

# Can I get compensation?

## South Australia

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**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 with your recovery. You might be able to get compensation by:**

- applying under the Victims Compensation Scheme
- applying to the South Australian Redress Scheme for former residents in State care
- a criminal court making an order for crimes compensation
- taking legal action against the person and/or institutions responsible for your injuries (civil claims)
- applying to an institutional redress scheme
- from 2018 through a Commonwealth Redress Scheme

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

### What is the Victims of Crime Scheme?

The Victims of Crime Scheme provides eligible victims of crime with compensation for personal injury and associated loss sustained as a result of that crime.

### Can I make an application?

If you have been injured because of a violent crime you may be able to apply for compensation and/or to be reimbursed for financial expenses.

You may also be able to make an application if you are a dependent, spouse or parent of someone injured in a crime.

### What support can I get?

If you were injured you can make an application for financial assistance (up to \$100,000) to help you to recover from the crime, like:

- counselling;
- medical treatment;
- personal security measures;
- lost wages

### How long do I have to make a claim?

Usually you have three years from when the crime took place, or from age 18 if you were a child at the time. You may be able to make an application late but you need to explain why there has been a delay.

### How do I make an application?

An application form needs to be completed and sent to the Crown Solicitor at the Attorney-General's Department. Supporting documents like

police and medical reports also need to be provided.

You should speak with a lawyer before making a claim, because if your claim is unsuccessful you may be required to pay legal costs. **knowmore** can help you find a lawyer.

### Can I get counselling?

Yes. The Victim Support Service can refer you to counselling. The contact number is 1800 VICTIM (1800 842 846). You may also be able to be reimbursed for your own private counselling.

### Does someone have to be charged?

Usually, you will need to prove the offences occurred beyond reasonable doubt. In exceptional circumstances, compensation can be awarded where an offence has not been proven.

### Do I have to make a report to the Police?

Yes, but if you have a good reason why you have not reported the crime to police within a reasonable time you may still be able to receive compensation.

### Will the offender be notified?

Yes, the application must be sent to their offender unless identity is unknown or they cannot be found. If you have concerns about the offender being notified you should discuss this with your lawyer.

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### Will I have to go to Court?

Your matter will only need to go to court if agreement cannot be reached with the Crown Solicitor.

### What is the South Australian Redress Scheme?

The South Australian Redress Scheme provides 'ex gratia' payments for former residents in State care who experienced sexual abuse as children. The maximum payable under this scheme is \$50,000.

### Can I make an application?

You can make an application if you are over 18 years of age and suffered sexual abuse as a child while in the care of the South Australian government.

### How do I make an application?

An application is made to the Crown Solicitor at the Attorney-General's Department. You should get legal advice before making an application. **knowmore** can help you find a lawyer.

### What is Crimes Compensation?

If the person who injured you has been found guilty of the crime, the court may make an order for that person to pay you compensation.

### Can I make an application?

No, but you can let the criminal prosecutor know if you want crimes compensation. The prosecutor can ask for an order to be made when the offender is sentenced.

### Taking legal action against the person or institution (civil claims)

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?

Usually, you have three years from that date that you are injured to make a claim. If your time has run out, you might still be able to make an application late.

These applications are very complicated and you should get a lawyer to help you. **knowmore** can help you find a lawyer.

### What is an institutional redress scheme?

Some institutions like the Catholic Church might accept complaints about physical, emotional and sexual abuse committed by their staff.

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**.

### 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 South Australian Government has been invited to 'opt in' to the scheme. At this stage the South Australian 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

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