

Can I get compensation?

Tasmania

**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:

- applying for Victims of Crime Assistance
- making an application for crimes compensation with a court
- taking legal action against the person and/or institution 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 Victims of Crime Assistance?

Victims of Crime Assistance is money paid to victims of crime for injury or loss caused by crime.

Can I make an application?

If you've been injured in a violent crime, you may be able to apply for financial assistance and other support, such as counselling services.

The crime must have taken place after 4 August 1976. If this is not you, contact knowmore for legal advice.

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
- pain and suffering and
- clothing damaged in the crime
- lost wages.

If you urgently need money, you may be able to apply for financial assistance sooner.

How long do I have to make a claim?

Usually you have three years from when the crime took place to make an application for compensation.

If you were a child when the crime happened, you usually need to apply before you turn 21.

If this time has passed, you still might be able to apply late if you can show special circumstances.

You should get some legal advice to see whether you can make a claim, so contact knowmore for legal help.

How do I make an application?

You can apply to Victims Support Services by filling in a form. It is important to include supporting documents like medical reports, police reports and financial receipts.

Can I get counselling?

Yes, any victim of a violent crime can get personal support and counselling. You can contact knowmore or call the Victims of Crime Service on 1300 300 238 to discuss your situation.

When you apply, you might also be able to claim for the costs of future counselling.

Does someone have to be charged?

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

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

Victim Support Services will look at what help you gave the police to identify, catch or prosecute the criminal. You still must do this even if the crime happened a long time ago.

Will the person who injured me find out?

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

Can I get compensation?

Tasmania

Will I have to go to Court?

No, but Victim Support Services might ask you to attend a private hearing to ask you some questions about your application. They might also ask you to see a health professional.

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.

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

Taking legal action

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?

Currently, for civil claims, you have six years from the date that you are injured to start a claim. If your time has run out, you might still be able to make the application by asking the Court for an extension of time.

In November 2016 the Tasmanian government announced its intention to remove time limits for survivors of child sexual and physical abuse. The proposed changes are expected to be made in 2017 and we will put information on our website when the new law is passed.

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 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 established in 2018. 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

www.facebook.com/knowmorecomms

@knowmorecomms

Brisbane

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

Sydney

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

Melbourne

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

knowmore has been established by the National Association of Community Legal Centres Inc. with funding from the Australian Government represented by the Attorney-General's Department.

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