

# Can I get compensation?

## Victoria

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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 for the injury you have experienced and/or to recover money you've paid or will need to pay as a result of the injury you have experienced.**

- applying to the Victims of Crime Assistance Tribunal (VoCAT);
- 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; or
- from 2018 through a Commonwealth Redress Scheme.

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

### What is an application to VoCAT?

VoCAT can award assistance to victims of crime who have experienced an injury as the result of an act of violence.

### Can I make an application?

If you've been injured as the result of an act of violence, you may be able to apply for financial assistance or special financial assistance. An 'injury' includes a mental illness or disorder.

### 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;
- loss or damage to clothing;
- safety related expenses; and
- other expenses to assist in your recovery, but only in exceptional circumstances.

You may also receive 'special financial assistance' if you have suffered a significant adverse impact as a result of the act of violence. However, this is only available in specific circumstances. If you would like advice as to whether you are eligible, you should contact **knowmore** for advice.

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

Usually you have two years from when the crime took place to make an application for financial assistance. However, the Tribunal may accept your application after a longer period of time in certain circumstances.

### How do I make an application?

You can access the application form at [www.vocat.vic.gov.au](http://www.vocat.vic.gov.au). You can either submit your application form through the website or at your local Magistrates Court. It is important to include supporting documents with your application, like medical reports, police reports and financial receipts and statements.

### Can I get counselling?

Yes, any victim of a violent crime can get counselling. You can contact **knowmore** or call the Victim Support Line on 1800 819 817 to discuss your situation.

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

Usually, the Tribunal can only award financial assistance if they are satisfied you have made a complaint to the police in a reasonable amount of time. However, the Tribunal can award financial assistance if you are able to satisfy them there were special circumstances as to why you did not report the crime to the police.

### What if the person who injured me is deceased?

This does not prevent you from making an application for criminal injuries compensation.

### Does someone have to be charged?

No, the person who injured you does not have to be charged for you to get financial assistance.

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## Will I have to go to Court?

Not if you don't want to. The Tribunal is able to make a decision about whether you can receive financial assistance on your written application and evidence only.

## Will the person who injured me find out?

In some instances, the Tribunal may decide it is necessary to conduct a hearing. If the Tribunal intends on inviting the perpetrator to attend, they must first notify you and you will be given an opportunity to object to their attendance.

If you are worried about the person finding out, contact **knowmore** for assistance.

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

Any payment you have received for the same act of violence must be disclosed to VoCAT and it will be taken into consideration when deciding if an award should be made.

## What is an application for Crimes Compensation?

If the person who injured you is convicted of the crime, you may be able to make an application for compensation to the criminal court that convicted the person. You can apply for compensation for your pain and suffering, your counselling and medical expenses, as well as any other expenses you may have incurred as a direct consequence of the crime.

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

Usually you have 12 months from the date the offender is convicted to make an application. The court can only accept applications after 12 months if they form the opinion it is in the 'interests of justice' to do so.

These types of applications are complicated and you should seek legal advice, so contact **knowmore** for legal help.

## Taking legal action- civil claim

You might be able to sue the person and/or

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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 childhood sexual or physical abuse in Victoria, there is no time limit for making a civil claim.

Civil claims 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 with 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 Victorian Government has been invited to 'opt in' to the scheme. At this stage the Victorian 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

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