

Victims of crime compensation

Anyone can talk to a lawyer for free at Tasmania Legal Aid.

To get free legal information call 1300 366 611, drop into our Hobart or Launceston office (no appointment necessary) or use the Legal Talk chat function on our website. We are open Monday to Friday, 9am to 5pm.

A lawyer can listen to your story and help identify the next steps you can take.

A victim of crime may be able to receive money to pay for medical or other expenses, or lost income if they were not able to work, because of the injury related to the crime.

What compensation is available to a victim of crime?

Most compensation payments are made from a government fund under the *Victims of Crime Assistance Act 1976* to acknowledge the pain and suffering of a victim and provide compensation for any loss of income and medical or other expenses which are a result of the criminal conduct. However, if you were a victim of crime and your injury was sustained in a motor vehicle, you may be able to receive compensation from the Motor Accidents Insurance Board. If the person responsible for your loss has assets, then you might also be able to sue them for common law damages. A lawyer can explain the different options to you and help you make the right application.

We advise you speak with a lawyer to help you consider your options.

What is compensated under the *Victims of Crime Assistance Act*?

Compensation is made to help you deal with personal injury or loss. This includes actual physical bodily harm (e.g. a broken bone, cuts, bruising), mental health injury (e.g. anxiety, insomnia, depression, 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 replacing or repairing any property that was damaged or destroyed as a result of the crime. However, you may have options to sue, or make a claim for property damages where a motor vehicle was involved. A lawyer can help identify your options.

Compensation may be awarded in respect of any one or more of the following that arise due to the injury:

- expenses already incurred
- the cost of future medical, dental, psychological or counselling services that will be required
- loss of wages or salary as a result of a victims incapacity to work
- expenses incurred as a result of claiming compensation.

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.

How do I apply for criminal injuries compensation?

Before you can receive any payment as compensation relating to a crime, you need to make a [criminal injuries compensation application](#) to [Victims Support Services](#). In your application, you will need to prove that you have suffered injury or loss as a result of the crime. To do this, you should include:

- a reference to a police report about the incident. The person does not have to have been found guilty or even prosecuted in order for you to apply for compensation. If the offender has been convicted of the relevant offence, this is taken to be conclusive evidence that the offence has been committed
- a medical report from a medical practitioner or psychologist
- a statement that details how you were affected by the crime.

Once these steps have been taken, you should complete your application. A lawyer can help you with this form. If you were less than 18 years old at the time of the crime, you need to make your application no later than 3 years after you turn 18. All other applications must be made within 3 years from the date of the crime. You may be able to extend this 3-year period if there are special circumstances, in which an [application for extension of time](#) must be completed first.

Allow at least 6 months for your application to be processed. The time an application takes to be processed will depend on the availability of police files, medical reports and other relevant information. You may be asked to attend a hearing of your application. Hearings are informal and are conducted in a private, friendly environment before a Criminal Injuries Compensation Commissioner. The offender will not be present at the hearing. The hearing is an opportunity for you to explain how the crime has affected you. Support people are also able to attend the hearing. If you don't feel comfortable attending a hearing, there is an option of attending by telephone or asking that the application be decided on the documents provided.

A decision on your application will be made within 3 years from the date you made the application.

If I don't like the decision, can I appeal?

A Commissioner's decision is final. There is no right of appeal in criminal injuries compensation matters if you are not happy with the amount of compensation awarded.

This is written for people who live in or who are affected by the laws of Tasmania, Australia. The law changes all the time – this information is not legal advice. If you have a legal problem, you should talk to a lawyer before making a decision about what to do.