

Victims of crime compensation

If you have been a victim of crime, you may be able to claim compensation. There are different types of compensation depending on where the crime occurred, the type of crime and the injuries you have suffered.

For more information contact the Commissioner for Victims' Rights on 8204 9635 or victimsofcrime@sa.gov.au

Types of compensation

Personal insurance

If you are a victim of theft or property damage you should contact your insurance company as soon as possible.

The insurance company may need details of where and when you reported the crime to police as well as the police report number.

Offender-paid compensation (called restitution)

If someone is convicted of an offence, you may be able to claim compensation from them.

When the offender is sentenced, the court can order them to:

- return stolen possessions
- pay you a fixed sum in respect of an injury such dental expenses
- compensate you for any lost, damaged or sold property (such as damaged or stolen vehicles).

This is the only way to claim compensation for property loss or damage.

The court needs to know the details of any loss or damage caused by the offender. You can put this information in a Victim Impact Statement.

The judge or magistrate will decide whether to make an order requiring the offender to pay.

Compensation from the offender is only available they are convicted of an offence and have enough income or assets to pay you. Payment is monitored by the Fines Enforcement Recovery Unit.

If you would like to ask for offender-paid compensation you should talk to the investigating officer.

Civil action against the offender

Civil court action is another option to try and get compensation from the offender. You must know who the offender is for this process.

This process is separate to the criminal court case and is only worthwhile if the offender is able to pay. Sometimes the costs of proceedings outweigh any financial gain. You should always get legal advice about this process.

You can contact the Law Society on 8229 0222 for a referral to an appropriate lawyer.

Victims of crime compensation

ReturnToWorkSA (for work-related crime)

If the crime happened at work and you were injured, you may be entitled to some support from ReturnToWorkSA. ReturnToWorkSA provides income support to cover loss of wages and reasonable medical treatment.

ReturnToWorkSA does not provide lump sum compensation for emotional stress or mental injury.

For more information see www.rtwsa.com or phone Return to Work SA on 13 18 55.

Compulsory Third Party (CTP) Compensation

If you were injured by a South Australian-registered motor vehicle, you may be eligible to make a claim against the South Australian CTP Scheme. If the car is registered in another state, you may be able to claim against that state/territory compulsory third party scheme.

For more information see www.ctp.sa.gov.au or contact the SA CTP Regulator on 1300 303 558

You may also want to seek legal advice. Contact the Law Society on 8229 0200 for a referral to an appropriate lawyer.

State-funded compensation

Some victims may be able to claim compensation from the government's Victims of Crime Fund. This includes close relatives of someone who has died as a result of a crime.

Compensation can be paid for:

- physical and psychological injury
- financial losses (e.g. loss of earnings, treatment costs)
- future treatment costs

State-funded compensation is not paid for property loss or damage.

Who can apply?

A person can claim compensation if they are an immediate victim of crime in South Australia, and the circumstances of the crime involved one of the following

- violence or threat of violence to the victim or an immediate family member
- an imminent risk of harm to the victim or an immediate family member
- sexual offending
- death or physical injury

Victims of crime compensation

What do I need to do?

Report the crime and cooperate with police

You will need to report the crime to police and help them with the investigation to be eligible for compensation. If you don't report the incident or provide relevant information to the police or the prosecution without good reason, your claim may be rejected.

The crime must be proven beyond reasonable doubt.

There are two ways this can happen

- An offender is found guilty in a court, or
- If the offender is not known or charged, there is corroborating evidence such as CCTV footage or the crime was witnessed by another person.

See your doctor

You should see your doctor as soon as possible after the crime. Your doctor's report of any physical or emotional injuries will be considered when assessing your claim.

It's important to keep any relevant medical reports and receipts.

Speak with a lawyer

You will need a lawyer to apply for state-funded compensation.

The Commissioner for Victims' Rights has a list of lawyers who can assist you. You can phone the Commissioner on 8204 9635 or email victimsofcrime@sa.gov.au

How much will it cost me?

Most lawyers can give you some initial advice about a compensation claim without charging you – but make sure you check this before making the appointment.

If your claim is accepted the lawyer's fee will be paid by the government in addition to the compensation paid to you. Lawyers are not permitted to charge you an additional amount over and above the government contribution.

What if the offender has not been convicted?

There are some circumstances where you may be able to claim compensation even if an offender has not been convicted.

How long do I have to make a claim?

Adults have three years from the date of the crime. Victims who were children when the crime happened need to make a claim within three years of the date they turn 18.

Exceptions to this requirement are made but you should make an application as soon as possible

Victims of crime compensation

Does the offender have to know?

If an offender is convicted they will be told if a claim for compensation is made. This is because the South Australian Government may seek to recover from them any compensation paid to you.

They are not provided with your details, such as your address.

If you are concerned about the offender being notified you should discuss this with your lawyer.

How long will it take to finalise my claim?

The time taken to process a claim can vary and will depend on many factors. If the offender is being prosecuted, you will usually have to wait for the criminal proceedings to finish before your claim can be settled.

It may not be possible to settle your claim until the course of your treatment is known (e.g. what surgery may be required, how many counselling sessions you may need).

If you are experiencing financial difficulty, the Crown may approve an interim payment.

What is an interim payment?

An interim payment is an emergency payment if you are experiencing financial difficulty. A payment will only be made if the Crown has already accepted your claim.

Commissioner for Victims' Rights

The Commissioner can help you find a suitable compensation lawyer and guide you through the process as a victim of crime.

Phone: 8204 9635

Email: victimsofcrime@sa.gov.au

Web: www.voc.sa.gov.au