



Factsheet - Criminal Injuries Compensation

As a victim of crime you may be eligible for compensation under the Victims of Crime Assistance Act 1976. Under this Act payments are made from a government fund (not by the offender) to acknowledge the pain and suffering of a victim and provide compensation for any loss of income or other expenses which have flowed from the criminal conduct. An application under the Victims of Crime Assistance Act 1976 is not the only remedy. If the person responsible for your loss has assets, then you might consider suing them for common law damages. It would be wise to seek legal advice before commencing any action.

The Victims Support Services processes criminal injuries compensation applications.

What Is Compensated?

The Victims of Crime Assistance Act 1976 is limited to dealing with personal injury or loss. Injury means actual physical bodily harm (e.g. a broken bone, cut, bruising), damage to a person's mental health (e.g. they suffer anxiety, insomnia, or have a breakdown), pain and suffering, and unwanted pregnancy where a sexual crime has been committed. The compensation covers monetary loss to you as a result of your injuries, including loss of income. You cannot be compensated for loss of, or damage to, property under the Act.

Applying For Criminal Injuries Compensation

All applications must be made to the Criminal Injuries Compensation Commissioner. To obtain compensation under the Act you will need to prove that you have suffered injury or loss as a result of someone's criminal conduct. You can see a lawyer, or make the application with assistance from the Victims Support Services. Steps to be taken include:

- making sure that the incident has been reported to the Police. The person does not have to have been found guilty or even prosecuted in order for you to apply for compensation;
- seeing an appropriate medical practitioner or psychologist and obtaining a medical report about your injuries and their effect on you;
- preparing a statement that details all of the effects that the criminal conduct has had on you.

Once these steps have been taken you should complete your Application for Compensation Form. The application form must be lodged with the Victims Support Services. It may take between three to four months for your application to be processed.

Hearing Applications

Hearings are informal and are conducted in private before a Criminal Injuries Compensation Commissioner. The applicant is normally present for the hearing.

Awards

The maximum amount that can be awarded to a primary victim for a single offence is \$30,000 and \$50,000 for more than one offence. A secondary victim (a person who suffers injury as a result of witnessing an offence, or a parent, step-parent or guardian of a child victim) may be awarded \$20,000. A related victim (e.g. spouse, child or sibling of primary victim) may be awarded \$10,000.

Can You Appeal?

A Commissioner's decision is final. There is no right of appeal in criminal injuries compensation matters if you are dissatisfied with the amount of compensation awarded.

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RELEVANT LEGISLATION

Victims of Crime Assistance Act 1976

CONTACTS

Victims Support Services

The information contained in this factsheet is not legal advice. If you have a legal problem you should talk to a lawyer before making a decision about what to do. The information in this factsheet is written for people resident in, or affected by, the laws of Tasmania, Australia only. All questions concerning this factsheet to info@legalaid.tas.gov.au.