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In 2007 Ryan Carlisle Thomas joined forces with leading regional law firm Stringer Clark to create Victoria's biggest network of legal services. With offices in 17 metropolitan and regional locations, plus affiliates in Beechworth, Bendigo, Bright, Mildura, Mt Beauty, Myrtleford, Shepparton and Wodonga, Ryan Carlisle Thomas can provide expert local service to clients throughout Victoria.

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www.rct-law.com.au

Victims of crime

Your simple guide to crimes compensation



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clients, not cases

Assistance for victims of crime

The Victorian Government recognises that it has a duty to provide a safe environment for all Victorians. It established the Victims of Crime Assistance Tribunal to provide compensation to victims of crime and, in certain cases, their families.

The compensation system is designed to redress some of the pain, suffering and financial burden experienced by victims as a direct result of criminal activity.

This brochure explains how to apply for compensation through the Tribunal and the payments available. If you would like further information, contact Ryan Carlisle Thomas to arrange a free and confidential initial consultation.

Compensation may also be pursued directly from the offender through the Sentencing Act 1991 (Vic) if there is a conviction, or through common law action. Time limits apply.

Who is eligible for compensation?

If you, or a family member, are a victim of crime you may be entitled to compensation. To be eligible, the crime must have occurred in Victoria and be punishable by imprisonment. A report must be made to police.

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Types of compensation

The Victims of Crime Assistance Tribunal provides compensation for the following groups of people:

Primary victims

Primary victims are people who are injured, suffer significant adverse effects or die, as a direct result of:

- An act of violence against them
- Trying to arrest someone they reasonably believe to have committed a crime
- Trying to prevent a crime from occurring
- Aiding or rescuing a victim of crime

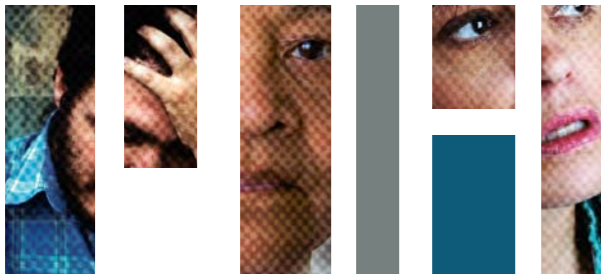
Secondary victims

People who are injured (e.g. suffer shock) as a direct result of witnessing violence are secondary victims. If the primary victim is under 18, their parents or guardians are considered secondary victims and may be compensated for injury (e.g. shock) directly related to learning about the crime.

Related victims

If the primary victim of an act of violence dies, close family members, dependants or those in an intimate personal relationship with the victim are entitled to compensation.

Compensation is also available to a person who pays funeral expenses following the death of a primary victim of crime.



How to make a claim

1. Report the incident: Make a formal report to police and keep a copy of the statement.
2. Seek appropriate medical treatment: Let the doctor or counsellor know how the injury occurred.
3. Keep records: Record time off work. Keep treatment and medical receipts.
4. Seek legal advice: The Tribunal covers legal fees, medical and police report costs.

What compensation is available?

Compensation aims to repay at least some of the victim's losses, demonstrate the community's sympathy and condolence, and acknowledge the impact of the crime.

Primary victims may apply for:

- Up to \$60,000 for counselling, medical and other expenses. Includes up to \$20,000 for lost earnings in the two years following the crime if proof of loss can be supplied.
- Up to \$7,500 special financial assistance for crimes committed on or after 1st July 2000 increasing to \$10,000 for crimes committed after 1st July 2007. Child sexual abuse victims may be compensated for crimes committed before that date in certain situations.

Secondary victims may apply for:

- Up to \$50,000 for counselling, medical and other expenses. Includes up to \$20,000 for lost earnings in the two years following the crime in exceptional circumstances.

Related victims may apply for:

- Up to \$50,000 for counselling and medical costs, funeral expenses, distress and loss of money expected from the deceased.
- When more than one victim applies, the maximum payable is usually \$100,000.

How does the Tribunal decide?

The Victims of Crime Assistance Tribunal may make a decision based on the documentation or it may conduct a hearing. Hearings are generally informal and last about 30 minutes.

The applicant, their support person, their lawyer, the Magistrate and his/her assistant attend. The hearing may be held in a closed court and the publication of the decision restricted.

If there is no charge or conviction, the offender may be advised and invited to attend the hearing. In other circumstances, the Victorian Government Solicitor may be asked to assist the Tribunal. Your lawyer will advise you of your rights if these issues occur. Legal costs, in most cases, are covered by the Tribunal.

The Tribunal may refuse an application if:

- The act of violence was not reported to the police within a reasonable time
- You failed to provide reasonable assistance in the investigation, arrest or prosecution of any person concerned with the act of violence
- Your application was not made within two years of the date of the crime
- You have a prior criminal history or are of bad character

If you are eligible for compensation through other avenues, such as TAC or WorkCover, these avenues should be exhausted before seeking crimes compensation.

Can I appeal a decision?

You can apply to the Victims of Crime Assistance Tribunal to vary a decision if you require further treatment or counselling that was unforeseen at the time of the decision. You have six years to seek a variation.

You may also appeal a decision within 28 days if you believe the Award is inadequate or if your claim is refused.

Comprehensive legal services

Ryan Carlisle Thomas and our regional partner Stringer Clark have more than 160 staff across 17 locations throughout Victoria. In addition to crimes compensation services we offer legal advice on:

Work injuries

Lump sum and weekly benefit claims for work-related injury and disease, including back and neck injuries, hearing loss and exposure to toxic substances and asbestos. Experts in WorkCover and Comcare systems.

Personal injuries

Compensation claims for financial loss, pain and suffering resulting from exposure to asbestos, tobacco and other toxic substances, accidents, defective products and wrongful death.

Motor vehicle injuries

Claims for loss of earnings, medical expenses and permanent disabilities, and damages for serious injuries caused by a motor vehicle, train or tram.

Criminal law

Defence of charges in police and traffic matters and appearances in criminal courts.

Family law

Applications for divorce, maintenance, custody, access and restraint orders, division of property in matrimonial and de-facto relationships and separate representation of children.

Employment

Claims for unfair/wrongful dismissal, award breaches and underpayment and contract advice.

Sexual/physical abuse

Compensation claims for victims abused by an individual or through contact with an organisation (e.g. church, school, residential institution).

Military compensation

Compensation claims for members of the armed forces and Reservists.

Anti-discrimination and equal opportunity claims

Sexual harassment and discrimination on grounds such as age, race, religion, sex, sexual orientation and disability.

Superannuation

Advice on termination and retirement entitlements, claims for disability benefits and Superannuation Complaints Tribunal applications.

Wills and probate

Preparation of Wills, administration of deceased estates and obtaining grants of probate and letters of administration.

Conveyancing

Sale and purchase of houses and land. Section 32 vendor's statements.

Migration law

Immigration and refugee applications and appeals, student visas and family reunions.