



## TOP END WOMEN'S LEGAL SERVICE INC.

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# Victims of Crime Compensation

Victims of Crime Compensation (VOCC) is a scheme that allows people to claim for financial compensation and/or counselling if they have been injured because of a violent act, have witnessed a violent act, or are related to the victim of a violent act.

VOCC allows the Northern Territory (NT) Government to recognise the impact of the violent act on the victim and/or related persons.

## What is a violent act?

A violent act is a crime, or attempted crime, committed in the NT that causes injury or death.

However, not **all** injuries or violent acts can be claimed under the VOCC scheme; you can only claim those specifically listed in VOCC laws. These are called *compensable injuries and compensable violent acts*.

## What types of injuries or violent acts can I claim under VOCC?

Compensable injuries and compensable violent acts under the VOCC scheme include:

- *Physical injuries*, such as broken bones and scarring;
- *Domestic violence injuries*, where there is a pattern of abuse;
- *Psychological injuries*, such as depression and post-traumatic stress disorder; and
- Certain acts of sexual violence.

You can also claim for financial loss, such as lost wages and medical expenses.

## Who can apply for VOCC?

All victims and/or persons related to a victim of a violent act in the NT can apply for VOCC. You can apply even if the offender has not been charged with and/or convicted of the crime.

The type of VOCC application you should make, and the amount of compensation you may receive, depends on whether you are a **Primary, Secondary, Family, or Related Victim**;

- *Primary Victim*: someone who is injured, or dies, as a direct result of the violent act.
- *Secondary Victim*: someone who suffers an injury because of witnessing the violent act, or a parent or child of the Primary Victim who suffers an injury after becoming aware of the violent act.
- *Family Victim*: a spouse (partner), parent, child, or person dependent on the Primary Victim.
- *Related Victim*: a relative or intimate partner of the Primary Victim, that is not a Family Victim (Note: Related Victims are only eligible to apply for counselling as opposed to financial assistance).

In circumstances of financial hardship following a violent act, you can apply for **immediate financial assistance**.

## You **cannot** apply for VOCC if:

- Your injury was caused by a vehicle accident, and you can make a claim for motor vehicle compensation;
- Your injury happened at work, and you can make a claim for worker's compensation; or
- You are seeking to claim medical expenses that are already covered by private health insurance.

## How can I apply for VOCC?

To apply for VOCC, you must lodge a completed application form with the Crime Victims Services Unit (CVSU), as well as any supporting documents already held by you such as police reports, hospital records, invoices, and copies of pay slips to prove the injury, loss and/or expenses.

There are separate VOCC application forms depending on your application type. The forms are available at the Department of the Attorney-General and Justice website at [www.justice.nt.gov.au/justice-services/crime-victims-services-unit](http://www.justice.nt.gov.au/justice-services/crime-victims-services-unit), upon request to the CVSU, or through a lawyer. Once completed, the VOCC application can be submitted by email, post, fax, or in person.

If you do not live in Darwin and cannot lodge your VOCC application by other means, you can lodge it with your closest NT Local Court.

You should always seek legal advice before making a VOCC application – a lawyer can help you to determine your eligibility for compensation and fill out the necessary documents.



## Time Limit

You **must** apply for VOCC within two (2) years of the violent act.

If you have suffered a violent act and you make an application for VOCC outside of this timeframe, you can ask the CVSU Director to accept your application; however, it may be refused.

## How long will it take for my VOCC application to be finalised?

It is important to know that applications for VOCC take time to resolve – usually around four (4) to six (6) years, and sometimes even longer.

Applications for immediate financial assistance are quicker, often taking somewhere between three (3) weeks to three (3) months to finalise.

## I need financial help urgently - am I eligible for immediate financial assistance?

Under the VOCC scheme, you may be eligible for immediate financial help assistance if you are experiencing hardship or unexpected expenses after a crime (called 'out-of-pocket expenses').

Out-of-pocket expenses can include loss of earnings/wages, loss or damage to your belongings (such as a phone), medical expenses, and in some cases, relocation and/or security costs. Like an application for VOCC, you should seek legal advice before making an application for immediate financial assistance.

## What happens once my VOCC application is submitted?

Once your VOCC application is submitted, the CVSU will begin collecting evidence in support of your application, including medical records, police records, and other evidence. The CVSU will use the information provided in your VOCC application, as well as any evidence collected, to decide whether VOCC will be awarded.

While the CVSU investigates your application, you should ensure that you:

- Keep your contact details up to date with your lawyer (if you choose to have one) and/or the CVSU; and
- Attend any appointments made by the CVSU in support of your VOCC application, such as a psychological assessment.

## If my application for VOCC is successful, how much compensation will I receive?

Under the VOCC scheme, the maximum amount you can be awarded is \$40,000, which can include up to \$10,000 for financial loss.

For applications for immediate financial assistance, the maximum amount you can receive as an upfront payment is \$5,000.

## My VOCC award was reduced or refused – why?

It is important to know that the VOCC laws list certain situations where an award of compensation must or can be reduced or refused.

An award of VOCC **may** be reduced for reasons including:

- You directly or indirectly contributed to the injury or loss, including participating in the violent act; and/or

- The award is likely to benefit the offender because of your current relationship with them.

An award of VOCC **must** be refused for reasons including:

- You didn't report the violent act to NT Police within a reasonable time;
- You didn't help NT Police in the investigation or prosecution of the violent act; and/or
- The CVSU is satisfied you are not entitled to the award.

There are important exceptions to the above matters, so it is critical that you seek legal advice as soon as possible.

## I don't agree with the CVSU's decision – what can I do?

If you are not satisfied with the decision made about your VOCC application, you have the right to appeal to the NT Civil and Administrative Tribunal (**NTCAT**).

You have 28 days from the date that you or your lawyer receive the CVSU's decision to lodge your appeal – this means you should seek legal advice **as soon as possible**.

## Where does the money for the VOCC scheme come from?

In the NT, the money for the VOCC scheme comes from the Victims Levy – a special pool of money made up of things like court and traffic fines.

If you receive an award of compensation, the CVSU may take legal action to claim that money back from the offender – this is called 'recovery'. If you have fears for your safety around recovery, you should speak with a lawyer about your options.

## Counselling and support

All victims of violent acts, their relatives and close friends are entitled to free counselling – you can receive as many counselling sessions as you need.

For more information, please contact **CatholicCare NT** on 1800 899 855.

Do you need legal advice or assistance? You can contact TEWLS for a free appointment.

Ph: 1800 234 441 (freecall) or (08) 8982 3000 | E: [admin@tewls.org.au](mailto:admin@tewls.org.au)

W: [www.tewls.org.au](http://www.tewls.org.au) | A: 17 Lindsay Street, Darwin NT 0800



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