

Can I get compensation?

New South Wales

**know
more**

Free legal help to navigate
the Royal Commission

Free advice line 1800 605 762 | Website knowmore.org.au

If you have been injured in a violent act, including if you survived childhood sexual abuse, you may be able to get compensation. You might want compensation to recognise the wrongdoing done to you and to recover money you've paid or will need to pay to help you get better.

You might be able to get compensation by:

- making an application to NSW Victims' Services & Support Scheme
- applying to the criminal court when the perpetrator is convicted
- taking legal action against the person and/or institution responsible for your injuries (civil claims)
- applying to an institutional redress scheme
- from 2018 through making an application to the Commonwealth Redress Scheme

It is important that you get legal advice about the best option, so contact knowmore

What is the Victims Services & Support?

The Victims Services & Support (VSS) is a government agency that provides information, financial support and support services to victims of crime.

Can I make an application?

If you've been injured in a violent crime, you may be able to apply for assistance. An 'injury' includes psychological or psychiatric harm.

What support can I get?

If you were injured, you can make an application for 'financial assistance' to help you cover the costs of:

- counselling;
- medical treatment;
- loss of earnings, if you were working at the time of the injury;
- justice related expenses, such as the cost for attending court; and
- safety changes.

You may also be entitled to a 'recognition payment' for the trauma experienced as a result of the act of violence.

How long do I have to make a claim?

For claims relating to child sexual abuse, there is no time limit for making an application.

How do I make an application?

You can make an application by contacting VSS on 1800 633 063.

All applications must include specific documents. For example, if you want financial assistance or a recognition payment, you must include a police report or a report from a government authority, such as the Royal Commission into Institutional Responses to Child Sexual Abuse. You also need a medical report confirming any injury you have suffered.

Can I get counselling?

Yes, any victim of a violent crime can get counselling. You can contact **knowmore** or call the Victim Access Line on 1800 633 063 to discuss your situation.

Does someone have to be charged?

No, the person who injured you does not have to be charged for you to receive financial assistance or a recognition payment from VSS.

Do I have to have made a report to the Police?

If you want financial assistance or a recognition payment, you must report the crime to the Police or a government authority. You still must do this even if the crime happened a long time ago.

What if the person who injured me is deceased?

This does not prevent you from receiving any type of financial payment from VSS.

Will the person who injured me find out?

They might, but only if they are found guilty of the crime they committed and VSS asks the person to pay back some or all of the recognition payment or financial assistance given to you.

Can I get compensation?

New South Wales

Will I have to go to Court?

No, because the decision about whether you can receive a recognition payment or financial assistance is made only on your written application and evidence.

Can I receive support if I have already received money through a civil claim for the same act of violence?

You can still receive counselling from VSS. However, any money you have received for the same act of violence will be taken into consideration if you apply for a recognition payment or financial support

What is an application for Crimes Compensation?

If the person who injured you has been found guilty of the crime, you may be able to make an application for crimes compensation with the court that convicted them at any time after the conviction. There is no time limit for when you may apply after the conviction, but we suggest you seek legal advice as soon as possible, so contact **knowmore** for legal help.

Taking legal action - civil claim

You might be able to sue the person and/or institution responsible for your injuries in the civil courts. These claims are often called "civil claims".

How long do I have to make a civil claim?

If you experienced child abuse in New South Wales, there is no time limit for making a civil claim. "Child abuse" can mean serious physical or sexual abuse but you should contact **knowmore** to get more advice about this.

These types of applications are very complicated and you should get a lawyer to help you with the claim. **knowmore** can help you find lawyers who are experienced with childhood sexual abuse.

What is an institutional redress scheme?

Some institutions like the Catholic Church have a complaints process about physical, emotional and sexual abuse committed by their staff or that occurred within their institution.

These complaints go through what is often called an "institutional redress scheme". Sometimes these schemes will pay compensation and provide other support, such as counselling.

These schemes are very different to the options already talked about. If you would like to know more about them and whether one is available to you, contact **knowmore** for legal advice.

Commonwealth Redress Scheme

The Australian Government is establishing a Commonwealth Redress Scheme for survivors of institutional childhood sexual abuse. The scheme will be open for applications from July 1 2018. A telephone information line will be operating from 1 March 2018. The NSW Government has been invited to 'opt in' to the scheme. At this stage the NSW Government has not announced whether it will 'opt in' to the scheme or not. As more information comes to hand, we will post details on our website.

Contact knowmore

Free advice line 1800 605 762

www.knowmore.org.au

Email info@knowmore.org.au

Brisbane

Suite 1, Level 16, 141 Queen St,
Brisbane QLD 4000
PO Box 2151, Brisbane QLD 4001
t 07 3218 4500
f 07 3218 4590

Sydney

Suite G02, Ground Floor,
233 Castlereagh St, Sydney NSW 2000
PO Box 20319, World Square NSW 2002
t 02 8267 7400
f 02 8267 7490

Melbourne

Level 1, 180 Flinders St,
Melbourne 3000
PO Box 84, Flinders Lane VIC 8009
t 03 8663 7400
f 03 8663 7490

knowmore is a program of National Association of Community Legal Centres ABN 67 757 001 303 ACN 163 101 737.

NACLC acknowledges the traditional owners of the lands across Australia upon which we live and work. We pay deep respect to Elders past and present.

The information provided in this factsheet is for information only. It must not be relied on as legal advice. You should seek legal advice about your own particular circumstances. | Last updated: 2017 © **knowmore**