

Property Crime Compensation

This factsheet outlines the options that may be available to you to claim compensation as a result of property damage or loss.

Compensation for Injuries suffered as the result of a crime is available through the Victims of Crime Compensation (VOCC). VOCC is not available in instances of property loss or damage (including damage to a motor vehicle).

Further information can be obtained by contacting the VSS Helpdesk on 1800 VICTIM (1800 842846).

1. Criminal Proceedings

At the time the offender is sentenced, the court (i.e. judge or magistrate) can order the offender to pay you compensation. This compensation can be for damage to your property.

The court needs to know all the details of this loss or damage caused by the offender. You may be asked by police to fill out a Victim Impact Statement. A section of the statement allows you to explain any financial losses relating to the crime.

If the court does order compensation, they will also decide how the offender will pay (e.g. in instalments).

If the offender can't or won't pay, the court may take action. If the offender has no money, there may be substantial delays in receiving any money or alternatively the offender may elect to perform community work or serve time in prison rather than actually pay the compensation.

Compensation paid by the offender is only available if they have been convicted of an offence and they have enough income or assets to pay you in accordance with the order. It is recommended that compensation of this nature be limited to small property loss such as damage to clothing or other personal property.

2. Civil Proceedings

You have the right to seek compensation from the offender for property loss. If the offender is known and is a person of substantial financial assets, this is the most effective and appropriate way to proceed.

You can sue the offender in the civil courts. If the claim is for an amount up to \$12,000, it is classified as a minor civil matter and is a fairly inexpensive process because you represent yourself rather than having a lawyer appear on your behalf.

As you have to present your own case, it is likely that you will come into contact with the offender.

If your claim is for more than \$12,000, you may choose to be represented by a lawyer, or you may represent yourself.

Before deciding to sue the offender you should seek legal advice, consider the strength of your case and consider whether the offender has the financial capacity to pay.

Legal Aid is not available for these cases, but free advice is available from the Legal Services Commission on 1300 366 424 or the Legal Advice Service at the Adelaide Magistrates Court. law.adelaide.edu.au/free-legal-clinics/magistrates-court-legal-advice/

More information can be found on the Legal Services Commission Law Handbook lawhandbook.sa.gov.au

