victims of crime and their families. The agency also supports the independent statutory position of Victims of Crime Commissioner.

The Victims Services Scheme enables the provision of professional services for victims as prescribed by the *Victims of Crime Regulation 2000*. The Justice Advocacy Unit helps with information, advocacy and assistance with the criminal justice system, and on victims' rights and entitlements.

Victims may self refer or be referred to Victim Support directly by the police or through SupportLink, by the Office of the Director of Public Prosecutions (ODPP) during the prosecution process or by government and non-government organisations.

### **Eligibility**

To be eligible for services the crime does not need to be reported to police. Victim Support services are available to primary, secondary, related victims and witnesses of crime who have suffered harm as a result of an offence. The crime must have occurred in the ACT; however if the victim resided in another state, Victim Support would assist them with getting support services in their state.

### **Information services**

Information is provided to clients by either a website, or brochures and pamphlets that are available through police and other agencies or by contacting Victim Support directly. Phone services are available from 8.30am to 5.00pm, Monday to Friday (except for Wednesday mornings which are reserved for staff meetings). If victims call after hours they can leave a message and staff will contact them the next day.

Victims Support provides information, counselling, access to physical rehabilitation services, referral, support and advocacy to victims of crime. Once a victim makes contact with Victim Support they will be assessed and a decision made whether to allocate a case manager who will manage their case.

### **Therapeutic intervention**

Victim Support can directly provide victims with counselling services as most of the staff are qualified counsellors, social workers or psychologists. There are four counselling rooms at the Victim Support offices available for this purpose. However, Victim Support only has limited capacity to provide counselling due to other workload demands.

Victim Support has a list of approved providers, which it can refer victims to for counselling, psychotherapy, natural therapies, massage therapy, psychological services, and educational assessment and tutoring to victims of crime. Victims of violent crimes are potentially eligible to receive up to 20 hours of counselling, but in exceptional circumstances can be awarded an additional six. Victim Support pays the fees for these services. The services provided by the Justice Advocacy Unit are not capped.

### **Assessment services**

An initial assessment of the needs of the victim is conducted when the victim first calls Victim Support. The intake officer records information about the victim such as demographic information, the details of the crime, the victim's support structure, the victim's expectations, and the services required.

## **Court support services**

Court support is provided through Victim Support where staff will attend court with victims, conduct court familiarisation, and assist the victim to prepare a Victim Impact Statement. Currently this support is provided to victims attending the Magistrates and Supreme Courts.

In the second half of 2012, a community-based organisation funded by Victim Support will assist Victim Support to provide court support for victims. The Witness Assistance Service (WAS) provided by the ODPP provides support to witnesses of sexual assault and other serious crimes during prosecution processes. This is only a limited service. Victim Support works closely with the WAS to ensure that victims are supported before and after the matter goes to court.

## **Other referral services**

The victim may be referred to services aimed to improve their overall wellbeing. Victim Support provides therapeutic services to victims in the form of Victim Support Packages which and can be used to provide services such as a gym membership or massages. If victims require other services such as health care or legal assistance, Victims Support will either provide information to the victim of how to contact these services or contact them on the victim's behalf.

## **Case management**

When the victim first calls Victim Support they are assessed by an Early Intervention Team, which determines eligibility for the service and makes recommendations to the Service Manager whether a client should be allocated a case manager for longer-term assistance. While therapeutic services are capped, case managers will provide support to clients who are involved in justice processes until those processes are resolved.

## **NEW SOUTH WALES (NSW)**

### **Brief overview**

Victims Services, part of the Department of Justice and Attorney General in NSW, helps victims of crime access services and entitlements to assist in their recovery. It consists of the Victims Compensation Tribunal and the Policy and Service Delivery Section which provides services such as:

- ♦ a Victims Access Line (VAL);
- ♦ administering the Approved Counselling Scheme and accrediting counsellors;
- ♦ monitoring the Charter of Victims Rights;
- ♦ hosting an Interagency Forum of key stakeholders in victims' services; and
- ♦ providing information and developing resource materials relating to support services for victims of crime.

### **Eligibility**

Anyone can call the VAL, they do not need to be a victim, they might be family, friends, or even workers after information. Victims do not have to report the crime to police. However, as the police provide a victims card to victims of crime with the VAL number on it most people enter the service system through the police.

Primary, secondary, and related victims of an act of violence are eligible for counselling services. Victims do not have to report the crime to police; however, the crime must have been committed in NSW. For victims that live interstate, Victims Services would try and link the victim into services in their jurisdiction.

### **Information services**

The VAL is the main source of information to victims. It operates between 8.00am to 6.00pm, Mondays to Fridays (except public holidays). Staff at the VAL provide referral services to link victims into counselling and court support services. Staff at the VAL also provide some case management, for example assisting victims with financial compensation applications, and crisis support.

### **Therapeutic intervention**

Counselling services funded by the government are available to primary, secondary, and related victims of an act of violence. Victims can be referred to counselling through the VAL or directly by police. Victims can apply for counselling directly through the Victims Services website or through a paper-based form available from Victims Services.

Counselling is generally provided face-to-face, but maybe provided over the phone depending on the requirements of the victim. The number of counselling sessions available to victims are capped at 10 hours, but victims can apply for more if required.

### **Assessment services**

Every service that the victim comes in contact with will conduct an independent assessment of their needs. There is not a common assessment tool used between agencies. An assessment tool for victims of domestic violence is currently being piloted. However, this is only applicable to victims of domestic violence and may not be functional if used to assess victims that experienced another crime.

## **Court support services**

There are a number of court support services available in NSW. Victims will be linked into the appropriate service depending on the crime experienced. Examples of these services include:

- ♦ Witness Assistance Service (WAS) provided by the Office of the Director of Public Prosecutions (ODPP) provides a range of services to meet the needs of victims of crime and witnesses appearing in court matters prosecuted by the ODPP. The WAS aims to reduce the trauma to crime victims.
- ♦ The Women's Domestic Violence Advocacy Service assists women and children who are or have been experiencing domestic violence to obtain effective legal protection through applications for Apprehended Domestic Violence Orders.
- ♦ The Domestic Violence Courts have specialist support services attached to them.
- ♦ The Mission Australia Court Support Service is a community organisation that provides information, support, advocacy and referral to victims and witnesses of crime who are attending any level of court in NSW.
- ♦ There are also a number of non-government organisations and volunteer organisations that provide court support. These mostly service victims of domestic violence.

## **Other referral services**

There are specialist services available for victims of domestic violence, sexual assault, and homicide. If a person is a victim of domestic violence the police might refer them directly to specialist domestic violence services. Victims of sexual assault might self refer to specialist services. For example, there is a 24-hour rape crisis line available which provides information and counselling to victims of rape. Victims affected by homicide will be automatically referred to specialist services by the police.

Depending on the needs of the victim and the crime they experienced, the VAL might also refer victims to other specialist services.

## **Case management**

There is continuity of service for victims as counselling, court support, and the financial compensation application process through the VAL is provided on a case management basis. However, there is not a service that provides case management for the victim's complete journey throughout the service system.

## **NORTHERN TERRITORY (NT)**

### **Brief overview**

There is no integrated victims' service system in the Northern Territory. There are several players who cooperate well, but the system has grown organically and there is no formal oversight.

The Crime Victims Services Unit (CVSU) of the Department of Justice provides financial assistance and access to free counselling for people who have been injured as a result of a violent crime.

The Witness Assistance Service (WAS) of the Department of Justice provides support to witnesses, victims and their families in the criminal justice process and develops educational materials for other stakeholders.

Victims of Crime NT (VoCNT) is a non-government organisation funded by the Department of Justice to provide crisis support, information, advocacy and court support and referral to other support services. They operate a 24-hour phone line, and administer the CleanUp Assistance Scheme which provides a small amount of financial assistance to clean and secure homes after break-ins.

Anglicare Resolve is funded by the Department of Justice to provide free counselling to victims of crime.

### **Eligibility**

People who are injured as a result of a violent crime in the NT are eligible to receive the services provided by the CVSU.

Witnesses or victims appearing in the NT court system, prosecuted by the Department of Public Prosecutions, are eligible to receive the services provided by WAS.

Any person that is a victim of crime is eligible for the services provided by VoCNT.

Counselling through Anglicare is available to people who are victims of crime (this includes people who are victims of a crime that occurred interstate).

### **Information services**

People will enter the system through any of the above services, all of which refer to each other. VoCNT is probably the gateway service. NT Police are especially encouraged to refer to VoCNT. It operates business hours Monday to Friday, as well as a 24-hour call out service and phone help line. Aboriginal and other free legal aid services are major referrals to the financial assistance scheme.

### **Therapeutic intervention**

The Department of Justice funds Anglicare to provide free crisis counselling (up to around 8 sessions) to people who are victims of crime. Counselling is provided face to face in Darwin, Gove, Alice Springs and Katherine. Phone counselling is available in other areas. People are referred to Anglicare by the CVSU, VoCNT, WAS or by other providers in the wellbeing service system.

Victims of crime may receive counselling and support from more specific services such as sexual assault services, family violence services, or indigenous health services. Victims may already have a therapeutic relationship with mental health or drug and alcohol services and are encouraged to maintain those relationships.

Victims who are assessed as requiring longer or more specialised psychological or psychiatric intervention may be eligible for financial assistance for that therapeutic intervention through the Victims of Crime Assistance Scheme administered by the CVSU.

## **Assessment services**

Each victims' service will undertake its own assessment. There is no common assessment tool.

Under the Victims of Crime Assistance Scheme an applicant may be required to undergo a physical, psychological or psychiatric assessment to determine the extent of the injury and any disability, the presence of any pre-existing injury which has been exacerbated by the violent act, and the recommended treatment options if required.

For psychological assessment, the practitioner must be a psychiatrist or a clinical psychologist. For medical assessment, it is preferred that the practitioner has specialist qualifications in the relevant body of knowledge.

## **Court support services**

The WAS provides victims and witnesses with information, consultation and referrals to appropriate welfare, health, counselling and other legal services. It supports witnesses in court including court familiarisation visits, demonstration of vulnerable witness facilities and observation of a court sitting. Support regularly involves accompanying witnesses to court and being with a witness either in the close-circuit television room or behind a screen. The WAS can also provide post court follow up. The WAS assists victims in preparation of their Victim Impact Statement, and will also help in preparing parole board submissions. Special needs of vulnerable witnesses, and interpreters are provided.

Victims of Crime NT also provides some court support services depending on availability of volunteers and Anglicare may also provide court support to clients.

## **Other referral services**

As noted above, the key victims' services meet on an informal basis regularly and refer to each other. There is no facilitated referral process.

## **Case management**

There is no clarity around case management. Applicants who are engaged with Anglicare, WAS or VoCNT will be provided with support from those organisations through the victim and or court experience. The CVSU does not provide case management in the social services sense. However as already noted, many victims of crime are already involved to some extent with other support services.

## **QUEENSLAND (QLD)**

### **Brief overview**

Victim Assist Queensland (Victims Assist) focuses on assisting the recovery of victims of crime who have been injured as a result of an act of violence. Most commonly the first point of contact a victim would have with Victim Assist would be with the Victims LinkUp service. This is a referral point for victims to be linked into services such as counselling, court support, financial assistance, and peer support groups. The bulk of victims are referred to this service by police; however, victims may also be referred through other avenues such as by domestic violence support workers.

### **Eligibility**

To be eligible for financial assistance from Victim Assist, a person must be a victim of an act of violence that occurred in Queensland and resulted in injury. Primary, secondary, and related victims are all eligible for financial assistance. There is no need for a conviction; however, victims must report the crime to police. Victims of family violence can report the crime to a doctor, counsellor, or psychologist.

Victims LinkUp can refer victims of acts of violence that occurred outside of Queensland to the relevant jurisdiction as well as other services that may be able to assist them. Victims LinkUp will attempt to assist other victims (not eligible for financial assistance) by referring them to government and non-government services that may assist.

Victims of a crime committed in Queensland but residing in another state are eligible for financial assistance to access services where they reside. In these cases, Victim Assist would try and make a referral for services in the state in which the victim resides and encourage them to make an application for financial assistance.

### **Information services**

As well as being the first point of contact, Victims LinkUp is also the main source of information for victims. Victims generally receive information over the phone or through the website, but LinkUp also does some face to face work. The telephone service is available from 8.30pm to 5.00pm Monday to Friday. LinkUp also provides some direct service delivery such as assisting victims to complete financial assistance application forms, and providing assistance with preparing Victim Impact Statements in the Magistrates Court.

### **Therapeutic intervention**

From Victims LinkUp most victims are referred to Relationships Australia who deliver a free counselling service. Counselling is generally provided face to face but may occur over the phone. The government provides \$1 million per annum to fund this service. The amount of counselling provided by Relationships Australia is not limited or capped in anyway at the moment. If victims are awarded financial assistance for counselling the quantum provided is limited under the Act to the maximum amount payable.

Victims can contact Relationships Australia directly or maybe directly referred by the police. The staff at LinkUp might refer victims to specialist counselling services depending on the crime experienced. Victims can select a counsellor of their choice if they are awarded financial assistance.

### **Assessment services**

In Queensland there is no formal assessment process or common assessment tool. The assessment of victims' needs occurs on an ongoing basis and across agencies. For example, LinkUp would make an initial assessment. However, prosecution agencies might also make an assessment during the prosecution process and the police would make an initial assessment for referral via Supportlink.

## **Court support services**

In the District and Supreme courts, Victim Liaison Officers from the Office of the Director of Public Prosecutions provide information to victims on the courts process, their role as a witness, and assist in preparing Victim Impact Statements. They do not provide counselling; but they might refer clients to victim support services if required.

In the Magistrates Court support is provided to both victims and offenders by Court Network, which is a non-government community organisation. Victim Assist has offices in five regional courts where staff are available to assist victims. Victims LinkUp can assist victims to prepare a Victim Impact Statement. Depending on their needs, victims might be referred to specialist services such as the Queensland Homicide Support Group, Protect all Children Today Inc (who assist child witnesses and victims), and DV Connect for support in DV court support process.

## **Other referral Services**

Victim Assist is promoting LinkUp as the first and central referral point. From there victims can be referred to services that would suit their needs.

## **Case management**

There isn't a service that provides a case management service for the victim's complete journey throughout the service system. However, there is continuity of service for victims as counselling is provided on a case management basis, as is court support provided by Victim Liaison Officers in the higher courts and specialist agencies such as domestic violence services in the lower courts.

## **SOUTH AUSTRALIA (SA)**

### **Brief overview**

The Commissioner for Victims' Rights was set up by the State Government to assist victims of crime in accessing information and services. The role of the Commissioner is defined by the *Victims of Crime Act 2001* as:

- ♦ to marshal available government resources so they can be applied for the benefit of victims in the most efficient and effective way;
- ♦ to assist victims in their dealings with prosecution authorities and other government agencies;
- ♦ to monitor and review the effect of the law and of court practices and procedures on victims;
- ♦ to carry out other functions related to the objects of this Act assigned by the Attorney General;
- ♦ if another Act authorises or requires the Commissioner to make submissions in any proceedings – to make such submissions (either personally or through counsel); and
- ♦ to carry out any other functions assigned under other Acts.

The Commissioner can also consult public officials and public agencies regarding alleged breaches of the Declaration Governing Treatment of Victims.

The Victim Support Service (VSS) is a statewide, community-based not-for-profit organisation in South Australia established in 1979. Qualified staff and trained volunteers provide a comprehensive range of services for adults and older adolescents who have experienced crime. This includes individual crime victims, their families, friends and the wider community. Services include counselling, provision of information about victims' rights and criminal injuries compensation, court support and support groups.

Rape & Sexual Assault Services is a government agency that has a statewide mandate to provide medical, counselling and other services to victims (16 years & older) of sexual assault. Those services are provided by professional staff, including medical practitioners and social workers.

The Road Trauma Support Team (RTST) is a non-government organisation that assists victims of road trauma. The RTST has a limited outreach to the south-east of the State. The RTST is staffed by volunteers but also employs psychologists and a social worker as hourly paid employees.

The Homicide Victims Support Group (HVSG) is a non-government organisation that assists families and others bereaved by homicide. The HVSG is based in Adelaide at Anglicare's Loss & Grief Centre; and it is run by volunteers with administrative support from the Commissioner for Victims' Rights, VSS and SA Police.

### **Eligibility**

A victim does not need to have reported a crime to access the services provided by the VSS, or the Rape & Sexual Assault Services. Eligibility for other specialist services will be dependent on whether the victim has experienced the applicable offence.

### **Information services**

Victims can contact the Commissioner for Victims' Rights for information about their rights and support services available. The VSS provides information to victims of crime, their family and friends, and the wider community.

There are a number of specialist services that provide information to victims such as the Yarrow Place Rape and Sexual Assault Service, Child Protection Service, Police Sexual Crime Investigation Branch, Domestic Violence Crisis Service, Police Victim Contact Officers, Child & Family Investigation Units, Domestic Violence Helpline, Homicide Victims Support Group, Witness Assistance Service, and the Women's Legal Service.

## **Therapeutic intervention**

Victim Support Service provides a personal counselling service for adults who have been affected by a criminal act. Rape & Sexual Assault Services provides medical, counselling and other services for victims (16 years & older) of sexual assault. Child Protection Services assist child victims of abuse, including sexual abuse; and, Child & Adolescent Mental Health Services and other services assist children.

Private therapy might be paid for under the statutory (state-funded) victim compensation scheme administered by the Victim Compensation Section, Crown Solicitor's Office.

## **Assessment services**

Medical practitioners conduct initial assessment for victims applying for state-funded victim compensation. Trained medical practitioners also conduct forensic medical examinations for victims of sexual assaults (no matter whether or not the incident is reported to the police).

## **Court support services**

The Office of the Director of Public Prosecutions (ODPP) operates a Witness Assistance Service (WAS) in the superior courts and the non-government VSS runs a volunteer-based court companion service.

The WAS provides information about, and support during, the legal process, and referral to relevant services for victims of crime and their close family members or carers. The WAS is only involved where the ODPP has involvement in the case.

The Court Companion program is a free and confidential service provided by the VSS. Trained volunteers support victims and their families through the courts process by:

- ♦ providing information about courts and court processes;
- ♦ accessing safe waiting areas;
- ♦ sitting with a witness before, during and after giving evidence;
- ♦ ensuring court officials can locate a witness when needed in court;
- ♦ sitting with family members during court; and
- ♦ offering a listening ear in the difficult time immediately after attending court.

## **Other referral services**

Police Victim Contact Officers, WAS, and the VSS can refer victims to victim support agencies and appropriate counselling services. There are also many domestic / family violence services (some government & some non-government)

## **Case management**

Victim Support Service, Rape & Sexual Assault Services and Child Protection Services provide holistic case management services for clients affected by crime in accordance with their mandate.

## TASMANIA (TAS)

### Brief overview

Victims Support Services (VSS) were established to meet the needs of victims of crime within the Tasmanian community. VSS is responsible for the management and operation of the Victims Assistance Unit, Court Support and Liaison Services (Adults and Children), and the Victims of Crime Service.

The **Victims Assistance Unit** is responsible for the provision of information to victims regarding the court process, and the administration of the *Victims of Crime Assistance Act* and the provision of assistance to the Criminal Injuries Compensation Commissioners. The unit also produces and maintains the Victims' Register, Secure Mental Health Register and Youth Justice Register.

The **Court Support and Liaison Services (Adults and Children)** is a Safe at Home program responsible for providing information and court support to adult and child victims of family violence.

**Victims of Crime Service** is a face to face counselling and support service for self-identified victims of crime. The service also offers referral to appropriate community resources, information regarding police investigation, bail and parole conditions, court processes, and victims' rights. The service also assists with Victims of Crime Assistance applications, and Victim Impact Statements.

### Eligibility

Counselling and support services are provided for all self-identified victims of crime regardless of where the crime occurred.

### Information services

Victims Support Services operate a 24-hour toll free number for victims to call for information and support.

### Therapeutic intervention

Counselling is available through the Victims of Crime Service. Telephone counselling may be provided in rural areas however, every attempt will be made to visit the victim or assist with transport to the nearest Victims of Crime Service office.

Various other counselling services are available through NGOs such as Sexual Assault Support Service, Family Violence Counselling and Support Service, Lifeline, Anglicare, and the Salvation Army. These are typically funded by the Department of Health and Human Services or by Commonwealth grants.

### Assessment services

Assessment services are available within government and by various NGOs depending on the primary issue and referral source.

### Court support services

Court Support Officers from Court Support and Liaison Services are available in Hobart, Launceston, Burnie, Devonport and other regional areas (on request) to provide support to adult and child victims of family violence (including referral to appropriate counselling and other services) and guide them through the justice system during and after court appearances. The service also independently prepares children and young people to give evidence in court and help to minimise the trauma for a child in an adult legal system.

Witness Assistance Service (WAS), located with the Office of the Director of Public Prosecutions is available to victims of violent crimes where the case is being heard in the Supreme Court. The WAS will support the victim through the court process and ensure they understand what is happening, feel comfortable to give evidence, understand the court outcome, assist in the preparation of a Victim Impact Statement, and seek responses to their questions.

Victims of Crime Services will provide limited court support available to victims of other crimes.

### **Other referral services**

Victims may be referred to specialist support services such as the Sexual Assault Support Service or the Family Violence and Counselling Support Service. Victims may also be funded for medical, psychological and counselling services through funding provided under the Victims of Crime Assistance Scheme.

### **Case management**

Victims attending the Victims of Crime Service and the Court Support and Liaison Service are case managed. Case Management for others is dependent on the services provided by the service they are attending.

## **VICTORIA (VIC)**

### **Brief overview**

The Victorian victim service system comprises two components: the Victims of Crime Helpline (the Helpline) which is based in the Victim Support Agency (a business unit within the Department of Justice) and a network of community-based services funded under the Victims Assistance & Counselling Program (VACP).

The Helpline is the major gateway to the broader service system. It is a telephone information, advice and referral service operating Mondays to Fridays from 8.00am to 11.00pm.

VACP services are located in each of the eight Victorian Government Regions and services are delivered from 30 locations. Their role is to assist victims to manage the consequences of crime and to minimise secondary victimisation associated with involvement in the criminal justice system. They operate according to a set of service standards which were updated in 2011 and a practice manual, developed in 2011 and piloted in late 2011/early 2012, is currently being implemented. VACP funding includes a component of brokerage funding which can be used for such purposes as safety needs, emergency expenses, transport to appointments and to purchase counselling.

### **Eligibility**

The Helpline is open to all people adversely affected by crime, irrespective of where or when it occurred and whether it was a crime against the person or a property crime. Eligibility for VACP services is generally more limited to victims of crimes against the person which occurred in Victoria except in “exceptional circumstances” for example where a victim of a property crime is deemed to be particularly vulnerable.

Standard eligibility criteria may be waived for victims who reside in Victoria, but have been the victim of a violent crime that occurred outside Victoria, pending access to appropriate interstate assistance. VACPs would facilitate a victim’s access to the relevant interstate services.

### **Information services**

Information services are provided primarily by the Helpline as the gateway to the broader service system. Information about options and the criminal justice system is also provided as part of the VACP case management services.

### **Therapeutic intervention**

Therapeutic intervention is provided by VACP services, either through use of brokerage funds to purchase counselling services from private providers or through in-house counsellors employed in some VACP services, depending on the needs of the particular clients. Victims requiring more extensive counselling are supported to apply to the Victims of Crime Assistance Tribunal.

### **Assessment services**

Helpline staff provide information and conduct a preliminary assessment of the victim’s risk and needs. Victims requiring support beyond basic information are referred through a secure electronic system to their local VACP or other appropriate service. Under this facilitated referral system, the VACP contacts the victim within 48 hours, or earlier in urgent cases. An in person assessment is conducted by VACP service on intake and a care plan is developed in conjunction with the client. Ongoing assessment is also part of case management model. A common assessment tool for use by all VACP service was developed as part of the practice manual and is currently being piloted.

## **Court support services**

VACP services provide information about court process and may attend court with the client in some cases. Information about the case and court support is also provided in the higher courts by the Office of Prosecution's Witness Assistance Service and in cases involving children, by the Child Witness Service. VACP services work in close consultation with both these witness assistance services.

## **Other referral services**

The Helpline refers clients to other services which best meet their needs including sexual assault services, family violence services, legal centres and the Victims of Crime Assistance Tribunal. Linkages to other services that victims may need such as legal, financial counselling and housing is also part of VACP case management and the VACP normally contacts these services on the client's behalf as part of their case management.

## **Case management**

Case management for the duration of the victim's recovery from the time the crime occurs to the conclusion of the justice processes is provided by VACP services. Care plans are developed in line with the client's individual needs and the suite of services provided will vary according to those needs.

## WESTERN AUSTRALIA (WA)

### Brief overview

The WA Victim Support and Child Witness Service is delivered by the WA Department of the Attorney General, is free to clients and comprises two parts. **Victim Support Services (VSS)** is a free, confidential counselling and support services for all victims of crime. These services are provided by professional counsellors and trained volunteers. Services available to victims of crime include

- ♦ counselling and support;
- ♦ providing information and referrals to other support services;
- ♦ helping victims write a Victim Impact Statement;
- ♦ preparing and supporting victims during a court case;
- ♦ helping victims obtain information on the status of police investigations;
- ♦ providing support when making an application for a restraining order;
- ♦ providing information about criminal injuries compensation;
- ♦ helping victims understand their rights within the criminal justice system; and
- ♦ providing information on the status of convicted offenders in WA, through the Victim Notification Register.

The **Child Witness Service (CWS)** is a specialist service in WA which provides:

- ♦ information to children and families on court process and progress through courts;
- ♦ assessment of a child's needs for giving evidence in court;
- ♦ non-evidentiary court preparation;
- ♦ support and advocacy throughout the court process;
- ♦ help for children write a Victim Impact Statement;
- ♦ referrals to counselling agencies; and
- ♦ support for children giving CCTV evidence into court.

### Eligibility

All victims of crime are eligible as defined under the *Victims of Crime Act (WA) 1994*. Services are also extended to other persons affected by the crime including non-victim witnesses and family members of the victim who have been impacted by the crime.

### Information services

The VSS is the first point in the service system where victims go to receive information. Victims can call a toll free number from 8.15am to 4.30pm, Monday to Friday to receive information. The VSS also provides referrals to a range of government and non-government services based on an assessment of clients' needs.

### Therapeutic intervention

The VSS provides free, confidential in house counselling and support services for all victims of crime. Requests of counselling are taken by the intake duty officer and then allocated to one of the counselling team. In some circumstances victims will be referred to other counselling services (for example, where long term therapeutic counselling is assessed as being necessary or where counselling is covered under workers compensation for victims of work related crime such as armed robbery). Both face to face and telephone counselling is available and in exceptional circumstances where injury or disability prevent attendance at the office home visits can be arranged. The VSS provides up to five counselling sessions but has the discretion to extend this number of sessions if this is considered appropriate. The exception to this policy is key secondary victims of homicide where no limit is placed on the number of sessions available.

## **Assessment services**

Assessment of victims' needs occurs both at the duty/intake stage at first contact and throughout contact with the client. Assessment is provided not only to assess needs and interventions but also as there is no Witness Assistance Service (WAS) within the Office of the Director of Public Prosecutions (ODPP) in WA specific assessments are provided by VSS counsellors for the purpose of determining whether an application should be made by the ODPP to have a victim declared a vulnerable witness. Formal assessments are provided for other purposes including support to applications for criminal injuries compensation. There is no common assessment tool but practice guidelines are in place that inform the various assessments undertaken by counsellors.

Assessments for special witness status, pre-recording and other special measures available when a child gives evidence are sent to the ODPP. Counselling needs assessment and risk assessments are also undertaken.

## **Court support services**

Court services include non-evidentiary preparation for adult victim witnesses required to give evidence at court. Victim Support Services provide court companionship, orientation and support for all victims of crime wishing to attend court including those not required to give evidence (for example, key secondary victims of homicide/crime related death). A significant proportion of these services are provided by the volunteer cohort but in each case they are supervised and supported by the counselling team.

Professionally trained child witness workers provide court preparation and support services for all children who are required to give evidence in court, both victims and witnesses

## **Other referral services**

Counsellors and child witness workers managing the case make referrals based on assessed need.

## **Case management**

The allocated VSS counsellor provides case management for as long as is necessary to deliver services. The child witness service provides services to the family until the conclusion of the court process.

## **APPENDIX B: VICTIMS OF CRIME FINANCIAL ASSISTANCE LEGISLATION ACROSS AUSTRALIA**

### **RELEVANT LEGISLATION**

**ACT** *Victims of Crime (Financial Assistance) Act 1983*

**NSW** *Victims Support and Rehabilitation Act 1996*

**NT** *Victims of Crime Assistance Act*

**QLD** *Victims of Crime Assistance Act 2009*

**SA** *Victims of Crime Act 2001*

**TAS** *Victims of Crime Assistance Act 1976*

**VIC** *Victims of Crime Assistance Act 1996*

**WA** *Criminal Injuries Compensation Act 2003*

**Commonwealth** *Social Security Amendment (Supporting Australian Victims of Terrorism Overseas) Act 2012.*

### **ADMINISTRATION OF RELEVANT LEGISLATION**

#### **ACT**

The Act vests jurisdiction in the ACT Magistrates Court. Applications are lodged with the ACT Magistrates Court and sent to the ACT Government Solicitors Office (GSO) for assessment. The GSO plays a central role on behalf of the Court, informing victims of its assessment regarding eligibility and identifying an offer regarding the quantum of awards. The procedure for the determination of applications requires that each matter be listed before a Deputy Registrar for a conference prior to a hearing. The purpose of the conference is to assess whether the matter is ready to proceed to determination.

#### **NSW - Director, Victims Services**

*Section 65 (Guidelines and arrangements relating to compensation assessors)*

*Section 65A (Inquiries and Investigations)*

The functions of the Director includes to have regard to guidelines issued by the Victims Compensation Tribunal in relation to the determination of application for statutory compensation and is responsible for making arrangements for the work of compensation assessors including matter allocation. The Director cannot direct, overrule or interfere with a determination of a compensation assessor but they may before its determination re-allocate the matter to another assessor. The Director is a compensation assessor and as such is authorised to make such inquiries and investigations as they consider necessary.

The Director is also responsible for the administration of the *Victims Rights Act 1996*.

#### **NT - Director**

*Section 30 (Application to Director for award)*

To receive and administer (i.e. allocate to assessors) applications made pursuant to the Act.

#### **QLD - Scheme Manager**

*Section 127 (Scheme Manager)*

*Section 128 (Government Assessors)*

Scheme Manager appointed by the Chief Executive to manage victim's assistance. Scheme manager may perform all functions as a government assessor. A government assessor is required to administer the scheme and is appointed by the Chief Executive in writing.

## **SA - District Court (Civil)**

The statutory compensation scheme is court-based; however, the Attorney-General delegates the administration of the scheme to the Crown Solicitor. Eligible victims sue the State of South Australia as the first defendant and the actual offender, if known and convicted, as the second defendant. When the actual offender is unknown the victim sues the State only.

The Attorney-General has absolute discretion to make ex-gratia payments in certain circumstances. There are several provisions regarding such payments. The Crown administers all but discretionary payments made under section 31(1) and 31(2). The Attorney-General in consultation with the Attorney-General's Department and the Commissioner for Victims' Rights administers section 31(1) and the Commissioner assists all victims eligible to apply for section 31(2) payments.

## **TAS - Commissioners**

*Section 5 (Jurisdiction of Commissioner to make awards)*

Appointed by the Minister to administer the financial assistance scheme and award compensation payments to victims of crime in their absolute discretion. Victim Support Services is the government body who provide support and process applications for assistance.

## **VIC - Chief Magistrate**

*Section 19 (Establishment) – Crime Assistance Tribunal*

*Section 21 (Composition of Tribunal)*

The Tribunal was established to provide financial assistance to victims of violent crime committed in Victoria. The Chief Magistrate is responsible for the arrangement of the business of the Tribunal and for the proper administration of the fund and powers and actions pursuant to the Act.

## **WA - Chief Assessor**

*Section 59 (Chief Assessor and assessors, appointment of, etc)*

*Section 19 (Assessors general powers)*

The Chief Assessor may do all things necessary when deciding an application in administration of the Act, that is, amend an application, seek and receive information or evidence, make any inquiries and investigate and seek records. The Chief Assessor is an officer in the Criminal Injuries Compensation office of the Department of the Attorney General.

## **Commonwealth - Prime Minister's declaration**

The *Social Security Amendment (Supporting Australian Victims of Terrorism Overseas) Act 2012* establishes a scheme which provides financial assistance of up to \$75,000 to Australians who are harmed in an overseas terrorist act and to Australians whose close family member or members have died in an overseas terrorist act. The Act will enable the Prime Minister to declare that a relevant overseas terrorist incident is one to which the scheme applies.

The Act requires the enactment of a legislative instrument that will set out the guiding principles for determining the amount payable to a person in relation to a declared overseas terrorist act. It is anticipated these principles will be developed within six months. This is to enable broad consultation to be carried out on the legislative instrument, including with representatives from victims of overseas terrorist acts and their families.

## **VICTIMS OF CRIME OFFICES**

### **ACT - Victim Support ACT**

**Address (Office):** ACT Health Building, Level 4, 1 Moore Street, Canberra City  
**Address (Postal):** Victim Support ACT, GPO Box 158, Canberra ACT 2601  
**P** 1800 8222 72 **F** (02) 6205 0177 **E** [victimsupport@act.gov.au](mailto:victimsupport@act.gov.au)

### **NSW - Victims Services, Department of Attorney General & Justice**

**Address (Office):** Level 1, Justice Precinct Offices, 160 Marsden Street, Parramatta  
**Address (Postal):** Director, Victims Services, Locked Bag 5118, Parramatta NSW 2124  
**P** 1800 633 063 **F** (02) 8688 9632 **E** [vs@agd.nsw.gov.au](mailto:vs@agd.nsw.gov.au)

### **NT - Crime Victims Services Unit**

**Address (Office):** Old Admiralty House, 68 The Esplanade, Darwin  
**Address (Postal):** Crime Victims Support Unit, GPO Box 1722, Darwin NT 0801  
**P** 1800 460 363 **E** [cvsu.doj@nt.gov.au](mailto:cvsu.doj@nt.gov.au)

### **QLD - Victim Assist Queensland**

**Address (Postal):** Victim Assist Queensland, GPO Box 149, Brisbane QLD 4001  
Victims LinkUp Service:  
**P** 1300 546 587 or free interpreting service on 131 450  
**F** [victimslinkup@justice.qld.gov.au](mailto:victimslinkup@justice.qld.gov.au) **W** [www.justice.qld.gov.au](http://www.justice.qld.gov.au)

### **SA - Commissioner for Victims' Rights (not a counselling service)**

**Address (Office):** Level 4, 45 Pirie Street, Adelaide  
**Address (Postal):** GPO Box 464, Adelaide SA 5001  
**P** (08) 8204 9635 **W** [www.voc.sa.gov.au](http://www.voc.sa.gov.au)

### **Victim Support Services (non-government)**

**Address (Office):** 11 Halifax Street, Adelaide  
**Address (Postal):** PO Box 6610, Halifax Street SA 5000  
**P** (08) 82312656 **W** [www.victimsa.org](http://www.victimsa.org)

### **TAS - Victims Support Services**

**Address (Office):** Level 1, 54 Victoria Street, Hobart  
**Address (Postal):** Victims Support Services, GPO Box 825, Hobart Tasmania, 7001  
**P** (03) 6233 5002 or 1300 663 773 **F** (03) 6233 5031  
**E** [victims@justice.tas.gov.au](mailto:victims@justice.tas.gov.au) **W** [www.justice.tas.gov.au/victims](http://www.justice.tas.gov.au/victims)

### **VIC - Victims Support Agency**

**Address (Office):** 23/121 Exhibition Street, Melbourne  
**Address (Postal):** Victims Support Agency, GPO Box 4349QQ  
**P** (03) 8684 6700 or 1800 819 817 (Victims of Crime Helpline)  
**F** (03) 8684 6777 **E** [vsa@justice.vic.gov.au](mailto:vsa@justice.vic.gov.au) **W** [www.justice.vic.gov.au](http://www.justice.vic.gov.au)

### **WA - Criminal Injuries Compensation, Department of the Attorney General**

**Address (Office):** Level 12, 26 St Georges Terrace, Perth WA 6000  
**Address (Postal):** Criminal Injuries Compensation, GPO Box F317 Perth WA 6841  
**P** (08) 9425 3250 **F** (08) 9425 3271

## FUNDAMENTAL PRINCIPLES OF THE RELEVANT LEGISLATION

<b>ACT</b>	<b>NSW</b>	<b>NT</b>	<b>QLD</b>	<b>SA</b>	<b>TAS</b>	<b>VIC</b>	<b>WA</b>
<p>To assist victims and related victims of violent crime to recover from the physical and/or mental injuries sustained by providing a means to recover expenses reasonably incurred in treating those injuries.</p>	<p>To provide support to victims through approved counselling and statutory compensation schemes; to enable recovery of compensation paid from persons found guilty; to impose a levy on persons found guilty of crimes to fund the compensation scheme; and to enable an alternative court award compensation scheme where a person found guilty of a crime is ordered by the court of conviction to pay compensation to the victim of the crime.</p>	<p>To assist victim rehab by implementing counselling and financial assistance schemes; to enable the government to recover money from offenders; and to establish a fund for the schemes and to provide revenue for that fund by imposing a levy on certain people.</p>	<p>Purpose of the Act is to set principles of justice for the treatment of victims and to implement mechanisms providing for complaints against conduct inconsistent with the principles and to provide a scheme to give financial assistance to victims of acts of violence. The objectives of the scheme are to help victims recover, to express the States recognition of the injuries suffered and to add to other services available through the Government. The assistance is not intended to reflect the level of compensation entitled at common law or otherwise.</p>	<p>Long title <i>Victims of Crime Act 2001</i> to (amongst other purposes) provide limited rights to statutory compensation for injury suffered as a result of the commission of criminal offences. Objects of the Act include: to provide from public funds limited monetary compensation to victims most directly affected by criminal offending.</p>	<p>To provide for a scheme for victims of violent crime to claim for financial assistance through the government if they are unable to recover monies from the offender</p>	<p>Purpose to provide assistance to victims of crime. Objectives include:</p> <ul style="list-style-type: none"> <li>To assist victims to recover from crime by providing financial assistance incurred as a direct result of the crime</li> <li>To provide financial assistance to show the victim the State recognises the effects of the crime</li> <li>To provide victims with financial assistance where they can not obtain compensation from the offender or other sources</li> </ul> <p>Assistance is not intended to reflect the level of compensation victims may be entitled at common law or otherwise.</p> <p>The scheme is to support other government services for victims.</p>	<p>To enable the administration of the Criminal Injuries Compensation Scheme enabling victims of crime to apply for compensation for injury or loss as a result of an offence.</p>

## WHO IS A VICTIM?

<b>ACT</b>	<b>NSW</b>	<b>NT</b>	<b>QLD</b>	<b>SA</b>	<b>TAS</b>	<b>VIC</b>	<b>WA</b>
<p>Person injured as a direct result of a violent crime - Primary victim; Related victim; Eligible property victim.</p>	<p>Person injured as consequence of an act of violence - Primary victim; Secondary victim; Family victim.</p>	<p>Primary victim is a person who suffers a compensable injury resulting from violent act. Secondary victim is a person who suffers an injury from witnessing or becoming aware of a violent act. Family victim, a parent, step parent, child, dependent on primary victim. Related victim is a relative or a person in an intimate personal relationship with primary victim.</p>	<p>A person (primary, parent, witness, related victims) who has suffered an injury as a result of an violent act. That happened in Qld. No conviction required. Injury includes physical, mental, nervous shock as a direct result of the act of violence. Primary victim; Secondary victim (parent or witness of the act of violence); Parent victim (parent of a child who is the victim and is injured as a direct result of becoming aware of the act); Witness victim (injured as a result of witnessing the act); Related victim (close family member or a dependent of the primary victim).</p>	<p>Victim is defined as "any person who suffers harm as a result of an offence (except the offender)"; however, a narrow definition is applicable to statutory compensation. Immediate victim; Person suffered physical and/or mental injury resulting from an offence that happened in SA. Attorney-General has absolute discretion to make ex gratia payment to victim of crime outside SA. Victim includes: Immediate family - (a) a spouse or domestic partner; (b) a parent; (c) a grandparent; (d) a child (including an adult child); (e) a grandchild (including an adult grandchild); (f) a brother or sister; and 'Good Samaritan' provision for people involved in the immediate aftermath of the offence.</p>	<p>A person suffers injury or death as a result of an offence, OR In assisting a police officer. That happened in Tasmania. Injury means any physical injury or impairment, mental health, becoming pregnant. Primary victim means a person against whom an offence is committed. Related victim means a spouse, child, stepchild, brother, sister, stepmother, stepfather or primary victim, OR parent or stepparent of primary victim, OR in a personal relationship with primary victim. Secondary victim means witness of an offence, OR parent, stepparent, guardian of primary victim under 18 years.</p>	<p>Primary victim is a person who suffers injury or death as a direct result of an act of violence, OR in trying to prevent someone, OR in trying to prevent the commission of an act of violence, OR in trying to aid or rescue someone who is a victim of an act of violence. Whether or not the act of violence is actually committed. A primary victim if suffers a significant adverse effect as a direct result of an act of violence. A person who suffers injury as a result of witnessing an act of violence or becoming aware of an act of violence (if a parent of a primary victim who is under 18 years). If the parent is criminally responsible for the act of violence they are not a secondary victim. Close family member, dependent, intimate personal relationship with the primary victim who died. Not a related victim if they are criminally responsible for the act of violence.</p>	<p>A person who suffers injury, or who dies, as a consequence of the commission of an offence. That happened in WA.</p>

## WHAT ARE THE ELIGIBILITY REQUIREMENTS?

ACT	NSW	NT	QLD	SA	TAS	VIC	WA
<p>Reported to the police.</p> <p>Suffered physical and/or mental injuries.</p> <p>Injury sustained in the ACT and must be a violent crime.</p>	<p>Act of violence:</p> <ul style="list-style-type: none"> <li>• Apparently occurred in the course of the commission of an offence</li> <li>• Involved violent conduct against one or more persons</li> <li>• Has resulted in injury (actual physical bodily or psychological or psychiatric harm) or death.</li> </ul> <p>Arrest or conviction not necessary.</p> <ul style="list-style-type: none"> <li>• Reported to the police or relevant health professional or relevant agency</li> <li>• Must cooperate with investigation by police or prosecution</li> <li>• Suffered compensable injury as set out in Schedule of Injuries</li> <li>• Injury sustained in the NSW</li> </ul> <p>Secondary or family victim not eligible if primary victim not eligible</p> <p>Secondary not eligible until 1 year has lapsed since the act of violence occurred unless: notice served on primary victim, or primary victim has died, AND no application has been made by the</p>	<p>Primary victim is a person who suffers a compensable injury resulting from violent act.</p> <p>Secondary victim is a person who suffers an injury from witnessing or becoming aware of a violent act.</p> <p>Family victim, a parent, step parent, child, dependent on primary victim.</p> <p>Related victim is a relative or a person in an intimate personal relationship with primary victim.</p>	<p>A person (primary, parent, witness, related victims) who has suffered an injury as a result of an violent act.</p> <p>That happened in Qld.</p> <p>No conviction required.</p> <p>Injury includes physical, mental, nervous shock as a direct result of the act of violence.</p> <p>Primary victim; Secondary victim (parent or witness of the act of violence); Parent victim (parent of a child who is the victim and is injured as a direct result of becoming aware of the act); Witness victim (injured as a result of witnessing the act); Related victim (close family member or a dependent of the primary victim).</p>	<p>Victim is defined as "any person who suffers harm as a result of an offence (except the offender)"; however, a narrow definition is applicable to statutory compensation.</p> <p>Immediate victim; Person suffered physical and/or mental injury resulting from an offence that happened in SA. Attorney-General has absolute discretion to make ex gratia payment to victim of crime outside SA.</p> <p>Victim includes: Immediate family - (a) a spouse or domestic partner; (b) a parent; (c) a grandparent; (d) a child (including an adult child); (e) a grandchild (including an adult grandchild); (f) a brother or sister; and 'Good Samaritan' provision for people involved in the immediate aftermath of the offence.</p>	<p>A person suffers injury or death as a result of an offence, OR</p> <p>In assisting a police officer.</p> <p>That happened in Tasmania.</p> <p>Injury means any physical injury or impairment, mental health, becoming pregnant.</p> <p>Primary victim means a person against whom an offence is committed.</p> <p>Related victim means a spouse, child, stepchild, brother, sister, stepmother, stepfather or primary victim, OR parent or stepparent of primary victim, OR in a personal relationship with primary victim.</p> <p>Secondary victim means witness of an offence, OR parent, stepparent, guardian of primary victim under 18 years.</p>	<p>Primary victim is a person who suffers injury or death as a direct result of an act of violence, OR in trying to arrest someone, OR in trying to prevent the commission of an act of violence, OR in trying to aid or rescue someone who is a victim of an act of violence.</p> <p>Whether or not the act of violence is actually committed</p> <p>A primary victim if suffers a significant adverse effect as a direct result of an act of violence</p> <p>A person who suffers injury as a result of witnessing an act of violence or becoming aware of an act of violence (if a parent of a primary victim who is under 18 years).</p> <p>If the parent is criminally responsible for the act of violence they are not a secondary victim.</p> <p>Close family member, dependent, intimate personal relationship with the primary victim who died.</p> <p>Not a related victim if they are criminally responsible for the act of violence.</p>	<p>A person who suffers injury, or who dies, as a consequence of the commission of an offence.</p> <p>That happened in WA.</p>

## WHAT ARE THE ELIGIBILITY REQUIREMENTS? *continued*

ACT	NSW	NT	QLD	SA	TAS	VIC	WA
	<p>primary victim or relevant family victim within 3 months after service of notice or application has been disposed of within that 1 year.</p> <p>Not eligible to receive compensation:</p> <ul style="list-style-type: none"> <li>• If victim engaged in behaviour that constitutes an offence</li> <li>• If incident was motor vehicle accident</li> <li>• If received court awarded compensation</li> <li>• If the victim was a convicted inmate at the time of the act</li> </ul>						

## WHAT IS THE BURDEN OF PROOF?

<b>ACT</b>	<b>NSW</b>	<b>NT</b>	<b>QLD</b>	<b>SA</b>	<b>TAS</b>	<b>VIC</b>	<b>WA</b>
<p>It is enough for the court to be satisfied that it is more likely than not that a violent crime took place.</p>	<p>It is enough for the assessor to be satisfied that it is more probable than not that the person is a victim of an act of violence and is eligible to receive compensation (balance of probabilities).</p>	<p>Assessor satisfied the applicant is an eligible victim. Arrest or conviction not necessary.</p>	<p>No conviction required. Assessor discretion but must decide to grant or refuse assistance and provide reasons.</p>	<p>Arrest of conviction not necessary. Offence – beyond reasonable doubt. Injury – Balance of probability. Ex gratia payments – Attorney-General need be satisfied that the offence happened and the injury resulted.</p>	<p>Commissioner must be satisfied that is more likely than not that the death or injury was the result of criminal conduct. Proof of conviction shall be taken to be fact that the offence was committed unless an appeal or new trial is pending.</p>	<p>Tribunal may be satisfied on the balance of probabilities that an act of violence occurred. No charge or conviction of offender required.</p>	<p>Arrest or conviction not necessary. Discretion of the assessor.</p>

## WHAT IS THE LIMITATION OF TIME?

<b>ACT</b>		<b>NSW</b>	<b>NT</b>	<b>QLD</b>	<b>SA</b>	<b>TAS</b>	<b>VIC</b>	<b>WA</b>
<p>Must apply within 12 months.</p> <p>Victim may apply to Magistrates Court for extension of time.</p>	<p>Must apply within 2 years of act of violence or death of primary victim.</p> <p>Victim may apply to Director for extension of time.</p>	<p>Within 2 years of the occurrence of violent act.</p> <p>Director may accept an application after that time limit if circumstances justify it.</p>	<p>Must apply within 3 years of act of violence occurring or the death of the primary victim or from the day a child victim turns 18.</p> <p>Assessor may extend time limit if considers appropriate to do so.</p>	<p>Must apply within 3 years of offence or within 3 years of turning 18 yrs.</p> <p>Extension of time may be granted if exceptional circumstance.</p>	<p>Must apply within 3 years after the date of the relevant offence.</p> <p>If victim under 18 years then must apply within 3 years from the day they turn 18 years.</p> <p>Commissioner may extend time limit if special circumstances exist.</p>	<p>Must apply with 2 years after the occurrence of the act of violence.</p> <p>Tribunal may extend the time limit.</p>	<p>Must apply within 3 years after the date on which the offence was committed.</p> <p>Assessor may extend the time limit.</p>	

## WHAT HAPPENS IF THE VICTIM CONTRIBUTES TO HIS/HER VICTIMISATION?

<b>ACT</b>	<b>NSW</b>	<b>NT</b>	<b>QLD</b>	<b>SA</b>	<b>TAS</b>	<b>VIC</b>	<b>WA</b>
<p>Victim can not claim if they were committing a violent crime when injured, if they were injured by using a motor vehicle, if the amount claimed is less than \$100, if the violent crime is not reported to the police.</p> <p>The victims behaviour, condition, and disposition, before and at the time of the injury will be taken into account.</p> <p>Claim may be reduced, refused or increased.</p>	<p>Victim can not receive compensation if:</p> <ul style="list-style-type: none"> <li>The act of violence can not be proved to have occurred.</li> <li>Compensable injuries are less than \$7500.</li> <li>Crime against property.</li> <li>Injuries caused by motor vehicle accident.</li> <li>Received court awarded compensation under the alternative scheme.</li> <li>Was a convicted inmate at the time the act of violence occurred.</li> </ul> <p>Reasons for not making award or reducing amount of compensation:</p> <ul style="list-style-type: none"> <li>Any behaviour of primary or secondary victims that directly or indirectly contributed to injury or death</li> <li>Whether victim participated in the commission of the act of violence</li> </ul> <p>Any amount which has been paid or to which the victim is entitled by way of civil proceedings, under any other Act or law including worker compensation or under any insurance will be taken into account.</p>	<p>Victim behaviour, condition, attitude or disposition that directly or indirectly contributed to the injury or financial loss, if they participated in the violent act, if they did not take steps to mitigate against extent of injury/loss, whether the award will benefit the offender by way of relationship with victim will be considered.</p> <p>Award may be reduced.</p> <p>Award not awarded if victim not eligible, act not reported to police to before application or before determination, victim did not assist in police investigation or prosecution, application made in collusion with offender, the injury occurred during commission of crime by victim.</p>	<p>Not entitled to claim if:</p> <p>The victim committed or conspired to commit the act.</p> <p>Primary victims involvement in a criminal activity was the primary reason the act was committed.</p> <p>Claim for the death of a primary victim that primary victims involvement in a crime is a reason the act was committed and the person should have been aware of the involvement.</p> <p>If act of violence not reported to police and no excuse provided.</p> <p>Claim may be reduced or refused.</p>	<p>Whether the victim has contributed to his or her injury and whether the victim has failed to mitigate the extent of his or her injury are taken into account.</p> <p>If victim committing an indictable offence when injured, he or she is not entitled to any compensation unless the court holds that it would be unjust not to make a payment.</p> <p>(Victim should mitigate injury).</p>	<p>Victim behaviour, condition, attitude or disposition that directly or indirectly contributed to the injury or death.</p> <p>Any amount which has been paid in relation to the victim seeking any other remedy.</p> <p>Award may be reduced/refused.</p> <p>Any amount which has been or to which the victim is entitled by way of civil proceedings will be taken into account.</p>	<p>Character, behaviour or attitude at any time before or after the act of violence is to be considered.</p> <p>If a related victim:</p> <ul style="list-style-type: none"> <li>Character or behaviour of the primary victim.</li> <li>Obligations owed to the applicant and any other related victim by the primary victim.</li> <li>Financial resources and needs of the applicant and other related victims.</li> <li>If the applicant is a close family member or had an intimate relationship with the primary victim the nature of that relationship.</li> </ul> <p>If the applicant provoked the act of violence and to what extent will be considered.</p> <p>Any condition or disposition of the applicant which directly or indirectly contributed to their injury.</p> <p>Whether the offender will benefit directly or indirectly from the award will be considered.</p> <p>Any other matters the Tribunal considers relevant.</p>	<p>No award if the offender is likely to benefit either by being in a close relationship or being a relative of the victim.</p> <p>No award if victim did not assist in investigation.</p> <p>No award if the victim was committing a separate offence at the time of the injury.</p> <p>No award if compensation paid previously or if claim was rejected previously.</p> <p>Victim behaviour, condition, attitude or disposition that directly or indirectly contributed to the injury or death to be considered.</p>

## HOW DOES A VICTIM MAKE AN APPLICATION FOR COMPENSATION?

ACT	NSW	NT	QLD	SA	TAS	VIC	WA
<p>Application filed in the Magistrates Court in writing supported by a statutory declaration and with any relevant medical reports, statements made to police, any receipts of amount paid/payable, statement of any assistance obtained in relation to special assistance.</p>	<p>Must be in a form approved and supplied by the Director.</p> <p>Must be supported by documentary evidence i.e. medical certificates.</p> <p>Must be lodged with the Director.</p> <p>May also be lodged with the Registrar of a local court but the Registrar must then forward the application to the Director as soon as practicable after lodgement for determination.</p>	<p>Application made to Director for award of financial assistance.</p> <p>Application made to Director for immediate financial assistance (can only be done before an application for award of assistance is determined).</p> <p>In a form approved by the Director.</p>	<p>In an approved form and accompanied by medical certificate and other documents supporting the application and contain consent for the assessor to seek further information and verified by applicant by statutory declaration.</p> <p>Lodged with the Scheme Manager at Victim Assist Qld.</p>	<p>Victim makes an application, usually via a lawyer.</p> <p>If Crown accepts liability, the victim is invited to formulate a claim (as per the Regulations).</p> <p>The Victim Compensation Section, Crown Solicitor's Office employs law clerks and solicitors to administer the scheme for the Attorney-General.</p> <p>The scheme is based in the District Court (Civil) so the victim sues the State, as the first defendant, and the actual offender (if known), as the second defendant.</p>	<p>Application received by the Commissioner in the appropriate form.</p> <p>Victim entitled to be heard by the Commissioner in relation to the application.</p> <p>Commissioner may request victim to appear at a hearing and if without reasonable excuse victim does not attend claim may be refused.</p> <p>Determination may be adjourned pending outcomes of related court proceedings.</p> <p>'Reason for Decision' document provided to victim.</p> <p>Application lodged with the Victims Assistance Unit of the Department of Justice.</p>	<p>Application to the Tribunal in the form approved by the rules.</p> <p>Application must be lodged with or posted to a registrar of the Tribunal (at local Magistrates Court).</p>	<p>Application to the Chief Assessor in the form approved by the Chief Assessor.</p> <p>Sent to the Chief Assessor via the Criminal Injuries Compensation Office.</p>

## FOR WHAT CAN A VICTIM CLAIM?

ACT	NSW	NT	QLD	SA	TAS	VIC	WA
Expenses such as medical costs, home security or moving expenses (if necessary) or property damage directly linked to the violent crime. Income lost. Costs of making application (except legal fees). Special assistance if suffered an 'extremely serious injury.'	Compensable injuries as a direct result of the act of violence. Financial loss as a direct result of the compensable injuries (actual expenses (medical), actual loss of earnings, loss of personal effects (have to be worn or carried at the time of injury). Compensable injuries set out in Schedule 1 includes physical injuries, psychological or psychiatric injuries and offence-based injuries (sexual assault and domestic violence). Can receive compensation for maximum of 3 compensable injuries. If 2 or more injuries: • 100% of standard amount (in the table) for most serious injury • 10% of the standard amount for the second most serious • 5% of the standard amount for the third most serious • No amount for any further injuries Immediate family members can claim compensation.	A compensable injury as per the table of injuries (Schedule 1). Counselling. Immediate payment of financial assistance for financial loss. Financial loss: Loss of earnings. Loss of clothing or personal effects. Medical expenses. Exceptional losses (including relocation expenses, costs of securing residence or business of primary victim). Family victim: counselling, financial loss (includes funeral expenses, financial support if dependent on primary victim, medical expenses, exceptional losses). Related victim: counselling. Does not cover property loss or damage.	A physical injury, mental and nervous shock. Counselling. Medical expenses. Incidental travel expenses. Report expenses. Loss of earnings during period of up to 2 years (combined total of \$20,000 for all parent, witness, related victims). Loss of damage to clothing worn at the time. Exceptional expenses (relocation, costs of securing the victims residence or business). Special assistance (only for primary victims). Does not cover property damage. In addition to above related victims may claim max \$10,000 for distress. Funeral expenses. Table of costs.	Economic loss resulting from injury: treatment costs; loss of earning capacity; and loss of opportunity. Non-economic loss: pain & suffering. Homicide cases: financial dependency; grief; funeral expenses. Does not cover property loss or damage. Victim can not claim for injury as a result of a motor vehicle accident if the injury is compensable under Third Party Insurance. Victim can not claim for injury as a result of crime in the workplace if compensable under workers' compensation. Solicitors' fees are paid as per Regulations and reasonable costs/ disbursements are paid in addition to sum of the compensation.	Primary, secondary and related victim: • Reasonable expenses. • Medical, dental (only for primary victim) and psychological or counselling services which the Commissioner is satisfied that the victim will require in the future. • Loss of wages/salary. • Pain and suffering. • Reasonable expenses as a result of claim. • Reasonable expenses for parent/step parent or guardian of primary victim (secondary victim). • If primary victim dies the financial loss if the related victim was a dependent (related victim). Does not cover property damage.	Primary victim: • Counselling services • Medical expenses • Up to \$20,000 in loss of earnings • Loss of damage to clothing worn • Safety-related expenses • Reasonable expenses in exceptional circumstances (included in the total sum) • Can not claim for loss of or damage to property Special financial assistance: • Significant adverse effects • Awarded if Tribunal satisfied that an act of violence was committed, and the person suffered a significant adverse effect as a direct result, and the violent act is a category A, B, C, or D Secondary victim: • Counselling services • Medical expenses • Within max limit max \$20,000 for loss of earnings.	Loss to personal items worn at the time the injury was sustained. Expenses actually and reasonably incurred. Expenses that are likely to be reasonably incurred. Loss of earnings. Does not cover loss of or damage to property. Mental and nervous shock. Victim can not claim for injury as a result of a motor vehicle accident. Pain and suffering. Loss of enjoyment of life. Travel for medical treatment. Funeral expenses (relative victim). Loss of financial support (relative victim). Can not claim for injuries, expenses or losses from another source (i.e. Medicare, workers compensation), injuries caused by a motor vehicle accident; if you are not the primary victim.

## FOR WHAT CAN A VICTIM CLAIM? *continued*

ACT	NSW	NT	QLD	SA	TAS	VIC	WA
	<p>Families for homicide victims do not need to establish an injury to claim.</p> <p>Counselling through the approved counselling scheme.</p> <p>Victims Assistance Scheme:</p> <ul style="list-style-type: none"> <li>Where compensable injury does not reach threshold can claim actual expenses including ambulance, dental, physiotherapy services, repairs to glasses/contact lenses, domestic assistance, cleaning of property, security measures).</li> <li>Does not cover other property loss or damage.</li> <li>Costs of making application (max \$1100).</li> </ul>					<ul style="list-style-type: none"> <li>Other reasonable expenses within max limit (exceptional circumstances)</li> <li>Exceptional circumstances (if a family member and under 18 years</li> </ul> <p>Related victim:</p> <ul style="list-style-type: none"> <li>Counselling services</li> <li>Medical or funeral expenses</li> <li>Distress</li> <li>Loss of money obtained from the primary victim for a max of 2 years</li> <li>Other reasonable expenses</li> <li>Can not claim for loss of or property to damage</li> <li>Exceptional circumstances</li> </ul> <p>A person who incurs funeral expenses for a primary victim and who is not a related victim may claim.</p> <p>Scale of costs including solicitors fees.</p>	<p>No award if the offender is likely to benefit either by being in a close relationship or being a relative of the victim.</p> <p>No award if victim did not assist in investigation.</p> <p>No award if the victim was committing a separate offence at the time of the injury.</p> <p>No award if compensation paid previously or if claim was rejected previously.</p> <p>Victim behaviour, condition, attitude or disposition that directly or indirectly contributed to the injury or death to be considered.</p>

## WHAT IS THE MINIMUM THRESHOLD?

ACT	NSW	NT	QLD	SA	TAS	VIC	WA
\$100	<p>\$200 under the Victims Assistance Scheme i.e. actual expenses.</p> <p>\$7500 for compensable injuries (does not apply to family victims/does not include prescribed expenses).</p>	<p>Compensable injury \$7500.</p> <p>Economic loss: no threshold.</p>	No threshold.	<p>Economic loss – no minimum threshold.</p> <p>Non-economic loss – greater than 2-points (ie &lt;\$2000).</p>	No threshold.	<p>Special assistance:</p> <ul style="list-style-type: none"> <li>• A min \$4667</li> <li>• B min \$1300</li> <li>• C min \$650</li> <li>• D min \$130</li> <li>• For prescribed acts of violence the Regs may increase the min amount available.</li> </ul> <p>Financial assistance nil.</p>	No threshold.

## WHAT IS THE MAXIMUM PAYABLE?

ACT	NSW	NT	QLD	SA	TAS	VIC	WA
<p>Maximum of financial assistance - \$50,000.</p> <p>Special assistance 'pain and suffering' for 'extremely serious injury' - \$30,000.</p> <p>Related victims may be awarded special assistance for flat payment of \$30,000 even if there are more than 1 related victims.</p> <p>Sum paid as special assistance can be taken into account when setting sum of financial assistance.</p>	<p>Max paid to a single person/claimant for an act of violence - \$50,000.</p> <p>Max paid to a primary victim &amp; ALL secondary victims &amp; all family victims together - \$50,000 (in other words if the primary victim receives a total of \$50,000 then the family or secondary victim will not receive a payment).</p> <p>Max amount for counselling services (Rule 10A) (max 22 hours can be claimed) - \$77, social worker, Psychologists (including clinical) - \$99, Psychiatrists - \$121 (per hour).</p> <p>Max for financial loss (including medical &amp; related expenses, loss of earnings &amp; personal items max - \$1000) \$10,000 (combined total cannot exceed \$50,000).</p> <p>Family (related) victims max \$50,000 to be shared – priority to dependents.</p> <p>Maximum under Victims Assistance Scheme \$1500.</p>	<p>Max paid to primary victim \$40,000 (even if financial loss and the standard amount for the compensable injury exceeds \$40,000).</p> <p>Max for financial loss \$10,000 less any amount of immediate payment.</p> <p>Max to all secondary victims \$40,000.</p> <p>Max to each secondary victim for financial loss \$10,000 less any amount of immediate payment.</p> <p>Max to all family victims \$40,000.</p> <p>Max to each family victim for financial loss \$10,000 less any amount of immediate payment.</p> <p>Funeral expenses to be awarded before remaining award is apportioned.</p> <p>Related victims receive no compensation but can access free counselling.</p>	<p>Max paid to primary victim \$75,000.</p> <p>Loss of earnings max \$20,000.</p> <p>Max paid to all parent secondary victim \$50,000.</p> <p>Max paid to a witness secondary victims for:</p> <ul style="list-style-type: none"> <li>• More serious act of violence \$50,000 (less any funeral assistance granted).</li> <li>• Less serious act of violence \$10,000 (less any funeral assistance granted).</li> </ul> <p>Max paid to all related victims \$100,000 (less any funeral assistance granted).</p> <p>Within that limit an individual may be granted max \$50,000 (less any funeral assistance granted).</p> <p>Max paid to related victims \$10,000 for distress.</p>	<p>Eligible victim: \$50,000.</p> <p>Financial dependency: \$50,000.</p> <p>Grief payments: \$10,000 (spouse) &amp; \$10,000 (minor sibling).</p> <p>Funeral expenses: \$7000.</p>	<p>Max prescribed sum.</p> <p>Medical, dental, psychological or counselling services may be paid in addition to the max sum.</p> <p>Primary victim \$30,000 with one offence.</p> <p>Primary victim \$50,000 with more than one offence.</p> <p>Max paid to secondary victim \$20,000.</p> <p>Max paid to related victim \$10,000 but is not to exceed \$50,000 for all related victims.</p>	<p>Max paid to primary victim \$60,000.</p> <p>Special assistance:</p> <ul style="list-style-type: none"> <li>• A max \$10,000</li> <li>• B max \$3250</li> <li>• C max \$1300</li> <li>• D max \$650</li> </ul> <p>For prescribed acts of violence the Regs may increase the max amount available.</p> <p>Max paid to secondary victim \$50,000.</p> <p>Max paid to all related victims \$100,000 less any award for the funeral expenses but in exceptional circumstances the Tribunal may award assistance even if the max is exceeded – max for any one related victim is \$50,000.</p>	<p>Max paid \$75,000.</p>

## IS THERE A PROVISION FOR INTERIM OR EMERGENCY PAYMENTS?

<b>ACT</b>	<b>NSW</b>	<b>NT</b>	<b>QLD</b>	<b>SA</b>	<b>TAS</b>	<b>VIC</b>	<b>WA</b>
<p>Where victim requires ongoing treatment, injury has not stabilised or is unable to pay expenses they may be able to get an interim payment.</p>	<p>Where claimant is in severe financial hardship prior to determination or for family victims where there are funeral expenses (expenses to be reasonable) interim payment may be made. If claim rejected the interim award becomes a debt owed to the Compensation Fund Corporation.</p>	<p>Interim payment available (primary, secondary, family). Max \$5000 (out of pocket expenses). Director to be satisfied victim suffered compensable injury, financial loss resulted, the victim is eligible. No arrest or conviction necessary.</p>	<p>Interim assistance max \$6000 for reasonable expenses that the assessor is satisfied the victim would incur before the general application is determined. Conditions may be applied. No submissions from applicant required/expected. Interim to be deducted from general assistance if approved. Excess provided in interim to general application must be refunded by victim. If general application refused victim must repay interim assistance.</p>	<p>The Attorney-General has discretion to pay an interim payment if there are necessitous circumstances. Per section 31(2), the Attorney-General also has discretion to pay a 'discretionary payment' to assist a victim of crime deal with a particular effect. This section is usually exercised to purchase security devices to alleviate safety concerns in high risk domestic violence cases or similar, as well as to pay for crime scene clean-up (homicide primarily). The Attorney-General has paid sums to assist parents of murder victims travel for overseas and to relocate deceased remains.</p>	<p>Interim award available at sole discretion of Commissioner.</p>	<p>Interim award available at sole discretion of Commissioner. VIC Interim award available at discretion of Tribunal. If application dismissed applicant Tribunal may order repayment as a debt to the State. If award made the amount of interim award must be deducted. Made if require urgent financial assistance which may include:  <ul style="list-style-type: none"> <li>• Counselling</li> <li>• Safety needs</li> <li>• Medical expenses.</li> </ul> </p>	<p>If assessor is satisfied that a person has incurred or is likely to incur expenses for loss that is likely to be awarded and the making of an interim award is warranted an interim award may be made. Total interim award (excluding funeral expenses) must not exceed 3% of the max amount of compensation available for a single offence. Total must be deducted from any award made if application rejected any interim award becomes a debt owed by the person to the State. Funeral expenses/ treatment costs.</p>

## CAN THE VICTIM GET LEGAL HELP?

<b>ACT</b>	<b>NSW</b>	<b>NT</b>	<b>QLD</b>	<b>SA</b>	<b>TAS</b>	<b>VIC</b>	<b>WA</b>
<p>Solicitor not needed but if victim engages a solicitor that solicitor can not charge more than \$650. The solicitors fee can not be claimed.</p>	<p>Solicitor not needed but if victim engages a solicitor that solicitor can not be awarded more than \$825 for work by a solicitor/barrister for the lodgement of the application/preparation of material and for work done before and after determination. For solicitor/barrister work related to an appeal to the Tribunal (without a hearing \$500/ with a hearing (prep for/ conferring with applicant/ attendance/travelling to and from hearing) \$1500. Disbursements \$1100 (not including the amount of compensation/allowances or expenses for witnesses at the hearing/expenses for the applicant to attend a hearing/fees for a barrister or other advocate). Solicitors not entitled to charge or recover from the victim as Tribunal pays the applicants costs.</p>	<p>Solicitor not needed but if victim engages a solicitor to prepare and lodge victim application/can not claim for legal fees. Solicitor can only claim from victim reasonable disbursement costs (excluding counsel fees).</p>	<p>Solicitors not required but victim can claim max \$500 for legal costs for lodging of application (in addition to award of assistance provided by the State). If claim successful.</p>	<p>Solicitor's fees (\$1000) and reasonable costs and disbursements. Commissioner for Victims' Rights assists victims to lodge applications for section 31(2) discretionary payments at no cost.</p>	<p>Solicitor not needed but if victim engages a solicitor to prepare and lodge the application victim can claim reasonable expenses for lodging of application.</p>	<p>Solicitor not entitled to recover from the applicant costs in respect of proceedings before the Tribunal or claim a lien in respect of any such costs on any sum payable as assistance or deduct any such costs from any such sum except where agreed between the solicitor and applicant by the Tribunal. Except where allowed by the Tribunal a person must not charge for the making of an application to the Tribunal or for appearing on behalf of an applicant. Solicitor not required but recommended and Tribunal usually covers solicitors fees.</p>	<p>Policy Solicitor not required but if the victim engages a solicitor to prepare and lodge the application the victim can not claim for legal fees.</p>

## HOW LONG DOES IT TAKE TO PROCESS A CLAIM?

ACT	NSW	NT	QLD	SA	TAS	VIC	WA
<p>Registrar within 14 days after an application is filed must forward a copy to the Government solicitor and notify the victim and Government solicitor in writing of the fixed date, time and place for deciding the application.</p> <p>Set down for conference approx within 4 weeks after lodgement.</p> <p>If the applicant does not accept the Government Solicitor's assessment of award matter referred for hearing at a later date.</p>	<p>Process:</p> <ul style="list-style-type: none"> <li>Application is registered and acknowledgement letter sent to victim.</li> <li>Further information i.e. police reports etc is obtained.</li> <li>Date allocated for determination, victim to be notified, victim eligibility determined.</li> <li>Claim determined by compensation assessor.</li> <li>Within 10 working days of determination victim advised of the result.</li> </ul> <p>If award of compensation victim to fill out Application for Payment form (payment processed 28 working days from receipt of the Application for Payment):</p> <ul style="list-style-type: none"> <li>Cheque sent to victim or victims legal rep if one used.</li> <li>Victim appeal rights within 3 months of receipt of decision.</li> </ul>	<p>After acceptance of application Director must give the application to an assessor as soon as practicable.</p> <p>Director may give copies to offender and other interested parties.</p> <p>Those persons within 28 days may give a submission to the Director.</p> <p>Director must give a submission to the assessor.</p> <p>Assessor must decide application as soon as practicable.</p> <p>Notice of assessor decision made to Director as soon as practicable after determination.</p> <p>Director must give a copy to the victim and offender and any other person Director considers appropriate.</p> <p>Within 28 days from notice the NT must make payment.</p>	<p>The assessor must when deciding the application have regard to natural justice and act as quickly as the requirements under the Act and a proper consideration of the application permit.</p> <p>Process:</p> <ul style="list-style-type: none"> <li>Victim fills out the application.</li> <li>Provide supporting documentation (including medical certificate).</li> <li>Lodgement of application with Victim Assist Qld.</li> <li>Assessor makes an initial assessment (considering interim award).</li> <li>Assessor makes a final decision.</li> <li>Victim Assist contacts victim with decision (section 105).</li> <li>Victim Assist makes payment.</li> </ul> <p>No time lime specified.</p> <p>Assessor may request further documentation, information (consent by victim to be provided within 42 days from request of assessor).</p> <p>Application may lapse.</p>	<p>Offer often made within 48 hours of formulated claim (policy).</p> <p>Formulation of claim may take several years, especially if offender known and criminal proceedings are happening.</p> <p>Most claims settled in 3 months of formulated claim being lodged.</p> <p>Act allows 90 days for negotiation</p>	<p>Commissioner must determine application within 3 years from the date of the application.</p> <p>Allow minimum 4 months for processing.</p> <ul style="list-style-type: none"> <li>Complete and lodge an application for assistance and provide any relevant supporting documentation.</li> <li>Victims Support Services will advise of any further documents required.</li> </ul>	<p>Tribunal has a duty to act fairly and expeditiously.</p>	<p>After lodgement the assessor may request further information and may conduct a hearing to determine the application.</p>

## HOW ARE THE ASSISTANCE OR COMPENSATION SCHEMES FUNDED?

<b>ACT</b>	<b>NSW</b>	<b>NT</b>	<b>QLD</b>	<b>SA</b>	<b>TAS</b>	<b>VIC</b>	<b>WA</b>
<p>ACT Government is liable to pay financial assistance.</p> <p>Victim is liable to repay financial assistance if civil damages recovered.</p> <p>Sums paid to victims can be recovered from convicted offenders.</p> <p>Sums paid by offenders may be recovered from ACT if the victim has to repay some assistance and the offender has paid sums.</p>	<p>Victims Compensation Fund Corporation – managed by Director General, Department of Attorney General and Justice.</p> <p>Payments into the fund include:</p> <ul style="list-style-type: none"> <li>• Proceeds of confiscated assets.</li> <li>• Proceeds of goods of offences.</li> <li>• Recovered from offenders.</li> <li>• Victims compensation levy imposed on convicted offenders.</li> <li>• Appropriation.</li> <li>• Other sources as per the Act or any other Act.</li> <li>• All fines related to avoidance of liabilities under the Act.</li> </ul>	<p>Victims Assistance Fund:</p> <ul style="list-style-type: none"> <li>• Appropriation.</li> <li>• Victims levy imposed on convicted offenders.</li> <li>• Money recovered under this Act.</li> <li>• Money paid into the fund under any other Act.</li> </ul>	<p>Victims Financial Assistance Scheme.</p> <p>Payments into the scheme:</p> <ul style="list-style-type: none"> <li>• Consolidated revenue.</li> <li>• Recovered from offenders (part 16).</li> </ul>	<p>Victims of Crime Fund: Appropriation from consolidated revenue</p> <p>% of fines paid into consolidated revenue</p> <p>Money recovered from offenders</p> <p>Money paid under any other Act</p> <p>Victims of crime levy imposed on convicted offenders</p>	<p>Criminal Injuries Compensation Fund</p> <p>Payments into the fund:</p> <ul style="list-style-type: none"> <li>• Monies recovered from offenders.</li> <li>• Monies re-claimed from victims who have been paid via civil or other proceedings.</li> <li>• Appropriation.</li> <li>• Monies confiscated from crimes.</li> <li>• Monies from any other Act with the approval of the Treasurer to further assist victims.</li> <li>• Victim compensation levy.</li> <li>• Consolidation if there are insufficient funds.</li> <li>• Other sources approved by the Minister or Treasurer.</li> </ul>	<p>Consolidated Fund (appropriation).</p> <p>Monies recovered under the Act are to be returned to the Consolidated Fund.</p>	<p>Consolidated Account (appropriation).</p>

## WHAT IS THE MAXIMUM SOLICITOR'S FEES PAYABLE TO SOLICITORS?

<b>ACT</b>	<b>NSW</b>	<b>NT</b>	<b>QLD</b>	<b>SA</b>	<b>TAS</b>	<b>VIC</b>	<b>WA</b>
<p>Lawyer may charge or recover legal fees to the maximum of \$650 in relation to proceedings under the Act.</p>	<p>\$825 for lodgement of application and work done before and after determination.                      \$500 for work related to an appeal to the Tribunal without hearing.                      \$1500 for work related to an appeal to the Tribunal with a hearing.                      \$1100 for disbursements.                      No legal costs will be paid in relation to claims under the Victims Assistance Scheme (prescribed expenses).</p>	<p>Reasonable disbursements incurred by representing the victim (excluding counsel's fees).                      Victim can not claim for legal fees.</p>	<p>\$500 for legal costs incurred for applying for assistance.                      If financial assistance claim is successful - policy.</p>	<p>Solicitors' fees - \$1000 (ex GST), plus reasonable costs and disbursements.</p>	<p>Victim can claim reasonable expenses with the lodgement of an application.</p>	<p>Scale of costs as proclaimed.</p>	<p>Victim can not claim for solicitors fees.</p>

## WHAT IS THE LEVEL OF DOCUMENTATION REQUIRED?

ACT	NSW	NT	QLD	SA	TAS	VIC	WA
<p>Application must, at least, include:</p> <ul style="list-style-type: none"> <li>• Statutory declaration.</li> <li>• Medical reports.</li> <li>• Statements to police and/or police reference no.</li> <li>• Other sources of payments relating to the injury.</li> <li>• Where claim for special assistance a statement from the Victim Services Scheme.</li> <li>• Any receipts, invoices or quotes for any expenses incurred.</li> </ul>	<p>Should provide:</p> <ul style="list-style-type: none"> <li>• Medico-legal reports.</li> <li>• Hospital records.</li> <li>• X-ray results.</li> <li>• Receipts/invoices.</li> <li>• Letter from employer (if claiming loss. earnings)</li> </ul> <p>In addition to above, for psychological or psychiatric claims must have a report from an Authorised Report Writer.</p> <p>Additional information that the assessor may request.</p>	<p>Must include:</p> <ul style="list-style-type: none"> <li>• Who is applying.</li> <li>• Reasons if immediate payment is sought.</li> <li>• The amount of financial assistance sought.</li> <li>• If an award of financial assistance is sought or an intent to do so.</li> <li>• Description of the violent act.</li> <li>• The name of the offender.</li> <li>• The date on which it happened.</li> <li>• Date of police report (for primary victims) or reasons why if no statement made.</li> <li>• Date of police report (secondary or family victim) or date of when primary victim made statement.</li> </ul> <p>If a claim for compensation has been made for motor vehicle or work related injury (outcome/status).</p> <p>Must include:</p> <ul style="list-style-type: none"> <li>• Police statement, unless none made (reasons provided).</li> <li>• Medical reports.</li> <li>• Invoices for expenses incurred.</li> <li>• Any other documents required by the Director.</li> </ul> <p>Accounts, pay slips.</p>	<p>Must include:</p> <ul style="list-style-type: none"> <li>• Victim details.</li> <li>• Medical certificate for loss of earnings.</li> <li>• Consent for assessor to obtain further information.</li> <li>• Victim statutory declaration.</li> <li>• Supporting documentation (police report, medical reports, invoices, receipts, proof of expenses, claims, benefits, refunds of other sources of compensation).</li> </ul>	<p>Victim's solicitor usually seeks Crown's position regarding the matter via letter.</p> <p>If Crown accepts liability and approves formulation of claim then a schedule in the Regulations specifies the information required.</p> <p>Victim should provide:</p> <ul style="list-style-type: none"> <li>• Medico-legal reports.</li> <li>• Hospital records.</li> <li>• X-ray results.</li> <li>• Receipts/invoices.</li> <li>• Letter from employer (if claiming loss earnings) and/or taxation statements.</li> </ul> <p>In addition to above, for psychological or psychiatric claims must have a report from a GP or specialist (including psychologist) if Crown agrees.</p> <p>Crown usually attains evidentiary statements from the police in addition to asking the police investigator to complete a questionnaire.</p> <p>Prosecutors will usually provide reports on request from the Crown.</p>	<p>Must include statutory declaration.</p> <p>May include copies of invoices, accounts, medical reports or similar documents or exhibits to the Victims Assistance Unit.</p> <p>Victims Support Services will advise if further documentation i.e. psychologist, dentist or doctors reports are required.</p> <p>Victims Support Services will obtain information from Tas Police or the courts on your behalf.</p>	<p>Must include:</p> <ul style="list-style-type: none"> <li>• documentary evidence as outlined in the application.</li> <li>• verified by a statutory declaration.</li> <li>• an authorisation for the Tribunal to collect further information.</li> <li>• state whether the applicant would prefer a determination by hearing or not.</li> </ul> <p>Psychological report must be attached for urgent counselling services.</p>	<p>Must include:</p> <ul style="list-style-type: none"> <li>• any medical, psychiatric or psychological reports.</li> <li>• incident and prosecution details (for example, date, place of incident, offence number, was anyone charged).</li> <li>• victim or victim's representatives written account of what the injury is and how the offence and injury has affected the victim.</li> <li>• proof of any expenses such as loss of income, medical expenses including the cost of medical reports, transport costs, the replacement of any damaged personal items, funeral expenses.</li> </ul> <p>Evidence of future expenses to be accepted at the discretion of the Assessor and the request to the Assessor must be made within prescribed timeframes.</p>

## IS COMPENSATION PAYABLE TO VICTIMS IF THEY HAVE BEEN INJURED DURING THE COURSE OF THEIR EMPLOYMENT?

ACT	NSW	NT	QLD	SA	TAS	VIC	WA
<p>Victim can not apply for assistance unless an application for workers compensation has been made and it is either awarded or refused.</p> <p>The amount of assistance will be reduced by the amount of workers compensation awarded and if that amount exceeds the maximum no assistance is payable.</p>	<p>Not eligible if they have been paid or are entitled to be paid under workers compensation.</p> <p>Loss of earnings is calculated at the rate of weekly payment of compensation payable under the <i>Workers Compensation Act 1987</i> after the first 26 weeks of incapacity (max \$10,000).</p> <p>Sick leave/pay from work, holiday pay, or sickness benefits claimed from Centrelink may mean that no additional loss of earnings can be paid by the Tribunal.</p> <p>Letter from employer required confirming victim did not work for the period which is claimed and the pay that you lost as a result.</p> <p>Special payments for approved counselling services still available to victims.</p>	<p>Not eligible for assistance if being paid or has been paid under WRCA for injury or is entitled to be paid under WRCA even if claim not made.</p> <p>Still applies even if damage or loss is different to that that would be claimed under this Act.</p> <p>Secondary or family victim also not eligible.</p> <p>Can still apply for counselling.</p>	<p>If victim paid compensation under WCA:</p> <ul style="list-style-type: none"> <li>Primary victim – can claim for loss of clothing/exceptional circumstances – additional assistance for legal costs – special assistance (if no payment under WC then the normal amount that would be paid/ if amount of WC has been paid that is less than would normally have been provided to the victim the difference).</li> <li>Witness victim (more serious) – can claim for exceptional circumstances – additional assistance for legal costs – funeral expense assistance.</li> <li>Witness victim (less serious) – can claim funeral expense assistance.</li> <li>Related victim – can claim counselling, incidental, medical, report and exceptional circumstances and non-expense assistance (if WC less than the amount of non-expense the victim would normally be payable), additional assistance for legal costs.</li> </ul>	<p>Ordinarily victim is not entitled to compensation if entitled to workers' compensation (Workcover); however, that scheme does not compensate for non-organic (psychological) injury, so victim might be able to claim for that injury in addition to Workcover.</p>	<p>Victim can not claim for injury sustained at work if compensation is paid or payable under a compensation law payable by an employer in respect of death or injury of persons employed by the employer.</p>	<p>Victim can claim a max of \$20,000 in lost earnings suffered or reasonably likely to be suffered.</p> <p>Victim can claim for a period up to 2 years from the occurrence of the act of violence.</p>	<p>Victim can claim for loss of earnings.</p>

**IS COMPENSATION PAYABLE TO VICTIMS IF THEY HAVE BEEN INJURED DURING THE COURSE OF THEIR EMPLOYMENT? *continued***

<b>ACT</b>	<b>NSW</b>	<b>NT</b>	<b>QLD</b>	<b>SA</b>	<b>TAS</b>	<b>VIC</b>	<b>WA</b>
			<p>Non-expense assistance includes distress and payment received if dependent on primary victim.</p>				

## WHO BARES THE COSTS FOR OBTAINING INDEPENDENT MEDICAL REPORTS?

<b>ACT</b>	<b>NSW</b>	<b>NT</b>	<b>QLD</b>	<b>SA</b>	<b>TAS</b>	<b>VIC</b>	<b>WA</b>
Victim can include in their claim for assistance expenses relating to medical reports including psychologist/counsellor reports.	Victim entitled to maximum of \$1100 for obtaining medical reports and documents for preparation of claim. ARW report paid for directly by Victims Compensation Fund.	Victim can claim for reasonable medical expenses. Reasonable expenses in giving information or documents requested by assessor are payable by NT.	Victim can claim for reasonable report expenses.	Victim can claim reasonable costs and disbursements, but Crown can object. Disputes on costs are settled by the District Court (Civil).	Victim can claim for reasonable expenses including medical reports.	Victim can claim for medical expenses incurred or reasonable likely to be incurred.	Victim can claim for reasonable expenses associated with the treatment of the injury that was suffered and for reports to support their application. Interim payments can be awarded for expenses incurred or likely to be incurred

## CAN VICTIMS OF ARSON CLAIM FOR COMPENSATION?

<b>ACT</b>	<b>NSW</b>	<b>NT</b>	<b>QLD</b>	<b>SA</b>	<b>TAS</b>	<b>VIC</b>	<b>WA</b>
<p>The victim can claim a reasonable expense which may include property damage as a result of arson.</p> <p>Threat to personal safety is not required.</p>	<p>The victim can claim for injury sustained as a direct result of the arson.</p> <p>The victim can claim actual expenses (medical treatment) and loss of personal effects expenses as a result of arson (max \$10,000).</p> <p>Can not claim for property damage.</p> <p>Threat to personal safety is not required.</p>	<p>Injury does not include loss of or damage to property.</p> <p>Victim can claim for injury.</p> <p>Threat to personal safety not required.</p>	<p>Victim can not claim for property loss or damage.</p>	<p>If the victim was in imminent danger or harm (i.e. inside a dwelling targeted by an arsonist) Compensation then for personal injury; not property loss or damage.</p> <p>All victims must exhaust other avenues (for example, private insurance, including health insurance and income protection).</p>	<p>Victim can not claim for property loss or damage.</p>	<p>Victim can not claim for loss of or damage to property.</p>	<p>Victim can not claim for loss of or damage to property.</p>

## CAN SECONDARY VICTIMS CLAIM FOR COMPENSATION?

<b>ACT</b>	<b>NSW</b>	<b>NT</b>	<b>QLD</b>	<b>SA</b>	<b>TAS</b>	<b>VIC</b>	<b>WA</b>
<p>Related victim/s can make a single or joint application for assistance.</p>	<p>Secondary victims and family (related) victims can put in a claims for compensation.</p>	<p>Secondary and family victim can claim for assistance. Related victim can not claim for assistance but is entitled to free counselling.</p>	<p>Parent secondary, witness secondary, related victim can all claim for assistance.</p>	<p>Immediate family:  <ul style="list-style-type: none"> <li>• (a) a spouse or domestic partner;</li> <li>• (b) a parent;</li> <li>• (c) a grandparent;</li> <li>• (d) a child (including an adult child);</li> <li>• (e) a grandchild (including an adult grandchild);</li> <li>• (f) a brother or sister</li> </ul> <ul style="list-style-type: none"> <li>• and persons involved in the immediate aftermath of the offence (for example, Good Samaritans).</li> </ul> </p>	<p>Secondary and related victims can claim for assistance.</p>	<p>Secondary and related victims can claim for assistance.</p>	<p>Close relative of a victim can claim compensation (i.e. parent, grandparent, step parent, spouse or de facto partner, child, grandchild, stepchild)</p>