

Can I get compensation?

Western Australia

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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 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.

You might be able to get compensation by:

- making an application for Criminal Injuries Compensation;
- taking legal action against the person and/or institution responsible for your injuries (civil claim);
- applying to an institutional redress scheme; or
- from 2018 through the Redress Scheme.

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

What is the Criminal Injuries Compensation Scheme?

The Criminal Injuries Compensation Scheme provides compensation to people who are injured as the result of a criminal offence.

Can I make an application?

If you've experienced an injury as the result of a crime, you may be able to apply for compensation. An 'injury' includes mental and nervous shock

What support can I get?

If you were injured, you can make an application for compensation for:

- pain and suffering;
- loss of enjoyment of life;
- treatments cost, such as medical and counselling expenses; and
- loss of earnings, if you were working at the time of the injury.

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. However, an extension of time can be granted where it is 'just to do so'. Evidence from the Royal Commission into Institutional Responses to Child Sexual Abuse could be used to argue for an extension of time in relation to child sexual abuse matters.

Where a person is under 18 years of age, an application may be made by a parent or guardian on the child's behalf.

How do I make an application?

You can send an application form to the Chief Assessor of Criminal Injuries Compensation. You can obtain the application form at <http://www.courts.dotag.wa.gov.au> or by contacting the Criminal Injuries Compensation office on (08) 9425 3250.

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 free, confidential counselling. You can contact *knowmore* or call the Victims Support Service on (08) 9425 2850 to discuss your situation.

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

Yes. It is necessary for you to do everything you can to assist the police in the identification, apprehension or prosecution of the offender. 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 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 receive compensation.

Will the person who injured me find out?

Yes, in most cases the perpetrator will be told about your application for compensation.

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Will I have to go to Court?

No, but you might be asked to attend a hearing before an Assessor. However, such hearings are not common and are normally conducted in private.

Can I make an application for criminal injuries compensation if I have already received money through a civil claim or Redress WA?

This will depend on your individual circumstances. We encourage you to contact *knowmore* to receive legal advice on this issue.

Taking legal action- civil claim

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

How long do I have to make a civil claim?

The time limit for making a civil claim depends on the type of claim you are making and the date that your injury occurred. This is because different laws apply in WA depending on when your injury occurred.

In some instances you may be able to seek an extension of time, but this will depend on the date you were injured and your personal circumstances.

In 2016 legislation was introduced into the Western Australian Parliament to remove time limits for survivors of child sexual abuse. The legislation has not been passed yet. We will put information on our website when, or if, 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 claims.

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.

Redress Scheme

The Australian Government is establishing a Redress Scheme for survivors of institutional childhood sexual abuse. Subject to the passage of the legislation, the scheme will be open for applications from July 1 2018. A telephone information line and dedicated website will be available soon. The WA Government is being encouraged to ‘opt in’ to the scheme. As more information comes to hand, we will post details on our website.

Contact knowmore

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