

Victims of Crimes

If you have been a victim of an act of violence, you may be eligible to make an application pursuant to the Victims of Crime Assistance Act 1996.

Any act of violence that causes a physical injury or emotional trauma and/or financial loss may be compensable – this is the case whether you are a direct victim or an indirect victim, witness to a crime, or even a family member of a direct victim. You can make a claim for compensation, including the emotional distress that has been caused by the criminal act.

Once a criminal act has occurred you should immediately report the matter to the police, providing a clear and complete statement about what exactly happened and describe any injuries that you have sustained due to the criminal act.

When lodging a claim for criminal compensation you should prepare a statement for the Court outlining the effect the crime has had on you. This is generally called a Victim Impact Statement. A Victim Impact Statement will not be heard by a Court until the accused has been found guilty. The statement can either be handed to the sentencer to read or can be read openly to the Court by you. This statement is designed to let the Court know the impact of the crime on the victim's life.

Even if the offender cannot be located or found, or even if the offender is not actually charged by the Police, you may still be eligible to make an application to the Victims of Crime Assistance Tribunal.

Financial compensation and assistance is available under the Victims of Crime Assistance Act 1996. Compensation may be claimed for expenses, loss of earnings and pain and suffering. There is also provision in relation to loss of earnings for indirect victims of crime.

The amount you will receive in compensation as a result of the criminal activity depends on numerous factors, including:

- when the offence took place
- how severe the injury was
- whether your own actions contributed to the offence or in the injury
- whether you co-operated with police enquiries and
- whether you have taken reasonable steps to keep your loss to a minimum.

As a victim of crime you have rights and responsibilities in the criminal justice system:

- The right to be treated with courtesy, compassion and with respect for your dignity and privacy.
- A right to receive information about your case, the progress of the investigation and details of any Court proceedings.

At Kelly and Chapman we will ensure that your rights are protected.

As a victim of such an assault we can advise you of your rights to compensation and assistance, lodge the relevant applications on your behalf and if necessary represent you in any action. It is also important that you consult us so that we can advise you as to what documents you should keep to assist with your claim for compensation.

If you have any queries, or if you would like to discuss representation, contact :

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LAWYERS

KELLY & CHAPMAN

LAWYERS

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OF A CRIME?

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