

Compensation

If you have experienced a crime, you may be eligible for financial compensation for physical injuries, psychological injuries, financial loss, funeral costs, grief and/or property loss.

This factsheet outlines the options that may be available to you to claim compensation. The availability of different types of compensation depends on issues such as where and when the crime occurred, the type of crime and the injuries you have suffered.

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

1. Victims of Crime Compensation

Under the *Victims of Crime Act 2001 (SA)*, if you have suffered as a result of a violent crime (or threat of violence) and you have reported that crime to police, you may be entitled to make a claim for compensation for the injuries you have sustained.

Compensation is funded from the Victims of Crime Fund which is operated by the Government of South Australia.

a. Compensation for personal injury

You can make a claims on the grounds of physical and/or psychological injury. The maximum claim is \$100,000, if the crime occurred after 1 July 2015. If the crime occurred prior to 1 July 2015, old compensation schemes apply and the maximum claims vary.

| Time that the crime occurred | Maximum payout |
|------------------------------|----------------|
| 1970 - 1974 | \$1000 |
| 1974 - 1978 | \$2000 |
| 1978 - 1987 | \$10,000 |
| 1987 - 1990 | \$20,000 |
| 1990 – 30 Jun 2015 | \$50,000 |
| 1 July 2015+ | \$100,000 |

b. Grief payments

You may be eligible for a grief payment (of up to \$20,000) if you are:

- a spouse or domestic partner of a victim of homicide
- a child of a victim of homicide (if you were under the age of 18 at the time of the offence)
- a parent of a victim of homicide (if the deceased victim was under 18 years).

You must make an application for compensation to the Crown Solicitor.

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

c. Ex gratia payments

The Attorney-General has discretion under the *Victims of Crime Act 2001 (SA)*, to make other payments if, for example, you do not meet the threshold or requirements for a compensation claim.

The office of the Commissioner for Victims' Rights (victimsofcrime@sa.gov.au; 08 8204 9635) can provide more information about how to approach the Attorney-General.

2. Other Compensation

a. Compensation directly from the offender (for property loss)

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 injury to your physical or psychological wellbeing, or for damage to your property.

The court needs to know all the details of the injuries, and of any 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 s/he has been convicted of an offence and s/he has 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.

b. Civil proceedings against the offender (for personal injury and property loss)

You have the right to seek compensation from the offender for personal injuries and 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.

In many cases, the offender is not known and therefore no proceedings can be commenced. In other cases, although the offender is known, they are often without assets. In such cases, the legal costs of proceedings would often exceed any financial gain.

Further information regarding an appropriate lawyer can be obtained by contacting the Law Society of South Australia on (08) 8229 0200.

c. ReturnToWorkSA (for injuries resulting from work-related crime)

If the crime occurred at work and as a result you have experienced a work injury, you may be entitled to claim from *ReturnToWorkSA*. *ReturnToWorkSA* provides income support to cover loss of wages and reasonable medical treatment.

No lump sum compensation is available under *ReturnToWorkSA* for emotional stress or mental injury.

Further information can be obtained by contacting ReturnToWorkSA on 13 18 55 or rtwsa.com.

d. Compulsory Third Party (CTP) Compensation (for injuries resulting from vehicle-related crime)

Third Party compensation may be available if you have been injured as a result of the negligent or reckless use of a motor vehicle. Compensation may be paid for treatment expenses, non-economic loss (e.g. pain, suffering, disfigurement), loss of earning capacity and funeral costs.

The maximum level of compensation is higher than Victims of Crime Compensation.

Further information can be obtained by contacting Allianz Insurance on 1300 137 331.

Information regarding an appropriate lawyer can be obtained by contacting the Law Society on (08) 8229 0200.

**e. Civil proceedings against occupier
(for injuries resulting from crime that
has occurred at someone else's
premises)**

If you have been assaulted you may be able to sue the occupier of the premises to compensate you for your injuries. In order to succeed, you will need to show that the occupier of the premises contributed to the assault by failing to take some sort of appropriate action such as failing to maintain adequate security on the premises, or encouraging drunken patrons to consume further alcohol.

Information regarding an appropriate lawyer can be obtained by contacting the Law Society on (08) 8229 0200.

FURTHER INFORMATION

If you would like more information, please contact the VSS Helpdesk on

1800 VICTIM (1800 842846)
or view our website at victimsa.org

Commissioner for Victims' Rights voc.sa.gov.au

Legal Services Commission Law Handbook
lawhandbook.sa.gov.au



**VICTIM
SUPPORT
SERVICE**

**1800 VICTIM
(1800 842846)
victimsa.org**